

SOUTH JORDAN CITY  
CITY COUNCIL STUDY MEETING

March 19, 2024

**Present:** Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Commerce Brian Preece, Director of Strategy & Budget Don Tingey, IT Director Jon Day, Associate Director of Parks Colby Hill, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Director of Planning Steven Schaefermeyer, Lieutenant Police Chief Rob Hansen, Fire Chief Chris Dawson, Communications Manager Rachael Van Cleave, Recreation Director Janell Payne, Senior Systems Administrator Phill Brown, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Arts Program Director Tiffany Parker, City Planner Greg Schindler, Planner Damir Drozdek, Director of Human Resources Teresa Cook

**Absent:**

**Others:** Sara Elbert, Lucas Millhouse, Alan Matheson, Chase Andrizzi, Andy, Cameron Jackson

4:39 P.M.  
STUDY MEETING

**A. Welcome, Roll Call, and Introduction:** *By Mayor, Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting, excusing Council Member Harris and noting he would be joining the meeting soon.

**B. Invocation:** *By Council Member, Kathie L. Johnson*

Council Member Johnson offered the invocation.

**C. Mayor and Council Coordination** - *None*

**D. Discussion/Review of Regular Council Meeting**

**Public Hearing Items:**

-Ordinance 2024-05, Adopting an amended and updated Impact Fee for Public Safety; establishing certain policies related to impact fees for public safety facilities; establishing service area; and/or other related matters.

- Ordinance 2024-06, Re-adopting the City's Construction Standards and Specifications.
- Ordinance 2024-07, Vacating a portion of ROW on the West side of Prosperity Road running South from Lake Avenue approximately 163 feet.
- Zoning Ordinance 2024-04-Z, Rezoning property locates at 10593 South 3200 West.

## **E. Presentation Items**

### **E.1.** South Jordan Art's Council member appointment. *(By Arts Program Director, Tiffany Parks)*

**Sarah Elbert (Applicant)** – She moved to Daybreak about a year ago and has five kids. She is a retired teacher who loves the arts. She has an online boutique with local artists in it, along with doing local workshops with friends at local venues. At the Art Swap, Council Member McGuire shared there were opening for the Art's Council and she was interested in expanding her involvement and volunteering.

**Lucas Millhouse (Applicant)** – Has been a South Jordan resident for two years. He is a filmmaker and videographer, also a former theater kid. He wants to be involved to see the theater grow, as he only saw one production last year and there should be three. He has 4 kids, and would love to see more opportunities for kids their age to participate more.

Council Member McGuire asked about Sarah's specific medium she uses.

Sarah responded that when she did arts integration at the high school level she worked with everything, but recently she has done mostly watercolor and acrylic painting.

Council Member Zander asked where in the city each applicant was located and that was discussed, she was satisfied that they were spread throughout the city.

### **E.2.** The Point Update. *(By The Point Operations Director, Don Willie)*

**Alan Matheson (Executive Director for The Point)** reviewed his prepared presentation (Attachment A).

Mayor Ramsey noted that the Board made a formal resolution of support for extending the Red Line from South Jordan.

Council Member Zander asked if the River to Range trail will be adjacent to the TRAX land.

Mr. Matheson responded that no, they will be separate. He also noted that he has been in discussion with the Larry H. Miller Group about connections in the future with Daybreak as

well. He then continued reviewing Attachment A, noting that the chapel is the only building left on the land currently and is for sale to the public to maintain it.

## **F. Discussion Items**

### **F.1. Altitude Housing Development, 515 W Ultracent Dr. (DAI Applicant). (By Director of Planning, Steven Schaefermeyer)**

Director Schaefermeyer reviewed background information from the Council Report and introduced those in attendance with the developer.

**Chase Andrizzi (DAI, Applicant)** introduced himself and reviewed his prepared presentation on the Altitude Housing Development (Attachment B).

Director Schaefermeyer added that all the open land south of this project is owned by the US Government or other conservation groups, and gaining access to that land has been impossible in the past, despite the additional connectivity that access would offer.

Mr. Andrizzi continued reviewing his prepared presentation (Attachment B). The current plan for these units is for them to be “for rent” with the parking planned accordingly.

### **Council Member Harris joined the meeting.**

Mr. Andrizzi continued reviewing Attachment B.

Council Member Zander asked about specific benefits to the city having these units as rentals, versus owner occupied.

Mr. Andrizzi responded there is a need for housing, and there are a variety of ways to solve that issue. Providing housing, whether for rent or for sale, helps that, but there are people choosing to rent for their own reason, and who are looking to rent something more than an apartment but less than a home.

Council Member Zander expressed that she has no issue with renters. However, her thought is that if someone is going to pay that money for rent, that money put towards a mortgage gives them ownership towards the future, putting them on a pathway to personal wealth, ownership and gain rather than a landlord getting all that gain. She is not in favor of this being a rental and would much rather see it being owner occupied.

Mr. Andrizzi responded that can always be discussed, but he is not the only person making that decision today. He has noted her response, and they knew coming in that was going to be a discussion point tonight.

Mayor Ramsey noted that hours of meetings with legislators in the past year have focused on the lack of for sale products. Cities have taken immense heat for approving projects like The Rise

that are all rentals, including punitive legislative changes in zoning. Everyone is aware that the legislature and Governor have been very forthcoming with their expectations that for sale product is what they are expecting. There have been so many rentals built that people can't buy something like this that they used to be able to purchase as a first home in the past. That opinion is not likely to change any time soon, and it is even being said that all the rentals aren't moving the needle on housing because people aren't buying it. She doesn't disagree with them as she has sat through all those meetings and heard all the discussions.

