

EXHIBIT "D"***Effective 10/1/2026*****10-21-304 Detached accessory dwelling units.**

- (1)
 - (a) A specified municipality shall adopt a land use regulation that permits a detached accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel.
 - (b) This section does not prohibit a municipality from adopting a land use regulation that permits a detached accessory dwelling unit on a lot or parcel that is smaller than 11,000 square feet.
- (2) A land use regulation described in Subsection (1) shall:
 - (a) require that a detached accessory dwelling unit comply with all applicable building, health, and fire codes; and
 - (b) include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit subject to applicable:
 - (i) dwelling and accessory structure setback requirements; and
 - (ii) building, health, and fire codes.
- (3) A land use regulation described in Subsection (1) may not:
 - (a) require a conditional use permit for a detached accessory dwelling unit if the proposed detached accessory dwelling unit is located in a primarily residential zone;
 - (b) require more than two on-site parking spaces assigned to a detached accessory dwelling unit that is 650 square feet or larger;
 - (c) require more than one on-site parking space assigned to a detached accessory dwelling unit that is smaller than 650 square feet; or
 - (d) include design standards for a detached accessory dwelling unit that conflict with Section 10-20-618.
- (4) A land use regulation described in Subsection (1) may:
 - (a) require a detached accessory dwelling unit to:
 - (i) conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage;
 - (ii) conform to setback requirements, that may take into account proximity to property lines and other structures, easements, window orientation, massing, or other elements; and
 - (iii) be designed consistent with the design of the single-family dwelling;
 - (b) prohibit a detached accessory dwelling unit from being:
 - (i) larger in size than the single-family dwelling located on the same lot or parcel;
 - (ii) located within a public utility easement or other recorded easement;
 - (iii) located in a front-yard area of a lot or parcel; or
 - (iv) rented for less than 90 consecutive days;
 - (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is located reside in the detached single-family dwelling or detached accessory dwelling 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

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- (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.

Enacted by Chapter 166, 2026 General Session

EXHIBIT "D"***Effective 11/6/2025*****10-20-618 Regulation of building design elements prohibited -- Regulation of parking spaces prohibited -- Exceptions.**

(1) As used in this section:

- (a) "Affordable housing" means housing occupied or reserved for occupancy that is priced at 80% of the county median home price.
 - (b) "Building design element" means:
 - (i) exterior color;
 - (ii) type or style of exterior cladding material;
 - (iii) style, dimensions, or materials of a roof structure, roof pitch, or porch;
 - (iv) exterior nonstructural architectural ornamentation;
 - (v) location, design, placement, or architectural styling of a window or door;
 - (vi) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
 - (vii) number or type of rooms;
 - (viii) interior layout of a room;
 - (ix) minimum square footage over 1,000 square feet, not including a garage;
 - (x) rear yard landscaping requirements;
 - (xi) minimum building dimensions; or
 - (xii) a requirement to install front yard fencing.
 - (c) "Owner-occupied" means a housing unit in which the individual who owns the housing unit, solely or jointly, lives as the individual's primary residence for no less than five years.
 - (d) "Specified municipality" means the same as that term is defined in Section 10-21-101.
 - (e) "Unobstructed" means a parking space that has no permanent barriers that would unreasonably reduce the size of an available parking space described in Subsection (4).
- (2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one- or two-family dwelling.
- (3) Subsection (2) does not apply to:
- (a) a dwelling located within an area designated as a historic district in:
 - (i) the National Register of Historic Places;
 - (ii) the state register as defined in Section 9-8a-402; or
 - (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
 - (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
 - (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
 - (d) building design elements agreed to under a development agreement;
 - (e) a dwelling located within an area that:
 - (i) is zoned primarily for residential use; and
 - (ii) was substantially developed before calendar year 1950;
 - (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
 - (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
 - (i) defects in the material of existing cladding; or
 - (ii) consistent defects in the installation of existing cladding;
 - (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:

