Planning Commission Meeting

Tuesday, July 6, 2021 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Scott Burgess - Not Present, Commissioner Mary Cokenour, Commissioner George Matocha, City Manager Evan Bolt, City Recorder Shalena Black, Deputy City Recorder Melissa Gill

Meeting Location: 17 N 100 E

1. **Call to Order**
2. **Minutes Review/Approval**

   Attachments:

   - **planning-commission-meeting_minutes_2021-06-15** (planning-commission-meeting_minutes_2021-06-15.pdf)

3. **Public Comment**
4. **Review House Bill 409 Municipal and County Land Use and Development Revisions (discussion/action)**

   The Planning Commission is continuing to review Monticello City zoning codes to ensure compliance with Utah State Codes. Chairperson Bennett has been working on House Bill 409 and submitted drafts of those changes for the Commission to review.

   Attachments:

   - **2021 10 Ch 1 v1 07062021** (2021_10_Ch_1_v1_07062021.docx)
   - **2021 10 Ch 2 v1 07062021** (2021_10_Ch_2_v1_07062021.docx)
   - **2021 10 Ch 6 v1 07062021** (2021_10_Ch_6_v1_07062021.docx)
   - **2021 10 Ch 7 v1 07062021** (2021_10_Ch_7_v1_07062021.docx)
   - **HB0409** (HB0409.pdf)

5. **Review House Bill 82 Single-family Housing Modifications and Short Term Rental Rules (discussion)**

   The Planning Commission will review House Bill 82 and a draft of short term rental rules in a continuing effort to update City Code for State compliance and permitted home occupations in R-1 zoning.

   Attachments:

   - **2021 10 STRs v1 07062021** (2021_10_STRs_v1_07062021.docx)
   - **Business and License Regulations** (Business_and_License_Regulations.pdf)
   - **HB0082** (HB0082.pdf)

6. **Administrative Communications**
7. **Next Meeting Agenda**
8. **Adjournment**

Audio File

https://soundcloud.com/user-250815044/2021-07-06-planning-commission-meeting

Notice of Special Accomodations

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5

Contact: Shalena Black (shalena@monticelloutah.org 435-587-2271) | Agenda published on 07/05/2021 at 5:14 PM

Planning Commission Meeting

Minutes

Tuesday, June 15, 2021 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen - Present from 7:02 p.m. to 8:37 p.m., Commissioner Scott Burgess - Not Present, Commissioner Mary Cokenour, Commissioner George Matocha, City Manager Evan Bolt - Not Present, City Recorder Shalena Black, Deputy City Recorder Melissa Gill - Not Present

Meeting Location: 17 N 100 E

1. **Call to Order**

   Minutes:
   Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:37 p.m. The following visitors were present Councilwoman Kim Henderson.

2. **Minutes Review/Approval**

   Minutes:
   MOTION was made by Commissioner Mary Cokenour to approve the minutes with corrections to spelling of Henderson. The motion was seconded by Commissioner George Matocha and passed unanimously.
   Vote results:
   Ayes: 3 / Nays: 0

3. **Public Comment**

   Minutes:
   There was no public comment.

4. **Review Sample of Solar Electricity Systems Code (discussion/action)**
   Recommendation: Motion to recommend to City Council the Solar Electricity Systems code

   Minutes:
   Recorder Black said Manager Bolt suggested the solar code should go in utility section of the City Code. Commissioner Cokenour said a permit should necessary before solar installation. The Commission discussed that in order to put it in permitted uses sections of the code, each zoning's permitted uses would need to be changed. Commissioner Matocha said it should be included in the Title 9 Building Code because the City has adopted the International Building Code. He thinks the solar codes of the International Building Code need to be looked at. It was discussed that solar projects should be added to the online building permit applications.

5. **Review House Bill 409 Municipal and County Land Use and Development Revisions (discussion)**

Minutes:
Chairperson Bennett presented the necessary code changes she worked on in title 10 Zoning Regulations due to HB 409 being passed. She had questions regarding the definition of single-family, lots and parcels conflicting with the way the current code uses them. It was suggested to have the City Attorney review the changes presented by the State to ensure they are applicable to fifth class cities such as Monticello. Chairperson Bennett said many changes were made to multiple portions of the code. She said home occupations not requiring a business license should register with the City. There was discussion about classifying daycare as a home occupation or a commercial business, how the State classifies it, and if it could be permitted in residential zoning. Councilwoman Henderson expressed the importance of daycares in our community. The Commission reviewed changes to non-conforming uses and noncomplying structures. The question was presented about whether commercial uses should be permitted in R-2 residential zoning. Commissioner Matocha feels the City Council should weigh in on commercial use being permitted in R-1 and R-2 residential zones. Chairperson Bennett asked Recorder Black to email the City Attorney regarding questions the Commission had on the items discussed.

6. **Review House Bill 82 Single-family Housing Modifications and Short Term Rental Rules (discussion)**

Minutes:
The Commission discussed short-term rentals not being addressed in the current City Code and whether or not it is a commercial use. Chairperson Bennett explained that HB 82 allows for long-term rentals in an internal accessory dwelling unit as long as it is a primary dwelling. There was further discussion on which zones would allow short-term rentals and if there would be regulations for them.

7. **Review Senate Bill 164 Utah Housing Affordability Amendments (discussion)**

Minutes:
This agenda item will be discussed at a later meeting.

8. **Administrative Communications**

Minutes:
There was no discussion.

9. **Next Meeting Agenda**

Minutes:
The Commission will continue to work on code reviews and changes at the next meeting.

10. **Adjournment**

Minutes:
MOTION was made by Commissioner George Matocha to adjourn the meeting at 9:05 p.m. The motion was seconded by Commissioner Mary Cokenour and passed unanimously.
Vote results:
Ayes: 3 / Nays: 0

Audio File

https://soundcloud.com/user-250815044/2021-06-15-planning-commission-meetinga

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DRAFT

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah laws
Blue = Reorganization to make code easier to administer

CHAPTER 1
GENERAL PROVISIONS

SECTION:
10-1-1: Title, Intent And Purpose
10-1-2: Declaration
10-1-3: Interpretation
10-1-4: Definitions
10-1-5: Conflict
10-1-6: Severability
10-1-7: Responsibility For Violations
10-1-8: Penalty
10-1-9: Temporary Land Use Regulations

Does UT code 10-9a-509 (entitlement to approval of land use) belong here or somewhere else in city code?

10-1-1: TITLE, INTENT AND PURPOSE:

A. This title shall be known as, and shall be entitled the AMENDED ZONING ORDINANCE OF THE CITY OF MONTICELLO, UTAH, dated July 10, 2012, and may be so cited and pleaded.

B. It is the intent and purpose of the city council of Monticello, Utah, to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with a comprehensive plan which plan has been designed:

1. To encourage and facilitate orderly growth and development in the area;
2. To promote safety from fires, floods, traffic hazards and other dangers;
3. To promote sanitation and health of the inhabitants;
4. To discourage undue scattering of population and unnecessary expenditures of the monies for excessive streets, water and sewer lines, and other public requirements;
5. To stabilize and improve property values;

6. To protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions;
7. To promote a more attractive and wholesome environment. It is also the intent and purpose of the city council of Monticello that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the purposes of this title. (Ord. 2012-01, 7-10-2012)

10-1-2: DECLARATION:

In establishing the zones, the boundaries thereof and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses and to the character of the zone with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 2012-01, 7-10-2012)

10-1-3: INTERPRETATION:

A. In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

B. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with, abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, the provisions of this title shall control. (Ord. 2012-01, 7-10-2012)

10-1-4: DEFINITIONS:

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

ACCESSORY DWELLING UNIT: A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot. What about parcels?

ACCESSORY BUILDING: See BUILDING, Accessory

ADVERSELY AFFECT PARTY: A person other than a land use applicant who:

A. Owns real property adjoining the property that is the subject of a land use application of land use decision; or
B. Will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AFFECTED ENTITY: A county, municipality, local district, ~~independent~~ special district under ~~Utah Code Annotated Title 17B; title 11, chapter 13~~,Title 17D, Chapter 1, Special

Service District Act, school district; interlocal cooperation ~~act~~entity established under Title 11, Chapter 13, Interlocal Cooperation Act; specified public utility; a property owner; ~~a~~ property owners' association; or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under ~~state statute~~ this chapter.

AFFECTED OWNER; The owner of real property that is:

A. A single project;
B. The subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsectioin 20A-7-60(5)(a); and
C. Determined to be legally referable under Section 20!-7-602.8.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of crops on the premises.

APARTMENT HOUSE (MULTIPLE DWELLING): Any building or portion thereof which is designed, built, rented or leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

APPEAL AUTHORITY: ~~A~~ The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

APPROVED WATER SYSTEM, PUBLIC WATER SYSTEM: The Monticello city water system.

BOARDING HOUSE, LODGING HOUSE: A building containing not more than one kitchen where for compensation meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis as distinguished from a motel, cafe or rooming house.

BUILDABLE AREA: That portion of a lot which will fit the construction of a structure under the provisions of the building codes adopted by the city and this title, either without grading and excavation or with grading and excavation, as specified in this title.

BUILDING: Any structure built for the support, shelter or enclosure of person, animals, chattels or property of any kind.

A. Building, Accessory: A subordinate building, the use of which is incidental to that of the main building.
B. Building Line: A line designating the minimum distance which buildings must set back from a street or lot line.
C. Building, Main: The principal building or buildings upon a lot.

CARPORT: A structure for the shelter of automobiles that is not completely enclosed by walls.

CHARTER SCHOOL:

A. An operating charter school;
B. A charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

C. An entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

A Charter School does not include a therapeutic school.

CHILDCARE: Tending of children by family members or friends for which no compensation is received. Childcare services exempt from state regulation as specified in applicable Utah Code.

CITY ENGINEER: Until such time as the city hires a permanent registered engineer, the city engineer shall be a licensed surveyor, a registered engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

CIVIL ENGINEER: A professional engineer registered in the state of Utah to practice in the field of civil engineering work.

CLINIC: A building used for the diagnosis and treatment of ill, infirm, and injured persons which does not provide board, room or regular hospital care and services.

CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but not including any building used principally to render a service usually and ordinarily carried on as a business.

COMMON AREA: An area designed to serve two (2) or more dwelling units which have convenient access to the area.

COMPREHENSIVE PLAN: A coordinated plan which has been prepared and adopted for the purpose of guiding development, including, but not limited to, a plan or plans of land use, circulation, housing and public facilities and grounds.

CONDITIONAL USE: A land use that, because of ~~its~~ the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or Fourteenth Amendment of the Constitution of the United States; or
B. Utah Constitution Article I, Section 22.

CONVALESCENT HOME: See definition of Rest Home, Nursing Home, Convalescent Home.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

CURB CUT: A cut in the curb line for the passage of vehicles.

CUT: A process of excavation. See definition of Excavation.

DAYCARE, NURSERY, PRESCHOOL: A home or building in which children are tended or kept for compensation. Does not include overnight accommodations for children, as in a foster home or an orphanage.

DENSITY: Density of population, measured by the number of dwelling units per acre of land.

DESIGNATED FLOOD HAZARD AREA: Zone A on the flood hazard boundary map issued by the federal insurance administration for this community, dated December 24, 1976, with

panel number H-01-02, community number 490212, and any officially published revision to this map.

DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.).

DEVELOPMENT ACTIVITY:

A. Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
B. Any change in use of a building or structure that creates additional demand and need for public facilities; or
C. Any change in the use of the land that creates additional demand and need for public facilities.

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use of development of a specific area of land. A development agreement does not include an improvement completion assurance.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 or the Controlled Substantces Act, 21 U.S.C. 802.

DRIVE-IN RETAIL: Any form of merchandising, serving or dispensing of goods in which the customer is served while in his automobile.

DWELLING:

A. Dwelling, Bachelor's: A dwelling unit which is occupied by four (4) or more nonrelated adults.
B. Dwelling, Caretaker's: A dwelling which is occupied by a person whose function is to watch or take care of a business or industry which is located on the same premises as the dwelling.
C. Dwelling, Conventional: A dwelling which is constructed in compliance with the provisions of the building codes adopted by the city.
D. Dwelling, Multiple-Family: A building containing three (3) or more separate dwelling units, each of which is designed for or occupied by one family.
E. Dwelling, Single-Family: A building containing one dwelling unit which is designed for or occupied by one family.
F. Dwelling, Two-Family: A building containing two (2) separate dwelling units, each of which is designed for or occupied by one family.
G. Dwelling Units: A unit of a residential building consisting of one or more rooms, a kitchen or cooking facility and an independent water closet and bathing facility. Does this conflict with or is it compatible with Accessory Dwelling Unit?

EASEMENT: A land use right offered for a specific purpose or use over, upon, or beneath the land; its location and extent being accurately described in the letting process or by separate document using metes and bounds; distinct from land ownership and granted to the public, a particular party or public utility.

EDUCATIONAL FACILITY: A school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; A structure or faciliity:

A. Located on the same property as a building described as an educational facility; and
B. Used in support of the use of that building;
C. A building or provide office and related space to a school district's administrative personnel;

An educational facility does not include land or structure including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is

A. Not located on the same property as the building described as an educational facility; and
B. Used in support of the purposes of a building described as an educational facility

An educational facility does not include a therapeutic school

EXACTION: A contribution of property required as a condition of approving a new development. Does this belong in Title 11 (subdivisions), see UT code 10-9a-508?

EXCAVATION: Any act by which vegetation matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting from it.

FACILITY: A public service developed, owned and maintained by the city (i.e., water, sewer, etc.).

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption living together in a single dwelling unit and maintaining a common household.

A. A family may include four (4), but not more than four (4), persons not related to the family, but living as guests with the residing family. Does this conflict with Single-Family Unit?
B. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

FENCE, SIGHT OBSCURING: A fence having a height of six feet (6') or more above grade, which permits vision through less than ten percent (10%) of each square foot that is more than eight inches (8") aboveground.

FILL: A deposit of earth material by artificial means.

FINAL PLAT: A permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.

FINAL PLAT, RECORD OF SURVEY MAP: A plat or plats of survey of land within a subdivision or other large scale development which has been prepared in accordance with applicable city standards and/or state statutes for the purpose of recording in the office of the county recorder.

FIRE AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

FLOOD PLAIN: Land that

A. Is within the 100-year flood plain designated by the Federal Emergency Management Agency, or
B. Has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

FLOOR AREA: The floor area of a building is the sum of the areas of headroom height on all floors of the building, including basements, mezzanines and penthouses, measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied structures such as pipe trenches, exterior terraces, or steps, chimneys, roof overhangs, etc.

FRACTIONAL NUMBERS OF MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit. Where the fraction is less than one-half (1/2), said fraction shall not be included in determining requirements.

GARAGE, PRIVATE: A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

GENERAL PLAN: A document that a municipality adopts that sets forth general guidelines for proposed future development of land within the municipality.

GEOLOGIC HAZARD: Includes

A. A surface fault rupture;
B. Shallow groundwater;
C. Liquefaction;
D. A landslide;
E. A debris flow;
F. Unstable soil;
G. A rock fall; or
H. Any other geologic condition that presents a risk: (1)To life; (2) Of substantial loss of real property; or(3) Of substantial damage to real property.

GRADE: The top of the foundation or stem wall must be a minimum of one foot (1') higher than the top of the curb. Grade shall be determined by:

A. For buildings fronting one street only, the elevation of the top of the curb, at right angles to the midpoint of the foundation.
B. For buildings fronting more than one street, the average of the elevations of the top of the curb, at right angles to the midpoint of the foundation.

GRADING: Any excavating or filling, or combination thereof, and shall include the conditions resulting from any excavation or fill.

HARD SURFACE: Hard surface is limited to concrete or asphalt only. Hard surface specifications are as approved by the city.

HEIGHT OF BUILDING: The vertical distance from the average grade to top of the building walls.

HILLSIDE AREA: Any lot or parcel with an average slope greater than eight percent (8%).

HISTORIC PRESERVATION AUTHORITY: A person, board, commission, or other body designated by a legislative body to:

A. Recommend land use regulations to preserve local historic districts or area; and
B. Administer local historic preservation land use regulations within a local historic district or area.

HOME OCCUPATION: Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

HOOKUP FEE: A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

IDENTICAL PLANS: Building plans submitted to a municipality that:

A. Are clearly marked as "identical plans";
B. Are substantially identical to building plans that were previously submitted to and reviewed and proved by the municipality; and
C. Describe a building that (1) Is located on land zoned the same as the land on which the building described in the previously approved plan is located; (2) Is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans; (3) Has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and (4) Does not require any additional engineering or analysis.

IMPACT FEE: A payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

A. Recording a subdivision plat; or
B. Development of a commercial, industrial, mixed use, or multifamily project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

A. Complies with the municipality's written standards for design, materials, and workmanship; and
B. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period

A. No later than one year after a municipality's acceptance of required landscaping; or
B. No later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
    1. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
    2. Has substantial evidence, on record:
        a. Of prior poor performance by the applicant; or

b. That the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety or that:

A. Is required for human occupation; and
B. An applicant must install
   1. In accordance with published installation and inspection specifications for public improvements; and
   2. Whether the improvement is public or private, as a condition of:
      a. Recording a subdivision plat;
      b. Obtaining a building permit; or
      c. Development of a commercial, industrial, mixed us, condominium, or multifamily project.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that:

A. Runs with the land; and
B. Creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
C. Designates a development condition that is enclosed within the perimeter of a lot described on the plat.

INTERVENING PROPERTY: Property located between an existing service facility and the property under development.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris and tires, construction waste, waste, iron, steel, and other old or scrap ferrous or nonferrous materials in sufficient quantity to pose a public health or safety hazard, or to be aesthetically unattractive, and shall also include inoperable, unlicensed, junked, dismantled, or wrecked automobiles, or parts thereof.

JUNKYARD: A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

KENNEL: Land or buildings used in the keeping of four (4) or more dogs over four (4) months old.

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: ~~An application that is required by the municipality's land use code.~~ An application that is:

A. Required by the municipality; and
B. Submitted by a land use applicant to obtain a land use decision; and

C. Does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: A person, board, commission, agency, or ~~other~~ body, including the local legislative body, designated by the local legislative body to act upon a land use application; or if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body. >>Who are the authorities for Monticello?<<

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding:

A. A land use permit;
B. A land use application; or
C. The enforcement of a land use regulation, land use permit, or development agreement.

~~LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.~~

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE PLAN: A plan adopted and maintained by the City Council which shows how the land should be used; an element of the master plan.

LANDSCAPE PLAN, PLANTING PLAN: A plan showing the location and dimensions of plants, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee or rule that governs the use or development of land including the adoption or amendment of a zoning map or the text of the zoning code. A Land Use Regulation does not include:

A. A land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
B. A temporary revision to an engineering specification that does not materially (1) Increase a land use applicant's cost of development compared to the existing specification; or (2) Impact a land use applicant's use of land.

LANDSCAPING: The use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, artworks, screens, walls, fences, benches or surfaced walkways set into an aesthetically pleasing arrangement as determined by the planning commission or their authorized representative.

LEGISLATIVE BODY: The city council.

LIVESTOCK CORRAL: A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

LIVING OPEN SPACE: That portion of the yard on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space, and landscaping.

LOCAL DISTRICT: An entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

LOCAL HISTORIC DISTRICT OR AREA: A geographically definable area that:

A. Contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and
B. Is subject to land use regulations to preserve the historic significance of the local historic district or area.

LODGING HOUSE: See definition of Boarding House, Lodging House.

~~LOT: A single parcel or tract of land.~~

~~A. A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a subdivision recorded in the office of the San Juan County recorder; or~~
~~B. A parcel of land, the dimensions or boundaries of which are defined by record in the office of the San Juan County recorder.~~

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

A. Lot, Corner: A lot situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
B. Lot, Interior: A lot other than a corner lot.
C. Lot Of Record: A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A lot of record may or may not coincide with a zoning lot. Is this still valid?
D. Lot, Area: The total area measured on a horizontal plane included within the lot lines of the lot ~~or parcel of land~~.
E. Lot, Width: The distance across a lot or parcel of property, measured along a line parallel to the front lot line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.
F. Lot, Zoning: A ~~parcel~~ tract of land which: Is this still valid?
    A. Complies with all existing area frontage, width, and supplementary requirements of the zone in which it is located; and
    B. Has frontage on a city street, which street has been accepted by the city council and has been improved in accordance with city standards and is in use by the public; and
    C. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinances.

LOT LINE ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

A. Whether or not the lots are located in the same subdivision; and
B. With the consent of the owners of record.

Lot Line Adjustment does not mean a new boundary line that

A. Creates an additional lot; or
B. Constitutes a subdivision.

Lot Line Adjustment does not include a boundary line adjustment made by the Department of Transportation.

MANUFACTURED HOME: ~~A dwelling unit which meets the building code for permanent structures designed to be transported after fabrication and which is ready for occupancy as an independent unit except for connection to utilities and location on a foundation.~~ A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Art (HUD Code), in one or more sections, that:

A. In the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and
B. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

MAJOR TRANSIT INVESTMENT CORRIDOR: Public transit service that uses or occupies:

A. Public transit right-of-way;
B. Dedicated road right-of-way for the use of public transit, such as a bus rapid transit; or
C. Fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (1) A public transit district as defined in Section 17B-2a-802; or (2) An eligible political subdivision as defined in Section 59-12-2219.

METES AND BOUNDS: The description of a lot or parcel of land by courses and distances.

MOBILE HOME: A dwelling unit designed to be transported, after fabrication, on its own wheels or on detachable wheels, and which is ready for occupancy as an independent dwelling unit except for connection to utilities and/or location on a foundation. The term "mobile home" includes both single and double wide sizes, but shall not include conventional houses which are manufactured elsewhere and moved into an area for use as permanent housing.

MOBILE HOME: A transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Art (HUD Code).

MOBILE HOME PARK: An area or tract of land used to accommodate mobile homes, regulations and standards for which are found under chapter 13 of this title.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

MODULAR UNIT: A structure:

A. Built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and
B. The pupose of which is for human habitation, occupancy, or use.

MUNICIPAL UTILITY EASEMENT: An easement that:

A. Is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;

B. Is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
C. The municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data line;
D. Is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
E. Is Used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or
F. Is described in Section 10-9a-529 and is used by a specified public utility.

NATURAL STATE: The description of a lot or parcel of land by courses and distances.

NOMINAL FEE: A fee that reasonably reimburses a municipality only for time spent and expenses incurred in

A. Verifying that building plans are identical plans; and
B. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

NONCOMPLYING STRUCTURE: A structure that:

A. Legally existed before ~~its~~ the structure's current land use designation; and
B. Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

NONCONFORMING BUILDING: A building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which existed on the effective date hereof.

NONCONFORMING USE: A use of land that:

A. Legally existed before its current land use designation;
B. Has been maintained continuously since the time the land use ordinance ~~regulation~~ governing the land changed; and
C. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

OFF SITE IMPROVEMENTS: Improvements, as required by this title, installed outside the perimeter of the subdivision which are designed and located to serve the needs of the subdivision or adjacent properties, lying between the subdivision and existing improvements.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that

A. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
B. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
C. Has been adopted as an element of the municipality's general plan.

ON SITE IMPROVEMENTS: Improvements, as required by this title, installed within or on the perimeter of the subdivision or development site.

OVERSIZED IMPROVEMENTS: Improvements with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development.

PARCEL: ~~See definition of Lot~~. Any real property that is not a lot.