Mr. Andrizzi noted that they are aware of Senator Fillmore's bill regarding affordable housing, and that they are willing to look through that with the city to see what that might have to offer for this project.

Council Member Shelton noted that Mr. Andrizzi stated they could not build a for sale product in this area, and he asked what the hurdles are he is seeing to making that product available.

Mr. Andrizzi noted that it's not something they are currently doing, and he knows there are plenty of others who would love to build a for sale project here. The financing is completely different on a for rent project, and they have the ability to put more into it in the way of amenities. There is an HOA managing everything, which they believe can be done to a much higher degree when it's managed by one entity.

Council Member Harris noted that there are rentals all around this area, and some of them were given to DAI. In those circumstances they looked at the situation and agreed to those because of their location and necessity in the area. He just doesn't feel that this specific project carries a benefit to the city or area being rentals.

Council Member Zander shared some things she appreciated about this project, specifically the use of the slope and open space. She enjoyed the accessibility potential for the public going through this area on the trails as well. In addition, she asked that the greenspace is enough to accommodate all the units, especially since the wetlands adjoining the area are unusable to the residents.

## **F.2. ADU discussion. (*By Director of Planning, Steven Schaefermeyer*)**

Director Schaefermeyer provided background from previous discussions, and shared the draft document with proposed changes to city code (Attachment C) as well as the current state municipal code requirements for ADUs (Attachment D). The Council and staff discussed the proposed changes for external ADUs and what they would mean for residents, with Director Schaefermeyer emphasizing the following points:

- Only one ADU is allowed, property owners must choose either an internal or external ADU, they still cannot have both.
- ADUs in Daybreak are still regulated by the zone and the development agreement. Any changes to city code would not change regulations in Daybreak.

Council members shared the following concerns regarding internal ADUs:



- Council Member Shelton mentioned residents complaining about multiple families living in one home, creating a host of issues including parking problems.
- Council Member Johnson mentioned a resident complaining about a neighbor renting multiple rooms.
- Council Member Zander tends to hear about people with basement accesses wanting to add a kitchenette and rent out the space. It would be nice to have a clear response regarding that to share with residents.

Director Schaefermeyer addressed the concerns shared and discussion was had between staff and the Council. Regarding Daybreak, if they wanted to allow ADUs, it would require opening the development agreement for changes to allow that.

## **ADJOURNMENT**

**Council Member Johnson motioned to adjourn the March 19, 2024 City Council Study Meeting. Council Member Zander seconded the motion; vote was 5-0 unanimous in favor.**

The March 19, 2024 City Council Study meeting adjourned at 6:28 p.m.

**This is a true and correct copy of the March 19, 2024 City Council Study Meeting Minutes, which were approved on April 2, 2024.**

*Anna Crookston*

**South Jordan City Recorder**

# THE POINT

Building Utah's Innovation Community



# A GENERATIONAL OPPORTUNITY

**Why Utah has a 'once in a generation' opportunity unique to any other place in the world**

By Art Raymond | @DNTechHive | Sep 22, 2019, 10:00pm MDT

**Here's how 'The Point' is giving Utah the opportunity to 'focus on the future'**

By Logan Stefanich, KSL.com | Posted - July 12, 2022 at 4:23 p.m.

WASATCH FRONT NEWS

**'People-focused' development planned in first phase of The Point redevelopment**

by: Derick Fox  
Posted: Dec 13, 2022 / 10:08 AM MST  
Updated: Dec 13, 2022 / 10:08 AM MST

**Utah's generational opportunity at Point of the Mountain**

Bryan Schott • September 4, 2019

OPINION UTAH BUSINESS

**The eyes of the nation will soon focus on Utah's prison-turned-economic engine**

By Deidre Henderson and Lowry Snow | Dec 11, 2021, 9:59pm MDT

FEATURED

**The Point continues working toward its 'grand vision'**

by Jack Dodson / May 1, 2023 /



# THE BOARD



**JORDAN TEUSCHER**  
Co-Chair, Land  
Authority



**LOWRY SNOW**  
Co-Chair, Land Authority



**APRIL COOPER**  
CEO of Alpine Companies



**LINCOLN FILLMORE**  
Senator  
State of Utah



**GEOFFREY LANDWARD**  
Acting Commissioner of  
Higher Education



**JENNY WILSON**  
Mayor  
Salt Lake County



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Representative  
State of Utah



**RYAN STARKS**  
Executive Director  
Governor's Office Economic  
Opportunity



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Mayor  
South Jordan City



**JIM RUSSELL**  
Director  
Division of Facilities



**JERRY STEVENSON**  
Senator  
State of Utah



**TROY WALKER**  
Mayor  
Draper City



# GUIDING PRINCIPLES

- Promote the Public Interest
- Set the Standard
- Think Regionally
- Take the Long View
- Be Open and Transparent
- Act with Integrity

# DEMOLITION



## RECYCLED MATERIALS

70% 

## CONCRETE

Enough concrete to lay the foundation of 1,040 homes



## TRUCK TRIPS REDUCED

Reduced **7,857** truck trips

*(Reducing 160,000 miles of truck traffic and improving air quality)*



## STEEL

Enough steel for **66** four-story commercial office buildings



## REBAR

The equivalent weight of over **541** cars.



## IRON

Enough iron to make **22,795** I-beams



## ASPHALT

Enough asphalt to pave **5** miles of road



# PHASE I DEVELOPMENT

AT THE POINT





# PHASE I DEVELOPMENT AGREEMENT

- Phase One development agreement signed on November 27, 2023.
- Sets clear development standards for Phase One.
- Establishes performance metrics for development partner.





