



SEPTEMBER 23, 2021
PLANNING COMMISSION MEETING 6:00 P.M.

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab Planning Commission Chair has issued written determinations supporting the decision to convene electronic meetings of the Planning Commission without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, Moab City Planning Commission will continue to hold meetings by electronic means. The public is invited and encouraged to view and participate in the Planning Commission's electronic meetings by viewing the City's YouTube channel: <https://www.youtube.com/MoabCityGovernment>. Individuals wishing to participate in the Citizens to be Heard portion of the should submit their comments using this form: [Public Comment Form](#). Comments submitted for the Citizens to be Heard portion of the agenda will be incorporated into the meeting minutes as part of the permanent record.

1. 6:00 P.M. Call To Order

2. Citizens To Be Heard

To have your comments considered for the Citizens to Be Heard portion of the electronic meeting, please fill out the form found here:

[HTTPS://DOCS.GOOGLE.COM/FORMS/D/E/1FAIPQLSECP3KYU0F_F8J6J5ROFAEUPTNKW938GR8DVWEOJJH-AQFNGA/VIEWFORM?VC=0&C=0&W=1](https://docs.google.com/forms/d/e/1FAIPQLSECP3KYU0F_F8J6J5ROFAEUPTNKW938GR8DVWEOJJH-AQFNGA/VIEWFORM?VC=0&C=0&W=1)

You must submit your comments by 5:00 pm on the day of the meeting. Please limit your comments to 400 words

3. Approval Of Minutes

3.1. Minutes: July 22, 2021

Documents:

[MIN-PC-2021-07-22 DRAFT.PDF](#)

3.2. Minutes: August 12, 2021

Documents:

[MIN-PC-2021-08-12 DRAFT.PDF](#)

3.3. Minutes: August 26, 2021

Documents:

[MIN-PC-2021-08-26 DRAFT.PDF](#)

4. Action Item

4.1. Consideration And Possible Recommendation To The City Council On Ordinance 2021-16. An Ordinance Amending The Text Of The Moab Municipal Code (MMC) To Revise Section 17.70 Accessory Dwelling Units (ADUs) And Section 17.06.020 Definitions

Documents:

[PC STAFF REPORT ADUS 9.17.2021.PDF](#)
[EXHIBIT 1 ORDINANCE NO. 2021016 ADU AMENDMENTSC 9.17.2021 .PDF](#)
[EXHIBIT 2 HB0082.PDF](#)

5. Future Agenda Items

6. Adjournment

MOAB CITY PLANNING COMMISSION MINUTES
July 22, 2021

The Moab Planning Commission held its regular meeting on July 22, 2021, via a Zoom Meeting. An audio recording of the meeting is archived at: <https://www.utah.gov/pmn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=nJPagcVY9tE>.

1. Call to Order

Planning Commission Chair Kya Marienfeld called the meeting to order at 6:05 PM. In attendance were Commissioners Ruben Villalpando-Salas, Brityn Ballard, John Knight, and Luke Wojciechowski. Commission Members Jessica O’Leary and Becky Wells were absent. Staff in attendance were Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, and City Recorder Sommar Johnson.

2. Written Determination to Conduct Electronic Meetings

Commission Chair Marienfeld read the written determination into the minutes.

3. Citizens to be Heard

There were no citizens to be heard.

4. Approval of Minutes

4.1. *May 27, 2021, Regular Meeting*

4.2. *June 10, 2021, Regular Meeting*

4.3. *July 8, 2021, Regular Meeting*

Motion: Commission Chair Marienfeld moved to approve the meeting minutes from May 27, June 10, and July 8, 2021. Commissioner Wojciechowski seconded the motion.

Vote: Motion passed 5-0 with Commissioners Wojciechowski, Knight, Villalpando-Salas, Marienfeld, and Ballard voting aye. Commissioners O’Leary and Wells were not present for the vote.

5. Action Item

5.1. *Consideration and Possible Approval of Draft Planning Commission Resolution 05-2021 A Resolution Amending the City of Moab Planning Commission Bylaws to Allow Electronic Participation*

Discussion: Planning Director Shepard said the resolution will change the bylaws to allow for remote participation. Commission Chair Marienfeld inquired if this resolution includes a limit for the number of times a member participates electronically. There was a discussion about how many people can participate electronically in one meeting.

Motion: Commissioner Villalpando-Salas moved to approve Planning Commission Resolution 05-2021 a resolution amending the City of Moab Planning Commission Bylaws to allow electronic participation. Commissioner Wojciechowski seconded the motion.

Vote: Motion passed 5-0 with Commissioners Knight, Wojciechowski, Ballard, Marienfeld, and Villalpando-Salas voting aye. Commissioners O’Leary and Wells were not present for the vote.

6. Discussion Item

6.1. *Continued Work Session on Possible Changes to Code Provisions Governing Accessory Dwelling Units (ADUs)*

Discussion: Assistant Planner Shurtleff shared a presentation with the additional notes from the work session on July 8. He reviewed the potential square footage options for ADU’s. Planning

Director Shepard said ADU's are a good tool for affordable housing. There was a discussion about the quantity and square footage of ADU's per lot. There was a discussion about not requiring owner occupation on the property. There was a discussion about creating incentives for developers to provide affordable housing. There was a discussion about modifying the PAD to make it more feasible. There was a discussion about having joint sessions with City Council to discuss affordable housing development.

7. *Future Agenda Items*

Planning Director Shepard said the hospital is working on a new building and an addition, and those plans will be coming. She said Ben Byrd's project at the old hospital location will include townhomes and a partial redevelopment. There was a discussion about attendance for the Planning Commission meetings.

8. *Adjournment*

Commission Chair Marienfeld adjourned the meeting at 7:03 PM.

DRAFT

MOAB CITY PLANNING COMMISSION MINUTES
August 12, 2021

The Moab Planning Commission held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. A video recording of the meeting is archived at <https://www.youtube.com/watch?v=R50GhfUQm3I>.

1. Regular Meeting—Call to Order and Attendance:

Planning Commission Chair Kya Marienfeld called the meeting to order at 6:02 pm. In attendance were Planning Commission Members Luke Wojciechowski, Ruben Villalpando-Salas, Jessica O’Leary, Becky Wells, and Brityn Ballard. Planning Commission Member John Knight was absent. Staff in attendance were Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, Senior Projects Manager Kaitlin Myers, and Recorder Sommar Johnson. Two members of the press and public were present.

2. Citizens to be Heard:

Thomas Moreau spoke about ADU’s. He encouraged the Commission and Planning Director Shepard to explore options to create incentives for property owners to build them. He said that he does not support permanent allowance of RVs as an affordable housing option.

3. Action Item

3.1 Public Hearing and Possible Recommendation to City Council on Ordinance 2021-12: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Add Regulation for Brewpubs, Breweries and Distilleries by Amending Sections 17.06 Definitions, 17.21.020 C-2 Commercial Residential Zone, 17.24.020 C-3 Central Commercial Zone, 17.27.020 C-4 General Commercial Zone, 17.31.020 RC Resort Commercial Zone and 17.36.020 Industrial Zone

Planning Director Shepard explained that the public hearing for this ordinance was originally scheduled for July 8, 2021, but a quorum was not present during that meeting and the item was re-noticed for this meeting. She provided the Commission with a brief overview of the ordinance.

Commission Chair Marienfeld opened the public hearing at 6:12 pm.

There were no comments.

Commission Chair Marienfeld closed the public hearing at 6:12 PM.

Motion: Commissioner Villalpando-Salas moved to forward a positive recommendation to the City Council on Ordinance 202-12 without amendments. Commissioner O’Leary seconded the motion.

Discussion: There was a discussion about the allowed number of producible gallons. Planning Director Shepard said that amount is determined by state liquor laws.

Vote: Motion passed 6-0 with Commissioners Wojciechowski, Wells, Villalpando-Salas, O’Leary, Ballard, and Marienfeld voting aye. Commissioner Knight was not present for the vote.

4. Public Hearing on Proposed Planning Resolution 06-2021 A Resolution Approving the Creekside Townhomes, A Nine Unit Townhome Site Plan and Preliminary Plat

Planning Director Shepard provided an overview of the project and explained that it was originally approved in 2018 but the final plat was not recorded, and the approvals have expired. She noted that the Engineering Department has some concerns about the floodway and bank stabilization and recommended that the Commission open the public hearing and keep it open until the next meeting. She said this would

allow time for additional comments and for the developer to work through some of the engineering concerns.

Commission Chair Marienfeld opened the public hearing at 6:22 pm.

Steve Swift said, “I’m Steve Swift and this is my wife, Jerry. We own the property just to the west of this property or the tail end of this property. It’s the only house or unit in the area. We have no complaints about it, we think it’ll be good for the area if they solve the scouring problem. It might even protect our home a little bit better. We’re pretty high up and the flood waters are down at the bottom of the bank. It didn’t do too much damage at all. We said this is an advantage to our place. It’ll take a catastrophic flood to do any damage to our place, but, yeah, we’re all for it. That’s all I got to say. Thank you.”

Motion: Commission Chair Marienfeld moved to continue the public hearing until the next meeting so that we can receive further input if there are any changes to the development plans. Commission Wojciechowski seconded the motion.

Vote: Motion passed 6-0 with Commissioners Ballard, O’Leary, Villalpando-Salas, Marienfeld, Wells, and Wojciechowski voting aye. Commissioner Knight was not present for the vote.

5. Discussion Item

5.1 *Discussion Session on Employee/Workforce Housing Opportunities*

Planning Director Shepard said the staff report reviews the issues and provides background information. She said many of the potential changes are zoning changes that the Commission will have to review first. She reviewed a document that outlined the potential projects/policy changes. There was discussion about adapting the code for apartments to become more feasible for developers. There was a discussion about a transfer tax that is used in other states, but it would not work for Utah. Commission Chair Marienfeld asked Senior Projects Manager Myers which projects should be first priority. Senior Projects Manager Myers said Walnut Lane, deed restrictions, tiny homes, and RV living. There was discussion about deed restrictions and modifying parking requirements.

Senior Projects Manager Myers provided an update on the Walnut Lane project. Commissioner Wells requested fixing the PAD. There was discussion about amending the parking code and the process to move forward. There was a discussion about pitched and flat roofs, height requirements, and allowing different configurations in the R-2 zone.

6. Future Agenda Items:

Planning Director Shepard and Assistant Planner Shurtleff highlighted some applications that would come before the Commission in the near future.

7. Adjournment: Commission Chair Marienfeld adjourned the meeting at 7:59 PM.

MOAB CITY PLANNING COMMISSION REGULAR MEETING
August 26, 2021

The Moab Planning Commission held its regular meeting on the above date via a Zoom Meeting. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. A video recording of the meeting is archived at <https://www.youtube.com/watch?v=Rv1kTe5m5J8>.