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

A. None of the property identified in the agreement is a lot; or
B. The adjustment is to the boundaries of a single person's parcels.

Parcel Boundary Adjustment does not mean an adjustment of a parcel boundary line that:

A. Creates an additional parcel; or
B. Constitutes a subdivision.

A Parcel Boundary Adjustment does not include a boundary line adjustment made by the Department of Transportation.

PARKING SPACE: Spaces within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, not less than eighteen feet (18') in length and nine feet (9') in width. Exception: Spaces reserved for the disabled will be no less than twenty feet (20') in length and thirteen feet (13') in width.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by a municipality's legislative body that includes:

A. An estimate of the existing supply of moderate income housing located within the municipality;
B. An estimate of the need for moderate income housing in the municipality for the next five years;
C. A survey of total residential land use;
D. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
E. A description of the municipality's program to encourage an adequate supply of moderate income housing.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphical representation of land that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

POTENTIAL GEOLOGIC HAZARD AREA: An area that

A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
B. Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

PRELIMINARY PLAT: A map or plan of a proposed land division, prepared in accordance with the regulations of this title.

PRIVATE DRIVE: An accessway from a city street or highway to private land that does not front a city street or highway. A private drive is owned and maintained by the landowner.

PUBLIC AGENCY: The federal government, state, county, municipality, school district, local district, special service district, or other political subdivision of the state; or a charter school.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under ~~Utah Code Annotated title 52, chapter 4, open and public meetings act~~. Title 52, Chapter 4, Open and Public Meetings Act.

PUBLIC STREET: A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public land, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

RECEIVING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

RECREATIONAL VEHICLE:

A. A vehicle, with or without self- power, maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes, and having a width of ten feet (10') or less;
B. Off highway vehicle (OHV), including, but not limited to, all-terrain vehicle (ATV), side by side utility task vehicle (UTV), recreational off highway vehicle (ROV), golf cart, and the trailer used to transport such vehicle;
C. Boat, other than canoe or kayak, and the trailer used to transport it.

RECREATIONAL VEHICLE PARK: A minimum three (3) acre area or tract of land used to accommodate two (2) or more recreational vehicles.

REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps.

~~RESIDENTIAL ACCESSORY STRUCTURE: A building or other structure which is incidental to and which is constructed on the same zoning lot as the dwelling for the exclusive use of the residents of such dwelling including, but not limited to, a detached garage or carport for not more than three (3) automobiles, swimming pools, pergolas, tennis courts, and private greenhouses.~~

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence

A. In which more than one person with a disability resides; and
B. Which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
C. Which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

REST HOME, NURSING HOME, CONVALESCENT HOME: A building for the care and keeping of elderly or infirm people afflicted with infirmities or chronic illness.

RESUBDIVISION: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in section 11-2-6 of this code.

RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff.

RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion.

ROUGH GRADE: The state of excavation at which grading is within four inches (4") of the final grade as shown on the approved grading plan.

RULES OF ORDER AND PROCEDURE: A set of rules that govern and prescribe in a public meeting:

A. Parliamentary order and procedure;
B. Ethical behavior; and
C. Civil discourse.

SALVAGE YARD: See definition of Junkyard.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SENDING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

SETBACK: The shortest distance between the property line and the foundation wall, or main frame of the building.

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flagpole.

A. Sign, Accessory: An on premises sign which directs attention to a business or profession.
B. Sign, Area Of: The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background material, whether painted or applied. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.

Sign, Nonaccessory; Billboard~~: An off premises sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere and only incidentally on the premises, if at all.~~: A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

SINGLE-FAMILY UNIT: No less than four (4) individuals allowed to occupy each residential unit that is recognized by the City in a zone permitting occupancy by a single family. >>Needs verification, see UT code 10-9a-505.5<<

SITE: Any lot or parcel of land.

SKETCH PLAN: A preliminary map or preapplication plat, showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SPECIAL DISTRICT: Any entity established under the authority of Utah Code Annotated title 17B, special districts, and any other governmental or quasi-governmental entity that is not a county, municipality, or school district.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

STATE: Any department, division, or agency of the state.

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas within the right of way. For the purpose of this title, streets shall be classified as follows:

A. City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.
B. Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.
C. Dead End: A street open at one end with no turnaround.
D. Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:
    1. Into, out of, or throughout the regional area (interregion); and
    2. From one political subdivision of the region to another, or from an interregional highway.
E. Service Road: A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.
F. Stub: A street or road extending from within a subdivision and which terminates at the subdivision boundary with no provision for a vehicular turnaround. Stub streets are normally required to connect to street systems of adjacent developments.

STREET RIGHT OF WAY: That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER: Any person or legal entity laying out or making a land division for the purpose of sale, offering for sale or selling for himself or others, any subdivision or any part of it.

SUBDIVISION: ~~Includes:~~ Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, ~~parcels, sites, units, plots,~~ or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

"Subdivision" includes:

A. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
B. Except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

"Subdivision" does not include:

A. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
B. ~~A recorded~~ A boundary line agreement recorded with the county recorder's office between owners of adjoining ~~unsubdivided properties~~ parcels adjusting ~~their~~ the mutual boundary ~~if: 1) no new lot is created; and 2) the adjustment does not violate applicable land use ordinances;~~ in accordance with Section 10-9a-524 if no new parcel is created.
C. A recorded document, executed by the landowner of record: (1) revising the legal ~~description of more than one contiguous unsubdivided parcel of property~~ descriptions of multiple parcels into one legal description encompassing all such parcels ~~of property~~; or (2) joining a ~~subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances~~ lot to a parcel;
D. A ~~recorded~~ boundary line agreement between owners of adjoining subdivided properties adjusting ~~their~~ the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if: (1) no new dwelling lot or housing unit will result from the adjustment; and (2) the adjustment will not violate any applicable land use ordinance; ~~or~~
E. A bona fide division ~~or partition~~ of land by deed or other instrument ~~where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels~~ if the deed or other instrument states in writing that the division
    1. Is in anticipation of future land use approvals on the parcel or parcels;
    2. Does not confer any land use approvals, and
    3. Has not been approved by the land use authority.
F. A parcel boundary adjustment;
G. A lot line adjustment;
H. A road, street, or highway dedications plat;
I. A deed or easement for a road, street, or highway purpose; or
J. Any other division of land authorized by law.

~~The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.~~

SUBDIVISION AMENDMENT: An amendment of a recorded subdivision in accordance with Section 10-9a-608 that:

A. Vacates all or a portion of the subdivision;
B. Alters the outside boundary of the subdivision;
C. Changes the number of lots within the subdivision;
D. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
E. Alters a common area or other common amenity within the subdivision

SUBSTANTIAL EVIDENCE: Evidence that (1) is beyond a scintilla and (2) a reasonable mind would accept as adequate to support a conclusion.

SUSPECT SOIL: Soil that has

A. A High susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
B. Bedrock units with high shrink or swell susceptibility; or
C. Gypsiferous silt and caly, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

THERAPEUTIC SCHOOL: A residential group living facility

A. For four or more individuals who are not related to
    1. The owner of the facility or
    2. The primary service provider of the facility;
B. That serves students who have a history of failing to function:
    1. At home,
    2. In a public school, or
    3. In a nonresidential private school; and
C. That offers room and board, and
    1. An academic education integrated with a specialized structure and supervision; or
    2. Services or treatment related to a disability, emotional development, behavioral development, familial development, or a social development.

TRANSFERABLE DEVELOPMENT RIGHT: A right to develop and use land that originates by an ordinance and authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

UNINCORPORATED: The area outside of the incorporated area of a city or town.

VARIANCE: A waiver of specific regulations of this title granted by the board of adjustment in accordance with the provisions set forth in this code.

VICINITY PLAN: A map or chart, showing the relationship of streets and land within a proposed subdivision to the streets and lands in the surrounding area.

WATER INTEREST: Any right to the beneficial use of water, including

A. Each of the rights listed in Section 73-1-11; and
B. An ownership interest in the right to the beneficial use of water represented by (1) a contract or (2) a share in a water company, as defined in Section 73-3-3.5.

YARD: An open space on the same lot or parcel as a building, said space being unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

A. Yard, Front: The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding nonenclosed steps. On a corner lot, the front yard may be applied to either street.
B. Yard, Rear: The area between the rear line of the building (exclusive of steps) and the rear lot line, and extending for the entire width of the lot. In case of a corner lot where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.
C. Yard, Required: The open space around buildings which is required by the terms of this title.
D. Yard, Side: A yard between the building and the side line of the lot, and extending from the front yard to the rear yard. (Ord. 2012-01, 7-10-2012; amd. Ord. 2016-6, 6-28-2016)

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

10-1-9: TEMPORARY LAND USE REGULATIONS

A. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the city if:
   1. The City Council makes a finding of compelling, countervailing public interest; or
   2. The area is unregulated
B. A temporary land use regulation under this subsection may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
C. A temporary land use regulation under this subsection may not impose an impact fee or other financial requirement on building or development.
D. The City Council shall establish a period of limited effect for the ordinance not to exceed six (6) months.
E. The City Council may, without prior Planning Commission consideration or recommendation, enact an ordinance:
   1. Establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
   2. A regulation under this subjection:
      a. May not exceed six (6) months in duration;
      b. May be renewed, if requested by the Transportation Commission created under Section 72-1-301 of Utah code, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

c. Notwithstanding the requirement of this section, is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah law
Blue = Reorganization & correction of existing code

CHAPTER 2
SUPPLEMENTARY REQUIREMENTS AND PROCEDURES
APPLICABLE WITHIN ZONES

SECTION:

10-2-1: Lots To Have Frontage On City Street
10-2-2: Uses Prohibited In Zones Unless Expressly Permitted
10-2-3: Property Boundary Adjustment
10-2-4: Boundary Line Agreement
10-2-5: Off Street Parking Requirements
10-2-6: Signs
10-2-7: Parking And Storage Of Recreational Vehicles
10-2-8: Conditional Uses
10-2-9: Concessions In Public Parks And Playgrounds
10-2-10: Temporary Uses
10-2-11: Portable Storage Container Regulations
10-2-12: Chickens
10-2-13: Diagonal Parking
10-2-14: Fences
10-2-15: Specified Public Utility Within a City Easement
10-2-16: Solar Electricity Systems

10-2-1: LOTS TO HAVE FRONTAGE ON CITY STREET

A. Except as may be authorized through the approval of a large scale development, each lot shall abut upon a City maintained street.

1. The length of said abutting side as measured at the setback line shall be not less than the minimum frontage requirement of the zone;
2. The Planning Commission may authorize a reduction of the minimum frontage requirement subject to the following conditions:
   a. The lot will abut the City maintained street for a minimum distance of thirty five feet (35');

b. The buildable portion of the lot shall comply with the minimum area, width and setback requirements of the zone;
c. The lot configuration created by the granting of the reduction will not result in an undue adverse condition for the proper development of adjacent properties;
d. In the opinion of the Planning Commission, the reduction of the frontage requirement is necessary to more fully promote the effective and proper development of the city.

B. All lots in an approved subdivision plat which have frontages of less than the minimum shall be considered as having qualified under the frontage reduction provisions of subsection ---. *NOTE: This needs review to determine if "parcel" should be added to the stipulations.*

10-2-2: USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the board of adjustment pursuant to express authority under the terms of this title. The board of adjustment shall not permit a use within a zone which is not expressly permitted by the terms of this title.
NOTE: Board of Adjustment reference needs verification

10-2-3: PROPERTY BOUNDARY ADJUSTMENT:

A. To make a parcel boundary adjustment, a property owner shall execute a boundary adjustment through
   1. A quitclaim deed; or
   2. A boundary line agreement under section ----; and
   3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which each property is located.

B. To make a lot line adjustment, a property owner shall obtain approval of the boundary adjustment under Section ---; and execute a boundary adjustment through:
   1. A quiteclaim deed or
   2. A boundary line agreement; and
   3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which the property is located.

C. 3. A parcel boundary adjustment under subsection --- is not subject to review of the city unless:
   1. The parcel includes a dwelling; and
   2. The city's approval is required under subsection ---.

D. The recording of a boundary line agreement or other document used to adject a mutal boundary line that is not subject to review by the city
   1. Does not constitute a land use approval; and
   2. Does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.

E. The city may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the city determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the city's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

10-2-4: BOUNDARY LINE AGREEMENT:

A. If property executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder in the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that lead to the boundary line agreement.

B. Adjoining property owners executing a boundary line agreement described in this section shall ensure that the agreement includes:
   1. A legal description of the agreed upon boundary line and each parcel or lot after the boundary line changed;
   2. The name and signature of each grantor that is party to the agreement;
   3. A sufficient acknowledgement for each grantor's signature;
   4. The address of each grantee for assessment purposes;
   5. A legal description of the parcel or lot each grantor owns before the boundary line is changed; and
   6. The date of the agreement if the date is not included in the acknowledgement in a form substantially similar to a quitclaim deed as described in section ---.

C. If any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with section --- before executing the boundary line agreement;

D. If none of the property subject to the boundary line agreement is a lot, ensure that the boundary line agreement includes a statement citing the file number of a record of survey map in accordance with section ---, unless the statement is exempted by the City.

E. A boundary line agreement described in subsection 1 that complies with subsection 2 presumptively:
   1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
   2. Relocates the parties' common boundary line for an exchange of consideration.

F. Not withstanding Title 11, Subdivisions, a boundary line agreement that only affects parcels is not subject to:
   1. Any public notice, public hearing, or preliminary platting requirement;
   2. The review of a land use authority; or
   3. An engineering review or approval of the city, except as provided in subsection ---.

NOTE: Rule allows the city to adopt an ordinance requiring review and approval of a boundary line agreement affecting a parcel or lot containing a dwelling; rule specifies what must be considered, but those prospective changes were not added to this draft. Is this something Monticello wants?

10-2-5: OFF STREET PARKING REQUIREMENTS:

A. At the time any residence or any public or commercial building is erected, hard surfaced off street parking spaces of cement or asphalt shall be provided for automobiles on private property.

B. At the time any residence or building is enlarged or increased in capacity or any use is established or changed, thereby creating the need for additional parking, off street hard surfaced parking spaces of cement or asphalt shall be provided on private property.

C. Provision of off street parking shall be in accordance with the following requirements:
   1. Size:
      a. The dimensions of each off street parking space or stall shall be at least nine feet by eighteen feet (9' x 18'), for diagonal or ninety degree (90°) spaces; or nine by twenty two feet (9 x 22') for parallel spaces, exclusive of access drives or aisles.
      b. A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved shall be landscaped.
   2. Access To Individual Parking Spaces: Except for single- family and two-family dwellings, access to each parking space shall be from a private driveway and not from a city street.

a. One-way driveways shall be a minimum of twelve feet (12') in width.
b. Two-way driveways shall be a minimum of twenty-five feet (25') in width.
c. All garage and carport spaces shall be set back a minimum of twenty feet (20') from the private access drive serving them.
d. Garage and carport spaces shall be counted as one parking space unless: a) such garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or b) the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case such parking areas shall count as two (2) spaces. (Ord. 2012-01, 7-10-2012)

3. Parking Spaces Required For Residential Areas: The number of off street parking spaces required for residential development shall be as follows:
    a. Single-Family Dwelling: Two (2) parking spaces per single- family dwelling. Tandem parking shall be allowed at single- family residences only.
    b. All Other Dwellings:
        1) All other dwellings, including townhouses and condominiums, shall have two (2) parking spaces per dwelling unit. Covered parking may be located within the side and rear setback areas. No street parking shall be counted toward meeting the parking requirement. Tandem parking shall not count toward the parking requirement. No parking area shall be located within the required front setback facing a city street. All parking shall be on site.
        2) Front yard setback from streets shall be twenty feet (20') minimum from property lines for garages or carports.
        3) In residential zones, no recreational vehicle shall be parked or stored unless it conforms to the requirements of section 10-2-3 of this chapter. (Corner lots are considered to have 2 front yard areas.) (Ord. 2016-6, 6-28-2016)
4. Parking Spaces Required For Nonresidential Areas: The number of off street parking spaces required for all nonresidential developments shall be as follows:
    a. Business Or Professional Offices: One space for each two hundred fifty (250) square feet of gross floor area.
    b. Churches, Sports Arenas, Auditoriums, Theaters, Assembly Halls, Lodge Halls, Or Other Meeting Rooms: One space for each four (4) fixed seats of maximum seating capacity, or one space for each thirty five (35) square feet of seating area within the main auditorium where there are no fixed seats. Eighteen (18) linear inches of bench shall be considered a fixed seat.
    c. Stores, Appliance Stores And Lumberyards: One space for each six hundred (600) square feet of floor area.
    d. Hospitals: Two (2) parking spaces for each bed.
    e. Homes: One parking space for each five (5) beds.
    f. Hotels, Motels, Motor Hotels: One space for each living or sleeping unit, plus two (2) spaces for resident manager or owner.

g. Retail Stores And Shops, Commercial Banks, Savings And Loan Offices, And Other Financial Institutions, General Retail Stores, Food Stores, Supermarkets, Drugstores And Other Similar Commercial Businesses: One space for each two hundred fifty (250) square feet of gross floor area.
h. Mortuaries And Funeral Homes: Five (5) spaces plus one space for each thirty five (35) square feet of assembly room floor area.
i. Automotive Repair And Supply: One space for each four hundred (400) square feet of gross floor area.
j. Bowling Alleys And Billiard Halls: Five (5) spaces for each alley, plus two (2) spaces for each billiard table contained therein.
k. Libraries: One space for each three hundred (300) square feet of gross floor area.
l. Restaurants, Taverns, Lounges, Drive-In, Drive-Through, Take-Out Restaurants And Other Establishments Where Food Or Beverages Are Consumed: Ten (10) spaces minimum, or one space for each one hundred (100) square feet of gross floor area, whichever is greater.
m. Day Nurseries In Commercial Zones, Including Preschools And Nursery Schools: One space for each staff member, plus one space for each five (5) children for which said establishment is licensed.
n. Golf Courses: Six (6) spaces per hole.
o. Skating Rinks, Ice Or Roller: One for each three hundred (300) square feet of gross floor area.
p. Swimming Pools (Public): One space for each one hundred (100) square feet of water surface, or ten (10) stalls, whichever is greater.
q. Tennis, Handball And Racquetball Courts (Commercial): Six (6) spaces minimum, or three (3) spaces per court, whichever is greater.
r. Studios And Spas: One space for each two hundred fifty (250) square feet of gross floor area, or ten (10) spaces minimum, whichever is greater.
s. Educational Uses:
    1) Elementary: Two (2) spaces per classroom.
    2) Senior and junior high schools: One space for each member of the faculty and one space for each six (6) regularly enrolled students.
    3) College, universities, trade schools: One space for each faculty member, plus one space for each three (3) students.
    4) Schools having an arena or auditorium shall meet this requirement or the requirements of subsection C.4.b of this section, whichever is greater.
t. Veterinary Hospitals: Five (5) spaces for each doctor.
u. Manufacturing Plants, Warehouses, Storage Buildings Or Structures Especially For Storage Purposes: One space for each one thousand (1,000) square feet of gross floor area and one space for each two hundred fifty (250) square feet of office or sales area.
v. Service Commercial Businesses: Businesses such as electrical, plumbing, cabinets, printing and other similar shops shall have one space for each two

hundred fifty (250) square feet of retail or office area and one space for each five hundred (500) square feet of additional building area.

w. Outdoor Sales Lots For Autos, Mobile Homes And Recreational Vehicles: One space for each seven (7) vehicles or items of equipment to be displayed, plus two (2) spaces for manager and employee parking.

x. Consideration By Planning Commission:
    1) Notwithstanding all provisions of this section the planning commission shall: Take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and
    2) Recommend to the City Council a requirement of that number of spaces it deems reasonably necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

y. Reduction: Where the applicant can demonstrate that adequate off street parking exists, the city council, upon recommendation of the planning commission, may grant a parking reduction of up to twenty five percent (25%) of the listed parking requirement for new construction in the commercial zones.

G. Parking On Unimproved Lots; Vehicle Display: Parking of more than three (3) vehicles on any unimproved lot or parcel is prohibited. Parking of vehicles for display other than in designated and improved areas shall be prohibited.

H. Parking Lot Lights: Parking lots used during hours of darkness shall be lighted by standards a maximum of sixteen feet (16') in height above grade and using indirect, hooded light sources.

I. Development Standards: Every lot or parcel of land hereafter used as a parking lot shall:
    a. Be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the Planning Commission;
    b. Have appropriate bumper guards where needed as determined by the Planning Commission; and
    c. Lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.

J. Optional Provisions; Shared Parking Facilities:
    a. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.

b. Requests for shared parking are subject to the approval of the Planning Commission in accordance with the following guidelines:
   1) Sufficient evidence shall be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
   2) number of parking stalls which may be credited against the requirements for the uses involved will not exceed the number of spaces that may normally be required for any one of the uses sharing the parking.
   3) Parking facilities should not be located further than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.
   4) A written agreement shall be executed by all parties concerned, assuring the continued availability of shared parking facilities in the event that one of the uses shall be sold or otherwise change ownership or management.

K. Uses Not Specifically Identified Above: For all parking uses not listed above, the Planning Commission shall determine the number of spaces required based upon the nearest comparable use standard available. (Ord. 2012-01, 7-10-2012)

L. Adjust Or Reduce Off Street Parking Requirements: The planning commission may approve substitute parking locations where sufficient off street parking is readily available within the vicinity and/or where acquisition of land for such use is not necessary to carry out the spirit of this title.

10-2-6: SIGNS:

A building permit shall be required for the placement, construction, and/or alterations of all signs, unless a sign qualifies as an exempt sign or an identified temporary sign.

A. Signs On Highway:
   1. Height Limitations: There shall be a thirty-five foot (35') height limitation for all signs that front on a highway (including freestanding, wall and roof signs).
   2. Size Limitations:
      a. Three hundred twenty (320) square feet maximum per lot.
      b. One hundred sixty (160) square feet per individual sign face.
      c. Square footage is two (2) square feet for each linear foot of frontage along a public right of way, not to exceed three hundred twenty (320) square feet.

B. Signs On City Streets In Zones C-1, C-2, I-1:
   1. Height Limitations: There shall be a twenty-foot (20') height limitation for all signs that front off a highway (including freestanding, wall and roof signs).
   2. Size Limitations On City Streets: Size limitations for signs that do not front a highway are as follows:

a. One hundred sixty (160) square feet maximum per lot.
b. Maximum square footage is one square foot for each linear foot of frontage along a public right of way, not to exceed one hundred sixty (160) square feet.
c. The total square footage on a lot with two (2) tenants must be divided between the tenants with proportions decided by the tenants and/or landlords, and cannot exceed one hundred (100) square feet per individual sign face.

3. Projecting And Suspended Signs:
   a. Height limit will be a maximum of thirty-five feet (35') or the height of the wall of the building, whichever is lower.
   b. There shall be an eight foot (8') minimum vertical clearance above sidewalks, walking areas, or rights of way, and thirty-six (36) square feet maximum size per sign face.
   c. Owners of projecting signs over public rights of way must furnish proof of liability insurance for such signs before a permit will be issued.
4. Roof Signs:
   a. Shall not exceed five feet (5') above the wall line or top of the exterior wall; unless
   b. If the peak of the roof is over four feet (4') above the wall line, roof signs cannot exceed the height of the peak.
   c. All roof signs must adhere to a thirty-five foot (35') overall height limitation.
5. Lighted Signs:
   a. All lighted signs shall have stationary and constant lighting. Signs which use subtle lighting changes as part of a video screen, or electronic message center, are permitted.
   b. Lighted signs adjacent to A-1, R-1 and R-2 zones shall be subdued and shall not be allowed to penetrate beyond the property in such a manner as to annoy or interfere with the adjacent residential properties. Any complaints concerning lighted signs adjacent to residential properties can be taken before the city council. The city council has the authority to dismiss unreasonable complaints or require the sign(s) to be shielded.