# PHASE I APPROACH

- Provides solid direction to guide future development
- Includes built-in flexibility to respond to changing conditions
- Based on market analysis, data collection, and 16,000 responses from Utahns





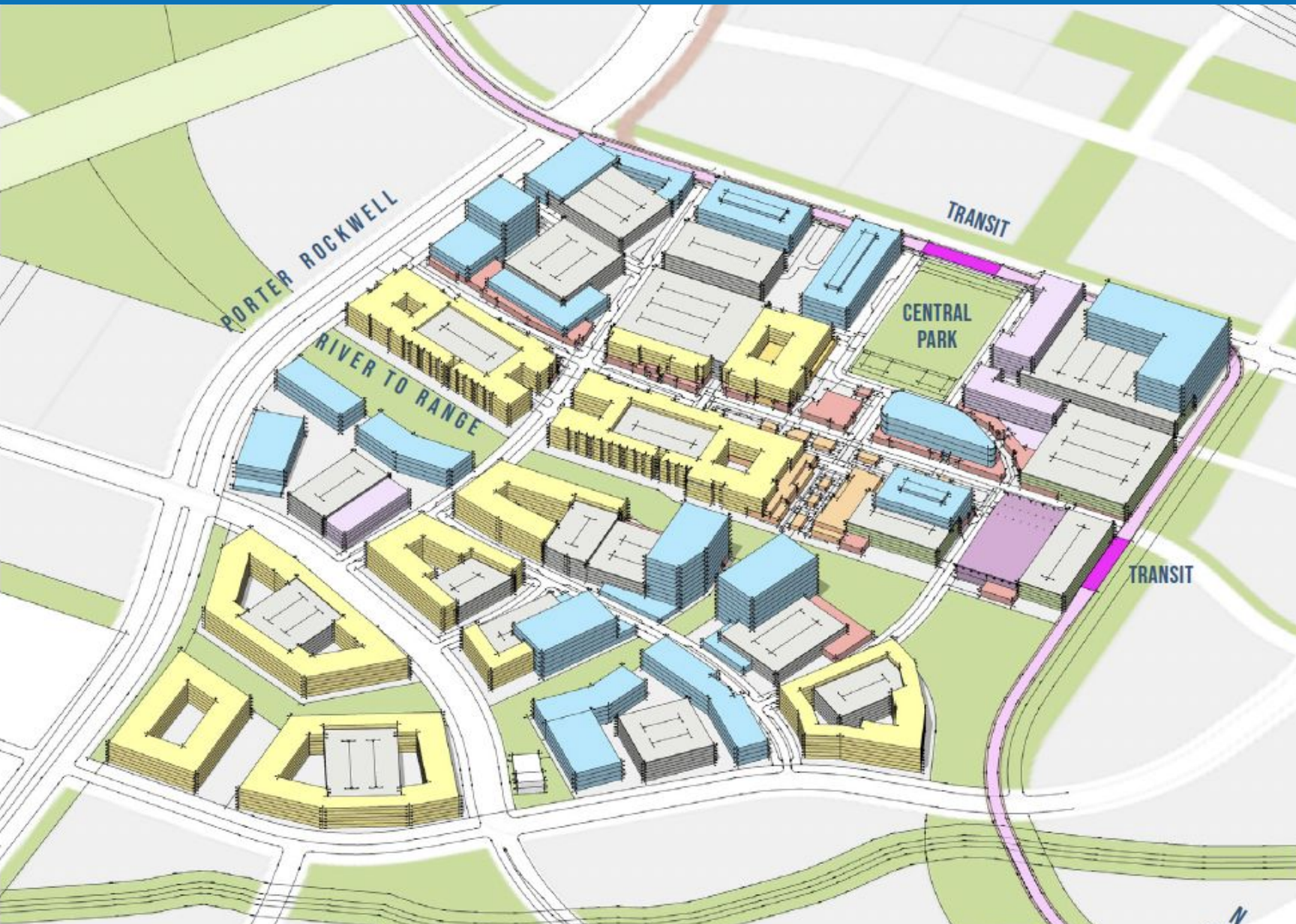
# PHASE I BY THE NUMBERS

- 3,300 Multi-Family Units
- 12.5% Affordable Housing Units
- 14,000 High-Quality Jobs
- 12,650 Parking Stalls
- 6 Miles of Road & 10 Miles of Trails
- 540 Hotel Rooms
- 60,000 SqFt Entertainment Venue
- 356,000 SqFt World-Class Retail
- 100% Drought Tolerant Landscaping





# THE VISION



PROGRAM	APPROXIMATE AREAS
OFFICE	OVER 2 MILLION SQFT
RESIDENTIAL	3 MILLION SQFT
RETAIL	356K SQFT
HOSPITALITY	381K SQFT
EVENT CENTER	60K SQFT
OPEN SPACE	16.23 ACRES
DEVELOPABLE AREA	65.35 ACRES
TOTAL STUDY AREA(ACRES)	98.5 ACRES
GROSS FAR	1.5
NET FAR (NET OF PARKS AND R2R)	2.2