1. Regular Meeting—Call to Order and Attendance:

Planning Commission Chair Kya Marienfeld called the meeting to order at 6:06 pm. In attendance were Planning Commission Members John Knight, Luke Wojciechowski, Ruben Villalpando-Salas, Jessica O’Leary, Becky Wells, and Brityn Ballard. Staff in attendance were Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, and Recorder Sommar Johnson.

2. Citizens to be Heard:

There were no citizens to be heard.

3. Public Hearing

3.1 Public Hearing - Continued - Proposed Planning Resolution 06-2021 A Resolution Approving the Creekside Townhomes, a Nine Unit Townhome Site Plan and Preliminary Plat

Commission Chair Marienfeld said the public hearing is a continuation from the August 8th meeting. Planning Director Shepard said the applicant’s engineer is collaborating with the City Engineer to provide information relative to the floodplain, but it is not available yet. There were no citizens for this public hearing, so Commission Chair Marienfeld closed the public hearing at 6:11 PM.

3.2 Public Hearing and Possible Recommendation to City Council on Ordinance 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise Section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions

Planning Director Shepard provided background about this agenda item. There was discussion about the language of the code, deed restrictions, maximum external ADU size, and setback size.

Commission Chair Marienfeld opened the public hearing at 6:57 PM. There were no comments, and Commission Chair Marienfeld closed the public hearing at 6:58 PM.

There was continued discussion about removing the requirement of an ADU being constructed after the primary dwelling.

Motion: Commission Chair Marienfeld moved to continue this agenda item 3.2 regarding ADUs an ordinance amending our municipal code for accessory dwelling units and definitions to the next meeting which will be September 9th. Commissioner Villalpando-Salas seconded the motion.

Vote: Motion passed 7-0 with Commissioners Wells, Ballard, O’Leary, Wojciechowski, Villalpando-Salas, Knight, and Marienfeld voting aye.

3.3 Public Hearing and Action Item - Proposed Ordinance #2021-15, An Ordinance Approving a Zoning Map Amendment for Property Located at Parcel #01-0001-0173, Approximately 398 Kane Creek Blvd, Moab UT 84532, Amending the Subject Zone from RA-1 Residential-Agricultural Zone to RA-1 and R-3 Multi-Household Residential Zone

Planning Director Shepard introduced the agenda item. Assistant Planner Shurtleff provided background information for the rezone application.

Commission Chair Marienfeld opened the public hearing at 7:19 PM. She said Zane Taylor had

submitted a comment via email with several concerns. Planning Director Shepard added that input was received last week from Molly Taylor about concerns regarding the rezone.

Commission Chair Marienfeld closed the public hearing at 7:20 PM.

Discussion: Commissioner Wojciechowski expressed concern about potential townhomes in the R-3 portion of the rezone. Commissioner O’Leary inquired about the differences between the previous rezone application and the current one. Planning Director Shepard said the two RA-1 acre parcels provide a transition buffer for the R-3 zone. Commissioner Wells recused herself from the discussion. Applicant Jake Satterfield said the new rezone proposal includes two one-acre lots as a buffer for the R-3 zone. He said there will be pathway connectivity for bike and foot traffic along the east border of the property to connect to the pedestrian bridge and 200 South. He said the plan is to restrict one-third of the units as primary residence units. He said any further modifications will be addressed through the staff processes. Assistant Planner Shurtleff shared the most recent proposal from the applicant, which does not have the road connect to the cul-de-sac in the northwest corner.

Commissioner Wojciechowski expressed concern about the number of units that would be available for purchase by second homeowners instead of local residents. There was a discussion about the lack of an open space requirement for the R-3 Zone. There was a discussion about doing a PUD versus a rezone. Commissioner Knight said this is a great opportunity to utilize the property to the highest and best use.

Motion: Commission Chair Marienfeld moved to forward a positive recommendation to the City Council on Ordinance 2021-15 an ordinance approving the zoning map amendment for the property located at parcel 01-0001-0173, approximately 398 Kane Creek Blvd, amending the parcel zone from RA-1 Residential-Agricultural Zone to RA-1 and R-3 Multi-Household Residential Zone. Commissioner Villalpando-Salas seconded the motion.

Discussion: Commissioner O’Leary agreed that the density and supply needs increased within the city, but she has some reservations. She said the current zoning was not done in error, and she would prefer to see more of a buffer on the back two sides of the property.

Vote: Motion passed 4-2 with Commissioners Villalpando-Salas, Knight, Ballard, and Marienfeld voting aye. Commissioners Wojciechowski and O’Leary voted no, and Commissioner Wells was recused from the vote.

4. **Action Item**

4.1 Action Item - Consideration and Possible Approval of Planning Resolution #07-2021, A Planning Resolution Approving an Amendment to the Approved Site Plan for the Moab Regional Hospital Located At 450 Williams Way, Moab UT 84532

Discussion: Assistant Planner Shurtleff shared a presentation about the project. Jen Sadoff, CEO of the Moab Regional Hospital, provided background on the project. Paul Garland clarified that he is the landscape architect for the project. Commissioner Wojciechowski recused himself from this agenda item.

Motion: Commissioner O’Leary moved that the Planning Commission conditionally approve Planning Resolution 07-2021, a planning resolution approving an amendment to the approved site plan for the Moab Regional Hospital located at 450 Williams Way, Moab, Utah 84532, subject to the following condition, and that condition is that all engineering comments shall be addressed to the satisfaction of the City Engineer prior to building permit application approval, including: the legal description must be corrected: “Southwest corner of Section 1, Township 26 South, Range 21 East..” the corner should be corrected to Northwest to match the drawing, and please make sure to call out APWA standards and add the details on the plan set. Commissioner Villalpando-Salas seconded the motion.

Vote: Motion passed 6-0 with Commissioners O’Leary, Villalpando-Salas, Marienfeld, Ballard,

Knight, and Wells voting aye. Commissioner Wojciechowski was recused from the vote.

5. **Future Agenda Items:**

Assistant Planner Shurtleff said there will be several upcoming agenda items because the Planning Department has been very busy. There was discussion about zoom or hybrid meetings in the future.

6. **Adjournment:** Commission Chair Marienfeld adjourned the meeting at 8:14 PM.

DRAFT

**Planning Commission Consideration and
Possible recommendation to the City Council on
ORDNANCE 2021-16**

**An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise
Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions**

To: Moab City Planning Commission
Staff: Nora Shepard, Planning Director
Date: September 17, 2021
Applicant: City Initiated Code Amendments

Attachments:

Exhibit 1: Ordinance 2021-16 approving text amendments to revise section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions **(TO VIEW THE DRAFT MORE EASILY, YOU CAN GO INTO YOUR REVIEW SETTINGS, CLICK SHOW MARKUP AND TURN OFF THE FORMATTING MARKUP.)**

Exhibit 2: House Bill 82, as adopted

Public Hearing and Potential Actions:

Exhibit 1 is the draft Ordinance 2021-16 amending the Accessory Dwelling Units (ADUs). The ordinance breaks ADUs into two types, Internal ADUs (IADUs) and External ADUs (EADUs). This distinction was made because of the passage of HB 82 by the State Legislature. HB 82 addresses only IADUs.

The Planning Commission held the public hearing on this item on August 26, 2021. There were no public comments at the Public Hearing. The Planning Commission is being asked to make a recommendation to the City Council on Ordinance 2021-16 ADU Amendments. The options include:

1. **Forward a Positive Recommendation** to the City Council on Ordinance 2021-16 without or without changes; or
2. **Continue** the item with specific direction to staff as to additional information that may be needed to make a decision or to make changes to the draft ordinance prior to action; or
3. **Forward a Negative Recommendation** to City Council.

Potential Motion to Forward a Positive Recommendation:

I move to forward a positive recommendation the City Council on Ordinance 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

Updated Ordinance 2021-16:

Based on the discussion with the Planning Commission on August 26, 2021, the draft code amendments have been amended to include input of the Planning Commission. The changes made include:

- The deed restriction language has been modified to address retirees. A recital has been added that expresses that the purpose of the units are to fill a need for employee/workforce housing. No nightly rentals are allowed. The City will work to develop the specific language of the deed restriction, beyond what is currently stated in the ordinance.
- The City has the option to require that ADUs are only allowed in association with a primary residential use. In other words, the main home on the property would have to be owner occupied. This provision was eliminated for both Internal ADUs (IADUs and External ADUs (EADUs). The staff recommends that the owner occupancy requirement apply to IADUs.
- Language has been modified to allow ADUs to be built before the primary dwelling, if the owner plans to occupy the home under construction
- The current standards state that the front yard setback for an ADU shall be at least equal to the plane of the front wall of the principal structure. The Planning Commission discussed eliminating this and allow ADUs in the front yard, if they meet the code required setback. That modification has been made.
- Building height is also a barrier. The MMC currently states: *An accessory dwelling may be constructed above a garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed twenty feet in height.* The current draft allows some additional height if the EADU maintains the zone required setbacks.
- Size – the new state law does not allow us to regulate the size of an internal ADU. The Planning Commission discussed sizes of EADUs. The draft states that an EADU maximum floor area is 1,500 square feet. The staff recommends an 1100 sf maximum, with exceptions (of up to 1500 sf) for lots larger than 20,000 sf.
- Currently, the MMC does not allow more than 1 ADU per lot. The Planning Commission discussed allowing multiple ADUs per lot. The current draft reflects that direction. The Commission may want to consider allowing that in the R-3. Having additional units in the R-2 could result in a significant change in residential character. The staff recommends allowing a maximum of 1 ADU in the R-2 Zone and a maximum of 2 in the R-3.
- Deed Restriction – the current restriction prohibits the use of an ADU as a nightly rental. That provision should be maintained.
- The code requires setbacks consistent with the underlying zoning. The draft ordinance allows for reduced setbacks if an ADU is 20ft in height or under. Language has been added to that requires a 10-foot separation between structures, whether they be on-site or on adjacent property. The Building Official can modify this requirement if it is shown that adequate fire protection can be achieved in some other way.

The staff recommends that the Planning Commission review the revised draft code amendments, make modifications as necessary, and forward a positive recommendation to the City Council.

**CITY OF MOAB, UT
ORDINANCE 2021-16
An Ordinance Amending the Text of the Moab Municipal Code
(MMC) to Revise Section 17.70 Accessory Dwelling Units and
Section 17.06.020 Definitions
DRAFT 9.17.2021**

WHEREAS, the City has enacted Title 17 Zoning, of the Moab Municipal Code (“MMC”) that governs land use and development within the City Limits.