C. Signs in Residential Zones (R-1, R-2):
1. No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property, nameplates, institutional signs, or signs indicating the existence of:
   a. An office of a professional person;
   b. A home occupation; or
   c. A guest apartment and/or bed and breakfast establishment.
2. Except for institutional signs as described below, no lighted signs will be permitted.
3. Residential signs, except for apartments and public and religious institutional signs, shall not exceed two (2) square feet in size.
   a. Apartments and guest apartments may be allowed up to sixteen (16) square feet of signage if they have more than four (4) units; quadriplexes, triplexes and

duplexes may be allowed up to eight (8) square feet of signage. (See exempt and temporary sign subsections 1 for exceptions to the square foot rule.)

b. Public, public educational, or religious institutional signs shall be located entirely upon the premises of that institution, shall not exceed an area of fifty (50) square feet per frontage, and will be permitted to have indirect lighting. If mounted on a building, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six feet (6') above ground level.

c. Nonprofit, charitable, and private institutional signs in residential zones shall not exceed two (2) square feet.

D. Flags: Flags other than government flags, i.e., country and state, shall be added toward the maximum allowable signage. Flagpoles that display government flags shall not exceed thirty-five feet (35') in height in commercial zones.

E. Computations:

1. Height: The height of a sign shall be computed as the distance from the highest attached component of the sign to the nearest sidewalk, curb, or street crown, whichever is highest.
2. Individual One Sided Sign: The area of the sign face that will encompass the extreme limits of the display, not including any supporting framework or other backdrop which is clearly incidental to the display, shall be measured.
3. Multifaced Signs: The sign area shall be computed by adding together the area of all sign faces visible from any point. When two (2) identical sign faces are placed back to back and are part of the same sign structure, not more than forty two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.

F. Number Of Freestanding Signs Per Lot or Parcel:

1. Primary Frontage: One freestanding sign per lot; one additional freestanding sign is permitted if property has more than two hundred feet (200') of frontage (exception: shopping center restrictions). Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.
2. Secondary Frontage: One freestanding sign is allowed for each additional frontage and shall not be higher than fifty percent (50%) of the allowed height. Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.

G. Setbacks:

1. Signs may not block traffic visibility.
2. If a sign is located at an intersection, the following rules apply:

a. Signs located within a forty-five foot (45') triangle (measured 45 feet from the street corner both ways) must be under two and one-half feet (21/2') tall, or should have over eight feet (8') of clearance at the bottom of the sign.
b. This triangle shall be maintained in an open manner so as to provide proper clear view area.
c. All advertising signs shall be set back from city streets, a distance at least equal to the distance that buildings are located.

H. Shopping Centers; Office Building Complexes:
1. Only one freestanding sign is allowed for shopping centers and office building complexes which lease to three (3) or more businesses on one lot of record.
2. The group freestanding sign identifying the shopping center/office building complexes and its businesses may use all sign area allowed for that lot.
3. In addition, individual businesses may have one square foot of signage for each front line of the building, up to a maximum of one hundred twenty-eight (128) square feet.

I. Off Premises Signs:
1. Off premises signs shall be limited to Highways ~~666~~ 491 and 191 and regulated the same as on premises signs.
2. Off premises signs may not exceed a maximum of one hundred twenty-eight (128) square feet.

J. Prohibited Signs:
1. It is prohibited for signs erected after adoption hereof to be in noncompliance with the provisions herein.
2. Parked Vehicle Signs: Parked vehicles with a sign painted or placed on them for the express intent of directing attention to a business are prohibited. This does not include vehicles used regularly in the course of conducting daily business activities.
3. Signs On Public Rights Of Way: No private sign shall be placed on public rights of way.
4. Signs Attached To Public Property: No private sign shall be attached to public property or public utility poles.
5. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited.

K. Temporary Signs:
1. Temporary signs shall be figured in the total square footage allowed per lot.
2. Sign owners must designate areas where temporary signs will be displayed.
3. Temporary signs displayed outside of designated areas require a permit.
4. Temporary signs must be maintained and in good condition while being displayed.
5. Signs less than six (6) square feet in size and associated with an event do not require a permit.

6. Mobile Changeable Copy Signs: Mobile changeable copy signs shall not exceed thirty two (32) square feet and shall not be displayed for more than thirty (30) consecutive days.
7. Balloon Signs: Balloon signs may be displayed for up to thirty (30) days per lot, per year. ..What about on parcels?
8. Construction Signs:
   a. No more than one construction sign identifying a project to be built and the project participants shall be allowed per lot. What about parcels?
   b. Construction signs in residential zones shall not exceed six (6) square feet in area and five feet (5') in height.
   c. In commercial zones, the sign area shall not exceed fifty (50) square feet and shall not exceed eight feet (8') in height.
   d. Construction signs must not exceed the time period of construction and/or the day the business opens, whichever comes first, and shall be counted into the square footage of the total footage allowed for the lot. What about parcels?
   e. An additional thirty two (32) square feet would be allowed in commercial zones for artist renditions of the project.
   f. Proposed development signs may be allowed for ninety (90) days prior to groundbreaking. (Ord. 2012-01, 7-10-2012)
9. Political Campaign Signs:
   a. Political campaign signs shall pertain to a specific election.
   b. They shall not be located closer than one hundred fifty feet (150') to any designated polling place and shall not exceed thirty two (32) square feet in area.
   c. Political campaign signs shall be removed within one day after the election.
   d. The candidate or persons responsible for the placement of the sign shall be responsible for its removal. (Ord. 2014-6, 10-14-2014, eff. 10-14-2014)
10. Real Estate Signs:
   a. In residential zones, real estate signs shall not exceed six (6) square feet in area and five feet (5') in height.
   b. In commercial zones, real estate signs shall not exceed thirty two (32) square feet.
   c. Real estate signs must be placed on the premises of the property being sold.
   d. Only one sign per street frontage, per real estate company, is permitted.

L. Exempt Signs: Sign permits are not required for the following signs unless the limitation and requirements of this section cannot be met:
   1. Public Signs: Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty.
   2. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.

3. Private Traffic Direction Signs: Signs directing traffic movement into a premises or within a premises, not exceeding two (2) square feet in area for each sign. Horizontal directional signs on paved areas and flush with paved areas are exempt from these standards. Only one exempt directional sign is allowed per frontage, per lot. What about parcels?
4. Service Sign: A sign that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. These signs shall not exceed two (2) square feet in size.
5. Nameplates: A nameplate shall contain only the name of a resident.
6. Temporary Decorations: Temporary decorations or displays clearly incidental and associated with national or local holiday celebrations for a period not to exceed ninety (90) days per year, per lot. What about parcels?
7. Nonbusiness Temporary Signs: Temporary signs not associated with a business may be displayed not more than thirty (30) days per year or exceed six (6) square feet in size.
8. Rear Entrance Signs: Rear entrance signs, when associated with pedestrian walk through buildings. These signs shall not exceed sixteen (16) square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.
9. Menu Signs: Menu signs at drive-in restaurants which are not readable from the nearest public right of way; and signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right of way.
10. Private Warning Or Instructional Signs: Private warning or instructional signs not exceeding two (2) square feet per sign.
11. Murals: Murals must be painted or attached to the wall of buildings and are exempt from the sign ordinance except for the lettering and logo portion of the mural.
12. Pennants, Window Dressings, Window Banners: Pennants, window dressings, window banners are exempt.

M. Design, Construction, Maintenance And Liability:
   1. All signs shall be designed, constructed, and maintained to comply with applicable provisions of the building codes adopted by the city.
   2. All signs shall be maintained and in good structural condition.
   3. Sign owners are liable for their signs.
   4. The city of Monticello, its officials and other agents, shall in no way be liable for damages caused by signs.

N. Abandoned Signs: Any of the following criteria shall be used to determine abandonment:
   1. A sign which identifies an establishment, service(s), goods or products no longer provided on the premises shall have its copy vacated within thirty (30) days of when the circumstance commenced. If the copy then remains vacant for six (6)

months, the sign structure shall be removed by the owner within five (5) working days following expiration of the six (6) month period.

2. A sign which identifies a time, event, or purpose which passed or no longer applies shall be removed by the sign owner within three (3) working days from the time the event or purpose passed or no longer applies.
3. An off premises advertising sign which is vacant of copy or which advertises an establishment, service, goods, or product which no longer exists, shall be removed by the sign owner within five (5) working days after remaining in the defined condition for one month.
4. When building mounted and painted wall signs or murals are removed, the face of the structure shall be treated to conform to surrounding building conditions. Such removal shall not leave evidence of the sign's existence.

O. Permit Procedures And Enforcement:

1. Permit Required: If a sign requiring a permit under the provisions of this title is to be placed, constructed, erected, or altered on a lot, What about a parcel? the sign owner shall secure a building permit from the city prior to the construction, placement, erection, or alteration of such sign.
2. Applications: One application and permit may include multiple signs on the same lot. What about parcels? An application for construction, creation, or installation of a new sign, or for the structural alteration of an existing sign, shall be accompanied by detailed drawings to scale of all existing and proposed signs on a lot and must show:
   a. The height of all signs on a lot;
   b. The square footage of all individual signs on a lot;
   c. The total combined square footage of all signs on a lot;
   d. site plan indicating length of street frontage, location of buildings, parking lots, driveways, landscaped areas, and all existing and proposed signs on the site;
   e. overall dimensions, design, structure, materials, proposed copy and illumination specifications of all signs;
   f. Photographs of the lot.
3. Fees: Each application shall be accompanied by the applicable fee, which shall be established by resolution of the city council.
4. Action: Within five (5) days of the date the application is submitted, it shall be reviewed by the zoning administrator. If the applicant complies to all sign ordinance regulations, a permit will be issued. If the application is found to be incomplete, the applicant shall be notified of the deficiencies.
5. Inspections: The zoning administrator shall cause an inspection for each permit issued. If the signs do not comply, the applicant shall be notified and allowed thirty (30) days to correct the deficiencies. If the deficiencies are not corrected within thirty (30) days, the permit shall be rescinded.
6. Renewal Of Sign Permits: If sign owners comply with the provisions of this title and make no structural alterations or changes to their existing signs, the city shall

automatically renew sign permits at the end of every year when the business license is renewed, without an additional sign permit fee, if the sign owner has not constructed, placed, erected, or structurally altered existing signage. A new application must be processed and an applicable fee shall be charged for signs constructed, placed, erected, or structurally altered.

7. Lapse Of Sign Permit: A sign permit shall lapse automatically if it is not renewed, if the business license for the premises lapses or is revoked, or if the sign is abandoned. If a sign permit elapses, a new permit and payment of applicable fees are required.
8. Registration Of Existing Signs: All signs existing at the time the ordinance codified herein is passed must be registered with the city by the sign owner within a two (2) year period and a permit obtained. Existing signs that do not comply with the ordinance codified herein will be issued a noncomplying sign permit.
9. Nonconforming Sign: A nonconforming sign may not be moved to a new location, structurally altered, enlarged, or replaced unless it be made to comply with the provisions of this title. If a nonconforming sign changes ownership, the sign must comply with the provisions of this title within six (6) months of close of purchase.
10. Violations: Any of the following shall be in violation of this title and subject to the enforcement remedies and penalties provided by this title, other applicable city ordinances, and state laws:
    a. To install, create, erect, alter, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
    b. To install, create, erect, alter, or maintain any sign requiring a permit without such a permit;
    c. To fail to remove any sign that is installed, created, erected, altered, or maintained in violation of this title, or for which the sign permit has lapsed; or
    d. To continue any such violation. Each day of continued violation shall be considered a separate violation when applying the penalty portions of this title.
11. Notice, Action And Penalty: The zoning administrator shall issue notice to sign owners who display signs without a permit and allow thirty (30) days from the date of notice for the deficiencies to be corrected. If the deficiencies are not corrected within the given time, the sign owner's business license may be revoked, a fine may be imposed, or the sign owner may be convicted of violating a class B misdemeanor.
12. Illegal And Nonmaintained Signs: The zoning administrator shall issue written notice of violation to the sign owner, for any sign found unsafe, illegal, or not maintained.
13. Removal Of Signs: If any unsafe sign is not repaired or made safe within five (5) days after the owner has been given notice, the zoning administrator shall have the sign removed. Within thirty (30) days after the owner has been given written notice of a sign which is found in violation of this title, is illegal, or not maintained, the zoning administrator shall have the sign removed. Costs incurred for removal of a sign will be the responsibility of the owner and shall be paid to the city within thirty (30) days.

P. Right Of Appeal: Any person who has been ordered by the zoning administrator to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the board of adjustment. The board of adjustment shall have power to review and allow or disallow variances to the sign ordinance based on powers and duties defined in section 2-2-4 of this code. (Ord. 2012-01, 7-10-2012)

NOTE: The sign ordinance has not been reviewed in recent years and may be out of compliance with state laws

10-2-6: PARKING AND STORAGE OF RECREATIONAL VEHICLES:

A. Intent: The intent of this section is to define locations for the parking and storage of recreational vehicles such that neighborhood quality and character are maintained.
   1. "Recreational vehicle" as defined in section 10-1-4 of this title.
   2. "Residential areas" as used in this section means property located within a residential zone and property used for residential purposes located in ~~a commercial zone.~~ any other zone of the city.
   3. "Parking" as used in this section means the temporary parking of a recreational vehicle for a limited period of time as specified in subsection B or D of this section.
   4. "Storage" as used in this section means the parking of a recreational vehicle when it is not in use off site.
   5. Exemptions:
      a. Pickup or light truck of ten thousand (10,000) pounds' gross weight or less with or without a mounted camper unit that is used primarily by the property owner or tenant for transportation purposes.
      b. Travel trailer, camp trailer, or motor home when temporarily located on a lot on which a building is being constructed and said vehicle is connected to approved water and sewer facilities for a period of one year or less.

B. Parking Restrictions:
   1. No recreational vehicle may be parked upon a city street for longer than twenty four (24) consecutive hours.
   2. A recreational vehicle may not be parked on a city street in a manner that obstructs visibility from adjacent driveways or street corners.
   3. While parked on a city street no pop outs or other lateral extension of the recreational vehicle shall be deployed.
   4. No recreational vehicle parked on a city street may be used as a dwelling.
   5. A recreational vehicle may be parked in the front setback area of a residential dwelling for no more than fourteen (14) days per vehicle in any one calendar year, provided:
      a. The recreational vehicle is parked on a driveway.

b. The residential parking requirement at subsection 10-2-1C of this chapter is still satisfied.
c. No portion of the recreational vehicle may extend into the city street or sidewalk.
d. No portion of the vehicle may extend beyond the property line of the lot upon which it is parked.
e. No effluent, petroleum product, or wastewater is discharged from the recreational vehicle.

C. Storage Requirements:
1. No recreational vehicle may be stored upon a city street or sidewalk.
2. A recreational vehicle may be kept in a side or rear yard at the owner's residence, provided:
   a. The vehicle is screened from adjacent properties by vegetation, or a fence built in compliance with section 10-2-10 of this chapter.
   b. The vehicle is maintained in a clean, well kept condition that does not detract from the appearance of the surrounding area.
   c. The vehicle is operational and currently registered and licensed.
   d. No effluent, petroleum product, or wastewater is discharged from the vehicle.

D. Recreational Vehicle As A Temporary Dwelling Unit:
1. It is unlawful for any person to use any parked or stored recreational vehicle as a permanent dwelling.
2. A recreational vehicle may be used as a temporary dwelling when the vehicle is used by guests who travel in it, provided:
   a. The recreational vehicle is situated on the host's property in conformance with subsection B4 or C of this section.
   b. The vehicle is equipped for sleeping.
   c. The stay does not exceed fourteen (14) days per vehicle in any one calendar year.
3. A stored recreational vehicle may be used for temporary sleeping space, provided:
   a. The vehicle is stored on the owner's property in conformance with subsection C of this section.
   b. The vehicle is equipped for sleeping.
   c. No effluent or wastewater is discharged from the vehicle.
   d. No portion of the vehicle may extend beyond the property line of the lot or parcel on which it is situated.
   e. Use does not exceed thirty (30) days in any one calendar year. (Ord. 2016-6, 6-28-2016)

10-2-8: CONDITIONAL USES:

The City of Monticello's authority to approve or deny a conditional use is an administrative land use decision. The city will classify any use in a zoning district as either permitted or conditional use under this section.

A. The City May Issue A Conditional Use Permit When

1. The use complies with objective standards set forth in this section;
2. The use does not conflict with a provision of city code or other state or federal law;
3. If reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects of the proposed used in accordance with applicable standards;
4. If the city imposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of a proposed conditional use; and
5. Reasonable mitigation of anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effect.

~~B. If reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposed imposition of reasonable conditions to achieve compliance with applicable standards, the city may deny the conditional use.~~

C. Conditional Use Standards Of Review: An applicant for a conditional use in the zone must demonstrate:

1. The proposed use complies with all applicable provisions of this chapter, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the city general plan as amended;
5. Traffic conditions are not adversely affected by the proposed use, including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. There is sufficient utility capacity;
7. There is sufficient emergency vehicle access;
8. The location and design of off street parking complies with off street parking standards;
9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Exterior lighting that complies with the lighting standards of the zone;
11. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been reasonably mitigated and are appropriate to the topography of the site.

D. Specific Review Criteria For Home Occupation Conditional Use: In addition to the requirements at 10-2-4(C), the planning commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for a home occupation.

1. The home occupation is permitted in the zone;
2. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
3. The physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located, and does not depreciate surrounding residential values by creating a nuisance in a residential neighborhood including, but not limited to, generating increased traffic, excessive noise, offensive odors, etc;
4. The home occupation is conducted within the main residential dwelling and is carried on by residing members of the dwelling, except that individuals not residing in the dwelling may work at the home occupation, provided:
    a. No more than one nonresiding employee shall be allowed to work in the home occupation at any given time; and
    b. The nonresiding employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-1, "Off Street Parking Requirements", of this chapter).
5. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
6. The home occupation may use an accessory building for business storage, provided the accessory building meets all city building and zoning codes including, but not limited to, setbacks designated for R-1 and R-2 residential zones (see sections 10-6-5 and 10-7-5 of this title).
7. The use of yard space for storage of business-related materials shall not be permitted.
8. Signs designating the home occupation are limited to one nonflashing sign, not larger in area than two hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.
9. Entrance to the home occupation shall be left to the discretion of the homeowner, and may be defined by a second small directional sign, limited to twelve inches by twelve inches (12" x 12") in size, at the predesignated entryway, except:
    a. The structure and entrance shall be compatible with the objectives and characteristics of the zone in which the home occupation is located, and
    b. When applicable, the entrance to the home occupation shall conform to regulations imposed by Utah state statute.
10. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
11. The home occupation shall be registered with the license division or department of the city

F. Small Lots: Where a parcel of land at the time of the adoption hereof is at least one and eight-tenths (1.8) times as wide and one and eight-tenths (1.8) times as large in area as required for a lot in the zone, the board of adjustment may permit the division of a parcel into two (2) lots, provided:

1. Such division will not cause undue concentration of buildings;
2. The characteristics of the zone in which the lot is located will be maintained;
3. In the opinion of the board of adjustment, values in the area will be safeguarded.

G. Utility Buildings And Structures Permitted: Water, sewer and electric buildings and structures may be constructed in all residential zones, subject to the approval of the board of adjustment. The planning commission may impose conditions which are reasonably necessary to protect surrounding property values and residential amenities.

NOTE: The authority of the "Board of Adjustment" to implement sections F and G needs verification

F. Moved Buildings:

1. No permit for the moving within the city of any residential, commercial or industrial building which has had prior use shall be issued, as required under section 10-16-1 of this title without first filing an application with the zoning administrator. Said application shall contain the following information:
   a. Location and address of the old and new site;
   b. Plot plan of the new location showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots;
   c. Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment when required by the zoning administrator;
   d. Certification by the zoning administrator that the structure is sound enough to be moved and that the condition, location and use of the building will comply with this title and all other applicable codes and ordinances;
   e. Said building and the lot on which the building is to be located will conform to the requirements of this title and other applicable codes, ordinances and regulations;
   f. Its location on the lot does not, in any substantial way, adversely affect buildings or uses in abutting properties;
   g. All required dedications and improvements for streets, facilities and buildings shall be provided in conformity with the standards of the city;
   h. That adequate provision has been made through the posting of a bond or other assurance that the building and grounds shall be brought up to the standards of a new building before it is occupied and that the vacated site shall be restored to a safe and sightly condition.
2. The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes and similar movable structures, except when being moved from outside the city into a mobile home park.

G. Transitional Uses: Uses which are permitted on either portion of a lot which is divided by a zone boundary line, or which is coterminous with a zone boundary line, may be permitted to extend to the entire lot, but not more than one hundred feet (100') beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the planning commission must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby. *NOTE: Clause G needs clarification and validation.*

H. Applicant's Entitlement To Conditional Use Application Approval:

1. An applicant is entitled to approval of a conditional use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pay application fees, unless:
   a. The land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
   b. In the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner than would prohibit approval of the application as submitted.
2. The city shall process an application without regard to proceedings the city initiated to amend the city's ordinances as described in 10-2-E.1.b if:
   a. 180 days have passed since the city initiated the proceedings; and
   b. The proceedings have not resulted in an enactment that prohibits approval of the conditional use application as submitted.
3. A conditional use application is considered submitted and complete when the applicant provides the application form that complies with the requirements of applicable ordinances and pays all applicable fees.
4. The continuing validity of an approval of a conditional use permit is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

I. Permit Revocation:

1. The city council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The city council shall send notice of the revocation to the holder of the permit and the holder of the permit shall immediately cease any use of the property which was based on the conditional use permit.
2. If the city council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the

appeal with the city recorder within fifteen (15) days of the date of the notice that the city has revoked the conditional use permit.