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- (i) the municipality to apply to the owner's property; and
- (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district; or
- (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
 - (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
 - (ii) that would create overpressure waves greater than .2 pounds per square inch; and
 - (iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.
- (4) A municipality that is a specified municipality may not:
 - (a) require that the dimensions of a single parking space for a one- or two-family dwelling or town home be:
 - (i) for unobstructed, enclosed, or covered parking:
 - (A) more than 10 feet wide; or
 - (B) more than 20 feet long; or
 - (ii) for uncovered parking:
 - (A) more than nine feet wide; or
 - (B) more than 20 feet long;
 - (b) restrict an unobstructed tandem parking space from satisfying two parking spaces as part of a minimum parking space requirement; and
 - (c) restrict a two-car garage from satisfying two parking spaces as part of a minimum parking space requirement.
- (5) A municipality may not require a garage for a single-family attached or detached dwelling that is owner-occupied affordable housing.
- (6) If a municipality requires a garage, the municipality shall count each parking space within the garage as part of the municipality's minimum parking space requirement as described in Section 10-21-303.
- (7) Nothing in this section prohibits a municipality from requiring on-site parking for owner-occupied affordable housing.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

EXHIBIT "D"***Effective 11/6/2025*****10-21-303 Internal accessory dwelling units.**

- (1) In any area zoned primarily for residential use:
 - (a) the use of an internal accessory dwelling unit is a permitted use;
 - (b) except as provided in Subsections (2) and (3), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
 - (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
 - (ii) total lot size;
 - (iii) street frontage; or
 - (iv) internal connectivity; and
 - (c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.
- (2) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
- (3) A municipality may:
 - (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
 - (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
 - (c) require a primary dwelling:
 - (i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection (3)(c)(i); and
 - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;
 - (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
 - (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
 - (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
 - (A) have a final plat approval dated on or after October 1, 2021; and
 - (B) comply with applicable land use regulations; or
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
 - (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
 - (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
 - (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

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- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
 - (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (4); and
 - (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (5).
- (4)
- (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
 - (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (3);
 - (ii) the municipality provides a written notice of violation in accordance with Subsection (4)(b);
 - (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (4)(d), if the owner files a written objection in accordance with Subsection (4)(b)(iv);
 - (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (4)(b);
 - (v) the municipality provides a written notice of lien in accordance with Subsection (4)(c); and
 - (vi) the municipality records a copy of the written notice of lien described in Subsection (4)(a)(v) with the county recorder of the county in which the property is located.
 - (b) The written notice of violation shall:
 - (i) describe the specific violation;
 - (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
 - (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
 - (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
 - (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (4)(b)(ii), the municipality 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;
 - (iv) notify the owner of the property:
 - (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
 - (B) of the name and address of the municipal office where the owner may file the written objection;
 - (v) be mailed to:
 - (A) the property's owner of record; and
 - (B) any other individual designated to receive notice in the owner's license or permit records; and
 - (vi) be posted on the property.
 - (c) The written notice of lien shall:
 - (i) comply with the requirements of Section 38-12-102;
 - (ii) state that the property is subject to a lien;
 - (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - (iv) be mailed to:

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- (A) the property's owner of record; and
- (B) any other individual designated to receive notice in the owner's license or permit records; and
- (v) be posted on the property.
- (d)
 - (i) If an owner of property files a written objection in accordance with Subsection (4)(b)(iv), the municipality shall:
 - (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (4)(b) has occurred; and
 - (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (4)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
 - (ii) If an owner of property files a written objection under Subsection (4)(b)(iv), a municipality may not record a lien under this Subsection (4) until the municipality holds a hearing and determines that the specific violation has occurred.
 - (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality 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 an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (4)(b), the municipality 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 under Subsection (4)(b).
- (5)
 - (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
 - (b) The notice described in Subsection (5)(a) shall include:
 - (i) a description of the primary dwelling;
 - (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
 - (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.
 - (c) The municipality shall, upon recording the notice described in Subsection (5)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Renumbered and Amended by Chapter 15, 2025 Special Session 1