WHEREAS, from time to time the City undertakes revisions of Title 17.00 to improve the quality of land development and align the Code with state law and contemporary planning concepts.

WHEREAS, the City finds that this Ordinance will serve the public health, safety, and welfare, and that adoption is in the best interests of the Moab community.

WHEREAS, the Utah State Legislature adopted House Bill 82 in the 2021 Legislative Session that requires communities to allow Indoor Accessory Dwelling Units as a permitted use.

WHEREAS, amendments to the MMC were necessary to comply with HB 82.

WHEREAS, at the same time, Moab is experiencing a critical shortage of employee and workforce housing.

WHEREAS, the city currently allows ADUs as a permitted use in all residential zones, but some of the requirements have become barriers to construction.

WHEREAS, it is better planning practice to encourage infill in order to reduce sprawl.

WHEREAS, since the City had to amend Chapter 17.70 to comply with the new state law, there was an opportunity to remove some of the barriers to encourage more ADUs for employees and the workforce.

WHEREAS, it is the intent of the City Council that ADUs be used for employee/workforce housing, a family member, or a full-time retiree. The intent is not for ADUs to be used as second homes.

NOW, THEREFORE BE IT ORDAINED that the Moab City Council hereby approves Text Amendments as follows:

**SECTION 1. AMEND CHAPTER 17.70 ACCESSORY DWELLING UNITS
AS FOLLOWS:**

17.70.010 Purpose.

Accessory dwelling units are encouraged as dwellings for persons to increase affordable housing opportunities in the R-2, R-3, R-4, and RA-1 residential zones. They shall be allowed in the R-1 zone on lots sufficient in size to allow further subdivision.

17.70.020 Types of ADUs

There are two types of ADUs permitted in Moab, Internal ADUs (IADU) and External ADUs (EADUs).

A. Internal Accessory Dwelling Units (IADUs) means an accessory dwelling unit created:

1. within a primary dwelling;
2. within the footprint of the primary dwelling; and
3. for the purpose of offering a long-term rental (30 consecutive days or longer) for employees working in and around Moab, for workforce housing, family members or for housing for retirees that choose to make Moab their home after retirement. The intent of ADUs is not to provide additional second home opportunities.

B. External Accessory Dwelling Units (EADUs) means an accessory dwelling created:

1. on the same parcel or lot the contains a primary single household dwelling;
2. separate from the primary single household dwelling; and
3. for the purpose of offering a long-term rental of 30 consecutive days or longer.

C. Other Definitions

1. Primary dwelling means a single Household unit that:
 - a. is detached; and
 - b. is occupied as the primary residence of the owner of record
2. Rental Dwelling means means a building or portion of a building that is:
 - a. Used or designated for use as a residence by one or more persons; and
 - b. Available to be rented, loaned, leased or hired out for a period of one month or longer; or
 - c. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.

17.70.02030 General standards Internal ADUs (IADUs)-

A. Permitted Use. IADUs shall be considered a permitted in the R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

B. Restrictions. A City may not establish restrictions on the construction or use of an IADU, including IADU size within the primary dwelling, total lot size, or street frontage.

C. IADU Requirements. The following requirements apply to all IADUs:

1. IADUs must include the code required bedroom window egress, installation of a separate water utility meter is prohibited.
2. IADUs must be designed to maintain the appearance of the primary dwelling.
3. IADUs require one additional on-site parking space.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Highlight

Commented [NS1]: Modified Language to address retirees

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Not Highlight

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Not Highlight

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font color: Black, Pattern: Clear (White)

Formatted: Font color: Black, Pattern: Clear (White)

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Font: 11 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Indent: Left: 1"

4. IADUs require a Letter of Zoning Compliance prior to building permit issuance.

Formatted: Indent: Left: 0.75"

5. IADUs are not allowed if the primary dwelling is served by a failing septic tank.

Formatted: Indent: Left: 1"

6. IADUs cannot be rented for a period less than 30 consecutive days, and

7. IADUs are allowed only in owner-occupied primary dwellings.

Commented [NS2]: This is not a requirement in HB 82. The Planning Commission could choose to eliminate this. The Staff recommends that this requirement remain,.

D. Criteria for Approval

The following provisions are intended to facilitate accessory dwellings while minimizing land use conflicts and environmental degradation:

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Not Italic

The following criteria must be established prior to building permit issuance:

Formatted: Indent: Left: 0.5", Space Before: 0 pt, After: 8 pt, Line spacing: 1.5 lines

1. Size. There is no maximum size for IADUs

Formatted: Indent: Left: 0.5"

2. Parking. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line.

Formatted: Indent: Left: 1", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

3. Accessory Dwellings Per Lot. No more than one Internal accessory dwelling may be located within a Single Household Dwelling.

Formatted: Indent: Left: 1"

Formatted: Highlight

4. Property to Remain Undivided. Properties with accessory dwelling permits shall remain recorded as one lot.

Formatted: Highlight

Commented [NS3]: Amended language slightly, intent remains the same

5. Subdivision of Property. The accessory dwelling shall not be sold.

Formatted: Highlight

6. Deed Restriction. A deed restriction must be filed with the county recorder which states:

Formatted: Font: Not Italic, Highlight

"A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term rental." Modified deed restriction language may be proposed by the City.

Formatted: Indent: Left: 1", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: 11 pt, Italic

7. Nightly Rentals. Accessory dwellings are intended for long-term rental of 30 days or more, to the same individual, and may not be used for nightly rentals. (Ord. 18-20 (part), 2018; Ord. 18-01 (part), 2018; Ord. 12-05 (part), 2012. Formerly 17.69.030)

Formatted: Indent: Left: 0.54"

Formatted: Font: 11 pt, Italic

17.070.040 External ADUs (EADUs)

Formatted: Font: 9 pt

A. Permitted Use. EADUs shall be considered a permitted in the R-1 Single-Household Residential Zone, R-2 Single-Household and Two-Household Residential Zone, R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone.

Formatted: Right: 0.29"

B. EADU Requirements

Formatted: Font: 13 pt

1. EADUs shall not occupy more than twenty-five percent of any rear of side yard.

1. The front yard setback for an accessory dwelling shall be at least equal to the plane of the front wall of the principal structure and/or adhere to the required setbacks of the underlying zone.

2. The setbacks for an accessory dwelling shall be what is allowed in the Zoning District within which the EADU is located. The side setback can be reduced to 5 feet, if the EADU does not exceed a building height of 20 feet. The rear setback can be reduced to 5 feet if the EADU does not exceed a building height of 20 feet. In addition, a minimum separation between an EADU and any adjacent structures must be 10 feet, even if that structure is on an adjoining lot. The Building Official may waive or modify this requirement if adequate fire separation can be achieved by other means.

Where pre-existing structures meet the development standards of this chapter, the original structure may be designated as the accessory dwelling.

3. An accessory dwelling shall not be constructed prior to the principal structure, except in cases where new home construction has been permitted. An EADU may be permitted prior to construction of the single household dwelling for purposes of living on-site during the construction of the single household dwelling.

4. An accessory dwelling may be constructed above a detached garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed twenty feet in height, 30 feet if all zone required setbacks are met. If the structure encroaches into a side or rear setback, the maximum height shall be 20 feet as allowed in "C" above.

5. Any request for Accessory Dwelling Units within residential zones shall be reviewed for compliance with the standards in this chapter and approved by city staff. A letter of compliance shall be issued to the applicant by the Zoning Administrator prior to issuance of a building permit.

C. Criteria for Approval

The following criteria must be established prior to building permit issuance:

1. *Size.* The maximum size for accessory living quarters shall be no more than fifteen hundred (1500) square feet. The minimum size for an ADU is three hundred and fifty square feet.

Formatted: Highlight

Commented [NS4]: An exception to the 10 foot separation has been added to allow the Building Official to consider other fire protection, such as using different construction methods.

Formatted: Highlight

Formatted: Highlight

Commented [NS5]: This has been modified to allow ADUs prior to construction of the principal structure only if the owner wants to live on-site during construction.

Formatted: Indent: Left: 1"

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.75"

Formatted: Indent: Left: 0.75", Space After: 0 pt, Line spacing: 1.5 lines

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Font color: Accent 1

Formatted: Font: 11 pt, Font color: Accent 1, Highlight

Formatted: Font: 11 pt, Font color: Accent 1, Highlight

Commented [NS6]: Modified to allow fifteen hundred sq ft max.

2. Parking. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line.

3. Accessory Dwellings Per Lot. Multiple EADUs may be permitted on a parcel. All EADUs shall meet the requirements and standards outlined in this Chapter.

4. Property to Remain Undivided. Properties with accessory dwelling permits shall remain recorded as one lot.

5. Subdivision of Property. The accessory dwelling shall not be sold.

6. Deed Restriction. A deed restriction must be filed with the county recorder which states:

"A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term rental."

7. Nightly Rentals. Accessory dwellings are intended for long-term rental of 30 days or more, to the same individual, and may not be used for nightly rentals. (Ord. 18-20 (part), 2018; Ord. 18-01 (part), 2018; Ord. 12-05 (part), 2012. Formerly 17.69.030)

Formatted: Font: 11 pt, Highlight

Commented [NS7]: Changed to allow multiple ADUs

Formatted: Font: 11 pt, Highlight

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: 11 pt, Italic

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0", First line: 0", Space Before: 0 pt, Line spacing: 1.5 lines

Formatted: Indent: Left: 0.5"

17.70.0540 Enforcement--Revocation of permit.

A. Process for Revocation: ~~The Zoning Administrator~~ If the owner of the property violates any of the provisions of this Chapter, the City ~~or~~ may revoke the accessory dwelling permit for noncompliance. In addition to any other legal or equitable remedies, Moab City may hold a lien against a property that contains an internal accessory dwelling unit if: ~~with the criteria of this chapter as follows:~~

~~The permittee may appeal the determination to the appeal authority, which will evaluate the Zoning Administrator's determination of noncompliance and decide if the permit revocation should occur.~~

1. The City provides a written notice of violation
2. The City holds a hearing and determines that the violation has occurred. if the owner files a written objection
3. The owner fails to cure the violation within the time period prescribed in the written notice of violation
4. The City provides a written notice of lien with the county recorder. The written notice of violation shall
 - a. Describe the specific violation