SINGLE FAMILY HOMES



CONDOMINIMUMS

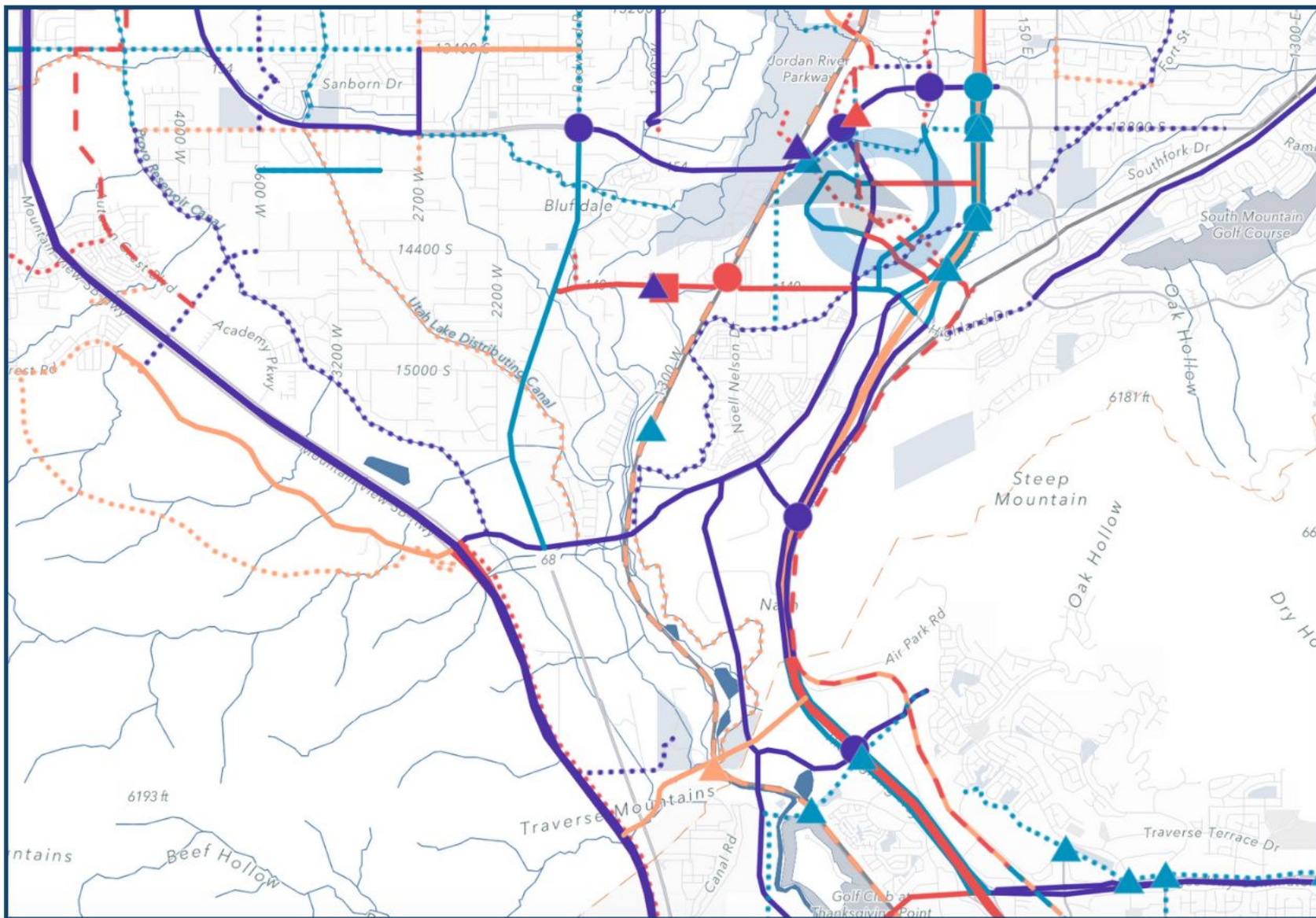








AFFORDABLE HOUSING



APARTMENTS

# TRANSPORTATION



-  FrontRunner Upgrade
-  New BRT Line
-  New/Widening Road
-  New Shared Walkway
-  New Overhead Ped/Bike Crossing
-  Upgraded/New Interchange

# INNOVATION

AT THE POINT







# THE EXPERIENCE

AT THE POINT





DARE

BOWL

CAFE

JAZZ  
MUSIC FESTIVAL

BLUNE

BOUQUIN























An aerial photograph of a city, likely Salt Lake City, with a large mountain range in the background. The image is overlaid with a semi-transparent blue circular graphic on the left side. The text "THANK YOU" is written in large, white, sans-serif capital letters in the center-right of the image.