3. Upon receipt of the appeal, the city council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the city recorder received the appeal. The city shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

J. Time Limit:

1. Action authorized by a conditional use permit must commence within one year of the time the permit is issued.
2. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit.
3. The planning commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must :
   a. Apply for an extension in writing before the expiration of the original permit;
   b. Submit the application to the city recorder; and
   c. Describe on the application the cause for requesting the extension. (Ord. 2012-01, 7-10-2012)

~~A. Conditional Use Standards Of Review: The city shall not issue a conditional use permit unless the planning and zoning administrator, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.~~

~~1. General Review Criteria: An applicant for a conditional use in the zone must demonstrate:~~

~~a. The application complies with all applicable provisions of this chapter, state and federal law;~~

~~b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;~~

~~c. The use is not detrimental to the public health, safety and welfare;~~

~~d. The use is consistent with the city general plan as amended;~~

~~e. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;~~

~~f. There is sufficient utility capacity;~~

~~g. There is sufficient emergency vehicle access;~~

~~h. The location and design of off street parking as well as compliance with off street parking standards;~~

~~i. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;~~

~~j. Exterior lighting that complies with the lighting standards of the zone;~~

~~k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.~~

~~2. Specific Review Criteria For Certain Conditional Uses: In addition to the foregoing, the planning commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses.~~

~~B. Approval Required: The following use shall be permitted only after approval as set forth herein:~~

~~Home occupations. The city may grant a permit for a home occupation subject to the following conditions:~~

~~1. The home occupation is permitted in the zone.~~

~~2. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.~~

~~3. The physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located, and does not depreciate surrounding residential values by creating a nuisance in a residential neighborhood including, but not limited to, generating increased traffic, excessive noise, offensive odors, etc.~~

~~4. The home occupation is conducted within the main residential dwelling and is carried on by residing members of the dwelling, except that individuals not residing in the dwelling may work at the home occupation, provided:~~

~~a. No more than one nonresiding employee shall be allowed to work in the home occupation at any given time;~~

~~b. The nonresiding employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-1, "Off Street Parking Requirements", of this chapter).~~

~~5. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.~~

~~6. The home occupation may use an accessory building for business storage, provided the accessory building meets all city building and zoning codes including, but not limited to, setbacks designated for R-1 and R-2 residential zones (see sections 10-6-5 and 10-7-5 of this title).~~

~~7. The use of yard space for storage of business related materials shall not be permitted.~~

~~8. Signs designating the home occupation are limited to one nonflashing sign, not larger in area than two hundred twenty six (226) square inches. If lighted, the light shall be diffused or shielded.~~

~~9. Entrance to the home occupation shall be left to the discretion of the homeowner, and may be defined by a second small directional sign, limited to twelve inches by twelve inches (12" x 12") in size, at the predesignated entryway, except:~~

~~a. The structure and entrance shall be compatible with the objectives and characteristics of the zone in which the home occupation is located.~~

~~b. When applicable, the entrance to the home occupation shall conform to regulations imposed by Utah state statute.~~

~~10. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.~~

~~11. The home occupation shall be registered with the license division or department of the city.~~

10-2-9: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS:

Concessions including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted on a public park or playground when approved by the city council as a conditional use permit. (Ord. 2012-01, 7-10-2012)

10-2-10: TEMPORARY USES:

A. Intent: The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature.

B. Permitted Temporary Uses: Certain uses may be permitted on a temporary basis in any zone when approved by the city council. Said temporary uses may include, but will not be limited to:

Carnivals and circuses.
Christmas tree sales lots.
Construction storage yards, when required in connection with a primary construction project.
Flower stands.
Music festivals.
Political rallies.
Promotional displays.
Rummage sales.
Tents for religious services.

C. Application For Temporary Use:

1. Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the city council. Said application shall contain the following information:
   a. A description of the proposed use;

b. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property;
c. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use.

2. Approval Required: The city council may approve said application provided the council finds:
   a. The proposed use is listed as a permitted temporary use or, in the opinion of the city council, is similar to those uses permitted.
   b. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area and, if traffic control is required, it will be provided at the expense of the applicant.
   c. The proposed use shall not occupy the site for more than ten (10) days, except for Christmas tree lots which shall not occupy the site for more than forty (40) days, and construction storage yards which shall be removed within thirty (30) days following completion of the primary construction project for which the temporary permit was issued.
   d. The applicant will have sufficient liability insurance for the requested use or event.
   e. The applicant shall provide, at his own expense, for the restoration of the site to its original conditions, including cleanup and replacement of facilities as may be necessary.

D. City Council May Delegate Approval Responsibility; Exceptions:
   1. The city council may authorize the zoning administrator to issue temporary use permits for certain temporary uses without council review. Where the request is for a temporary use which is not listed or where, the characteristics of the proposed use are not in compliance with the above standards, the zoning administrator shall refer the application to the city council for its action.
   2. In granting approval, the city council may attach additional conditions as it deems appropriate to ensure that the use will not pose any detriment to persons or property. The Council may also require a bond to ensure that necessary cleanup or restoration work will be performed. (Ord. 2012-01, 7-10-2012)

10-2-11: PORTABLE STORAGE CONTAINER REGULATIONS:

A. Definition: A "portable storage container" includes any of the following types of buildings, structures, or vehicles:
   1. Metal shipping container of the type commonly marketed for storage and which can be delivered or removed by semitrailer, regardless of whether such structure is located on a foundation or slab.
   2. Semitrailer or other trailer whether such vehicle is parked on or off a City street, and which does not have a current Utah license and inspection.
   3. Box from a delivery truck when such has been removed from the chassis.

B. Appropriate Use Of Portable Storage Containers: No portable storage container may be placed in any zone unless it meets one of the following criteria:

1. Permanent placement is allowed for commercial purposes within the I-1 Industrial, C-1 Commercial, and C-2 Light Commercial Zones when it is authorized by City permit.
   a. The placement of the portable storage container cannot block traffic or interfere with access for public safety.
   b. Used containers must have all prior identifying markings removed.
   c. Advertising on such containers will be limited to the promotion of the commercial entity located on the same lot as the container and shall comply with the sign ordinance.
   d. The container must be maintained to match the commercial building decor located on the same lot or it must be hidden from view by a fence.
   e. Semitrailers or other trailers used as storage containers must also have axles removed.
2. Permanent placement is allowed within residential zones when it is authorized by City permit.
   a. Container cannot be placed in a front yard or within the twenty foot (20') side setback of a side yard that fronts on a street.
   b. The placement of the portable storage container cannot block traffic or interfere with access for public safety or utilities.
   c. Used containers must have all prior identifying markings removed.
   d. The container must be maintained to match the residential building decor located on the same lot.
   e. Semitrailers or other trailers used as storage containers must also have axles removed.
3. Temporary placement is allowed for storage of tools, materials, and supplies at an active construction site in all zones, for a period not to exceed eight (8) months and when authorized by permit.
   a. Placement of the portable storage container cannot block traffic or interfere with access for public safety.
   b. Temporary placement is limited to one container per lot Parcel? for any twelve (12) month period. (Ord. 2012-01, 7-10-2012)

C. Maximum Size:

1. The maximum size for any permitted portable storage container located in R-1, R-2, and C-2 Zones is three hundred sixty (360) square feet and cannot exceed ten feet (10') in height.
2. The maximum size for any permitted portable storage container located in C-1, I-1, and A-1 Zones is four hundred twenty-four (424) square feet, with the exception of residences located in C-1 and I-1 Zones; in which case, the maximum size for any permitted portable storage container is three hundred sixty (360) square feet.

3. Portable storage containers can be attached or detached from the main structure. (Ord. 2018-4, 4-10-2018)

D. Permit Required: A permit is required for all portable storage containers.
   1. Any portable storage container greater than or equal to two hundred (200) square feet is considered an accessory building and requires a separate building permit in addition to a portable storage container permit.
   2. Any portable storage container less than two hundred (200) square feet requires only a portable storage container permit, unless electricity is proposed to be installed.

E. Prohibited Uses:
   1. No modular home, house trailer, vehicle, or camp trailer can be used for storage, whether permanent or temporary.
   2. All existing portable storage containers that do not meet the appropriate uses (above) will be removed at the owner's expense. (Ord. 2012-01, 7-10-2012)

10-2-12: CHICKENS:

This section shall provide residents of the community the opportunity to maintain up to ten (10) hen chickens as pets and for the purpose of producing eggs, subject to the described restrictions and regulations. The objective is to cultivate localized self-supporting and sustainable behavior for the betterment of the local, regional, and world community.

A. General Conditions: In all A-1, R-1, R-2 Zones and planned unit developments in the City of Monticello, and only for those single-family residential uses in the commercial zones, up to and not exceeding more than ten (10) hen chickens for egg production as family food, shall be allowed. This use is solely to allow hens per household as pets and for the purpose of producing eggs, subject to the following restrictions.

B. Prohibited Uses:
   1. No roosters shall be allowed in the R-1, R-2, and any commercial zone or in planned unit developments. If chickens are purchased as chicks and any are determined at a later date to be roosters, they shall be removed immediately upon determination of gender;
   2. Fighting chickens are not allowed;
   3. Hen chickens shall not be raised for slaughter for commercial purposes.

C. Standards For Containment:
   1. Hens shall be securely fenced and confined to the rear yard of the property.
   2. Any permanent hen shelter must comply with the accessory structure requirements. (Ord. 2012-01, 7-10-2012)

10-2-13: DIAGONAL PARKING:

Diagonal parking will be permitted on any City street located in a C-1 or C-2 Zone so long as the following conditions are met:

A. Size/Marking:
   1. The dimensions of each diagonal parking space shall be at least nine feet by eighteen feet (9' x 18'), and set at an angle of sixty degrees (60°) from the curb.
   2. All diagonal parking spaces must be clearly marked with approved white marking paint, and must be four inches (4") wide.
   3. It is the responsibility of the property owner abutting the diagonal parking spaces to paint and maintain the markings of the parking spaces.

B. Street Width:
   1. The City street where the diagonal parking will be located must be at least sixty feet (60') wide.

C. Setbacks:
   1. Diagonal parking must be set back from any intersection not less than thirty feet (30').
   2. No diagonal parking space is permitted to encroach into a driveway access.
   3. Clear access to any fire hydrant shall be no less than three feet (3') on both sides of the fire hydrant. This clear space shall be striped as a no parking zone. (Ord. 2012-01, 7-10-2012)

10-2-14: FENCES:

All heights of fences will be measured from the ground level.

A. Interior Lots:
   1. Fences in a front yard will have a maximum height of four feet (4').
   2. Side and back yard fences will have a maximum height of six feet (6').

B. Corner Lots:
   1. Corner lot fences must maintain a forty-five degree (45°) clear view triangle on the corner, at a height of no more than four feet (4').
   2. A front yard on a corner lot is the yard that contains the formal public entrance. The height of the fence in the front yard on a corner lot will have a maximum height of four feet (4').
   3. Side and back yard fences will have a maximum height of six feet (6') as long as it does not infringe upon the forty five degree (45°) clear view triangle space.

C. Clear View Of Intersecting Streets: In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-2-15: SPECIFIED PUBLIC UTILITY LOCATED IN A CITY UTILITY EASEMENT

A specified public utility may exercise each power of a public utility under section ____ if the specified public utility uses an easement:

1. With the consent of the city; and
2. That is located within a city utility easement described in subsections ---.

10-2-16: SOLAR ELECTRICITY SYSTEMS

A. The purpose of this section is to allow the use of solar panels within the city as specified in this section.

B. Definitions:

1. SOLAR PANEL: A device that converts light into electricity.
2. COMMERCIAL SOLAR PANEL: A solar panel from which electricity is produced for resale.
3. NON-COMMERCIAL SOLAR PANEL: A solar panel from which electricity is produced for on-site consumption.
4. FREE-STANDING SOLAR PANEL: A solar panel that is not permanently attached to any other structure and one that does not rely upon any other structure for support and/or stability.
5. STRUCTURALLY ATTACHED SOLAR PANEL: A solar panel that is permanently attached to any other structure and one that rlies upon another structure for support and/or stability.

C. Allowed Uses:

Solar installations shall be permitted in all zones subject to all applicable limitations in each respective zone, including but not limited to setbacks, height restrictions, and city building code requirements.

D. Solar Electricity System Installation Requirements:

1. A permit from the city is required prior to installation of any solar electricity system.
2. Free-standing solar panels shall be considered an accessory building and shall be subject to the requirements for such, together will all other building codes and ordinances.

3. Structurally attached solar panels are subject to all applicable building codes and ordinances.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes required by Utah law
Blue = Changes previously rdiscussed by PC & CC but not yet submitted to CC

CHAPTER 6
R-1 RESIDENTIAL ZONE

10-6-1: REGULATIONS:
The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012) *See attorney comments on lots and parcels*

10-6-2: INTENT:
The R-1 residential zone has been established for the purpose of providing a place where single family detached dwellings can be constructed, having attractively landscaped yards and a favorable environment for family life. Uses such as multiple-family dwellings, apartment houses and commercial and industrial uses are not permitted in this zone. (Ord. 2012-01, 7-10-2012)

10-6-3: PERMITTED USES:
A. The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:
   Single-family dwellings of conventional construction and manufactured homes.
   Foster care and family care homes.
   Childcare as defined at 10-1-4 of this title
   Residential accessory uses and structures.
   Long-term rental of dwelling unit for 30 days or longer
   Churches, not including temporary revival tents or buildings.
   Walls and hedges.
   Household pets.
   Accessory buildings
   ~~Machinery sheds used for storage of equipment used in connection with agricultural activities performed on the premises.~~ *NOTE: Public comment desires this be retained; with possible limits on lot size and location*
   Public agency parks and playgrounds.
   ~~Public buildings and grounds not including storage yards and repair shops.~~
   Public, private and parochial schools and grounds.
   ~~The growing of field crops and fruit~~. *NOTE: Public comment desires this be retained with possible limits on lot size and location*

The growing of fruit and gardens for household use.
Utility lines ~~and buildings~~. (Ord. 2012-01, 7-10-2012)

B. The following uses are permitted when in compliance with the specified section of Title 10, Zoning Regulations:
   Accessory signs conforming to section 10-2-2 [to be renumbered] of this title.
   Conditional uses as permitted in section 10-2-4 [to be renumbered] of this title.
   Temporary uses subject to the provisions of section 10-2-6 [to be renumbered] of this title.
   Keeping of chickens ~~(please reference~~ as allowed in section 10-2-8 [to be renumbered] of this title.
   Fences in conformance with section 10-2-10 [to be renumbered].
   Solar panels conforming to section 10-2-___ of this title.

10-6-4: AREA AND FRONTAGE REQUIREMENTS:
Area and frontage requirements shall be as follows:

Main Use	**Minimum Lot Area**	**Minimum Frontage (at setback line)**
Single family dwelling	~~10,000~~ 5,445 square feet	~~80~~ 60 feet
Churches	1 acre	125 feet
Other uses	None	None

(Ord. 2012-01, 7-10-2012)

10-6-5: LOCATION REQUIREMENTS:
~~Setback distances shall be determined by measuring from the property line to the foundation of the building~~. All dwellings and other buildings and structures shall be set back according to the special conditions noted below: *Do we want to treat setbacks on parcels the same or differently?*

A. Front Setback:
   ~~1.Main Buildings: All dwellings and other main buildings and structures shall be set back not less than twenty feet (20') from the front lot line back of curb.~~
      ~~a. If the narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), the owner's setback from property line may be reduced to ten feet (10'). Code exception only applicable to properties with curb to measure from. (Ord. 2014-4, 4-22-2014)~~
      ~~a. Where a curb is not present the setback shall be measured from the center of the city street as determined by the Public Works Department.~~
      ~~b. If a lot line is angled, a reduced setback requirement may be applied if all of the following conditions are met:~~
         ~~1. The narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), and~~
         ~~2. The greatest distance is over twenty feet (20'), and~~
         ~~3. The setback conforms with surrounding homes.~~

1. Main Setback: All dwellings and other structures shall be set back according to the special conditions noted below:
    a. Where the legal property line of the residential lot is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot line.
    b. Where the legal property line of the residential lot is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot line.
    c. Where the legal property line of the residential lot is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot line.
    d. Where the legal property line of the residential lot line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.

2. Accessory Buildings: All accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lots:
1. Main Buildings: All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot line.
2. Accessory Buildings: All accessory buildings shall be set back at least five feet (5') from the lot line~~, except that no minimum side setback shall be required when all the following conditions are met:~~
    ~~a. The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;~~
    ~~b. The accessory building contains no openings on the side contiguous to the lot line;~~
    ~~c. No drainage from the roof will be discharged onto an adjacent lot.~~

C. Side Setback; Corner Lot:
1. Side Abutting A Street: All dwellings and other main and accessory buildings shall be set back at least twenty feet (20') from the side lot line which abuts on a street.
2. Interior Side: Same as required for interior lots.

D. Rear Setback; Interior Lots:

1. Main Buildings: All dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot line.
2. Accessory building: Same as required under side setbacks; interior lots.

E. Rear Setback; Corner Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least five feet (5') from the rear lot line.~~, except that no minimum rear setback shall be required when all the following conditions are met:~~
   ~~a. The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;~~
   ~~b. The accessory building contains no openings on the side contiguous to the lot line;~~
   ~~c. No drainage from the roof will be discharged onto an adjacent lot;~~
   ~~d. The accessory building will be set back at least fifty feet (50') from the side lot line abutting the street.~~ (Ord. 2012-01, 7-10-2012)

~~F. 10-6-23: Exception To Front And Side Setback Requirements:~~
~~The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 2012-01, 7-10-2012)~~

10-6-6: HEIGHT OF BUILDINGS:

The maximum height of ~~any building (measured from finished grade to the square of the building) shall be twenty feet (20') or two (2) stories, whichever is the higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs about the square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height. (Ord. 2012-01, 7-10-2012)~~ a dwelling building shall be measured from finished grade at the front of the dwelling to the highest wall plate.

A. The maximum height of a dwelling building shall be as noted below:
   1. Level lot or parcel: Twenty-four feet (24').
   2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be twenty feet (20').

B. Minimum height of a dwelling building:

No dwelling shall be erected which has a ceiling height of less than ~~seven feet six inches (7'6"~~) eight feet (8')-or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)

C. The maximum height of accessory buildings shall be no greater than twenty feet (20') or two stories, whichever is the higher.

D. Additional Height Allowed For Public Buildings:
Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-6-7: SIZE OF DWELLING:
The ground floor area of any single-family dwelling shall be at least nine hundred (900) square feet of living area exclusive of open porches, carports, garages and similar add-ons. (Ord. 2012-01, 7-10-2012)

10-6-8: WIDTH OF BUILDINGS:
The total length or total width of any dwelling or church shall be at least twenty feet (20'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 2012-01, 7-10-2012)

10-6-9: YARD SPACE FOR ONE MAIN BUILDING ONLY:

A. No required yard or other open space around an existing building, or which is hereafter provided around any building, that is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

B. No required yard or other open space around an existing main building, or which is hereafter provided around any building that is needed to comply with provisions of this title, shall be used for parking or storage of operable vehicles unless in compliance with 10-2-1.

10-6-10: EVERY DWELLING TO BE ON ZONING LOT:
Only one building which contains a dwelling shall be located and maintained on a "zoning lot" as defined in this title, except dwellings within a mobile home park, or other large scale development. (Ord. 2012-01, 7-10-2012) *Does this conflict with Accessory Dwelling Unit? What do we do with this on parcels?*

10-6-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot, parcel, or building may be sold or leased apart from such lot, parcel, or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-6-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:
Every part of a required yard shall be open to the sky and unobstructed except:

A. Permitted accessory buildings, and
B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports which may project up to three feet (3') into a required yard. ~~No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into a court not more than sixteen inches (16").~~ (Ord. 2012-01, 7-10-2012)

10-6-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:
Living and sleeping quarters in any building or structure other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)

10-6-14: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:
~~The storage and/or continuous parking of trucks, buses, or a combination of vehicles exceeding thirty five feet (35') in length, or having a rated capacity of one ton or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted; provided, that construction equipment may be stored on a lot during construction of a building thereon for less than one year. Trucks and equipment parked in residential areas for more than three (3) days in any one month are not allowed. (Ord. 2012-01, 7-10-2012)~~
Storage of commercial or oversized vehicles shall comply with 10-2-3 [to be renumbered] of this title.

10-6-15: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:
A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris or inoperable vehicles;
B. No land shall be used for such purposes, except as specifically provided by this title.
C. Storage of restorable vehicles may be permitted for a limited time, on a case by case basis, at the discretion of the zoning administrator. (Ord. 2012-01, 7-10-2012)

10-6-16: SEWAGE DISPOSAL:
A. Sewer connections shall comply with section 8-4-2.

B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-6-17: WATER CONNECTIONS:

A. Where municipal water is available all single family dwellings shall be connected in accordance with 8-4-2.
B. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued therefore.

10-6-18: DRAINAGE:

A. The owners and users of ditches shall not divert more water into the ditch than its carrying capacity. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)
B. Drainage corridors shall be protected in accordance with 10-12-2.

10-6-19: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of ~~forty five feet (45')~~ forty feet (40') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-6-20: EFFECT OF STREET PLAN:

Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

10-6-21: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

A. ~~Access shall be by not~~ No lot or parcel shall have more than two (2) driveways ~~from any one street~~.
B. Driveways shall not be closer to each other than twenty feet (20').
C. On corner lots or parcels, no driveways shall be closer than ~~fifteen feet (15')~~ twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.
D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-6-22: LANDSCAPING REQUIRED:
Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-6-23: POLLUTION PREVENTION:
Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-6-24: SPECIAL PROVISIONS:
Special provisions shall apply in order to protect its essential characteristics.

A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-6-19 of this title.
B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes required by Utah law
Blue = Changes previously discussed by PC & CC but not yet submitted to CC

Chapter 7
R-2 RESIDENTIAL ZONE

10-7-1: REGULATIONS:
The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-7-2: INTENT:
The R-2 zone has been established for the purpose of providing a place where single-, two- and multiple-family dwellings and small homes can be constructed. (Ord. 2012-01, 7-10-2012)

10-7-3: PERMITTED USES:
A. The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:
   ~~All uses permitted in the R-1 residential zone, section 10-6-3 of this title.~~
   Single-family dwellings of conventional construction and manufactured homes
   Multi-family dwellings, townhouses and condominiums.
   Small homes erected on foundations
   Mobile homes on foundations with tie down
   Boarding house, hostel, inn, hotel, or motel
   ~~Short-term or vacation rental of a single-family dwelling for 30 days or less~~
   Long-term rental of dwelling unit for 30 days or longer
   Bed and Breakfast business located within a home or inn
   Accessory Buildings
   Rest homes and daycare centers, and senior assisted living facilities. In approving such uses ~~when approved by~~ the city council~~. In approving such uses, the council~~ may attach reasonable conditions in excess to those required within the zone including, but not limited to, an increase in minimum lot size, additional setbacks, and increased parking. (Ord. 2012-01, 7-10-2012)
   Churches, not including temporary revival tents or buildings
   Walls and hedges
   Household pets
   Public agency parks and playgrounds

Utility lines and buildings

B. The following uses are permitted when in conformance with the specified sections of Title 10, Zoning Regulations:
   Accessory signs conforming to section 10-2-2 *[to be renumbered]*
   Conditional uses as permitted in section 10-2-4 *[to be renumbered]*
   Temporary uses subject to the provisions of section 10-2-6 *[to be renumbered]*
   Keeping of chickens in conformance with section 10-2-8 *[to be renumbered]*
   Fences in conformance with section 10-2-10 *[to be renumbered]*
   Solar electricity systems in conformance with 10-2-___
   Short term or vacation rental of a single-family dwelling for less than 30 days in conformance with section 10-2-___.

10-7-4: AREA AND FRONTAGE REQUIREMENTS:
Area and frontage requirements shall be as follows: *What about parcels?*

Main Use	Minimum Lot Area	Minimum Frontage (At Setback Line)
Single-family dwelling	~~10,000~~ 5,445 square feet	~~80~~ 60 feet
Small home	3,000 square feet	60 feet
Two-family dwelling	~~10,000~~ 7,000 square feet	85 feet
Multiple-family dwelling	10,000 square feet for first 2 units plus 2,500 square feet for each additional unit	85 feet for first 2 units plus 7.5 feet width for each additional unit
Churches	1 acre	125 feet
Other uses	None	None

(Ord. 2012-01, 7-10-2012)

10-7-5: LOCATION REQUIREMENTS: *What to do about parcels*?
A. Front Setback:
   ~~1. Main Buildings:~~ All single-family, small homes, and two-family dwellings and other main buildings and structures shall be set back according to the special conditions noted below:

a. Where the legal property line of the residential lot is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot line.
b. Where the legal property line of the residential lot is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot line.
c. Where the legal property line of the residential lot is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot line.
d. Where the legal property line of the residential lot line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.