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

-
- b. Provide the owner of the accessory dwelling unit a reasonable opportunity to cure the violation no less than 14 days after the day on which the City 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 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 of the property fails to cure the violation within the 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 of the property 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 of the name and address of the municipal office where the owner may file the written objection to be mailed to the property's owner of record; any other individuals designated to receive notice in the owner's license or permit records
 - e. Posted on the property
 - f. The written notice of lien shall state that the property is subject to a lien, specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the property's owner of record; and any other individual designated to receive notice in the owner's license or permit record and be posted on the property.
5. If an owner of property files a written objection in accordance with Subsection the City 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 has occurred; and
 - b. notify the owner in writing of the date, time, and location of the hearing. The hearing notice shall be send no less than 14 days before the day on which the hearing is held.
6. If an owner of property files a written objection the City may not record a lien until the City holds a hearing and determines that the specific violation has occurred.
7. If the City 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.
8. 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.
-

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

SECTION 2. AMENDMENTS TO MMC CHAPTER 17.06 DEFINITIONS

ADDING OR MODIFYING DEFINITIONS OF :

A. Dwelling, Accessory dwelling unit

1. "Accessory dwelling unit" (ADU, granny-flat, mother-in-law-apartment) means a habitable living unit added to, created within, or detached from a primary one-unit single-household dwelling, and includes separate cooking, sleeping, and bathroom facilities. An ADU does not constitute a two-household dwelling. ~~Only one ADU is permitted in addition to the main dwelling on one platted lot of record. ADUs shall not be used for nightly or weekly rentals, and shall not be occupied for periods of less than thirty-one consecutive days. ADUs shall be a permanent structure and travel trailers, boats, or RVs shall not be used.~~

2. Internal Accessory Dwelling Units (IADUs) means an accessory dwelling unit created

- a. within a primary dwelling;**
- b. within the footprint of the primary dwelling; and**
- c. for the purpose of offering a long-term rental (30 consecutive days or longer) for employees working in and around Moab and for Workforce housing.**

3. External Accessory Dwelling Units (EADUs) means an accessory dwelling created:

- a. on the same parcel or lot the contains a primary single household dwelling;**
- b. separate from the primary single household dwelling; and**
- c. for the purpose of offering a long-term rental of 30 consecutive days or longer.**

B. Dwelling, Primary Residential

1. Primary dwelling means a single family unit that:

- a. is detached; and**
- b. is occupied as the primary residence of the owner of record**

C. Dwelling, Rental

1. Rental Dwelling means rental dwelling" means a building or portion of a building that is:

- a. Used or designated for use as a residence by one or more persons; and**
- b. Available to be rented, loaned, leased or hired out for a period of one month or longer; or**
- c. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.**

SECTION 3: MODIFY LANGUAGE IN ALL RESIDENTIAL ZONES as follows:

A. Permitted uses

Formatted: Font: Bold

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Commented [NS8]: This language was removed because it is regulatory. Definitions should not contain regulatory language.

Formatted: Font: Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt, Underline, Font color: Red

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 1"

Formatted: Font: 13 pt

1. Accessory dwelling units as per Chapter 17.70. Both External and Internal ADUs are permitted

Formatted: Indent: Left: 0.5"

PASSED by the City Council in a public meeting on _____ by the following vote:

MOAB CITY COUNCIL:

Those voting aye: _____

Those voting nay: _____

Those abstaining: _____

Those absent: _____

Emily Niehaus, Mayor

Date

ATTEST: _____

Sommar Johnson, Clerk/Recorder

1 **SINGLE-FAMILY HOUSING MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Raymond P. Ward**

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to single-family housing.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies and defines terms applicable to municipal and county land use
- 13 development and management;
- 14 ▶ allows a municipality or county to punish an individual who lists or offers a certain
- 15 licensed or permitted accessory dwelling unit as a short-term rental;
- 16 ▶ allows municipalities and counties to require specified physical changes to certain
- 17 accessory dwelling units;
- 18 ▶ in any single-family residential land use zone:
 - 19 • requires municipalities and counties to classify certain accessory dwelling units
 - 20 as a permitted land use; and
 - 21 • prohibits municipalities and counties from establishing restrictions or
 - 22 requirements for certain accessory dwelling units with limited exceptions;
- 23 ▶ allows a municipality or county to hold a lien against real property containing
- 24 certain accessory dwelling units in certain circumstances;
- 25 ▶ provides for statewide amendments to the International Residential Code related to
- 26 accessory dwelling units;
- 27 ▶ requires the executive director of the Olene Walker Housing Loan Fund to establish
- 28 a two-year pilot program to provide loan guarantees for certain loans related to
- 29 accessory dwelling units;

- 30 ▶ prevents a homeowners association from prohibiting the construction or rental of
- 31 certain accessory dwelling units; and
- 32 ▶ makes technical and conforming changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 This bill provides a special effective date.

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **10-8-85.4**, as enacted by Laws of Utah 2017, Chapter 335
- 40 **10-9a-505.5**, as last amended by Laws of Utah 2012, Chapter 172
- 41 **10-9a-511.5**, as enacted by Laws of Utah 2015, Chapter 205
- 42 **15A-3-202**, as last amended by Laws of Utah 2020, Chapter 441
- 43 **15A-3-204**, as last amended by Laws of Utah 2016, Chapter 249
- 44 **15A-3-206**, as last amended by Laws of Utah 2018, Chapter 186
- 45 **17-27a-505.5**, as last amended by Laws of Utah 2015, Chapter 465
- 46 **17-27a-510.5**, as enacted by Laws of Utah 2015, Chapter 205
- 47 **17-50-338**, as enacted by Laws of Utah 2017, Chapter 335
- 48 **35A-8-505**, as last amended by Laws of Utah 2020, Chapter 241
- 49 **57-8a-209**, as last amended by Laws of Utah 2018, Chapter 395
- 50 **57-8a-218**, as last amended by Laws of Utah 2017, Chapter 131

51 ENACTS:

- 52 **10-9a-530**, Utah Code Annotated 1953
- 53 **17-27a-526**, Utah Code Annotated 1953
- 54 **35A-8-504.5**, Utah Code Annotated 1953

56 *Be it enacted by the Legislature of the state of Utah:*

57 Section 1. Section **10-8-85.4** is amended to read:

58 **10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances**
59 **restricting speech on short-term rental websites.**

60 (1) As used in this section:

61 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
62 10-9a-511.5.

63 [~~(a)~~] (b) "Residential unit" means a residential structure or any portion of a residential
64 structure that is occupied as a residence.

65 [~~(b)~~] (c) "Short-term rental" means a residential unit or any portion of a residential unit
66 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
67 30 consecutive days.

68 [~~(c)~~] (d) "Short-term rental website" means a website that:

- 69 (i) allows a person to offer a short-term rental to one or more prospective renters; and
- 70 (ii) facilitates the renting of, and payment for, a short-term rental.

71 (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body
72 may not:

73 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
74 short-term rental on a short-term rental website; or

75 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
76 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
77 rental on a short-term rental website.

78 (3) Subsection (2) does not apply to an individual who lists or offers an internal
79 accessory dwelling unit as a short-term rental on a short-term rental website if the municipality
80 records a notice for the internal accessory dwelling unit under Subsection 10-9a-530(6).

81 Section 2. Section 10-9a-505.5 is amended to read:

82 **10-9a-505.5. Limit on single family designation.**

83 (1) As used in this section, "single-family limit" means the number of [~~unrelated~~]
84 individuals allowed to occupy each residential unit that is recognized by a land use authority in
85 a zone permitting occupancy by a single family.

86 (2) A municipality may not adopt a single-family limit that is less than:

87 (a) three, if the municipality has within its boundary:

88 (i) a state university; or

89 (ii) a private university with a student population of at least 20,000; or

90 (b) four, for each other municipality.

91 Section 3. Section **10-9a-511.5** is amended to read:

92 **10-9a-511.5. Changes to dwellings -- Egress windows.**

93 (1) [~~For purposes of~~] As used in this section[~~,"rental"~~]:

94 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

95 (i) within a primary dwelling;

96 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
97 time the internal accessory dwelling unit is created; and

98 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

99 (b) "Primary dwelling" means a single-family dwelling that:

100 (i) is detached; and

101 (ii) is occupied as the primary residence of the owner of record.

102 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

103 (2) A municipal ordinance adopted under Section **10-1-203.5** may not:

104 (a) require physical changes in a structure with a legal nonconforming rental dwelling
105 use unless the change is for:

106 (i) the reasonable installation of:

107 (A) a smoke detector that is plugged in or battery operated;

108 (B) a ground fault circuit interrupter protected outlet on existing wiring;

109 (C) street addressing;

110 (D) except as provided in Subsection (3), an egress bedroom window if the existing
111 bedroom window is smaller than that required by current State Construction Code;

112 (E) an electrical system or a plumbing system, if the existing system is not functioning
113 or is unsafe as determined by an independent electrical or plumbing professional who is

114 licensed in accordance with Title 58, Occupations and Professions;

115 (F) hand or guard rails; or

116 (G) occupancy separation doors as required by the International Residential Code; or

117 (ii) the abatement of a structure; or

118 (b) be enforced to terminate a legal nonconforming rental dwelling use.

119 (3) (a) A municipality may not require physical changes to install an egress or

120 emergency escape window in an existing bedroom that complied with the State Construction

121 Code in effect at the time the bedroom was finished if:

122 ~~[(a)]~~ (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

123 ~~[(i)]~~ (A) a detached one-, two-, three-, or four-family dwelling; or

124 ~~[(ii)]~~ (B) a town home that is not more than three stories above grade with a separate
125 means of egress; and

126 ~~[(b)]~~ ~~[(i)]~~ (ii) (A) the window in the existing bedroom is smaller than that required by
127 current State Construction Code; and

128 ~~[(ii)]~~ (B) the change would compromise the structural integrity of the structure or could
129 not be completed in accordance with current State Construction Code, including set-back and
130 window well requirements.

131 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

132 (4) Nothing in this section prohibits a municipality from:

133 (a) regulating the style of window that is required or allowed in a bedroom;

134 (b) requiring that a window in an existing bedroom be fully openable if the openable
135 area is less than required by current State Construction Code; or

136 (c) requiring that an existing window not be reduced in size if the openable area is
137 smaller than required by current State Construction Code.