THANK  
YOU





ALTITUDE

# Site Details





Located in South Jordan



10000 S



Jordan Gateway

Ultradent Drive

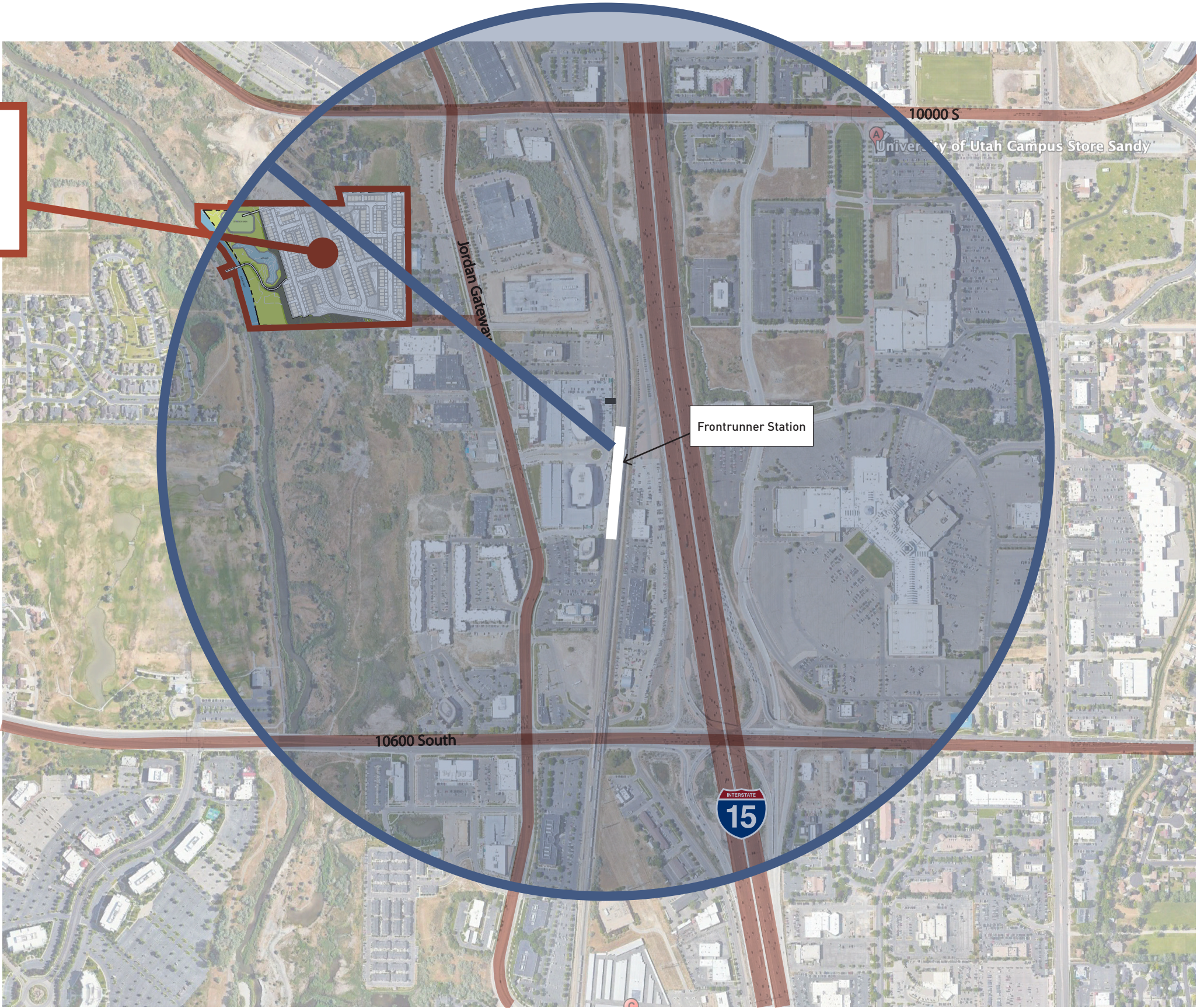




# Proximity to Frontrunner — Half Mile Radius



Proximity to Frontrunner	
Half Mile Radius	
Altitude Property	
Frontrunner Station	





# Site Plan | Unit Mix



Townhome Unit Type Key	
Front-Load	6
Front-Load	12
3-Story Rear-Load	101
3-Story Tuck Under Rear-Load	67
Total Units	186









# Community Pedestrian Paths






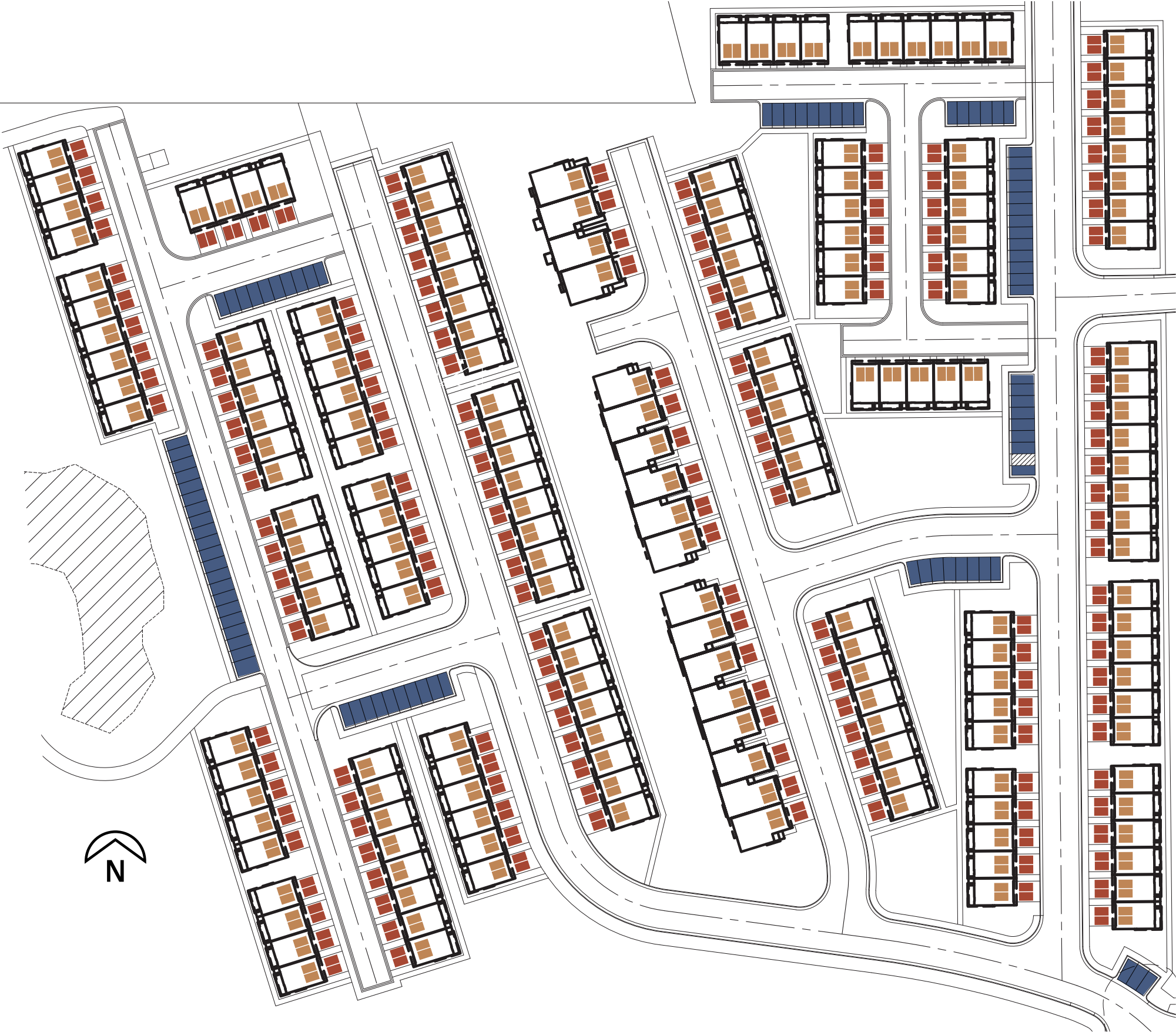
Pedestrian Paths	
5' Sidewalk	
10' Trail	