2. All multi-family dwellings shall be set back not less than forty feet (40') ~~from the front lot line~~ back of curb.
3. ~~Where a curb is not present the setback of a dwelling unit shall be measured from the center of the city street as determined by the Public Works Department.~~
4. ~~If a lot line is angled, a reduced setback requirement may be applied to the dwelling unit if all of the following conditions are met:~~
   a. ~~The narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), and~~
   b. ~~The greatest distance is over twenty feet (20'), and~~
   c. ~~The setback conforms with surrounding homes.~~ (Ord. 2014-4, 4-22-2014)

5. Accessory Buildings: All accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lots:
1. Main Buildings: All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot line.
2. Accessory Buildings: All accessory buildings shall be set back at least five feet (5') from the lot line, except that no minimum side setback shall be required when all the following conditions are met:
   a. The accessory building is located more than ~~twelve feet (12')~~ five feet (5') from any existing dwelling on the same or an adjacent lot;
   b. The accessory building contains no openings on the side contiguous to the lot line;

c. No drainage from the roof will be discharged onto an adjacent lot.

3. All accessory buildings when adjoining an R-2 zone shall be set back twenty feet (20').

C. Side Setback; Corner Lot:

1. Side Abutting Street: All dwellings and other main and accessory buildings shall be set back at least twenty feet (20') from the side lot line which abuts on a street.
2. Interior Side: Same as required for interior lots.

D. Rear Setback; Interior Lots:

1. Main Buildings: All dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot line.
2. Accessory Building: Same as required under subsection B, "Side Setback; Interior Lots", of this section.
3. All accessory buildings when adjoining an R-2 zone shall be set back twenty feet (20').

E. Rear Setback; Corner Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least five feet (5') from the rear lot line, except that no minimum rear setback shall be required when all the following conditions are met:
   a. The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;
   b. The accessory building contains no openings on the side contiguous to the lot line;
   c. No drainage from the roof will be discharged onto an adjacent lot;
   d. The accessory building will be set back at least fifty feet (50') from the side lot line abutting the street. (Ord. 2012-01, 7-10-2012)

~~F. Exception To Front And Side Setback Requirements:~~

~~The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 2012-01, 7-10-2012)~~

10-7-6: HEIGHT OF BUILDINGS:

~~A.~~ The maximum height of any building (measured from finished grade ~~to the square of the building)~~ shall be ~~twenty feet (20')~~ twenty-four feet (24') or two (2) stories, whichever is the higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs about the square, chimneys, flagpoles, television

antennas, church towers and similar structures not used for human occupancy are excluded in determining height. (Ord. 2012-01, 7-10-2012)~~.~~

B. Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

C. No dwelling shall be erected which has a ceiling height of less than ~~seven feet six inches (7'6")~~ eight feet (8') or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)

10-7-7: SIZE OF DWELLING:

All area shall be exclusive of open porches, carports, garages, sheds and similar add-ons. This requirement shall not apply to mobile homes located within an approved mobile home park. (Ord. 2012-01, 7-10-2012)

A. The ground floor area of a single-family dwelling shall be not less than eight hundred (800) square feet.

B. A two-family dwelling shall contain a ground floor area of one thousand two hundred (1,200) square feet.

C. A multiple-family dwelling shall contain a ground floor area of one thousand two hundred (1,200) square feet for the first two (2) units, plus six hundred (600) square feet of living area for each unit over two (2).

D. The ground floor area of a small home shall be not less than six hundred (600) square feet and not more than eight hundred (800) square feet.

~~**10-7-8: WIDTH OF BUILDING:**~~

~~The total width or total length of any dwelling or other main building shall be at least twenty feet (20'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed, patio or similar add on. This requirement shall not apply to mobile homes located within an approved mobile home park. (Ord. 2012-01, 7-10-2012)~~

10-7-8: YARD SPACE FOR ONE MAIN BUILDING ONLY:

A. No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

B. No required yard or other open space around an existing main building, or which is hereinafter provided around any building, that is needed to comply with provisions of this title, shall be used for parking or storage or operable vehicles unless in compliance with 10-2-1.

10-7-9: EVERY DWELLING TO BE ON ZONING LOT:
Only one building which contains a dwelling shall be located and maintained on a "zoning lot" as defined in this title, except dwellings within a mobile home park, or other large scale development. (Ord. 2012-01, 7-10-2012) *Does "zoning lot" still exist? What about parcels?*

10-7-10: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:
No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012) *What about parcel?*

10-7-11: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:
Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports which may project up to three feet (3') into a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into a court not more than sixteen inches (16"). (Ord. 2012-01, 7-10-2012)

10-7-12: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS
Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)

10-7-13: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:
~~The storage and/or continuous parking of trucks, buses, or a combination of vehicles exceeding thirty five feet (35') in length, or having a rated capacity of one ton or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted; provided, that construction equipment may be stored on a lot during construction of a building thereon for less than one year. Trucks and equipment parked in residential areas for more than three (3) days in any one month are not allowed. (Ord. 2012-01, 7-10-2012)~~
Storage of commercial or oversized vehicles must conform with 10-2-3 of this title.

10-7-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

No yard or other open space surrounding an existing building in any zone, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris or inoperable vehicles; and no land shall be used for such purposes, except as specifically provided by this title. Storage of restorable vehicles may be permitted for a limited time, on a case by case basis, at the discretion of the zoning administrator. (Ord. 2012-01, 7-10-2012)

10-7-15: SEWAGE DISPOSAL:

A. Sewer connections shall comply with 8-4-2.

B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-7-16: WATER CONNECTION:

A. Where municipal water is available, all users in this zone shall be connected.

B. Where no public water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy is issued.

10-7-17: DRAINAGE:

The owners and users of ditches shall not divert more water into the ditch than its carrying capacity. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012) *To what ditches does this refer?*

10-7-18: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of ~~forty five feet (45')~~ forty feet (40') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-7-19: EFFECT OF STREET PLAN:

Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

10-7-20: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

A. Access shall be by not more than two (2) driveways from any one street.

B. Driveways shall be not closer to each other than twenty feet (20').

C. On corner lots, no driveways shall ~~be less than~~ be closer than ~~fifteen feet (15')~~ twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.

D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-7-21: LANDSCAPING REQUIRED:
Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-7-22: POLLUTION PREVENTION:
Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-7-23: SPECIAL PROVISIONS:
A. All buildings used for human occupancy shall be furnished with a public water supply.

B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.

C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.

D. Landscape plans shall be required in connection with all multiple-family dwellings. (Ord. 2012-01, 7-10-2012)

Enrolled Copy **H.B. 409**

MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill revises provisions related to municipal and county land use development and management.

Highlighted Provisions:

This bill:

- defines terms;
- establishes certain annual training requirements for a municipal or county planning commission;
- requires a local land use authority to establish objective standards for conditional uses;
- prohibits a municipality or county from imposing certain land use regulations on specified building permit applicants;
- establishes certain requirements governing municipal and county development agreements;
- prohibits a municipality or county from imposing certain requirements related to the installation of pavement for specified infrastructure improvements involving roadways;
- requires a municipality or county to establish by ordinance certain standards for infrastructure improvements involving roadways;
- modifies provisions related to property boundary adjustments, subdivision amendments, and public street vacations;

30 ▸ prohibits a municipal or county land use appeal authority from hearing an appeal
31 from the enactment of a land use regulation; and
32 ▸ makes technical and conforming changes.
33 **Money Appropriated in this Bill:**
34 None
35 **Other Special Clauses:**
36 None
37 **Utah Code Sections Affected:**
38 AMENDS:
39 **10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434
40 **10-9a-302**, as last amended by Laws of Utah 2020, Chapter 434
41 **10-9a-507**, as last amended by Laws of Utah 2019, Chapter 384
42 **10-9a-509**, as last amended by Laws of Utah 2020, Chapter 434
43 **10-9a-523**, as enacted by Laws of Utah 2013, Chapter 334
44 **10-9a-524**, as enacted by Laws of Utah 2013, Chapter 334
45 **10-9a-529**, as enacted by Laws of Utah 2020, Chapter 434
46 **10-9a-601**, as last amended by Laws of Utah 2019, Chapter 384
47 **10-9a-608**, as last amended by Laws of Utah 2020, Chapter 434
48 **10-9a-609.5**, as last amended by Laws of Utah 2020, Chapter 434
49 **10-9a-701**, as last amended by Laws of Utah 2020, Chapters 126 and 434
50 **10-9a-801**, as last amended by Laws of Utah 2020, Chapter 434
51 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434
52 **17-27a-302**, as last amended by Laws of Utah 2020, Chapter 434
53 **17-27a-506**, as last amended by Laws of Utah 2019, Chapter 384
54 **17-27a-508**, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
55 Coordination Clause, Laws of Utah 2019, Chapter 384
56 **17-27a-522**, as enacted by Laws of Utah 2013, Chapter 334
57 **17-27a-523**, as enacted by Laws of Utah 2013, Chapter 334

58 **17-27a-601**, as last amended by Laws of Utah 2019, Chapter 384
59 **17-27a-608**, as last amended by Laws of Utah 2020, Chapter 434
60 **17-27a-609.5**, as last amended by Laws of Utah 2020, Chapter 434
61 **17-27a-701**, as last amended by Laws of Utah 2020, Chapter 434
62 **17-27a-801**, as last amended by Laws of Utah 2020, Chapter 434
63 **57-1-13**, as last amended by Laws of Utah 2019, Chapter 384
64 **57-1-45**, as last amended by Laws of Utah 2019, Chapter 384
65 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434
66 ENACTS:
67 **10-9a-530**, Utah Code Annotated 1953
68 **10-9a-531**, Utah Code Annotated 1953
69 **17-27a-526**, Utah Code Annotated 1953
70 **17-27a-527**, Utah Code Annotated 1953
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72 *Be it enacted by the Legislature of the state of Utah:*
73 Section 1. Section **10-9a-103** is amended to read:
74 **10-9a-103. Definitions.**
75 As used in this chapter:
76 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
77 detached from a primary single-family dwelling and contained on one lot.
78 (2) "Adversely affected party" means a person other than a land use applicant who:
79 (a) owns real property adjoining the property that is the subject of a land use
80 application or land use decision; or
81 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
82 general community as a result of the land use decision.
83 (3) "Affected entity" means a county, municipality, local district, special service
84 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
85 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified

86 public utility, property owner, property owners association, or the Utah Department of
87 Transportation, if:
88 (a) the entity's services or facilities are likely to require expansion or significant
89 modification because of an intended use of land;
90 (b) the entity has filed with the municipality a copy of the entity's general or long-range
91 plan; or
92 (c) the entity has filed with the municipality a request for notice during the same
93 calendar year and before the municipality provides notice to an affected entity in compliance
94 with a requirement imposed under this chapter.
95 (4) "Affected owner" means the owner of real property that is:
96 (a) a single project;
97 (b) the subject of a land use approval that sponsors of a referendum timely challenged
98 in accordance with Subsection 20A-7-601(5)(a); and
99 (c) determined to be legally referable under Section 20A-7-602.8.
100 (5) "Appeal authority" means the person, board, commission, agency, or other body
101 designated by ordinance to decide an appeal of a decision of a land use application or a
102 variance.
103 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
104 residential property if the sign is designed or intended to direct attention to a business, product,
105 or service that is not sold, offered, or existing on the property where the sign is located.
106 (7) (a) "Charter school" means:
107 (i) an operating charter school;
108 (ii) a charter school applicant that [~~has its application approved by~~] a charter school
109 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
110 Authorization; or
111 (iii) an entity that is working on behalf of a charter school or approved charter
112 applicant to develop or construct a charter school building.
113 (b) "Charter school" does not include a therapeutic school.

114 (8) "Conditional use" means a land use that, because of [~~its~~] the unique characteristics
115 or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
116 uses, may not be compatible in some areas or may be compatible only if certain conditions are
117 required that mitigate or eliminate the detrimental impacts.
118 (9) "Constitutional taking" means a governmental action that results in a taking of
119 private property so that compensation to the owner of the property is required by the:
120 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
121 (b) Utah Constitution Article I, Section 22.
122 (10) "Culinary water authority" means the department, agency, or public entity with
123 responsibility to review and approve the feasibility of the culinary water system and sources for
124 the subject property.
125 (11) "Development activity" means:
126 (a) any construction or expansion of a building, structure, or use that creates additional
127 demand and need for public facilities;
128 (b) any change in use of a building or structure that creates additional demand and need
129 for public facilities; or
130 (c) any change in the use of land that creates additional demand and need for public
131 facilities.
132 (12) (a) "Development agreement" means a written agreement or amendment to a
133 written agreement between a municipality and one or more parties that regulates or controls the
134 use or development of a specific area of land.
135 (b) "Development agreement" does not include an improvement completion assurance.
136 [~~(12)~~] (13) (a) "Disability" means a physical or mental impairment that substantially
137 limits one or more of a person's major life activities, including a person having a record of such
138 an impairment or being regarded as having such an impairment.
139 (b) "Disability" does not include current illegal use of, or addiction to, any federally
140 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
141 802.

142 [~~(13)~~] (14) "Educational facility":
143 (a) means:
144 (i) a school district's building at which pupils assemble to receive instruction in a
145 program for any combination of grades from preschool through grade 12, including
146 kindergarten and a program for children with disabilities;
147 (ii) a structure or facility:
148 (A) located on the same property as a building described in Subsection [~~(13)~~]
149 (14)(a)(i); and
150 (B) used in support of the use of that building; and
151 (iii) a building to provide office and related space to a school district's administrative
152 personnel; and
153 (b) does not include:
154 (i) land or a structure, including land or a structure for inventory storage, equipment
155 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
156 (A) not located on the same property as a building described in Subsection [~~(13)~~]
157 (14)(a)(i); and
158 (B) used in support of the purposes of a building described in Subsection [~~(13)~~]
159 (14)(a)(i); or
160 (ii) a therapeutic school.
161 [~~(14)~~] (15) "Fire authority" means the department, agency, or public entity with
162 responsibility to review and approve the feasibility of fire protection and suppression services
163 for the subject property.
164 [~~(15)~~] (16) "Flood plain" means land that:
165 (a) is within the 100-year flood plain designated by the Federal Emergency
166 Management Agency; or
167 (b) has not been studied or designated by the Federal Emergency Management Agency
168 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
169 the land has characteristics that are similar to those of a 100-year flood plain designated by the

170 Federal Emergency Management Agency.
171 [~~(16)~~] (17) "General plan" means a document that a municipality adopts that sets forth
172 general guidelines for proposed future development of the land within the municipality.
173 [~~(17)~~] (18) "Geologic hazard" means:
174 (a) a surface fault rupture;
175 (b) shallow groundwater;
176 (c) liquefaction;
177 (d) a landslide;
178 (e) a debris flow;
179 (f) unstable soil;
180 (g) a rock fall; or
181 (h) any other geologic condition that presents a risk:
182 (i) to life;
183 (ii) of substantial loss of real property; or
184 (iii) of substantial damage to real property.
185 [~~(18)~~] (19) "Historic preservation authority" means a person, board, commission, or
186 other body designated by a legislative body to:
187 (a) recommend land use regulations to preserve local historic districts or areas; and
188 (b) administer local historic preservation land use regulations within a local historic
189 district or area.
190 [~~(19)~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
191 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
192 other utility system.
193 [~~(20)~~] (21) "Identical plans" means building plans submitted to a municipality that:
194 (a) are clearly marked as "identical plans";
195 (b) are substantially identical to building plans that were previously submitted to and
196 reviewed and approved by the municipality; and
197 (c) describe a building that:

198 (i) is located on land zoned the same as the land on which the building described in the
199 previously approved plans is located;
200 (ii) is subject to the same geological and meteorological conditions and the same law
201 as the building described in the previously approved plans;
202 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
203 and approved by the municipality; and
204 (iv) does not require any additional engineering or analysis.
205 [~~(21)~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter
206 36a, Impact Fees Act.
207 [~~(22)~~] (23) "Improvement completion assurance" means a surety bond, letter of credit,
208 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
209 by a municipality to guaranty the proper completion of landscaping or an infrastructure
210 improvement required as a condition precedent to:
211 (a) recording a subdivision plat; or
212 (b) development of a commercial, industrial, mixed use, or multifamily project.
213 [~~(23)~~] (24) "Improvement warranty" means an applicant's unconditional warranty that
214 the applicant's installed and accepted landscaping or infrastructure improvement:
215 (a) complies with the municipality's written standards for design, materials, and
216 workmanship; and
217 (b) will not fail in any material respect, as a result of poor workmanship or materials,
218 within the improvement warranty period.
219 [~~(24)~~] (25) "Improvement warranty period" means a period:
220 (a) no later than one year after a municipality's acceptance of required landscaping; or
221 (b) no later than one year after a municipality's acceptance of required infrastructure,
222 unless the municipality:
223 (i) determines for good cause that a one-year period would be inadequate to protect the
224 public health, safety, and welfare; and
225 (ii) has substantial evidence, on record:

226 (A) of prior poor performance by the applicant; or
227 (B) that the area upon which the infrastructure will be constructed contains suspect soil
228 and the municipality has not otherwise required the applicant to mitigate the suspect soil.
229 [~~(25)~~] (26) "Infrastructure improvement" means permanent infrastructure that is
230 essential for the public health and safety or that:
231 (a) is required for human occupation; and
232 (b) an applicant must install:
233 (i) in accordance with published installation and inspection specifications for public
234 improvements; and
235 (ii) whether the improvement is public or private, as a condition of:
236 (A) recording a subdivision plat;
237 (B) obtaining a building permit; or
238 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
239 project.
240 [~~(26)~~] (27) "Internal lot restriction" means a platted note, platted demarcation, or
241 platted designation that:
242 (a) runs with the land; and
243 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
244 the plat; or
245 (ii) designates a development condition that is enclosed within the perimeter of a lot
246 described on the plat.
247 [~~(27)~~] (28) "Land use applicant" means a property owner, or the property owner's
248 designee, who submits a land use application regarding the property owner's land.
249 [~~(28)~~] (29) "Land use application":
250 (a) means an application that is:
251 (i) required by a municipality; and
252 (ii) submitted by a land use applicant to obtain a land use decision; and
253 (b) does not mean an application to enact, amend, or repeal a land use regulation.

254 [~~(29)~~] (30) "Land use authority" means:
255 (a) a person, board, commission, agency, or body, including the local legislative body,
256 designated by the local legislative body to act upon a land use application; or
257 (b) if the local legislative body has not designated a person, board, commission,
258 agency, or body, the local legislative body.
259 [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use
260 authority or appeal authority regarding:
261 (a) a land use permit;
262 (b) a land use application; or
263 (c) the enforcement of a land use regulation, land use permit, or development
264 agreement.
265 [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.
266 [~~(32)~~] (33) "Land use regulation":
267 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
268 specification, fee, or rule that governs the use or development of land;
269 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
270 and
271 (c) does not include:
272 (i) a land use decision of the legislative body acting as the land use authority, even if
273 the decision is expressed in a resolution or ordinance; or
274 (ii) a temporary revision to an engineering specification that does not materially:
275 (A) increase a land use applicant's cost of development compared to the existing
276 specification; or
277 (B) impact a land use applicant's use of land.
278 [~~(33)~~] (34) "Legislative body" means the municipal council.
279 [~~(34)~~] (35) "Local district" means an entity under Title 17B, Limited Purpose Local
280 Government Entities - Local Districts, and any other governmental or quasi-governmental
281 entity that is not a county, municipality, school district, or the state.

282 [~~(35)~~] (36) "Local historic district or area" means a geographically definable area that:
283 (a) contains any combination of buildings, structures, sites, objects, landscape features,
284 archeological sites, or works of art that contribute to the historic preservation goals of a
285 legislative body; and
286 (b) is subject to land use regulations to preserve the historic significance of the local
287 historic district or area.
288 [~~(36)~~] (37) "Lot" means a tract of land, regardless of any label, that is created by and
289 shown on a subdivision plat that has been recorded in the office of the county recorder.
290 [~~(37)~~] (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
291 adjoining lots or between a lot and adjoining parcels[~~,~~] in accordance with Section 10-9a-608:
292 (i) whether or not the lots are located in the same subdivision[~~, in accordance with~~
293 ~~Section 10-9a-608,~~]; and
294 (ii) with the consent of the owners of record.
295 (b) "Lot line adjustment" does not mean a new boundary line that:
296 (i) creates an additional lot; or
297 (ii) constitutes a subdivision.
298 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
299 Department of Transportation.
300 [~~(38)~~] (39) "Major transit investment corridor" means public transit service that uses or
301 occupies:
302 (a) public transit rail right-of-way;
303 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
304 or
305 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
306 municipality or county and:
307 (i) a public transit district as defined in Section 17B-2a-802; or
308 (ii) an eligible political subdivision as defined in Section 59-12-2219.
309 [~~(39)~~] (40) "Moderate income housing" means housing occupied or reserved for

310 occupancy by households with a gross household income equal to or less than 80% of the
311 median gross income for households of the same size in the county in which the city is located.
312 [~~(40)~~] (41) "Municipal utility easement" means an easement that:
313 (a) is created or depicted on a plat recorded in a county recorder's office and is
314 described as a municipal utility easement granted for public use;
315 (b) is not a protected utility easement or a public utility easement as defined in Section
316 54-3-27;
317 (c) the municipality or the municipality's affiliated governmental entity uses and
318 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
319 water, or communications or data lines;
320 (d) is used or occupied with the consent of the municipality in accordance with an
321 authorized franchise or other agreement;
322 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
323 franchise or other agreement; and
324 (ii) is located in a utility easement granted for public use; or
325 (f) is described in Section 10-9a-529 and is used by a specified public utility.
326 [~~(41)~~] (42) "Nominal fee" means a fee that reasonably reimburses a municipality only
327 for time spent and expenses incurred in:
328 (a) verifying that building plans are identical plans; and
329 (b) reviewing and approving those minor aspects of identical plans that differ from the
330 previously reviewed and approved building plans.
331 [~~(42)~~] (43) "Noncomplying structure" means a structure that:
332 (a) legally existed before [~~its~~] the structure's current land use designation; and
333 (b) because of one or more subsequent land use ordinance changes, does not conform
334 to the setback, height restrictions, or other regulations, excluding those regulations, which
335 govern the use of land.
336 [~~(43)~~] (44) "Nonconforming use" means a use of land that:
337 (a) legally existed before its current land use designation;

338 (b) has been maintained continuously since the time the land use ordinance governing
339 the land changed; and
340 (c) because of one or more subsequent land use ordinance changes, does not conform
341 to the regulations that now govern the use of the land.
342 [~~(44)~~] (45) "Official map" means a map drawn by municipal authorities and recorded in
343 a county recorder's office that:
344 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
345 highways and other transportation facilities;
346 (b) provides a basis for restricting development in designated rights-of-way or between
347 designated setbacks to allow the government authorities time to purchase or otherwise reserve
348 the land; and
349 (c) has been adopted as an element of the municipality's general plan.
350 [~~(45)~~] (46) "Parcel" means any real property that is not a lot [~~created by and shown on a~~
351 ~~subdivision plat recorded in the office of the county recorder~~].
352 [~~(46)~~] (47) (a) "Parcel boundary adjustment" means a recorded agreement between
353 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
354 line agreement in accordance with Section [~~57-1-45~~] 10-9a-524, if no additional parcel is
355 created and:
356 (i) none of the property identified in the agreement is [~~subdivided land~~] a lot; or
357 (ii) the adjustment is to the boundaries of a single person's parcels.
358 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
359 line that:
360 (i) creates an additional parcel; or
361 (ii) constitutes a subdivision.
362 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
363 the Department of Transportation.
364 [~~(47)~~] (48) "Person" means an individual, corporation, partnership, organization,
365 association, trust, governmental agency, or any other legal entity.