138 Section 4. Section **10-9a-530** is enacted to read:

139 **10-9a-530. Internal accessory dwelling units.**

140 (1) As used in this section:

141 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

- 142 (i) within a primary dwelling;
- 143 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
- 144 time the internal accessory dwelling unit is created; and
- 145 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 146 (b) "Primary dwelling" means a single-family dwelling that:
- 147 (i) is detached; and
- 148 (ii) is occupied as the primary residence of the owner of record.
- 149 (2) In any area zoned primarily for residential use:
- 150 (a) the use of an internal accessory dwelling unit is a permitted use; and
- 151 (b) except as provided in Subsections (3) and (4), a municipality may not establish any
- 152 restrictions or requirements for the construction or use of one internal accessory dwelling unit
- 153 within a primary dwelling, including a restriction or requirement governing:
- 154 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
- 155 (ii) total lot size; or
- 156 (iii) street frontage.
- 157 (3) An internal accessory dwelling unit shall comply with all applicable building,
- 158 health, and fire codes.
- 159 (4) A municipality may:
- 160 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
- 161 unit;
- 162 (b) require that an internal accessory dwelling unit be designed in a manner that does
- 163 not change the appearance of the primary dwelling as a single-family dwelling;
- 164 (c) require a primary dwelling:
- 165 (i) to include one additional on-site parking space for an internal accessory dwelling
- 166 unit, regardless of whether the primary dwelling is existing or new construction; and
- 167 (ii) to replace any parking spaces contained within a garage or carport if an internal
- 168 accessory dwelling unit is created within the garage or carport;
- 169 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as

170 defined in Section 57-16-3;

171 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
172 internal accessory dwelling unit;

173 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
174 covering an area that is equivalent to:

175 (i) 25% or less of the total area in the municipality that is zoned primarily for
176 residential use; or

177 (ii) 67% or less of the total area in the municipality that is zoned primarily for
178 residential use, if the main campus of a state or private university with a student population of
179 10,000 or more is located within the municipality;

180 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
181 is served by a failing septic tank;

182 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
183 primary dwelling is 6,000 square feet or less in size;

184 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
185 period of less than 30 consecutive days;

186 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
187 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

188 (k) hold a lien against a property that contains an internal accessory dwelling unit in
189 accordance with Subsection (5); and

190 (l) record a notice for an internal accessory dwelling unit in accordance with
191 Subsection (6).

192 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a
193 municipality may hold a lien against a property that contains an internal accessory dwelling
194 unit if:

195 (i) the owner of the property violates any of the provisions of this section or any
196 ordinance adopted under Subsection (4);

197 (ii) the municipality provides a written notice of violation in accordance with

198 Subsection (5)(b);

199 (iii) the municipality holds a hearing and determines that the violation has occurred in
200 accordance with Subsection (5)(d), if the owner files a written objection in accordance with

201 Subsection (5)(b)(iv);

202 (iv) the owner fails to cure the violation within the time period prescribed in the
203 written notice of violation under Subsection (5)(b);

204 (v) the municipality provides a written notice of lien in accordance with Subsection
205 (5)(c); and

206 (vi) the municipality records a copy of the written notice of lien described in
207 Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.

208 (b) The written notice of violation shall:

209 (i) describe the specific violation;

210 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
211 to cure the violation that is:

212 (A) no less than 14 days after the day on which the municipality sends the written
213 notice of violation, if the violation results from the owner renting or offering to rent the internal
214 accessory dwelling unit for a period of less than 30 consecutive days; or

215 (B) no less than 30 days after the day on which the municipality sends the written
216 notice of violation, for any other violation;

217 (iii) state that if the owner of the property fails to cure the violation within the time
218 period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property
219 in an amount of up to \$100 for each day of violation after the day on which the opportunity to
220 cure the violation expires;

221 (iv) notify the owner of the property:

222 (A) that the owner may file a written objection to the violation within 14 days after the
223 day on which the written notice of violation is post-marked or posted on the property; and

224 (B) of the name and address of the municipal office where the owner may file the
225 written objection;

226 (v) be mailed to:
227 (A) the property's owner of record; and
228 (B) any other individual designated to receive notice in the owner's license or permit
229 records; and
230 (vi) be posted on the property.
231 (c) The written notice of lien shall:
232 (i) comply with the requirements of Section [38-12-102](#);
233 (ii) state that the property is subject to a lien;
234 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
235 the day on which the opportunity to cure the violation expires;
236 (iv) be mailed to:
237 (A) the property's owner of record; and
238 (B) any other individual designated to receive notice in the owner's license or permit
239 records; and
240 (v) be posted on the property.
241 (d) (i) If an owner of property files a written objection in accordance with Subsection
242 (5)(b)(iv), the municipality shall:
243 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
244 Act, to conduct a review and determine whether the specific violation described in the written
245 notice of violation under Subsection (5)(b) has occurred; and
246 (B) notify the owner in writing of the date, time, and location of the hearing described
247 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
248 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
249 municipality may not record a lien under this Subsection (5) until the municipality holds a
250 hearing and determines that the specific violation has occurred.
251 (iii) If the municipality determines at the hearing that the specific violation has
252 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of
253 violation after the day on which the opportunity to cure the violation expires, regardless of

254 whether the hearing is held after the day on which the opportunity to cure the violation has
255 expired.

256 (e) If an owner cures a violation within the time period prescribed in the written notice
257 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,
258 or impose any penalty or fee on the owner, in relation to the specific violation described in the
259 written notice of violation under Subsection (5)(b).

260 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an
261 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
262 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
263 notice in the office of the recorder of the county in which the primary dwelling is located.

264 (b) The notice described in Subsection (6)(a) shall include:

265 (i) a description of the primary dwelling;

266 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

267 and

268 (iii) a statement that the internal accessory dwelling unit may only be used in
269 accordance with the municipality's land use regulations.

270 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),
271 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

272 Section 5. Section **15A-3-202** is amended to read:

273 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

274 (1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2

275 Physical change for bedroom window egress. A structure whose egress window in an existing
276 bedroom is smaller than required by this code, and that complied with the construction code in
277 effect at the time that the bedroom was finished, is not required to undergo a physical change to
278 conform to this code if the change would compromise the structural integrity of the structure or
279 could not be completed in accordance with other applicable requirements of this code,
280 including setback and window well requirements."

281 (2) In IRC, Section R108.3, the following sentence is added at the end of the section:

282 "The building official shall not request proprietary information."

283 (3) In IRC, Section 109:

284 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant
285 exterior wall envelope inspections. An inspection shall be made of the weather-resistant
286 exterior wall envelope as required by Section R703.1 and flashings as required by Section
287 R703.8 to prevent water from entering the weather-resistive barrier."

288 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;
289 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced
290 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;
291 and R109.1.7 Final inspection.

292 (4) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to
293 owner. Upon notice from the building official that work on any building or structure is being
294 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an
295 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order
296 shall be in writing and shall be given to the owner of the property involved, or to the owner's
297 agent or to the person doing the work; and shall state the conditions under which work will be
298 permitted to resume."

299 (5) In IRC, Section R202, the following definition is added: "ACCESSORY
300 DWELLING UNIT: A habitable living unit created within the existing footprint of a primary
301 owner-occupied single-family dwelling."

302 [~~5~~] (6) In IRC, Section R202, the following definition is added: "CERTIFIED
303 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
304 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
305 under Utah Code, Subsection 19-4-104(4)."

306 [~~6~~] (7) In IRC, Section R202, the definition of "Cross Connection" is deleted and
307 replaced with the following: "CROSS CONNECTION. Any physical connection or potential
308 connection or arrangement between two otherwise separate piping systems, one of which
309 contains potable water and the other either water of unknown or questionable safety or steam,

310 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
 311 with the direction of flow depending on the pressure differential between the two systems (see
 312 "Backflow, Water Distribution")."

313 [(7)] (8) In IRC, Section 202, in the definition for gray water a comma is inserted after
 314 the word "washers"; the word "and" is deleted; and the following is added to the end: "and
 315 clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;
 316 without objectionable odors; non-highly pigmented; and will not interfere with the operation of
 317 the sewer treatment facility."

318 [(8)] (9) In IRC, Section R202, the definition of "Potable Water" is deleted and
 319 replaced with the following: "POTABLE WATER. Water free from impurities present in
 320 amounts sufficient to cause disease or harmful physiological effects and conforming to the
 321 Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water
 322 Quality Act, and the regulations of the public health authority having jurisdiction."

323 [(9)] (10) IRC, Figure R301.2(5), is deleted and replaced with R301.2(5) as follows:

"TABLE R301.2(5)			
GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH			
City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964

337	Loa	Wayne	37	7060
338	Logan	Cache	43	4531
339	Manila	Daggett	26	6368
340	Manti	Sanpete	37	5620
341	Moab	Grand	21	4029
342	Monticello	San Juan	67	7064
343	Morgan	Morgan	52	5062
344	Nephi	Juab	39	5131
345	Ogden	Weber	37	4334
346	Panguitch	Garfield	41	6630
347	Parowan	Iron	32	6007
348	Price	Carbon	31	5558
349	Provo	Utah	31	4541
350	Randolph	Rich	50	6286
351	Richfield	Sevier	27	5338
352	St. George	Washington	21	2585
353	Salt Lake City	Salt Lake	28	4239
354	Tooele	Tooele	35	5029
355	Vernal	Uintah	39	5384

Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

356 2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values.

357 ~~[(10)]~~ (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6
358 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the
359 jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,
360 Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and
361 Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for
362 ground snow load values."

363 ~~[(11)]~~ (12) In IRC, Section R302.2, the following sentence is added after the second
364 sentence: "When an access/maintenance agreement or easement is in place, plumbing,
365 mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including
366 feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

367 (13) In IRC, Section R302.3, a new exception 3 is added as follows: "3. Accessory
368 dwelling units separated by walls or floor assemblies protected by not less than 1/2-inch (12.7
369 mm) gypsum board or equivalent on each side of the wall or bottom of the floor assembly are
370 exempt from the requirements of this section."

371 ~~[(12)]~~ (14) In IRC, Section R302.5.1, the words "self-closing device" are deleted and
372 replaced with "self-latching hardware."

373 ~~[(13)]~~ (15) IRC, Section R302.13, is deleted.

374 ~~[(14)]~~ (16) In IRC, Section R303.4, the number "5" is changed to "3" in the first
375 sentence.

376 (17) In IRC, Section R310.6, in the exception, the words "or accessory dwelling units"
377 are added after the words "sleeping rooms".

378 ~~[(15)]~~ (18) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with
379 the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser
380 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
381 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
382 exceed the smallest by more than 3/8 inch (9.5 mm).

383 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
384 depth shall be measured horizontally between the vertical planes of the foremost projection of
385 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
386 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
387 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
388 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
389 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
390 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
391 more than 3/8 inch (9.5 mm).

392 R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater
393 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4
394 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection
395 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two
396 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not
397 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading
398 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open
399 risers are permitted, provided that the opening between treads does not permit the passage of a
400 4-inch diameter (102 mm) sphere.

401 Exceptions.

- 402 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
- 403 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches

404 (762 mm) or less."

405 [~~(16)~~] (19) IRC, Section R312.2, is deleted.

406 [~~(17)~~] (20) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the
407 following: "R313.1 Design and installation. When installed, automatic residential fire
408 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and
409 installed in accordance with Section P2904 or NFPA 13D."