# Parking Spaces

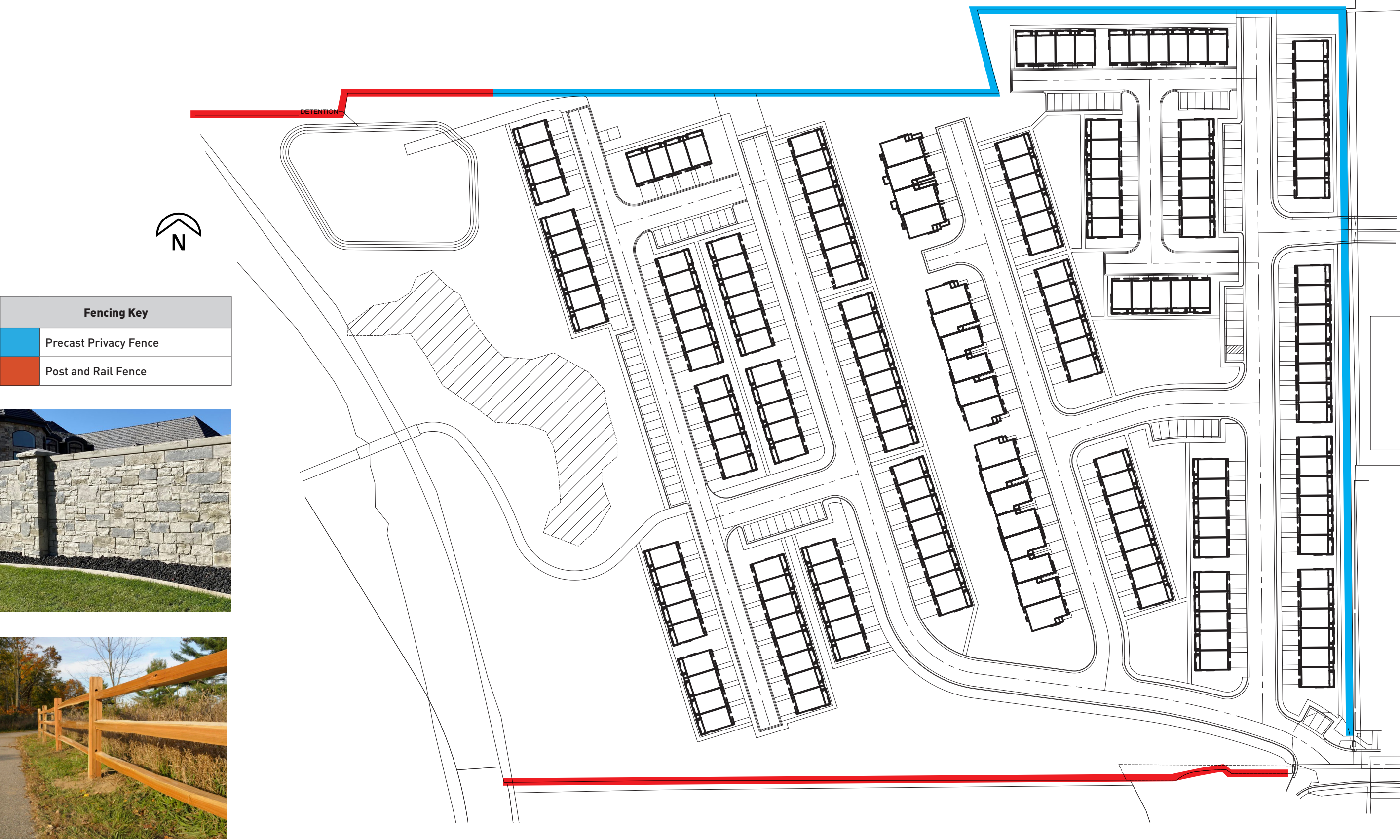




Parking Spaces		
	Surface Spaces	87
	Driveway Spaces	342
	Garage Spaces	372
Total Spaces		801
Average Spaces Per Unit		4.3