366 [~~(48)~~] (49) "Plan for moderate income housing" means a written document adopted by
367 a municipality's legislative body that includes:
368 (a) an estimate of the existing supply of moderate income housing located within the
369 municipality;
370 (b) an estimate of the need for moderate income housing in the municipality for the
371 next five years;
372 (c) a survey of total residential land use;
373 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
374 income housing; and
375 (e) a description of the municipality's program to encourage an adequate supply of
376 moderate income housing.
377 [~~(49)~~] (50) "Plat" means an instrument subdividing property into lots as depicted on a
378 map or other graphical representation of lands that a licensed professional land surveyor makes
379 and prepares in accordance with Section 10-9a-603 or 57-8-13.
380 [~~(50)~~] (51) "Potential geologic hazard area" means an area that:
381 (a) is designated by a Utah Geological Survey map, county geologist map, or other
382 relevant map or report as needing further study to determine the area's potential for geologic
383 hazard; or
384 (b) has not been studied by the Utah Geological Survey or a county geologist but
385 presents the potential of geologic hazard because the area has characteristics similar to those of
386 a designated geologic hazard area.
387 [~~(51)~~] (52) "Public agency" means:
388 (a) the federal government;
389 (b) the state;
390 (c) a county, municipality, school district, local district, special service district, or other
391 political subdivision of the state; or
392 (d) a charter school.
393 [~~(52)~~] (53) "Public hearing" means a hearing at which members of the public are

394 provided a reasonable opportunity to comment on the subject of the hearing.
395 [~~(53)~~] (54) "Public meeting" means a meeting that is required to be open to the public
396 under Title 52, Chapter 4, Open and Public Meetings Act.
397 [~~(54)~~] (55) "Public street" means a public right-of-way, including a public highway,
398 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
399 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
400 easement, or other public way.
401 [~~(55)~~] (56) "Receiving zone" means an area of a municipality that the municipality
402 designates, by ordinance, as an area in which an owner of land may receive a transferable
403 development right.
404 [~~(56)~~] (57) "Record of survey map" means a map of a survey of land prepared in
405 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
406 [~~(57)~~] (58) "Residential facility for persons with a disability" means a residence:
407 (a) in which more than one person with a disability resides; and
408 (b) (i) which is licensed or certified by the Department of Human Services under Title
409 62A, Chapter 2, Licensure of Programs and Facilities; or
410 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
411 21, Health Care Facility Licensing and Inspection Act.
412 [~~(58)~~] (59) "Rules of order and procedure" means a set of rules that govern and
413 prescribe in a public meeting:
414 (a) parliamentary order and procedure;
415 (b) ethical behavior; and
416 (c) civil discourse.
417 [~~(59)~~] (60) "Sanitary sewer authority" means the department, agency, or public entity
418 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
419 wastewater systems.
420 [~~(60)~~] (61) "Sending zone" means an area of a municipality that the municipality
421 designates, by ordinance, as an area from which an owner of land may transfer a transferable

422 development right.
423 [~~(61)~~] (62) "Specified public agency" means:
424 (a) the state;
425 (b) a school district; or
426 (c) a charter school.
427 [~~(62)~~] (63) "Specified public utility" means an electrical corporation, gas corporation,
428 or telephone corporation, as those terms are defined in Section 54-2-1.
429 [~~(63)~~] (64) "State" includes any department, division, or agency of the state.
430 [~~(64) "Subdivided land" means the land, tract, or lot described in a recorded~~
431 ~~subdivision plat.~~]
432 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
433 divided into two or more lots or other division of land for the purpose, whether immediate or
434 future, for offer, sale, lease, or development either on the installment plan or upon any and all
435 other plans, terms, and conditions.
436 (b) "Subdivision" includes:
437 (i) the division or development of land, whether by deed, metes and bounds
438 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
439 the division includes all or a portion of a parcel or lot; and
440 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
441 nonresidential uses, including land used or to be used for commercial, agricultural, and
442 industrial purposes.
443 (c) "Subdivision" does not include:
444 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
445 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
446 neither the resulting combined parcel nor the parcel remaining from the division or partition
447 violates an applicable land use ordinance;
448 (ii) [~~an~~] a boundary line agreement recorded with the county recorder's office between
449 owners of adjoining [~~unsubdivided properties~~] parcels adjusting the mutual boundary [~~by a~~

450 ~~boundary line agreement~~] in accordance with Section [~~57-1-45 if:~~] 10-9a-524 if no new parcel
451 is created;
452 [~~(A) no new lot is created; and~~]
453 [~~(B) the adjustment does not violate applicable land use ordinances;~~]
454 (iii) a recorded document, executed by the owner of record:
455 (A) revising the legal [~~description of more than one contiguous parcel of property that~~
456 ~~is not subdivided land~~] descriptions of multiple parcels into one legal description
457 encompassing all such parcels [~~of property~~]; or
458 (B) joining a [~~subdivided parcel of property to another parcel of property that has not~~
459 ~~been subdivided, if the joinder does not violate applicable land use ordinances~~] lot to a parcel;
460 (iv) [~~an~~] a boundary line agreement between owners of adjoining subdivided properties
461 adjusting the mutual lot line boundary in accordance with [~~Section 10-9a-603~~] Sections
462 10-9a-524 and 10-9a-608 if:
463 (A) no new dwelling lot or housing unit will result from the adjustment; and
464 (B) the adjustment will not violate any applicable land use ordinance;
465 (v) a bona fide division [~~or partition~~] of land by deed or other instrument [~~where the~~
466 ~~land use authority expressly approves~~] if the deed or other instrument states in writing that the
467 division:
468 (A) [~~in writing the division~~] is in anticipation of [~~further~~] future land use approvals on
469 the parcel or parcels;
470 (B) does not confer any land use approvals; and
471 (C) has not been approved by the land use authority;
472 (vi) a parcel boundary adjustment;
473 (vii) a lot line adjustment;
474 (viii) a road, street, or highway dedication plat; [~~or~~]
475 (ix) a deed or easement for a road, street, or highway purpose[~~.~~]; or
476 (x) any other division of land authorized by law.
477 [~~(d) The joining of a subdivided parcel of property to another parcel of property that~~

478 ~~has not been subdivided does not constitute a subdivision under this Subsection (65) as to the~~
479 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's~~
480 ~~subdivision ordinance.~~]
481 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
482 accordance with Section 10-9a-608 that:
483 (a) vacates all or a portion of the subdivision;
484 (b) alters the outside boundary of the subdivision;
485 (c) changes the number of lots within the subdivision;
486 (d) alters a public right-of-way, a public easement, or public infrastructure within the
487 subdivision; or
488 (e) alters a common area or other common amenity within the subdivision.
489 (67) "Substantial evidence" means evidence that:
490 (a) is beyond a scintilla; and
491 (b) a reasonable mind would accept as adequate to support a conclusion.
492 [~~(67)~~] (68) "Suspect soil" means soil that has:
493 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
494 3% swell potential;
495 (b) bedrock units with high shrink or swell susceptibility; or
496 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
497 commonly associated with dissolution and collapse features.
498 [~~(68)~~] (69) "Therapeutic school" means a residential group living facility:
499 (a) for four or more individuals who are not related to:
500 (i) the owner of the facility; or
501 (ii) the primary service provider of the facility;
502 (b) that serves students who have a history of failing to function:
503 (i) at home;
504 (ii) in a public school; or
505 (iii) in a nonresidential private school; and

506 (c) that offers:
507 (i) room and board; and
508 (ii) an academic education integrated with:
509 (A) specialized structure and supervision; or
510 (B) services or treatment related to a disability, an emotional development, a
511 behavioral development, a familial development, or a social development.
512 [~~(69)~~] (70) "Transferable development right" means a right to develop and use land that
513 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
514 land use rights from a designated sending zone to a designated receiving zone.
515 [~~(70)~~] (71) "Unincorporated" means the area outside of the incorporated area of a city
516 or town.
517 [~~(71)~~] (72) "Water interest" means any right to the beneficial use of water, including:
518 (a) each of the rights listed in Section 73-1-11; and
519 (b) an ownership interest in the right to the beneficial use of water represented by:
520 (i) a contract; or
521 (ii) a share in a water company, as defined in Section 73-3-3.5.
522 [~~(72)~~] (73) "Zoning map" means a map, adopted as part of a land use ordinance, that
523 depicts land use zones, overlays, or districts.
524 Section 2. Section **10-9a-302** is amended to read:
525 **10-9a-302. Planning commission powers and duties -- Training requirements.**
526 (1) The planning commission shall review and make a recommendation to the
527 legislative body for:
528 (a) a general plan and amendments to the general plan;
529 (b) land use regulations, including:
530 (i) ordinances regarding the subdivision of land within the municipality; and
531 (ii) amendments to existing land use regulations;
532 (c) an appropriate delegation of power to at least one designated land use authority to
533 hear and act on a land use application;

534 (d) an appropriate delegation of power to at least one appeal authority to hear and act
535 on an appeal from a decision of the land use authority; and
536 (e) application processes that:
537 (i) may include a designation of routine land use matters that, upon application and
538 proper notice, will receive informal streamlined review and action if the application is
539 uncontested; and
540 (ii) shall protect the right of each:
541 (A) land use applicant and adversely affected party to require formal consideration of
542 any application by a land use authority;
543 (B) land use applicant or adversely affected party to appeal a land use authority's
544 decision to a separate appeal authority; and
545 (C) participant to be heard in each public hearing on a contested application.
546 (2) Before making a recommendation to a legislative body on an item described in
547 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
548 with Section 10-9a-404.
549 (3) A legislative body may adopt, modify, or reject a planning commission's
550 recommendation to the legislative body under this section.
551 (4) A legislative body may consider a planning commission's failure to make a timely
552 recommendation as a negative recommendation.
553 (5) Nothing in this section limits the right of a municipality to initiate or propose the
554 actions described in this section.
555 (6) (a) (i) This Subsection (6) applies to:
556 (A) a city of the first, second, third, or fourth class;
557 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
558 within a county of the first, second, or third class; and
559 (C) a metro township with a population of 5,000 or more.
560 (ii) The population figures described in Subsection (6)(a)(i) shall be derived from:
561 (A) the most recent official census or census estimate of the United States Census

562 Bureau; or
563 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
564 the Utah Population Committee.
565 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of
566 the municipality's planning commission completes four hours of annual land use training as
567 follows:
568 (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a,
569 Municipal Land Use, Development, and Management Act; and
570 (ii) three hours of annual training on land use, which may include:
571 (A) appeals and variances;
572 (B) conditional use permits;
573 (C) exactions;
574 (D) impact fees;
575 (E) vested rights;
576 (F) subdivision regulations and improvement guarantees;
577 (G) land use referenda;
578 (H) property rights;
579 (I) real estate procedures and financing;
580 (J) zoning, including use-based and form-based; and
581 (K) drafting ordinances and code that complies with statute.
582 (c) A newly appointed planning commission member may not participate in a public
583 meeting as an appointed member until the member completes the training described in
584 Subsection (6)(b)(i).
585 (d) A planning commission member may qualify for one completed hour of training
586 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
587 meetings of the planning commission within a calendar year.
588 (e) A municipality shall provide the training described in Subsection (6)(b) through:
589 (i) municipal staff;

590 (ii) the Utah League of Cities and Towns; or
591 (iii) a list of training courses selected by:
592 (A) the Utah League of Cities and Towns; or
593 (B) the Division of Real Estate created in Section 61-2-201.
594 (f) A municipality shall, for each planning commission member:
595 (i) monitor compliance with the training requirements in Subsection (6)(b); and
596 (ii) maintain a record of training completion at the end of each calendar year.
597 Section 3. Section **10-9a-507** is amended to read:
598 **10-9a-507. Conditional uses.**
599 (1) (a) A municipality may adopt a land use ordinance that includes conditional uses
600 and provisions for conditional uses that require compliance with objective standards set forth in
601 an applicable ordinance.
602 (b) A municipality may not impose a requirement or standard on a conditional use that
603 conflicts with a provision of this chapter or other state or federal law.
604 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
605 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
606 the proposed use in accordance with applicable standards.
607 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
608 anticipated detrimental effects of the proposed conditional use does not require elimination of
609 the detrimental effects.
610 (b) If a land use authority proposes reasonable conditions on a proposed conditional
611 use, the land use authority shall ensure that the conditions are stated on the record and
612 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.
613 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
614 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
615 achieve compliance with applicable standards, the land use authority may deny the conditional
616 use.
617 (3) A land use authority's decision to approve or deny conditional use is an

618 administrative land use decision.
619 (4) A legislative body shall classify any use that a land use regulation allows in a
620 zoning district as either a permitted or conditional use under this chapter.
621 Section 4. Section **10-9a-509** is amended to read:
622 **10-9a-509. Applicant's entitlement to land use application approval --**
623 **Municipality's requirements and limitations -- Vesting upon submission of development**
624 **plan and schedule.**
625 (1) (a) (i) An applicant who has submitted a complete land use application as described
626 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
627 review of the application under the land use regulations:
628 (A) in effect on the date that the application is complete; and
629 (B) applicable to the application or to the information shown on the application.
630 (ii) An applicant is entitled to approval of a land use application if the application
631 conforms to the requirements of the applicable land use regulations, land use decisions, and
632 development standards in effect when the applicant submits a complete application and pays
633 application fees, unless:
634 (A) the land use authority, on the record, formally finds that a compelling,
635 countervailing public interest would be jeopardized by approving the application and specifies
636 the compelling, countervailing public interest in writing; or
637 (B) in the manner provided by local ordinance and before the applicant submits the
638 application, the municipality formally initiates proceedings to amend the municipality's land
639 use regulations in a manner that would prohibit approval of the application as submitted.
640 (b) The municipality shall process an application without regard to proceedings the
641 municipality initiated to amend the municipality's ordinances as described in Subsection
642 (1)(a)(ii)(B) if:
643 (i) 180 days have passed since the municipality initiated the proceedings; and
644 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
645 application as submitted.

646 (c) A land use application is considered submitted and complete when the applicant
647 provides the application in a form that complies with the requirements of applicable ordinances
648 and pays all applicable fees.
649 (d) A subsequent incorporation of a municipality or a petition that proposes the
650 incorporation of a municipality does not affect a land use application approved by a county in
651 accordance with Section 17-27a-508.
652 (e) The continuing validity of an approval of a land use application is conditioned upon
653 the applicant proceeding after approval to implement the approval with reasonable diligence.
654 (f) A municipality may not impose on an applicant who has submitted a complete
655 application a requirement that is not expressed in:
656 (i) this chapter;
657 (ii) a municipal ordinance; or
658 (iii) a municipal specification for public improvements applicable to a subdivision or
659 development that is in effect on the date that the applicant submits an application.
660 (g) A municipality may not impose on a holder of an issued land use permit or a final,
661 unexpired subdivision plat a requirement that is not expressed:
662 (i) in a land use permit;
663 (ii) on the subdivision plat;
664 (iii) in a document on which the land use permit or subdivision plat is based;
665 (iv) in the written record evidencing approval of the land use permit or subdivision
666 plat;
667 (v) in this chapter; or
668 (vi) in a municipal ordinance.
669 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
670 of a certificate of occupancy or acceptance of subdivision improvements because of an
671 applicant's failure to comply with a requirement that is not expressed:
672 (i) in the building permit or subdivision plat, documents on which the building permit
673 or subdivision plat is based, or the written record evidencing approval of the land use permit or

674 subdivision plat; or
675 (ii) in this chapter or the municipality's ordinances.
676 (i) A municipality may not unreasonably withhold issuance of a certificate of
677 occupancy where an applicant has met all requirements essential for the public health, public
678 safety, and general welfare of the occupants, in accordance with this chapter, unless:
679 (i) the applicant and the municipality have agreed in a written document to the
680 withholding of a certificate of occupancy; or
681 (ii) the applicant has not provided a financial assurance for required and uncompleted
682 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
683 legislative body adopts under this chapter.
684 (2) A municipality is bound by the terms and standards of applicable land use
685 regulations and shall comply with mandatory provisions of those regulations.
686 (3) A municipality may not, as a condition of land use application approval, require a
687 person filing a land use application to obtain documentation regarding a school district's
688 willingness, capacity, or ability to serve the development proposed in the land use application.
689 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
690 which a subdivision plat is recorded, a municipality may not impose on a building permit
691 applicant for a single-family dwelling located within the subdivision any land use regulation
692 that is enacted within 10 years after the day on which the subdivision plat is recorded.
693 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
694 applicable building code, health code, or fire code, or other similar regulations.
695 [~~(4)~~] (5) Upon a specified public agency's submission of a development plan and
696 schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that
697 subsection, the specified public agency vests in the municipality's applicable land use maps,
698 zoning map, hookup fees, impact fees, other applicable development fees, and land use
699 regulations in effect on the date of submission.
700 [~~(5)~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with
701 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use

approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Section 20A-7-607(5).

(b) Upon delivery of a written notice described in Subsection [~~(5)~~] (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

Section 5. Section **10-9a-523** is amended to read:

10-9a-523. Property boundary adjustment.

[~~(1) A property owner:~~]

[~~(a) may execute a parcel boundary adjustment by quitclaim deed or by a boundary line agreement as described in Section 57-1-45; and~~]

[~~(b) shall record the quitclaim deed or boundary line agreement in the office of the county recorder.~~]

[~~(2) A parcel boundary adjustment is not subject to the review of a land use authority.~~]

(1) To make a parcel boundary adjustment, a property owner shall:

(a) execute a boundary adjustment through:

(i) a quitclaim deed; or

(ii) a boundary line agreement under Section 10-9a-524; and

(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a) in the office of the county recorder of the county in which each property is located.

(2) To make a lot line adjustment, a property owner shall:

(a) obtain approval of the boundary adjustment under Section 10-9a-608;

(b) execute a boundary adjustment through:

(i) a quitclaim deed; or

(ii) a boundary line agreement under Section 10-9a-524; and

(c) record the quitclaim deed or boundary line agreement described in Subsection

730 (2)(b) in the office of the county recorder of the county in which each property is located.
731 (3) A parcel boundary adjustment under Subsection (1) is not subject to review of a
732 land use authority unless:
733 (a) the parcel includes a dwelling; and
734 (b) the land use authority's approval is required under Subsection 10-9a-524(5).
735 (4) The recording of a boundary line agreement or other document used to adjust a
736 mutual boundary line that is not subject to review of a land use authority:
737 (a) does not constitute a land use approval; and
738 (b) does not affect the validity of the boundary line agreement or other document used
739 to adjust a mutual boundary line.
740 (5) A municipality may withhold approval of a land use application for property that is
741 subject to a recorded boundary line agreement or other document used to adjust a mutual
742 boundary line if the municipality determines that the lots or parcels, as adjusted by the
743 boundary line agreement or other document used to adjust the mutual boundary line, are not in
744 compliance with the municipality's land use regulations in effect on the day on which the
745 boundary line agreement or other document used to adjust the mutual boundary line is
746 recorded.
747 Section 6. Section **10-9a-524** is amended to read:
748 **10-9a-524. Boundary line agreement.**
749 [~~(1) As used in this section, "boundary line agreement" is an agreement described in~~
750 ~~Section 57-1-45.~~]
751 [~~(2) A property owner:~~]
752 [~~(a) may execute a boundary line agreement; and~~]
753 [~~(b) shall record a boundary line agreement in the office of the county recorder.~~]
754 [~~(3) A boundary line agreement is not subject to the review of a land use authority.~~]
755 (1) If properly executed and acknowledged as required by law, an agreement between
756 owners of adjoining property that designates the boundary line between the adjoining
757 properties acts, upon recording in the office of the recorder of the county in which each

758 property is located, as a quitclaim deed to convey all of each party's right, title, interest, and
759 estate in property outside the agreed boundary line that had been the subject of the boundary
760 line agreement or dispute that led to the boundary line agreement.
761 (2) Adjoining property owners executing a boundary line agreement described in
762 Subsection (1) shall:
763 (a) ensure that the agreement includes:
764 (i) a legal description of the agreed upon boundary line and of each parcel or lot after
765 the boundary line is changed;
766 (ii) the name and signature of each grantor that is party to the agreement;
767 (iii) a sufficient acknowledgment for each grantor's signature;
768 (iv) the address of each grantee for assessment purposes;
769 (v) a legal description of the parcel or lot each grantor owns before the boundary line is
770 changed; and
771 (vi) the date of the agreement if the date is not included in the acknowledgment in a
772 form substantially similar to a quitclaim deed as described in Section 57-1-13;
773 (b) if any of the property subject to the boundary line agreement is a lot, prepare an
774 amended plat in accordance with Section 10-9a-608 before executing the boundary line
775 agreement; and
776 (c) if none of the property subject to the boundary line agreement is a lot, ensure that
777 the boundary line agreement includes a statement citing the file number of a record of a survey
778 map in accordance with Section 17-23-17, unless the statement is exempted by the
779 municipality.
780 (3) A boundary line agreement described in Subsection (1) that complies with
781 Subsection (2) presumptively:
782 (a) has no detrimental effect on any easement on the property that is recorded before
783 the day on which the agreement is executed unless the owner of the property benefitting from
784 the easement specifically modifies the easement within the boundary line agreement or a
785 separate recorded easement modification or relinquishment document; and

786 (b) relocates the parties' common boundary line for an exchange of consideration.
787 (4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a
788 boundary line agreement that only affects parcels is not subject to:
789 (a) any public notice, public hearing, or preliminary platting requirement;
790 (b) the review of a land use authority; or
791 (c) an engineering review or approval of the municipality, except as provided in
792 Subsection (5).
793 (5) (a) If a parcel that is the subject of a boundary line agreement contains a dwelling
794 unit, the municipality may require a review of the boundary line agreement if the municipality:
795 (i) adopts an ordinance that:
796 (A) requires review and approval for a boundary line agreement containing a dwelling
797 unit; and
798 (B) includes specific criteria for approval; and
799 (ii) completes the review within 14 days after the day on which the property owner
800 submits the boundary line agreement for review.
801 (b) (i) If a municipality, upon a review under Subsection (5)(a), determines that the
802 boundary line agreement is deficient or if the municipality requires additional information to
803 approve the boundary line agreement, the municipality shall send, within the time period
804 described in Subsection (5)(a)(ii), written notice to the property owner that:
805 (A) describes the specific deficiency or additional information that the municipality
806 requires to approve the boundary line agreement; and
807 (B) states that the municipality shall approve the boundary line agreement upon the
808 property owner's correction of the deficiency or submission of the additional information
809 described in Subsection (5)(b)(i)(A).
810 (ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary
811 line agreement, the municipality shall send written notice of the boundary line agreement's
812 approval to the property owner within the time period described in Subsection (5)(a)(ii).
813 (c) If a municipality fails to send a written notice under Subsection (5)(b) within the

814 time period described in Subsection (5)(a)(ii), the property owner may record the boundary line
815 agreement as if no review under this Subsection (5) was required.
816 Section 7. Section **10-9a-529** is amended to read:
817 **10-9a-529. Specified public utility located in a municipal utility easement.**
818 A specified public utility may exercise each power of a public utility under Section
819 54-3-27 if the specified public utility uses an easement:
820 (1) with the consent of a municipality; and
821 (2) that is located within a municipal utility easement described in [~~Subsection~~]
822 Subsections 10-9a-103[~~(40)~~](41)(a) through (e).
823 Section 8. Section **10-9a-530** is enacted to read:
824 **10-9a-530. Development agreements.**
825 (1) Subject to Subsection (2), a municipality may enter into a development agreement
826 containing any term that the municipality considers necessary or appropriate to accomplish the
827 purposes of this chapter.
828 (2) (a) A development agreement may not:
829 (i) limit a municipality's authority in the future to:
830 (A) enact a land use regulation; or
831 (B) take any action allowed under Section 10-8-84;
832 (ii) require a municipality to change the zoning designation of an area of land within
833 the municipality in the future; or
834 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
835 existing land use regulation that governs the area subject to the development agreement, unless
836 the legislative body approves the development agreement in accordance with the same
837 procedures for enacting a land use regulation under Section 10-9a-502, including a review and
838 recommendation from the planning commission and a public hearing.
839 (b) A development agreement that requires the implementation of an existing land use
840 regulation as an administrative act does not require a legislative body's approval under Section
841 10-9a-502.