410 (21) In IRC, Section R314.2.2, the words "or accessory dwelling units" are added after
411 the words "sleeping rooms".

412 (22) In IRC, Section R315.2.2, the words "or accessory dwelling units" are added after
413 the words "sleeping rooms".

414 [~~(18)~~] (23) In IRC, Section 315.3, the following words are added to the first sentence
415 after the word "installed": "on each level of the dwelling unit and."

416 [~~(19)~~] (24) In IRC, Section R315.5, a new exception, 3, is added as follows:

417 "3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the
418 alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing
419 the structure, unless there is an attic, crawl space or basement available which could provide
420 access for hard wiring, without the removal of interior finishes."

421 [~~(20)~~] (25) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection.
422 Where more than one carbon monoxide alarm is required to be installed within an individual
423 dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in
424 such a manner that the actuation of one alarm will activate all of the alarms in the individual
425 unit. Physical interconnection of smoke alarms shall not be required where listed wireless
426 alarms are installed and all alarms sound upon activation of one alarm.

427 Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required
428 where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing
429 the structure, unless there is an attic, crawl space or basement available which could provide
430 access for interconnection without the removal of interior finishes."

431 [~~(21)~~] (26) In IRC, Section R317.1.5, the period is deleted and the following language

432 is added to the end of the paragraph: "or treated with a moisture resistant coating."

433 [~~(22)~~] (27) In IRC, Section 326.1, the words "residential provisions of the" are added
434 after the words "pools and spas shall comply with".

435 [~~(23)~~] (28) In IRC, Section R403.1.6, a new Exception 3 is added as follows: "3.
436 When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be
437 placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm)
438 from each end of each plate section at interior bearing walls, interior braced wall lines, and at
439 all exterior walls."

440 [~~(24)~~] (29) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2
441 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816
442 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located
443 not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
444 interior braced wall lines, and at all exterior walls."

445 [~~(25)~~] (30) In IRC, Section R404.1, a new exception is added as follows: "Exception:
446 As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and
447 masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and
448 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

449 [~~(26)~~] (31) In IRC, Section R405.1, a new exception is added as follows: "Exception:
450 When a geotechnical report has been provided for the property, a drainage system is not
451 required unless the drainage system is required as a condition of the geotechnical report. The
452 geological report shall make a recommendation regarding a drainage system."

453 Section 6. Section **15A-3-204** is amended to read:

454 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

455 (1) In IRC, Section M1602.2, a new exception is added at the end of Item 6 as follows:
456 "Exception: The discharge of return air from an accessory dwelling unit into another dwelling
457 unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited."

458 (2) A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection.
459 Fuel gas services shall be in an approved location and/or provided with structures designed to

460 protect the fuel gas meter and surrounding piping from physical damage, including falling,
461 moving, or migrating ice and snow. If an added structure is used, it must provide access for
462 service and comply with the IBC or the IRC."

463 Section 7. Section 15A-3-206 is amended to read:

464 **15A-3-206. Amendments to Chapters 36 through 44 and Appendix F of IRC.**

465 (1) In IRC, Section E3601.6.2, a new exception is added as follows: "Exception: An
466 occupant of an accessory dwelling unit is not required to have access to the disconnect serving
467 the dwelling unit in which they reside."

468 [~~(1)~~] (2) In IRC, Section E3705.4.5, the following words are added after the word
469 "assemblies": "with ungrounded conductors 10 AWG and smaller".

470 [~~(2)~~] (3) In IRC, Section E3901.9, the following exception is added:
471 "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets
472 adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the
473 garage may be connected to the garage branch circuit."

474 [~~(3)~~] (4) IRC, Section E3902.16 is deleted.

475 [~~(4)~~] (5) In Section E3902.17:

476 (a) following the word "Exception" the number "1." is added; and

477 (b) at the end of the section, the following sentences are added:

478 "2. This section does not apply for a simple move or an extension of a branch circuit or an
479 outlet which does not significantly increase the existing electrical load. This exception does
480 not include changes involving remodeling or additions to a residence."

481 [~~(5)~~] (6) IRC, Chapter 44, is amended by adding the following reference standard:

"Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"

484 [~~(6)~~] (7) (a) When passive radon controls or portions thereof are voluntarily installed,
485 the voluntary installation shall comply with Appendix F of the IRC.

486 (b) An additional inspection of a voluntary installation described in Subsection [~~(6)~~]
487 (7)(a) is not required.

488 Section 8. Section 17-27a-505.5 is amended to read:

489 **17-27a-505.5. Limit on single family designation.**

490 (1) As used in this section, "single-family limit" means the number of [~~unrelated~~]
491 individuals allowed to occupy each residential unit that is recognized by a land use authority in
492 a zone permitting occupancy by a single family.

493 (2) A county may not adopt a single-family limit that is less than:

494 (a) three, if the county has within its unincorporated area:

495 (i) a state university;

496 (ii) a private university with a student population of at least 20,000; or

497 (iii) a mountainous planning district; or

498 (b) four, for each other county.

499 Section 9. Section **17-27a-510.5** is amended to read:

500 **17-27a-510.5. Changes to dwellings -- Egress windows.**

501 (1) [~~For purposes of~~] As used in this section[~~,"rental"~~]:

502 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

503 (i) within a primary dwelling;

504 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
505 time the internal accessory dwelling unit is created; and

506 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

507 (b) "Primary dwelling" means a single-family dwelling that:

508 (i) is detached; and

509 (ii) is occupied as the primary residence of the owner of record.

510 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

511 (2) A county ordinance adopted under Section **10-1-203.5** may not:

512 (a) require physical changes in a structure with a legal nonconforming rental dwelling
513 use unless the change is for:

514 (i) the reasonable installation of:

515 (A) a smoke detector that is plugged in or battery operated;

516 (B) a ground fault circuit interrupter protected outlet on existing wiring;

517 (C) street addressing;

518 (D) except as provided in Subsection (3), an egress bedroom window if the existing
519 bedroom window is smaller than that required by current State Construction Code;

520 (E) an electrical system or a plumbing system, if the existing system is not functioning
521 or is unsafe as determined by an independent electrical or plumbing professional who is
522 licensed in accordance with Title 58, Occupations and Professions;

523 (F) hand or guard rails; or

524 (G) occupancy separation doors as required by the International Residential Code; or

525 (ii) the abatement of a structure; or

526 (b) be enforced to terminate a legal nonconforming rental dwelling use.

527 (3) (a) A county may not require physical changes to install an egress or emergency
528 escape window in an existing bedroom that complied with the State Construction Code in
529 effect at the time the bedroom was finished if:

530 [~~(a)~~] (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

531 [~~(i)~~] (A) a detached one-, two-, three-, or four-family dwelling; or

532 [~~(ii)~~] (B) a town home that is not more than three stories above grade with a separate
533 means of egress; and

534 [~~(b)~~] (i) (ii) (A) the window in the existing bedroom is smaller than that required by
535 current State Construction Code; and

536 [~~(ii)~~] (B) the change would compromise the structural integrity of the structure or could
537 not be completed in accordance with current State Construction Code, including set-back and
538 window well requirements.

539 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

- 540 (4) Nothing in this section prohibits a county from:
- 541 (a) regulating the style of window that is required or allowed in a bedroom;
- 542 (b) requiring that a window in an existing bedroom be fully openable if the openable
- 543 area is less than required by current State Construction Code; or
- 544 (c) requiring that an existing window not be reduced in size if the openable area is
- 545 smaller than required by current State Construction Code.

546 Section 10. Section **17-27a-526** is enacted to read:

547 **17-27a-526. Internal accessory dwelling units.**

548 (1) As used in this section:

549 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

550 (i) within a primary dwelling;

551 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the

552 time the internal accessory dwelling unit is created; and

553 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

554 (b) "Primary dwelling" means a single-family dwelling that:

555 (i) is detached; and

556 (ii) is occupied as the primary residence of the owner of record.

557 (2) In any area zoned primarily for residential use:

558 (a) the use of an internal accessory dwelling unit is a permitted use; and

559 (b) except as provided in Subsections (3) and (4), a county may not establish any

560 restrictions or requirements for the construction or use of one internal accessory dwelling unit

561 within a primary dwelling, including a restriction or requirement governing:

562 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

563 (ii) total lot size; or

564 (iii) street frontage.

565 (3) An internal accessory dwelling unit shall comply with all applicable building,

566 health, and fire codes.

567 (4) A county may:

- 568 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
569 unit;
- 570 (b) require that an internal accessory dwelling unit be designed in a manner that does
571 not change the appearance of the primary dwelling as a single-family dwelling;
- 572 (c) require a primary dwelling:
- 573 (i) to include one additional on-site parking space for an internal accessory dwelling
574 unit, regardless of whether the primary dwelling is existing or new construction; and
- 575 (ii) to replace any parking spaces contained within a garage or carport if an internal
576 accessory dwelling unit is created within the garage or carport;
- 577 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
578 defined in Section 57-16-3;
- 579 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
580 internal accessory dwelling unit;
- 581 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
582 covering an area that is equivalent to 25% or less of the total unincorporated area in the county
583 that is zoned primarily for residential use;
- 584 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
585 is served by a failing septic tank;
- 586 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
587 primary dwelling is 6,000 square feet or less in size;
- 588 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
589 period of less than 30 consecutive days;
- 590 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
591 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- 592 (k) hold a lien against a property that contains an internal accessory dwelling unit in
593 accordance with Subsection (5); and
- 594 (l) record a notice for an internal accessory dwelling unit in accordance with
595 Subsection (6).

596 (5) (a) In addition to any other legal or equitable remedies available to a county, a
597 county may hold a lien against a property that contains an internal accessory dwelling unit if:

598 (i) the owner of the property violates any of the provisions of this section or any
599 ordinance adopted under Subsection (4);

600 (ii) the county provides a written notice of violation in accordance with Subsection
601 (5)(b);

602 (iii) the county holds a hearing and determines that the violation has occurred in
603 accordance with Subsection (5)(d), if the owner files a written objection in accordance with
604 Subsection (5)(b)(iv);

605 (iv) the owner fails to cure the violation within the time period prescribed in the
606 written notice of violation under Subsection (5)(b);

607 (v) the county provides a written notice of lien in accordance with Subsection (5)(c);
608 and

609 (vi) the county records a copy of the written notice of lien described in Subsection
610 (5)(a)(iv) with the county recorder of the county in which the property is located.