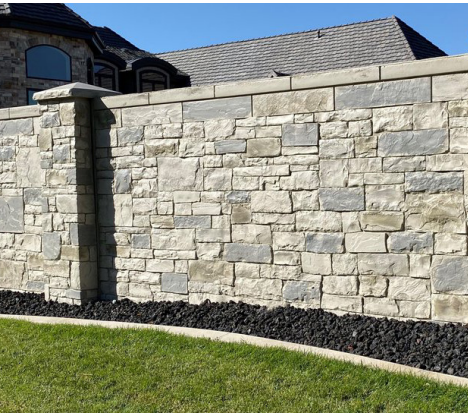




# Fencing Plan



Fencing Key	
	Precast Privacy Fence
	Post and Rail Fence



# Townhome Design





# Rear-Load Townhome Conceptual Rendering





# Rear-Load Townhome Conceptual Rendering





# Rear-Load Townhome Conceptual Rendering





# Front-Load Townhome Conceptual Rendering









**DRAFT****AMENDMENT TO ACCESSORY DWELLING FLOATING ZONE**

(Deletions in ~~striketrough~~ and new language in **bold underline**)

**17.08.010: DEFINITIONS**

ACCESSORY DWELLING UNIT OR ADU: A Life Safety and Building Code compliant dwelling unit with contiguous floor space that is incidental and subordinate to a single-family residential unit of one of the following two (2) types:

Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one (1) unit, that includes a kitchen and bathroom ~~separated from the primary dwelling by a wall, door, finished entryway, or other physical barrier that limits or restricts continuous free flow access to the ADU.~~

Guesthouse: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.

**17.130.030: ACCESSORY DWELLING UNIT FLOATING ZONE****17.130.030.010: PURPOSE****17.130.030.020: REVIEW PROCESS****17.130.030.030: PROHIBITIONS****17.130.030.040: INSPECTIONS****17.130.030.050: PRIOR USE****17.130.030.060: APPEALS****17.130.030.010: PURPOSE**

Accessory dwelling units or ADUs, as defined in section 17.08.010 of this Title, are intended to provide affordable housing units, economic relief to homeowners, and create desirable housing forms that appeal to households and individuals at a variety of stages in the life cycle. The Accessory Dwelling Unit Floating Zone provides regulations and design standards for ADUs. Acceptable ADUs shall be one of the following two (2) types (see section 17.08.010 of this Title for definitions):

Internal Accessory Dwelling Unit **or IADU**: An ADU, that qualifies as an internal ADU under Utah State ~~Code~~**Law**, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one unit, that includes a kitchen and bathroom ~~separated from the primary dwelling by a wall, door, finished entryway, or other physical barrier that limits or restricts continuous free flow access to the ADU.~~

Guesthouse: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.



#### **17.130.030.020: REVIEW PROCESS**

The use of the Accessory Dwelling Unit Floating Zone may only be established in conformance with the review procedures of this section. Applicants shall follow the procedures, requirements, and standards of this Code. The use of the Accessory Dwelling Unit Floating Zone shall be conducted in accordance with approved plans.

- A. Planning Department Approval: All Internal Accessory Dwelling Units and guesthouses shall require the approval of the Planning Department before they are occupied. Applicants shall electronically submit to the Planning Department an accessory dwelling unit application that includes (1) a site plan that is drawn to scale that clearly shows the location of all existing and new structures, parking, driveways, and walkways; and (2) a floor plan that is drawn to scale with room labels and indicating designated use.
1. Resident Occupancy: For all accessory dwelling units, the owner of the property, as reflected in title records, shall make his or her legal residence on the property as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.
  2. Standards: The Planning Department shall approve accessory dwelling unit applications upon the following standards being met:
    - a. Zoning: The Accessory Dwelling Unit Floating Zone shall be applied to conforming single-family dwellings in the following zones: A-5, A-1, R-1.8, R-2.5, R-3, R-4 and R-5. ~~Guesthouses shall only be approved in the A-5, A-1, and R-1.8 Zones.~~ Approved accessory dwelling units shall meet the requirements of the underlying zone. Only one (1) ADU is allowed per lot. ADUs are not allowed in conjunction with mobile homes or any form of attached housing units.
    - b. Lot Size: An internal ADU shall only be approved on a lot that is greater than six thousand (6,000) square feet in area. A guesthouse shall only be approved on a lot that is equal to or greater than fourteen thousand five hundred twenty (14,520) square feet in area. The addition of an accessory dwelling unit shall not violate the maximum building coverage requirements outlined in sections 17.40.020 and 17.30.020 of this Title.
    - c. Parking: A minimum of one (1) off-street parking spaces, in addition to those already required for the single-family home, shall be provided for an accessory dwelling unit and shall not render the required parking spaces for the single-family home inaccessible. All parking spots shall meet the requirements of Chapter 16.26 of this Code.
    - d. Setbacks: All ADUs that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling or construction of a guesthouse) shall comply with the following requirements:
      - (1) Setbacks, ADUs shall comply with the setbacks of the underlying zone or as approved with the subdivision. Guesthouses shall comply with the required setbacks of the underlying zone for an accessory building, however, in no case shall a guesthouse be located closer than ten feet (10') from a side or rear property line.