842 (c) A municipality may not require a development agreement as the only option for
843 developing land within the municipality.
844 (d) To the extent that a development agreement does not specifically address a matter
845 or concern related to land use or development, the matter or concern is governed by:
846 (i) this chapter; and
847 (ii) any applicable land use regulations.
848 Section 9. Section **10-9a-531** is enacted to read:
849 **10-9a-531. Infrastructure improvements involving roadways.**
850 (1) As used in this section:
851 (a) "Low impact development" means the same as that term is defined in Section
852 19-5-108.5.
853 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.
854 (ii) "Pavement" does not include a curb or gutter.
855 (c) "Residential street" means a public or private roadway that:
856 (i) currently serves or is projected to serve an area designated primarily for
857 single-family residential use;
858 (ii) requires at least two off-site parking spaces for each single-family residential
859 property abutting the roadway; and
860 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
861 based on findings contained in:
862 (A) a traffic impact study;
863 (B) the municipality's general plan under Section 10-9a-401;
864 (C) an adopted phasing plan; or
865 (D) a written plan or report on current or projected traffic usage.
866 (2) (a) Except as provided in Subsection (2)(b), a municipality may not, as part of an
867 infrastructure improvement, require the installation of pavement on a residential street at a
868 width in excess of 32 feet if the municipality requires low impact development for the area in
869 which the residential street is located.

870 (b) Subsection (2)(a) does not apply if a municipality requires the installation of
871 pavement:
872 (i) in a vehicle turnaround area; or
873 (ii) to address specific traffic flow constraints at an intersection or other area.
874 (3) (a) A municipality shall, by ordinance, establish any standards that the municipality
875 requires, as part of an infrastructure improvement, for fire department vehicle access and
876 turnaround on roadways.
877 (b) The municipality shall ensure that the standards established under Subsection (3)(a)
878 are consistent with the State Fire Code as defined in Section 15A-1-102.
879 Section 10. Section **10-9a-601** is amended to read:
880 **10-9a-601. Enactment of subdivision ordinance.**
881 (1) The legislative body of a municipality may enact ordinances requiring that a
882 subdivision plat comply with the provisions of the municipality's ordinances and this part
883 before:
884 (a) the subdivision plat may be filed and recorded in the county recorder's office; and
885 (b) lots may be sold.
886 (2) If the legislative body fails to enact a subdivision ordinance, the municipality may
887 regulate subdivisions only to the extent provided in this part.
888 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
889 parcel or subject the parcel to the municipality's subdivision ordinance.
890 Section 11. Section **10-9a-608** is amended to read:
891 **10-9a-608. Subdivision amendments.**
892 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
893 subdivision that has been laid out and platted as provided in this part may file a written petition
894 with the land use authority to request a subdivision amendment.
895 (b) Upon filing a written petition to request a subdivision amendment under Subsection
896 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
897 accordance with Section 10-9a-603 that:

898 (i) depicts only the portion of the subdivision that is proposed to be amended;
899 (ii) includes a plat name distinguishing the amended plat from the original plat;
900 (iii) describes the differences between the amended plat and the original plat; and
901 (iv) includes references to the original plat.
902 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
903 notice of the petition by mail, email, or other effective means to each affected entity that
904 provides a service to an owner of record of the portion of the plat that is being vacated or
905 amended at least 10 calendar days before the land use authority may approve the petition for a
906 subdivision amendment.
907 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
908 public hearing within 45 days after the day on which the petition is filed if:
909 (i) any owner within the plat notifies the municipality of the owner's objection in
910 writing within 10 days of mailed notification; or
911 (ii) a public hearing is required because all of the owners in the subdivision have not
912 signed the revised plat.
913 (e) A land use authority may not approve a petition for a subdivision amendment under
914 this section unless the amendment identifies and preserves any easements owned by a culinary
915 water authority and sanitary sewer authority for existing facilities located within the
916 subdivision.
917 (2) [~~Unless a local ordinance provides otherwise, the~~] The public hearing requirement
918 of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting
919 an owner's petition for a subdivision amendment if:
920 (a) the petition seeks to:
921 (i) join two or more of the petitioner fee owner's contiguous lots;
922 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
923 result in a violation of a land use ordinance or a development condition;
924 (iii) adjust the lot lines of adjoining lots or [~~parcels~~] between a lot and an adjoining
925 parcel if the fee owners of each of the adjoining [~~lots or parcels~~] properties join in the petition,

926 regardless of whether the [~~lots or parcels~~] properties are located in the same subdivision;
927 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
928 imposed by the local political subdivision; or
929 (v) alter the plat in a manner that does not change existing boundaries or other
930 attributes of lots within the subdivision that are not:
931 (A) owned by the petitioner; or
932 (B) designated as a common area; and
933 (b) notice has been given to [~~adjacent~~] adjoining property owners in accordance with
934 any applicable local ordinance.
935 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
936 municipal utility easement is also subject to Section 10-9a-609.5.
937 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
938 a portion of a plat shall include:
939 (a) the name and address of each owner of record of the land contained in the entire
940 plat or on that portion of the plat described in the petition; and
941 (b) the signature of each owner described in Subsection (4)(a) who consents to the
942 petition.
943 (5) (a) The owners of record of [~~adjacent parcels that are described by either a metes~~
944 ~~and bounds description or by a recorded plat~~] adjoining properties where one or more of the
945 properties is a lot may exchange title to portions of those parcels if the exchange of title is
946 approved by the land use authority in accordance with Subsection (5)(b).
947 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
948 the exchange of title will not result in a violation of any land use ordinance.
949 (c) If an exchange of title is approved under Subsection (5)(b):
950 (i) a notice of approval shall be recorded in the office of the county recorder which:
951 (A) is executed by each owner included in the exchange and by the land use authority;
952 (B) contains an acknowledgment for each party executing the notice in accordance with
953 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

954 (C) recites the legal descriptions of both the original [~~parcels~~] properties and the
955 [~~parcels created by~~] properties resulting from the exchange of title; and
956 (ii) a document of conveyance shall be recorded in the office of the county recorder
957 with an amended plat.
958 (d) A notice of approval recorded under this Subsection (5) does not act as a
959 conveyance of title to real property and is not required in order to record a document conveying
960 title to real property.
961 (6) (a) The name of a recorded subdivision may be changed by recording an amended
962 plat making that change, as provided in this section and subject to Subsection (6)(c).
963 (b) The surveyor preparing the amended plat shall certify that the surveyor:
964 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
965 Professional Land Surveyors Licensing Act;
966 (ii) has completed a survey of the property described on the plat in accordance with
967 Section 17-23-17 and has verified all measurements; and
968 (iii) has placed monuments as represented on the plat.
969 (c) An owner of land may not submit for recording an amended plat that gives the
970 subdivision described in the amended plat the same name as a subdivision in a plat already
971 recorded in the county recorder's office.
972 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
973 document that purports to change the name of a recorded plat is void.
974 Section 12. Section **10-9a-609.5** is amended to read:
975 **10-9a-609.5. Petition to vacate a public street.**
976 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
977 accordance with Sections 10-9a-603 through 10-9a-609, a legislative body may approve a
978 petition to vacate a public street in accordance with this section.
979 (2) A petition to vacate some or all of a public street or municipal utility easement shall
980 include:
981 (a) the name and address of each owner of record of land that is:

982 (i) adjacent to the public street or municipal utility easement between the two nearest
983 public street intersections; or
984 (ii) accessed exclusively by or within 300 feet of the public street or municipal utility
985 easement;
986 (b) proof of written notice to operators of utilities and culinary water or sanitary sewer
987 facilities located within the bounds of the public street or municipal utility easement sought to
988 be vacated; and
989 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.
990 (3) If a petition is submitted containing a request to vacate some or all of a public street
991 or municipal utility easement, the legislative body shall hold a public hearing in accordance
992 with Section 10-9a-208 and determine whether:
993 (a) good cause exists for the vacation; and
994 (b) the public interest or any person will be materially injured by the proposed
995 vacation.
996 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
997 all of a public street or municipal utility easement if the legislative body finds that:
998 (a) good cause exists for the vacation; and
999 (b) neither the public interest nor any person will be materially injured by the vacation.
1000 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
1001 municipal utility easement, the legislative body shall ensure that one or both of the following is
1002 recorded in the office of the recorder of the county in which the land is located:
1003 (a) a plat reflecting the vacation; or
1004 (b) (i) an ordinance described in Subsection (4); and
1005 (ii) a legal description of the public street to be vacated.
1006 (6) The action of the legislative body vacating some or all of a public street or
1007 municipal utility easement that has been dedicated to public use:
1008 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
1009 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the

1010 municipality's fee in the vacated public street or municipal utility easement; and
1011 (b) may not be construed to impair:
1012 (i) any right-of-way or easement of any parcel or lot owner; [~~or~~]
1013 (ii) the rights of any public utility[~~.~~]; or
1014 (iii) the rights of a culinary water authority or sanitary sewer authority.
1015 (7) (a) A municipality may submit a petition, in accordance with Subsection (2), and
1016 initiate and complete a process to vacate some or all of a public street.
1017 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):
1018 (i) the legislative body shall hold a public hearing;
1019 (ii) the petition and process may not apply to or affect a public utility easement, except
1020 to the extent:
1021 (A) the easement is not a protected utility easement as defined in Section 54-3-27;
1022 (B) the easement is included within the public street; and
1023 (C) the notice to vacate the public street also contains a notice to vacate the easement;
1024 and
1025 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
1026 a public street through a recorded plat or amended plat.
1027 (8) A legislative body may not approve a petition to vacate a public street under this
1028 section unless the vacation identifies and preserves any easements owned by a culinary water
1029 authority and sanitary sewer authority for existing facilities located within the public street.
1030 Section 13. Section **10-9a-701** is amended to read:
1031 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
1032 **Appeal authority duties.**
1033 (1) (a) Each municipality adopting a land use ordinance shall, by ordinance, establish
1034 one or more appeal authorities [~~to hear and decide:~~].
1035 (b) An appeal authority described in Subsection (1)(a) shall hear and decide:
1036 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;
1037 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and

1038 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section 10-9a-510.
1039 (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the
1040 enactment of a land use regulation.
1041 (2) As a condition precedent to judicial review, each adversely affected party shall
1042 timely and specifically challenge a land use authority's land use decision, in accordance with
1043 local ordinance.
1044 (3) An appeal authority described in Subsection (1)(a):
1045 (a) shall:
1046 (i) act in a quasi-judicial manner; and
1047 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1048 use ordinances; and
1049 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1050 participating member, had first acted as the land use authority.
1051 (4) By ordinance, a municipality may:
1052 (a) designate a separate appeal authority to hear requests for variances than the appeal
1053 authority [~~it~~] the municipality designates to hear appeals;
1054 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1055 of land use authority decisions;
1056 (c) require an adversely affected party to present to an appeal authority every theory of
1057 relief that [~~it~~] the adversely affected party can raise in district court;
1058 (d) not require a land use applicant or adversely affected party to pursue duplicate or
1059 successive appeals before the same or separate appeal authorities as a condition of an appealing
1060 party's duty to exhaust administrative remedies; and
1061 (e) provide that specified types of land use decisions may be appealed directly to the
1062 district court.
1063 (5) If the municipality establishes or, prior to the effective date of this chapter, has
1064 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
1065 board, body, or panel shall:

1066 (a) notify each of [~~its~~] the members of the board, body, or panel of any meeting or
1067 hearing of the board, body, or panel;
1068 (b) provide each of [~~its~~] the members of the board, body, or panel with the same
1069 information and access to municipal resources as any other member;
1070 (c) convene only if a quorum of [~~its~~] the members of the board, body, or panel is
1071 present; and
1072 (d) act only upon the vote of a majority of [~~its~~] the convened members of the board,
1073 body, or panel.
1074 Section 14. Section **10-9a-801** is amended to read:
1075 **10-9a-801. No district court review until administrative remedies exhausted --**
1076 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
1077 **-- Staying of decision.**
1078 (1) No person may challenge in district court a land use decision until that person has
1079 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1080 Variances, if applicable.
1081 (2) (a) [~~A~~] Subject to Subsection (1), a land use applicant or adversely affected party
1082 may file a petition for review of [~~the~~] a land use decision with the district court within 30 days
1083 after the decision is final.
1084 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1085 property owner files a request for arbitration of a constitutional taking issue with the property
1086 rights ombudsman under Section 13-43-204 until 30 days after:
1087 (A) the arbitrator issues a final award; or
1088 (B) the property rights ombudsman issues a written statement under Subsection
1089 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
1090 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1091 taking issue that is the subject of the request for arbitration filed with the property rights
1092 ombudsman by a property owner.
1093 (iii) A request for arbitration filed with the property rights ombudsman after the time

1094 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.
1095 (3) (a) A court shall:
1096 (i) presume that a land use regulation properly enacted under the authority of this
1097 chapter is valid; and
1098 (ii) determine only whether:
1099 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1100 or federal law; and
1101 (B) it is reasonably debatable that the land use regulation is consistent with this
1102 chapter.
1103 (b) A court shall:
1104 (i) presume that a final land use decision of a land use authority or an appeal authority
1105 is valid; and
1106 (ii) uphold the land use decision unless the land use decision is:
1107 (A) arbitrary and capricious; or
1108 (B) illegal.
1109 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
1110 supported by substantial evidence in the record.
1111 (ii) A land use decision is illegal if the land use decision is:
1112 (A) based on an incorrect interpretation of a land use regulation; or
1113 (B) contrary to law.
1114 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
1115 decision.
1116 (ii) If the court reverses a land use [~~authority's~~] decision, the court shall remand the
1117 matter to the land use authority with instructions to issue a land use decision consistent with
1118 the court's ruling.
1119 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1120 takes final action on a land use application, if the municipality conformed with the notice
1121 provisions of Part 2, Notice, or for any person who had actual notice of the pending land use

1122 decision.
1123 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
1124 enactment of a land use regulation or general plan may not be filed with the district court more
1125 than 30 days after the enactment.
1126 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1127 days after the land use decision is final.
1128 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1129 the reviewing court the record of [~~its~~] the proceedings of the land use authority or appeal
1130 authority, including [~~its~~] the minutes, findings, orders, and, if available, a true and correct
1131 transcript of [~~its~~] the proceedings.
1132 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1133 transcript for purposes of this Subsection (7).
1134 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1135 by the land use authority or appeal authority, as the case may be.
1136 (ii) The court may not accept or consider any evidence outside the record of the land
1137 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1138 land use authority or appeal authority, respectively, and the court determines that [~~it~~] the
1139 evidence was improperly excluded.
1140 (b) If there is no record, the court may call witnesses and take evidence.
1141 (9) (a) The filing of a petition does not stay the land use decision of the land use
1142 authority or appeal authority, as the case may be.
1143 (b) (i) Before filing a petition under this section or a request for mediation or
1144 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
1145 petition the appeal authority to stay [~~its~~] the appeal authority's land use decision.
1146 (ii) Upon receipt of a petition to stay, the appeal authority may order [~~its~~] the appeal
1147 authority's land use decision stayed pending district court review if the appeal authority finds
1148 [~~it~~] the order to be in the best interest of the municipality.
1149 (iii) After a petition is filed under this section or a request for mediation or arbitration

1150 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1151 injunction staying the appeal authority's land use decision.
1152 (10) If the court determines that a party initiated or pursued a challenge to [~~the~~] a land
1153 use decision on a land use application in bad faith, the court may award attorney fees.
1154 Section 15. Section **17-27a-103** is amended to read:
1155 **17-27a-103. Definitions.**
1156 As used in this chapter:
1157 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1158 detached from a primary single-family dwelling and contained on one lot.
1159 (2) "Adversely affected party" means a person other than a land use applicant who:
1160 (a) owns real property adjoining the property that is the subject of a land use
1161 application or land use decision; or
1162 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1163 general community as a result of the land use decision.
1164 (3) "Affected entity" means a county, municipality, local district, special service
1165 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1166 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1167 property owner, property owners association, public utility, or the Utah Department of
1168 Transportation, if:
1169 (a) the entity's services or facilities are likely to require expansion or significant
1170 modification because of an intended use of land;
1171 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1172 or
1173 (c) the entity has filed with the county a request for notice during the same calendar
1174 year and before the county provides notice to an affected entity in compliance with a
1175 requirement imposed under this chapter.
1176 (4) "Affected owner" means the owner of real property that is:
1177 (a) a single project;

1178 (b) the subject of a land use approval that sponsors of a referendum timely challenged
1179 in accordance with Subsection 20A-7-601(5)(a); and
1180 (c) determined to be legally referable under Section 20A-7-602.8.
1181 (5) "Appeal authority" means the person, board, commission, agency, or other body
1182 designated by ordinance to decide an appeal of a decision of a land use application or a
1183 variance.
1184 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1185 residential property if the sign is designed or intended to direct attention to a business, product,
1186 or service that is not sold, offered, or existing on the property where the sign is located.
1187 (7) (a) "Charter school" means:
1188 (i) an operating charter school;
1189 (ii) a charter school applicant that [~~has its application approved by~~] a charter school
1190 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
1191 Authorization; or
1192 (iii) an entity that is working on behalf of a charter school or approved charter
1193 applicant to develop or construct a charter school building.
1194 (b) "Charter school" does not include a therapeutic school.
1195 (8) "Chief executive officer" means the person or body that exercises the executive
1196 powers of the county.
1197 (9) "Conditional use" means a land use that, because of [~~its~~] the unique characteristics
1198 or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
1199 may not be compatible in some areas or may be compatible only if certain conditions are
1200 required that mitigate or eliminate the detrimental impacts.
1201 (10) "Constitutional taking" means a governmental action that results in a taking of
1202 private property so that compensation to the owner of the property is required by the:
1203 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
1204 (b) Utah Constitution, Article I, Section 22.
1205 (11) "County utility easement" means an easement that:

1206 (a) a plat recorded in a county recorder's office described as a county utility easement
1207 or otherwise as a utility easement;
1208 (b) is not a protected utility easement or a public utility easement as defined in Section
1209 54-3-27;
1210 (c) the county or the county's affiliated governmental entity owns or creates; and
1211 (d) (i) either:
1212 (A) no person uses or occupies; or
1213 (B) the county or the county's affiliated governmental entity uses and occupies to
1214 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1215 communications or data lines; or
1216 (ii) a person uses or occupies with or without an authorized franchise or other
1217 agreement with the county.
1218 (12) "Culinary water authority" means the department, agency, or public entity with
1219 responsibility to review and approve the feasibility of the culinary water system and sources for
1220 the subject property.
1221 (13) "Development activity" means:
1222 (a) any construction or expansion of a building, structure, or use that creates additional
1223 demand and need for public facilities;
1224 (b) any change in use of a building or structure that creates additional demand and need
1225 for public facilities; or
1226 (c) any change in the use of land that creates additional demand and need for public
1227 facilities.
1228 (14) (a) "Development agreement" means a written agreement or amendment to a
1229 written agreement between a county and one or more parties that regulates or controls the use
1230 or development of a specific area of land.
1231 (b) "Development agreement" does not include an improvement completion assurance.
1232 [~~(14)~~] (15) (a) "Disability" means a physical or mental impairment that substantially
1233 limits one or more of a person's major life activities, including a person having a record of such

1234 an impairment or being regarded as having such an impairment.
1235 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1236 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1237 Sec. 802.
1238 [~~(15)~~] (16) "Educational facility":
1239 (a) means:
1240 (i) a school district's building at which pupils assemble to receive instruction in a
1241 program for any combination of grades from preschool through grade 12, including
1242 kindergarten and a program for children with disabilities;
1243 (ii) a structure or facility:
1244 (A) located on the same property as a building described in Subsection [~~(15)~~]
1245 (16)(a)(i); and
1246 (B) used in support of the use of that building; and
1247 (iii) a building to provide office and related space to a school district's administrative
1248 personnel; and
1249 (b) does not include:
1250 (i) land or a structure, including land or a structure for inventory storage, equipment
1251 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
1252 (A) not located on the same property as a building described in Subsection [~~(15)~~]
1253 (16)(a)(i); and
1254 (B) used in support of the purposes of a building described in Subsection [~~(15)~~]
1255 (16)(a)(i); or
1256 (ii) a therapeutic school.
1257 [~~(16)~~] (17) "Fire authority" means the department, agency, or public entity with
1258 responsibility to review and approve the feasibility of fire protection and suppression services
1259 for the subject property.
1260 [~~(17)~~] (18) "Flood plain" means land that:
1261 (a) is within the 100-year flood plain designated by the Federal Emergency

1262 Management Agency; or
1263 (b) has not been studied or designated by the Federal Emergency Management Agency
1264 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1265 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1266 Federal Emergency Management Agency.
1267 [~~(18)~~] (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
1268 [~~(19)~~] (20) "General plan" means a document that a county adopts that sets forth
1269 general guidelines for proposed future development of:
1270 (a) the unincorporated land within the county; or
1271 (b) for a mountainous planning district, the land within the mountainous planning
1272 district.
1273 [~~(20)~~] (21) "Geologic hazard" means:
1274 (a) a surface fault rupture;
1275 (b) shallow groundwater;
1276 (c) liquefaction;
1277 (d) a landslide;
1278 (e) a debris flow;
1279 (f) unstable soil;
1280 (g) a rock fall; or
1281 (h) any other geologic condition that presents a risk:
1282 (i) to life;
1283 (ii) of substantial loss of real property; or
1284 (iii) of substantial damage to real property.
1285 [~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe,
1286 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
1287 utility system.
1288 [~~(22)~~] (23) "Identical plans" means building plans submitted to a county that:
1289 (a) are clearly marked as "identical plans";