611 (b) The written notice of violation shall:

612 (i) describe the specific violation;

613 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
614 to cure the violation that is:

615 (A) no less than 14 days after the day on which the county sends the written notice of
616 violation, if the violation results from the owner renting or offering to rent the internal
617 accessory dwelling unit for a period of less than 30 consecutive days; or

618 (B) no less than 30 days after the day on which the county sends the written notice of
619 violation, for any other violation; and

620 (iii) state that if the owner of the property fails to cure the violation within the time
621 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an
622 amount of up to \$100 for each day of violation after the day on which the opportunity to cure
623 the violation expires;

624 (iv) notify the owner of the property:
625 (A) that the owner may file a written objection to the violation within 14 days after the
626 day on which the written notice of violation is post-marked or posted on the property; and
627 (B) of the name and address of the county office where the owner may file the written
628 objection;
629 (v) be mailed to:
630 (A) the property's owner of record; and
631 (B) any other individual designated to receive notice in the owner's license or permit
632 records; and
633 (vi) be posted on the property.
634 (c) The written notice of lien shall:
635 (i) comply with the requirements of Section [38-12-102](#);
636 (ii) describe the specific violation;
637 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
638 the day on which the opportunity to cure the violation expires;
639 (iv) be mailed to:
640 (A) the property's owner of record; and
641 (B) any other individual designated to receive notice in the owner's license or permit
642 records; and
643 (v) be posted on the property.
644 (d) (i) If an owner of property files a written objection in accordance with Subsection
645 (5)(b)(iv), the county shall:
646 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
647 Act, to conduct a review and determine whether the specific violation described in the written
648 notice of violation under Subsection (5)(b) has occurred; and
649 (B) notify the owner in writing of the date, time, and location of the hearing described
650 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
651 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a

652 county may not record a lien under this Subsection (5) until the county holds a hearing and
653 determines that the specific violation has occurred.

654 (iii) If the county determines at the hearing that the specific violation has occurred, the
655 county may impose a lien in an amount of up to \$100 for each day of violation after the day on
656 which the opportunity to cure the violation expires, regardless of whether the hearing is held
657 after the day on which the opportunity to cure the violation has expired.

658 (e) If an owner cures a violation within the time period prescribed in the written notice
659 of violation under Subsection (5)(b), the county may not hold a lien against the property, or
660 impose any penalty or fee on the owner, in relation to the specific violation described in the
661 written notice of violation under Subsection (5)(b).

662 (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an
663 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
664 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
665 notice in the office of the recorder of the county in which the primary dwelling is located.

666 (b) The notice described in Subsection (6)(a) shall include:

667 (i) a description of the primary dwelling;

668 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

669 and

670 (iii) a statement that the internal accessory dwelling unit may only be used in
671 accordance with the county's land use regulations.

672 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a
673 copy of the notice to the owner of the internal accessory dwelling unit.

674 Section 11. Section **17-50-338** is amended to read:

675 **17-50-338. Ordinances regarding short-term rentals -- Prohibition on ordinances**
676 **restricting speech on short-term rental websites.**

677 (1) As used in this section:

678 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
679 [10-9a-511.5](#).

680 [~~(a)~~] (b) "Residential unit" means a residential structure or any portion of a residential
681 structure that is occupied as a residence.

682 [~~(b)~~] (c) "Short-term rental" means a residential unit or any portion of a residential unit
683 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
684 30 consecutive days.

685 [~~(c)~~] (d) "Short-term rental website" means a website that:

686 (i) allows a person to offer a short-term rental to one or more prospective renters; and

687 (ii) facilitates the renting of, and payment for, a short-term rental.

688 (2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a legislative
689 body may not:

690 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
691 short-term rental on a short-term rental website; or

692 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
693 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
694 rental on a short-term rental website.

695 (3) Subsection (2) does not apply to an individual who lists or offers an internal
696 accessory dwelling unit as a short-term rental on a short-term rental website if the county
697 records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

698 Section 12. Section 35A-8-504.5 is enacted to read:

699 **35A-8-504.5. Low-income ADU loan guarantee pilot program.**

700 (1) As used in this section:

701 (a) "Accessory dwelling unit" means the same as that term is defined in Section
702 10-9a-103.

703 (b) "Borrower" means a residential property owner who receives a low-income ADU
704 loan from a lender.

705 (c) "Lender" means a trust company, savings bank, savings and loan association, bank,
706 credit union, or any other entity that provides low-income ADU loans directly to borrowers.

707 (d) "Low-income ADU loan" means a loan made by a lender to a borrower for the

708 purpose of financing the construction of an accessory dwelling unit that is:

709 (i) located on the borrower's residential property; and

710 (ii) rented to a low-income individual.

711 (e) "Low-income individual" means an individual whose household income is less than

712 80% of the area median income.

713 (f) "Pilot program" means the two-year pilot program created in this section.

714 (2) The executive director shall establish a two-year pilot program to provide loan

715 guarantees on behalf of borrowers for the purpose of insuring the repayment of low-income

716 ADU loans.

717 (3) The executive director may not provide a loan guarantee for a low-income ADU

718 loan under the pilot program unless:

719 (a) the lender:

720 (i) agrees in writing to participate in the pilot program;

721 (ii) makes available to prospective borrowers the option of receiving a low-income

722 ADU loan that:

723 (A) has a term of 15 years; and

724 (B) charges interest at a fixed rate;

725 (iii) monitors the activities of the borrower on a yearly basis during the term of the loan

726 to ensure the borrower's compliance with:

727 (A) Subsection (3)(c); and

728 (B) any other term or condition of the loan; and

729 (iv) promptly notifies the executive director in writing if the borrower fails to comply

730 with:

731 (A) Subsection (3)(c); or

732 (B) any other term or condition of the loan;

733 (b) the loan terms of the low-income ADU loan:

734 (i) are consistent with the loan terms described in Subsection (3)(a)(ii); or

735 (ii) if different from the loan terms described in Subsection (3)(a)(ii), are mutually

736 agreed upon by the lender and the borrower; and

737 (c) the borrower:

738 (i) agrees in writing to participate in the pilot program;

739 (ii) constructs an accessory dwelling unit on the borrower's residential property within

740 one year after the day on which the borrower receives the loan;

741 (iii) occupies the primary residence to which the accessory dwelling unit is associated:

742 (A) after the accessory dwelling unit is completed; and

743 (B) for the remainder of the term of the loan; and

744 (iv) rents the accessory dwelling unit to a low-income individual:

745 (A) after the accessory dwelling unit is completed; and

746 (B) for the remainder of the term of the loan.

747 (4) At the direction of the board, the executive director shall make rules in accordance
748 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

749 (a) the minimum criteria for lenders and borrowers to participate in the pilot program;

750 (b) the terms and conditions for loan guarantees provided under the pilot program,
751 consistent with Subsection (3); and

752 (c) procedures for the pilot program's loan guarantee process.

753 (5) The executive director shall submit a report on the pilot program to the Business
754 and Labor Interim Committee on or before November 30, 2023.

755 Section 13. Section **35A-8-505** is amended to read:

756 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
757 **director.**

758 At the direction of the board, the executive director may:

759 (1) provide fund money to any of the following activities:

760 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

761 (b) matching funds for social services projects directly related to providing housing for
762 special-need renters in assisted projects;

763 (c) the development and construction of accessible housing designed for low-income

764 persons;

765 (d) the construction or improvement of a shelter or transitional housing facility that
766 provides services intended to prevent or minimize homelessness among members of a specific
767 homeless subpopulation;

768 (e) the purchase of an existing facility to provide temporary or transitional housing for
769 the homeless in an area that does not require rezoning before providing such temporary or
770 transitional housing;

771 (f) the purchase of land that will be used as the site of low-income housing units;

772 (g) the preservation of existing affordable housing units for low-income persons; [~~and~~]

773 (h) providing loan guarantees under the two-year pilot program established in Section
774 35A-8-504.5; and

775 [~~(h)~~] (i) other activities that will assist in minimizing homelessness or improving the
776 availability or quality of housing in the state for low-income persons; and

777 (2) do any act necessary or convenient to the exercise of the powers granted by this part
778 or reasonably implied from those granted powers, including:

779 (a) making or executing contracts and other instruments necessary or convenient for
780 the performance of the executive director and board's duties and the exercise of the executive
781 director and board's powers and functions under this part, including contracts or agreements for
782 the servicing and originating of mortgage loans;

783 (b) procuring insurance against a loss in connection with property or other assets held
784 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

785 (c) entering into agreements with a department, agency, or instrumentality of the
786 United States or this state and with mortgagors and mortgage lenders for the purpose of
787 planning and regulating and providing for the financing and refinancing, purchase,
788 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
789 or other disposition of residential housing undertaken with the assistance of the department
790 under this part;

791 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,

792 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
793 personal property obtained by the fund due to the default on a mortgage loan held by the fund
794 in preparation for disposition of the property, taking assignments of leases and rentals,
795 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
796 performance of its duties; and

797 (e) selling, at a public or private sale, with public bidding, a mortgage or other
798 obligation held by the fund.

799 Section 14. Section **57-8a-209** is amended to read:

800 **57-8a-209. Rental restrictions.**

801 (1) (a) Subject to Subsections (1)(b), (5), [~~and~~] (6), and (10), an association may:

802 (i) create restrictions on the number and term of rentals in an association; or

803 (ii) prohibit rentals in the association.

804 (b) An association that creates a rental restriction or prohibition in accordance with
805 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of
806 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,
807 conditions, and restrictions.

808 (2) If an association prohibits or imposes restrictions on the number and term of
809 rentals, the restrictions shall include:

810 (a) a provision that requires the association to exempt from the rental restrictions the
811 following lot owner and the lot owner's lot:

812 (i) a lot owner in the military for the period of the lot owner's deployment;

813 (ii) a lot occupied by a lot owner's parent, child, or sibling;

814 (iii) a lot owner whose employer has relocated the lot owner for two years or less;

815 (iv) a lot owned by an entity that is occupied by an individual who:

816 (A) has voting rights under the entity's organizing documents; and

817 (B) has a 25% or greater share of ownership, control, and right to profits and losses of
818 the entity; or

819 (v) a lot owned by a trust or other entity created for estate planning purposes if the trust

820 or other estate planning entity was created for:

821 (A) the estate of a current resident of the lot; or

822 (B) the parent, child, or sibling of the current resident of the lot;

823 (b) a provision that allows a lot owner who has a rental in the association before the

824 time the rental restriction described in Subsection (1)(a) is recorded with the county recorder of

825 the county in which the association is located to continue renting until:

826 (i) the lot owner occupies the lot;

827 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a

828 similar position of ownership or control of an entity or trust that holds an ownership interest in

829 the lot, occupies the lot; or

830 (iii) the lot is transferred; and

831 (c) a requirement that the association create, by rule or resolution, procedures to:

832 (i) determine and track the number of rentals and lots in the association subject to the

833 provisions described in Subsections (2)(a) and (b); and

834 (ii) ensure consistent administration and enforcement of the rental restrictions.