- (2) Exterior Appearance: ADUs shall be designed so that the appearance of the lot, building structure, and landscaping retain the character of a single-family neighborhood.
  - (3) Architectural Compatibility: ADUs shall be designed and constructed to be compatible with the exterior of the primary dwelling (e.g., exterior materials, colors, and roof pitch) in order to maintain the appearance of the primary dwelling as a single-family dwelling.
- e. Guesthouse Maximum Size: In all cases a guesthouse shall remain subordinate and incidental to the primary dwelling. No guesthouse shall have more than three (3) bedrooms. The floor space of a guesthouse shall comprise no more than thirty-five percent (35%) of the living area of the primary dwelling or be greater than one thousand five hundred (1,500) square feet, whichever is less, unless, in the opinion of the Planning Commission, a greater amount of floor area is warranted.
3. Affidavit: Applicants for ADUs shall sign and record an affidavit stating that the owner will comply with all regulations of the Accessory Dwelling Unit Floating Zone and will live in either the primary or accessory dwelling unit as their permanent residence. The affidavit shall also include authorization of annual inspections of the ADU by City Staff to ensure compliance with all regulations of the Accessory Dwelling Unit Floating Zone.
- B. Building Permit Requirements: In addition to the approval required from the Planning Department, all accessory dwelling units that propose construction or remodeling shall require a building permit from the Building Division and shall conform to all applicable standards in the City's adopted Building Codes. The applicant shall obtain all necessary building permits and pay applicable fees prior to any construction, remodeling, or use of any ADU. ADUs shall not be approved on properties that have outstanding ordinance or building violations or are nonconforming uses or structures. Floor plans, architectural elevations, and structural calculations, as may be required, shall be submitted to the Building Division.
- C. Guesthouse Planning Commission Approval: In addition to the requirements of subsections A and B of this section, guesthouses that propose a floor area greater than thirty five percent (35%) of the living area for the primary dwelling or one thousand five hundred (1,500) square feet shall require review and approval by the Planning Commission.

#### **17.130.030.030: PROHIBITIONS**

The installation of additional outside entrances visible from the street, separate utility meters, mailboxes, and addresses, is not permitted as such elements may compromise the appearance of the primary dwelling as a single-family dwelling. Internal ADUs shall not be rented or offered as rental units for any period less than thirty (30) consecutive days.

#### **17.130.030.040: INSPECTIONS**

Yearly interior and exterior inspections may be required to determine compliance with all regulations of the Accessory Dwelling Unit Floating Zone, as may be deemed appropriate by City Staff. If the owner of the property containing an ADU violates the provisions of this Code, the City may hold a lien against the property as allowed in the Utah State Code.



**17.130.030.050: PRIOR USE**

An existing accessory dwelling unit may be approved if the ADU complies with the requirements of this section 17.130.030. If a certificate of occupancy was not issued at the time of construction or remodeling, the applicant shall apply for a building permit and the chief building official, or his designee, shall inspect the ADU for Code compliance. All documented violations shall be corrected prior to approval of the ADU. Any uses or dwellings which previously conformed to prior ordinances, including having obtained all necessary and applicable permits, but do not now conform due to adoption of this section 17.130.030, shall be permitted to continue as a legal nonconforming use.

**17.130.030.060: APPEALS**

Decisions by the Planning Department and/or the Planning Commission regarding the issuance or denial of an accessory dwelling unit may be appealed to the Appeals and Variance Hearing Officer in accordance with section 17.16.020.020 of this Code.



**UTAH MUNICIPAL CODE**

**10-9a-103. Definitions.**

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

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

- (1) As used in this section:

- (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
- (i) within a primary dwelling;
  - (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
  - (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- (b) (i) "Primary dwelling" means a single-family dwelling that:
- (A) is detached; and
  - (B) is occupied as the primary residence of the owner of record.
- (ii) "Primary dwelling" includes a garage if the garage:
- (A) is a habitable space; and
  - (B) is connected to the primary dwelling by a common wall.

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

- (a) the use of an internal accessory dwelling unit is a permitted use;
- (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
- (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
  - (ii) total lot size;
  - (iii) street frontage; or
  - (iv) internal connectivity; and
- (c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.

- (3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.



(4) A municipality may:

- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
- (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
- (c) require a primary dwelling:
  - (i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection (4)(c)(i); and
  - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;
- (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
- (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
  - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
    - (A) have a final plat approval dated on or after October 1, 2021; and
    - (B) comply with applicable land use regulations; or
  - ~~(ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;~~
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;



- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
  - (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).
- (5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
- (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
  - (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);
  - (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
  - (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
  - (v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and
  - (vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.
- (b) The written notice of violation shall:
- (i) describe the specific violation;
  - (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
    - (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
    - (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
  - (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - (iv) notify the owner of the property:



- (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
    - (B) of the name and address of the municipal office where the owner may file the written objection;
  - (v) be mailed to:
    - (A) the property's owner of record; and
    - (B) any other individual designated to receive notice in the owner's license or permit records; and
  - (vi) be posted on the property.
- (c) The written notice of lien shall:
- (i) comply with the requirements of Section 38-12-102;
  - (ii) state that the property is subject to a lien;
  - (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - (iv) be mailed to:
    - (A) the property's owner of record; and
    - (B) any other individual designated to receive notice in the owner's license or permit records; and
  - (v) be posted on the property.
- (d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:
- (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
  - (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
- (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.
- (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.



- (e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).
- (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
- (b) The notice described in Subsection (6)(a) shall include:
  - (i) a description of the primary dwelling;
  - (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
  - (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.
- (c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

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

- (1) As used in this section:
  - (a) "Internal accessory dwelling unit" means the same as that term is defined in Section 10-9a-511.5.
  - (b) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
  - (c) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.
  - (d) "Short-term rental website" means a website that:
    - (i) allows a person to offer a short-term rental to one or more prospective renters; and
    - (ii) facilitates the renting of, and payment for, a short-term rental.
- (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body may not:
  - (a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or



- (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.
- (3) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the municipality records a notice for the internal accessory dwelling unit under Subsection 10-9a-530(6).

SEE ALSO: §§ 10-9a-403 (General plan preparation) and 10-9a-408 (Moderate income housing report)