835 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the

836 following occur:

837 (a) the conveyance, sale, or other transfer of a lot by deed;

838 (b) the granting of a life estate in the lot; or

839 (c) if the lot is owned by a limited liability company, corporation, partnership, or other

840 business entity, the sale or transfer of more than 75% of the business entity's share, stock,

841 membership interests, or partnership interests in a 12-month period.

842 (4) This section does not limit or affect residency age requirements for an association

843 that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.

844 3607.

845 (5) A declaration of covenants, conditions, and restrictions or amendments to the

846 declaration of covenants, conditions, and restrictions recorded before the transfer of the first lot

847 from the initial declarant may prohibit or restrict rentals without providing for the exceptions,

848 provisions, and procedures required under Subsection (2).

849 (6) (a) Subsections (1) through (5) do not apply to:

850 (i) an association that contains a time period unit as defined in Section 57-8-3;

851 (ii) any other form of timeshare interest as defined in Section 57-19-2; or

852 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,
853 unless, on or after May 12, 2015, the association:

854 (A) adopts a rental restriction or prohibition; or

855 (B) amends an existing rental restriction or prohibition.

856 (b) An association that adopts a rental restriction or amends an existing rental
857 restriction or prohibition before May 9, 2017, is not required to include the exemption
858 described in Subsection (2)(a)(iv).

859 (7) Notwithstanding this section, an association may restrict or prohibit rentals without
860 an exception described in Subsection (2) if:

861 (a) the restriction or prohibition receives unanimous approval by all lot owners; and

862 (b) when the restriction or prohibition requires an amendment to the association's
863 recorded declaration of covenants, conditions, and restrictions, the association fulfills all other
864 requirements for amending the recorded declaration of covenants, conditions, and restrictions
865 described in the association's governing documents.

866 (8) Except as provided in Subsection (9), an association may not require a lot owner
867 who owns a rental lot to:

868 (a) obtain the association's approval of a prospective renter;

869 (b) give the association:

870 (i) a copy of a rental application;

871 (ii) a copy of a renter's or prospective renter's credit information or credit report;

872 (iii) a copy of a renter's or prospective renter's background check; or

873 (iv) documentation to verify the renter's age; or

874 (c) pay an additional assessment, fine, or fee because the lot is a rental lot.

875 (9) (a) A lot owner who owns a rental lot shall give an association the documents

876 described in Subsection (8)(b) if the lot owner is required to provide the documents by court
 877 order or as part of discovery under the Utah Rules of Civil Procedure.

878 (b) If an association's declaration of covenants, conditions, and restrictions lawfully
 879 prohibits or restricts occupancy of the lots by a certain class of individuals, the association may
 880 require a lot owner who owns a rental lot to give the association the information described in
 881 Subsection (8)(b), if:

882 (i) the information helps the association determine whether the renter's occupancy of
 883 the lot complies with the association's declaration of covenants, conditions, and restrictions;
 884 and

885 (ii) the association uses the information to determine whether the renter's occupancy of
 886 the lot complies with the association's declaration of covenants, conditions, and restrictions.

887 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the
 888 rental of an internal accessory dwelling unit, as defined in Section 10-9a-530, constructed
 889 within a lot owner's residential lot, if the internal accessory dwelling unit complies with all
 890 applicable:

891 (a) land use ordinances;

892 (b) building codes;

893 (c) health codes; and

894 (d) fire codes.

895 [~~(10)~~] (11) The provisions of Subsections (8) [~~and (9)~~] through (10) apply to an
 896 association regardless of when the association is created.

897 Section 15. Section **57-8a-218** is amended to read:

898 **57-8a-218. Equal treatment by rules required -- Limits on association rules and**
 899 **design criteria.**

900 (1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot
 901 owners similarly.

902 (b) Notwithstanding Subsection (1)(a), a rule may:

903 (i) vary according to the level and type of service that the association provides to lot

904 owners;

905 (ii) differ between residential and nonresidential uses; and

906 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
907 limit on the number of individuals who may use the common areas and facilities as guests of
908 the lot tenant or lot owner.

909 (2) (a) If a lot owner owns a rental lot and is in compliance with the association's
910 governing documents and any rule that the association adopts under Subsection (4), a rule may
911 not treat the lot owner differently because the lot owner owns a rental lot.

912 (b) Notwithstanding Subsection (2)(a), a rule may:

913 (i) limit or prohibit a rental lot owner from using the common areas for purposes other
914 than attending an association meeting or managing the rental lot;

915 (ii) if the rental lot owner retains the right to use the association's common areas, even
916 occasionally:

917 (A) charge a rental lot owner a fee to use the common areas; or

918 (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
919 limit on the number of individuals who may use the common areas and facilities as guests of
920 the lot tenant or lot owner; or

921 (iii) include a provision in the association's governing documents that:

922 (A) requires each tenant of a rental lot to abide by the terms of the governing
923 documents; and

924 (B) holds the tenant and the rental lot owner jointly and severally liable for a violation
925 of a provision of the governing documents.

926 (3) (a) A rule criterion may not abridge the rights of a lot owner to display religious
927 and holiday signs, symbols, and decorations inside a dwelling on a lot.

928 (b) Notwithstanding Subsection (3)(a), the association may adopt time, place, and
929 manner restrictions with respect to displays visible from outside the dwelling or lot.

930 (4) (a) A rule may not regulate the content of political signs.

931 (b) Notwithstanding Subsection (4)(a):

- 932 (i) a rule may regulate the time, place, and manner of posting a political sign; and
933 (ii) an association design provision may establish design criteria for political signs.
- 934 (5) (a) A rule may not interfere with the freedom of a lot owner to determine the
935 composition of the lot owner's household.
- 936 (b) Notwithstanding Subsection (5)(a), an association may:
- 937 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
938 or
- 939 (ii) limit the total number of occupants permitted in each residential dwelling on the
940 basis of the residential dwelling's:
- 941 (A) size and facilities; and
942 (B) fair use of the common areas.
- 943 (6) (a) A rule may not interfere with an activity of a lot owner within the confines of a
944 dwelling or lot, to the extent that the activity is in compliance with local laws and ordinances.
- 945 (b) Notwithstanding Subsection (6)(a), a rule may prohibit an activity within a dwelling
946 on an owner's lot if the activity:
- 947 (i) is not normally associated with a project restricted to residential use; or
948 (ii) (A) creates monetary costs for the association or other lot owners;
949 (B) creates a danger to the health or safety of occupants of other lots;
950 (C) generates excessive noise or traffic;
951 (D) creates unsightly conditions visible from outside the dwelling;
952 (E) creates an unreasonable source of annoyance to persons outside the lot; or
953 (F) if there are attached dwellings, creates the potential for smoke to enter another lot
954 owner's dwelling, the common areas, or limited common areas.
- 955 (c) If permitted by law, an association may adopt rules described in Subsection (6)(b)
956 that affect the use of or behavior inside the dwelling.
- 957 (7) (a) A rule may not, to the detriment of a lot owner and over the lot owner's written
958 objection to the board, alter the allocation of financial burdens among the various lots.
- 959 (b) Notwithstanding Subsection (7)(a), an association may:

- 960 (i) change the common areas available to a lot owner;
- 961 (ii) adopt generally applicable rules for the use of common areas; or
- 962 (iii) deny use privileges to a lot owner who:
 - 963 (A) is delinquent in paying assessments;
 - 964 (B) abuses the common areas; or
 - 965 (C) violates the governing documents.
- 966 (c) This Subsection (7) does not permit a rule that:
 - 967 (i) alters the method of levying assessments; or
 - 968 (ii) increases the amount of assessments as provided in the declaration.
- 969 (8) (a) Subject to Subsection (8)(b), a rule may not:
 - 970 (i) prohibit the transfer of a lot; or
 - 971 (ii) require the consent of the association or board to transfer a lot.
- 972 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 973 (9) (a) A rule may not require a lot owner to dispose of personal property that was in or
- 974 on a lot before the adoption of the rule or design criteria if the personal property was in
- 975 compliance with all rules and other governing documents previously in force.
 - 976 (b) The exemption in Subsection (9)(a):
 - 977 (i) applies during the period of the lot owner's ownership of the lot; and
 - 978 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of
 - 979 the rule described in Subsection (9)(a).
- 980 (10) A rule or action by the association or action by the board may not unreasonably
- 981 impede a declarant's ability to satisfy existing development financing for community
- 982 improvements and right to develop:
 - 983 (a) the project; or
 - 984 (b) other properties in the vicinity of the project.
- 985 (11) A rule or association or board action may not interfere with:
 - 986 (a) the use or operation of an amenity that the association does not own or control; or
 - 987 (b) the exercise of a right associated with an easement.

988 (12) A rule may not divest a lot owner of the right to proceed in accordance with a
989 completed application for design review, or to proceed in accordance with another approval
990 process, under the terms of the governing documents in existence at the time the completed
991 application was submitted by the owner for review.

992 (13) Unless otherwise provided in the declaration, an association may by rule:

993 (a) regulate the use, maintenance, repair, replacement, and modification of common
994 areas;

995 (b) impose and receive any payment, fee, or charge for:

996 (i) the use, rental, or operation of the common areas, except limited common areas; and

997 (ii) a service provided to a lot owner;

998 (c) impose a charge for a late payment of an assessment; or

999 (d) provide for the indemnification of the association's officers and board consistent
1000 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

1001 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of
1002 a residential lot from constructing an internal accessory dwelling unit, as defined in Section
1003 10-9a-530, within the owner's residential lot.

1004 (b) Subsection (14)(a) does not apply if the construction would violate:

1005 (i) a local land use ordinance;

1006 (ii) a building code;

1007 (iii) a health code; or

1008 (iv) a fire code.

1009 [~~14~~] (15) A rule shall be reasonable.

1010 [~~15~~] (16) A declaration, or an amendment to a declaration, may vary any of the
1011 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

1012 [~~16~~] (17) A rule may not be inconsistent with a provision of the association's
1013 declaration, bylaws, or articles of incorporation.

1014 [~~17~~] (18) This section applies to an association regardless of when the association is
1015 created.

- 1016 Section 16. **Effective date.**
- 1017 (1) Except as provided in Subsection (2), this bill takes effect on May 5, 2021.
- 1018 (2) The actions affecting the following sections take effect on October 1, 2021:
- 1019 (a) Section [10-8-85.4](#);
- 1020 (b) Section [10-9a-530](#);
- 1021 (c) Section [17-27a-526](#);
- 1022 (d) Section [17-50-338](#);
- 1023 (e) Section [57-8a-209](#); and
- 1024 (f) Section [57-8a-218](#).