1290 (b) are substantially identical building plans that were previously submitted to and
1291 reviewed and approved by the county; and
1292 (c) describe a building that:
1293 (i) is located on land zoned the same as the land on which the building described in the
1294 previously approved plans is located;
1295 (ii) is subject to the same geological and meteorological conditions and the same law
1296 as the building described in the previously approved plans;
1297 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1298 and approved by the county; and
1299 (iv) does not require any additional engineering or analysis.
1300 [~~(23)~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter
1301 36a, Impact Fees Act.
1302 [~~(24)~~] (25) "Improvement completion assurance" means a surety bond, letter of credit,
1303 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1304 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1305 required as a condition precedent to:
1306 (a) recording a subdivision plat; or
1307 (b) development of a commercial, industrial, mixed use, or multifamily project.
1308 [~~(25)~~] (26) "Improvement warranty" means an applicant's unconditional warranty that
1309 the applicant's installed and accepted landscaping or infrastructure improvement:
1310 (a) complies with the county's written standards for design, materials, and
1311 workmanship; and
1312 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1313 within the improvement warranty period.
1314 [~~(26)~~] (27) "Improvement warranty period" means a period:
1315 (a) no later than one year after a county's acceptance of required landscaping; or
1316 (b) no later than one year after a county's acceptance of required infrastructure, unless
1317 the county:

1318 (i) determines for good cause that a one-year period would be inadequate to protect the
1319 public health, safety, and welfare; and
1320 (ii) has substantial evidence, on record:
1321 (A) of prior poor performance by the applicant; or
1322 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1323 and the county has not otherwise required the applicant to mitigate the suspect soil.
1324 [~~(27)~~] (28) "Infrastructure improvement" means permanent infrastructure that is
1325 essential for the public health and safety or that:
1326 (a) is required for human consumption; and
1327 (b) an applicant must install:
1328 (i) in accordance with published installation and inspection specifications for public
1329 improvements; and
1330 (ii) as a condition of:
1331 (A) recording a subdivision plat;
1332 (B) obtaining a building permit; or
1333 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1334 project.
1335 [~~(28)~~] (29) "Internal lot restriction" means a platted note, platted demarcation, or
1336 platted designation that:
1337 (a) runs with the land; and
1338 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1339 the plat; or
1340 (ii) designates a development condition that is enclosed within the perimeter of a lot
1341 described on the plat.
1342 [~~(29)~~] (30) "Interstate pipeline company" means a person or entity engaged in natural
1343 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1344 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
1345 [~~(30)~~] (31) "Intrastate pipeline company" means a person or entity engaged in natural

1346 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1347 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
1348 [~~(31)~~] (32) "Land use applicant" means a property owner, or the property owner's
1349 designee, who submits a land use application regarding the property owner's land.
1350 [~~(32)~~] (33) "Land use application":
1351 (a) means an application that is:
1352 (i) required by a county; and
1353 (ii) submitted by a land use applicant to obtain a land use decision; and
1354 (b) does not mean an application to enact, amend, or repeal a land use regulation.
1355 [~~(33)~~] (34) "Land use authority" means:
1356 (a) a person, board, commission, agency, or body, including the local legislative body,
1357 designated by the local legislative body to act upon a land use application; or
1358 (b) if the local legislative body has not designated a person, board, commission,
1359 agency, or body, the local legislative body.
1360 [~~(34)~~] (35) "Land use decision" means an administrative decision of a land use
1361 authority or appeal authority regarding:
1362 (a) a land use permit;
1363 (b) a land use application; or
1364 (c) the enforcement of a land use regulation, land use permit, or development
1365 agreement.
1366 [~~(35)~~] (36) "Land use permit" means a permit issued by a land use authority.
1367 [~~(36)~~] (37) "Land use regulation":
1368 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1369 specification, fee, or rule that governs the use or development of land;
1370 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1371 and
1372 (c) does not include:
1373 (i) a land use decision of the legislative body acting as the land use authority, even if

1374 the decision is expressed in a resolution or ordinance; or
1375 (ii) a temporary revision to an engineering specification that does not materially:
1376 (A) increase a land use applicant's cost of development compared to the existing
1377 specification; or
1378 (B) impact a land use applicant's use of land.
1379 [~~(37)~~] (38) "Legislative body" means the county legislative body, or for a county that
1380 has adopted an alternative form of government, the body exercising legislative powers.
1381 [~~(38)~~] (39) "Local district" means any entity under Title 17B, Limited Purpose Local
1382 Government Entities - Local Districts, and any other governmental or quasi-governmental
1383 entity that is not a county, municipality, school district, or the state.
1384 [~~(39)~~] (40) "Lot" means a tract of land, regardless of any label, that is created by and
1385 shown on a subdivision plat that has been recorded in the office of the county recorder.
1386 [~~(40)~~] (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1387 adjoining lots or between a lot and adjoining parcels[~~,~~] in accordance with Section 17-27a-608:
1388 (i) whether or not the lots are located in the same subdivision[~~, in accordance with~~
1389 ~~Section 17-27a-608,~~]; and
1390 (ii) with the consent of the owners of record.
1391 (b) "Lot line adjustment" does not mean a new boundary line that:
1392 (i) creates an additional lot; or
1393 (ii) constitutes a subdivision.
1394 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1395 Department of Transportation.
1396 [~~(41)~~] (42) "Major transit investment corridor" means public transit service that uses or
1397 occupies:
1398 (a) public transit rail right-of-way;
1399 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
1400 or
1401 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a

1402 municipality or county and:
1403 (i) a public transit district as defined in Section 17B-2a-802; or
1404 (ii) an eligible political subdivision as defined in Section 59-12-2219.
1405 [~~(42)~~] (43) "Moderate income housing" means housing occupied or reserved for
1406 occupancy by households with a gross household income equal to or less than 80% of the
1407 median gross income for households of the same size in the county in which the housing is
1408 located.
1409 [~~(43)~~] (44) "Mountainous planning district" means an area:
1410 (a) designated by a county legislative body in accordance with Section 17-27a-901; and
1411 (b) that is not otherwise exempt under Section 10-9a-304.
1412 [~~(44)~~] (45) "Nominal fee" means a fee that reasonably reimburses a county only for
1413 time spent and expenses incurred in:
1414 (a) verifying that building plans are identical plans; and
1415 (b) reviewing and approving those minor aspects of identical plans that differ from the
1416 previously reviewed and approved building plans.
1417 [~~(45)~~] (46) "Noncomplying structure" means a structure that:
1418 (a) legally existed before [~~its~~] the structure's current land use designation; and
1419 (b) because of one or more subsequent land use ordinance changes, does not conform
1420 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1421 the use of land.
1422 [~~(46)~~] (47) "Nonconforming use" means a use of land that:
1423 (a) legally existed before its current land use designation;
1424 (b) has been maintained continuously since the time the land use ordinance regulation
1425 governing the land changed; and
1426 (c) because of one or more subsequent land use ordinance changes, does not conform
1427 to the regulations that now govern the use of the land.
1428 [~~(47)~~] (48) "Official map" means a map drawn by county authorities and recorded in
1429 the county recorder's office that:

1430 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1431 highways and other transportation facilities;
1432 (b) provides a basis for restricting development in designated rights-of-way or between
1433 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1434 the land; and
1435 (c) has been adopted as an element of the county's general plan.
1436 [~~(48)~~] (49) "Parcel" means any real property that is not a lot [~~created by and shown on a~~
1437 ~~subdivision plat recorded in the office of the county recorder~~].
1438 [~~(49)~~] (50) (a) "Parcel boundary adjustment" means a recorded agreement between
1439 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1440 line agreement in accordance with Section [~~57-1-45~~] 17-27a-523, if no additional parcel is
1441 created and:
1442 (i) none of the property identified in the agreement is [~~subdivided land~~] a lot; or
1443 (ii) the adjustment is to the boundaries of a single person's parcels.
1444 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1445 line that:
1446 (i) creates an additional parcel; or
1447 (ii) constitutes a subdivision.
1448 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1449 the Department of Transportation.
1450 [~~(50)~~] (51) "Person" means an individual, corporation, partnership, organization,
1451 association, trust, governmental agency, or any other legal entity.
1452 [~~(51)~~] (52) "Plan for moderate income housing" means a written document adopted by
1453 a county legislative body that includes:
1454 (a) an estimate of the existing supply of moderate income housing located within the
1455 county;
1456 (b) an estimate of the need for moderate income housing in the county for the next five
1457 years;

1458 (c) a survey of total residential land use;
1459 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1460 income housing; and
1461 (e) a description of the county's program to encourage an adequate supply of moderate
1462 income housing.
1463 [~~(52)~~] (53) "Planning advisory area" means a contiguous, geographically defined
1464 portion of the unincorporated area of a county established under this part with planning and
1465 zoning functions as exercised through the planning advisory area planning commission, as
1466 provided in this chapter, but with no legal or political identity separate from the county and no
1467 taxing authority.
1468 [~~(53)~~] (54) "Plat" means an instrument subdividing property into lots as depicted on a
1469 map or other graphical representation of lands that a licensed professional land surveyor makes
1470 and prepares in accordance with Section 17-27a-603 or 57-8-13.
1471 [~~(54)~~] (55) "Potential geologic hazard area" means an area that:
1472 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1473 relevant map or report as needing further study to determine the area's potential for geologic
1474 hazard; or
1475 (b) has not been studied by the Utah Geological Survey or a county geologist but
1476 presents the potential of geologic hazard because the area has characteristics similar to those of
1477 a designated geologic hazard area.
1478 [~~(55)~~] (56) "Public agency" means:
1479 (a) the federal government;
1480 (b) the state;
1481 (c) a county, municipality, school district, local district, special service district, or other
1482 political subdivision of the state; or
1483 (d) a charter school.
1484 [~~(56)~~] (57) "Public hearing" means a hearing at which members of the public are
1485 provided a reasonable opportunity to comment on the subject of the hearing.

1486 [~~(57)~~] (58) "Public meeting" means a meeting that is required to be open to the public
1487 under Title 52, Chapter 4, Open and Public Meetings Act.
1488 [~~(58)~~] (59) "Public street" means a public right-of-way, including a public highway,
1489 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1490 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1491 easement, or other public way.
1492 [~~(59)~~] (60) "Receiving zone" means an unincorporated area of a county that the county
1493 designates, by ordinance, as an area in which an owner of land may receive a transferable
1494 development right.
1495 [~~(60)~~] (61) "Record of survey map" means a map of a survey of land prepared in
1496 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
1497 [~~(61)~~] (62) "Residential facility for persons with a disability" means a residence:
1498 (a) in which more than one person with a disability resides; and
1499 (b) (i) which is licensed or certified by the Department of Human Services under Title
1500 62A, Chapter 2, Licensure of Programs and Facilities; or
1501 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1502 21, Health Care Facility Licensing and Inspection Act.
1503 [~~(62)~~] (63) "Rules of order and procedure" means a set of rules that govern and
1504 prescribe in a public meeting:
1505 (a) parliamentary order and procedure;
1506 (b) ethical behavior; and
1507 (c) civil discourse.
1508 [~~(63)~~] (64) "Sanitary sewer authority" means the department, agency, or public entity
1509 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1510 wastewater systems.
1511 [~~(64)~~] (65) "Sending zone" means an unincorporated area of a county that the county
1512 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1513 development right.

1514 [~~(65)~~] (66) "Site plan" means a document or map that may be required by a county
1515 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1516 owner's or developer's proposed development activity meets a land use requirement.
1517 [~~(66)~~] (67) "Specified public agency" means:
1518 (a) the state;
1519 (b) a school district; or
1520 (c) a charter school.
1521 [~~(67)~~] (68) "Specified public utility" means an electrical corporation, gas corporation,
1522 or telephone corporation, as those terms are defined in Section 54-2-1.
1523 [~~(68)~~] (69) "State" includes any department, division, or agency of the state.
1524 [~~(69) "Subdivided land" means the land, tract, or lot described in a recorded~~
1525 ~~subdivision plat.~~]
1526 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1527 divided into two or more lots or other division of land for the purpose, whether immediate or
1528 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1529 other plans, terms, and conditions.
1530 (b) "Subdivision" includes:
1531 (i) the division or development of land, whether by deed, metes and bounds
1532 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1533 the division includes all or a portion of a parcel or lot; and
1534 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1535 nonresidential uses, including land used or to be used for commercial, agricultural, and
1536 industrial purposes.
1537 (c) "Subdivision" does not include:
1538 (i) a bona fide division or partition of agricultural land for agricultural purposes;
1539 (ii) [~~an~~] a boundary line agreement recorded with the county recorder's office between
1540 owners of adjoining [~~properties~~] parcels adjusting the mutual boundary [~~by a boundary line~~
1541 ~~agreement~~] in accordance with Section [~~57-1-45 if:~~] 17-27a-523 if no new lot is created;

1542 [~~(A) no new lot is created; and~~]
1543 [~~(B) the adjustment does not violate applicable land use ordinances;~~]
1544 (iii) a recorded document, executed by the owner of record:
1545 (A) revising the legal [~~description of more than one contiguous parcel of property that~~
1546 ~~is not subdivided land~~] descriptions of multiple parcels into one legal description
1547 encompassing all such parcels [~~of property~~]; or
1548 (B) joining a [~~subdivided parcel of property to another parcel of property that has not~~
1549 ~~been subdivided, if the joinder does not violate applicable land use ordinances~~] lot to a parcel;
1550 (iv) a bona fide division or partition of land in a county other than a first class county
1551 for the purpose of siting, on one or more of the resulting separate parcels:
1552 (A) an electrical transmission line or a substation;
1553 (B) a natural gas pipeline or a regulation station; or
1554 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1555 utility service regeneration, transformation, retransmission, or amplification facility;
1556 (v) [~~an~~] a boundary line agreement between owners of adjoining subdivided properties
1557 adjusting the mutual lot line boundary in accordance with [~~Section 10-9a-603~~] Sections
1558 17-27a-523 and 17-27a-608 if:
1559 (A) no new dwelling lot or housing unit will result from the adjustment; and
1560 (B) the adjustment will not violate any applicable land use ordinance;
1561 (vi) a bona fide division [~~or partition~~] of land by deed or other instrument [~~where the~~
1562 ~~land use authority expressly approves~~] if the deed or other instrument states in writing that the
1563 division:
1564 (A) [~~in writing the division~~] is in anticipation of [~~further~~] future land use approvals on
1565 the parcel or parcels;
1566 (B) does not confer any land use approvals; and
1567 (C) has not been approved by the land use authority;
1568 (vii) a parcel boundary adjustment;
1569 (viii) a lot line adjustment;

1570 (ix) a road, street, or highway dedication plat; [~~or~~]
1571 (x) a deed or easement for a road, street, or highway purpose[~~.~~]; or
1572 (xi) any other division of land authorized by law.
1573 [~~(d) The joining of a subdivided parcel of property to another parcel of property that~~
1574 ~~has not been subdivided does not constitute a subdivision under this Subsection (70) as to the~~
1575 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision~~
1576 ~~ordinance.~~]
1577 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
1578 accordance with Section 17-27a-608 that:
1579 (a) vacates all or a portion of the subdivision;
1580 (b) alters the outside boundary of the subdivision;
1581 (c) changes the number of lots within the subdivision;
1582 (d) alters a public right-of-way, a public easement, or public infrastructure within the
1583 subdivision; or
1584 (e) alters a common area or other common amenity within the subdivision.
1585 (72) "Substantial evidence" means evidence that:
1586 (a) is beyond a scintilla; and
1587 (b) a reasonable mind would accept as adequate to support a conclusion.
1588 [~~(72)~~] (73) "Suspect soil" means soil that has:
1589 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1590 3% swell potential;
1591 (b) bedrock units with high shrink or swell susceptibility; or
1592 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1593 commonly associated with dissolution and collapse features.
1594 [~~(73)~~] (74) "Therapeutic school" means a residential group living facility:
1595 (a) for four or more individuals who are not related to:
1596 (i) the owner of the facility; or
1597 (ii) the primary service provider of the facility;

1598 (b) that serves students who have a history of failing to function:
1599 (i) at home;
1600 (ii) in a public school; or
1601 (iii) in a nonresidential private school; and
1602 (c) that offers:
1603 (i) room and board; and
1604 (ii) an academic education integrated with:
1605 (A) specialized structure and supervision; or
1606 (B) services or treatment related to a disability, an emotional development, a
1607 behavioral development, a familial development, or a social development.
1608 [~~(74)~~] (75) "Transferable development right" means a right to develop and use land that
1609 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1610 land use rights from a designated sending zone to a designated receiving zone.
1611 [~~(75)~~] (76) "Unincorporated" means the area outside of the incorporated area of a
1612 municipality.
1613 [~~(76)~~] (77) "Water interest" means any right to the beneficial use of water, including:
1614 (a) each of the rights listed in Section 73-1-11; and
1615 (b) an ownership interest in the right to the beneficial use of water represented by:
1616 (i) a contract; or
1617 (ii) a share in a water company, as defined in Section 73-3-3.5.
1618 [~~(77)~~] (78) "Zoning map" means a map, adopted as part of a land use ordinance, that
1619 depicts land use zones, overlays, or districts.
1620 Section 16. Section **17-27a-302** is amended to read:
1621 **17-27a-302. Planning commission powers and duties -- Training requirements.**
1622 (1) Each countywide, planning advisory area, or mountainous planning district
1623 planning commission shall, with respect to the unincorporated area of the county, the planning
1624 advisory area, or the mountainous planning district, review and make a recommendation to the
1625 county legislative body for:

1626 (a) a general plan and amendments to the general plan;
1627 (b) land use regulations, including:
1628 (i) ordinances regarding the subdivision of land within the county; and
1629 (ii) amendments to existing land use regulations;
1630 (c) an appropriate delegation of power to at least one designated land use authority to
1631 hear and act on a land use application;
1632 (d) an appropriate delegation of power to at least one appeal authority to hear and act
1633 on an appeal from a decision of the land use authority; and
1634 (e) application processes that:
1635 (i) may include a designation of routine land use matters that, upon application and
1636 proper notice, will receive informal streamlined review and action if the application is
1637 uncontested; and
1638 (ii) shall protect the right of each:
1639 (A) land use applicant and adversely affected party to require formal consideration of
1640 any application by a land use authority;
1641 (B) land use applicant or adversely affected party to appeal a land use authority's
1642 decision to a separate appeal authority; and
1643 (C) participant to be heard in each public hearing on a contested application.
1644 (2) Before making a recommendation to a legislative body on an item described in
1645 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
1646 with Section 17-27a-404.
1647 (3) A legislative body may adopt, modify, or reject a planning commission's
1648 recommendation to the legislative body under this section.
1649 (4) A legislative body may consider a planning commission's failure to make a timely
1650 recommendation as a negative recommendation.
1651 (5) Nothing in this section limits the right of a county to initiate or propose the actions
1652 described in this section.
1653 <u>(6) (a) (i) This Subsection (6) applies to a county that:</u>

1654 (A) is a county of the first, second, or third class; and
1655 (B) has a population in the county's unincorporated areas of 5,000 or more.
1656 (ii) The population figure described in Subsection (6)(a)(i) shall be derived from:
1657 (A) the most recent official census or census estimate of the United States Census
1658 Bureau; or
1659 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
1660 the Utah Population Committee.
1661 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the
1662 county's planning commission completes four hours of annual land use training as follows:
1663 (i) one hour of annual training on general powers and duties under Title 17, Chapter
1664 27a, County Land Use, Development, and Management Act; and
1665 (ii) three hours of annual training on land use, which may include:
1666 (A) appeals and variances;
1667 (B) conditional use permits;
1668 (C) exactions;
1669 (D) impact fees;
1670 (E) vested rights;
1671 (F) subdivision regulations and improvement guarantees;
1672 (G) land use referenda;
1673 (H) property rights;
1674 (I) real estate procedures and financing;
1675 (J) zoning, including use-based and form-based; and
1676 (K) drafting ordinances and code that complies with statute.
1677 (c) A newly appointed planning commission member may not participate in a public
1678 meeting as an appointed member until the member completes the training described in
1679 Subsection (6)(b)(i).
1680 (d) A planning commission member may qualify for one completed hour of training
1681 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public

1682 meetings of the planning commission within a calendar year.
1683 (e) A county shall provide the training described in Subsection (6)(b) through:
1684 (i) county staff;
1685 (ii) the Utah Association of Counties; or
1686 (iii) a list of training courses selected by:
1687 (A) the Utah Association of Counties; or
1688 (B) the Division of Real Estate created in Section 61-2-201.
1689 (f) A county shall, for each planning commission member:
1690 (i) monitor compliance with the training requirements in Subsection (6)(b); and
1691 (ii) maintain a record of training completion at the end of each calendar year.
1692 Section 17. Section **17-27a-506** is amended to read:
1693 **17-27a-506. Conditional uses.**
1694 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
1695 provisions for conditional uses that require compliance with objective standards set forth in an
1696 applicable ordinance.
1697 (b) A county may not impose a requirement or standard on a conditional use that
1698 conflicts with a provision of this chapter or other state or federal law.
1699 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
1700 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
1701 the proposed use in accordance with applicable standards.
1702 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
1703 anticipated detrimental effects of the proposed conditional use does not require elimination of
1704 the detrimental effects.
1705 (b) If a land use authority proposes reasonable conditions on a proposed conditional
1706 use, the land use authority shall ensure that the conditions are stated on the record and
1707 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.
1708 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
1709 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to

1710 achieve compliance with applicable standards, the land use authority may deny the conditional
1711 use.
1712 (3) A land use authority's decision to approve or deny a conditional use is an
1713 administrative land use decision.
1714 (4) A legislative body shall classify any use that a land use regulation allows in a
1715 zoning district as either a permitted or conditional use under this chapter.
1716 Section 18. Section **17-27a-508** is amended to read:
1717 **17-27a-508. Applicant's entitlement to land use application approval --**
1718 **Application relating to land in a high priority transportation corridor -- County's**
1719 **requirements and limitations -- Vesting upon submission of development plan and**
1720 **schedule.**
1721 (1) (a) (i) An applicant who has submitted a complete land use application, including
1722 the payment of all application fees, is entitled to substantive review of the application under the
1723 land use regulations:
1724 (A) in effect on the date that the application is complete; and
1725 (B) applicable to the application or to the information shown on the submitted
1726 application.
1727 (ii) An applicant is entitled to approval of a land use application if the application
1728 conforms to the requirements of the applicable land use regulations, land use decisions, and
1729 development standards in effect when the applicant submits a complete application and pays all
1730 application fees, unless:
1731 (A) the land use authority, on the record, formally finds that a compelling,
1732 countervailing public interest would be jeopardized by approving the application and specifies
1733 the compelling, countervailing public interest in writing; or
1734 (B) in the manner provided by local ordinance and before the applicant submits the
1735 application, the county formally initiates proceedings to amend the county's land use
1736 regulations in a manner that would prohibit approval of the application as submitted.
1737 (b) The county shall process an application without regard to proceedings the county

1738 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
1739 (i) 180 days have passed since the county initiated the proceedings; and
1740 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1741 application as submitted.
1742 (c) A land use application is considered submitted and complete when the applicant
1743 provides the application in a form that complies with the requirements of applicable ordinances
1744 and pays all applicable fees.
1745 (d) The continuing validity of an approval of a land use application is conditioned upon
1746 the applicant proceeding after approval to implement the approval with reasonable diligence.
1747 (e) A county may not impose on an applicant who has submitted a complete
1748 application a requirement that is not expressed:
1749 (i) in this chapter;
1750 (ii) in a county ordinance; or
1751 (iii) in a county specification for public improvements applicable to a subdivision or
1752 development that is in effect on the date that the applicant submits an application.
1753 (f) A county may not impose on a holder of an issued land use permit or a final,
1754 unexpired subdivision plat a requirement that is not expressed:
1755 (i) in a land use permit;
1756 (ii) on the subdivision plat;
1757 (iii) in a document on which the land use permit or subdivision plat is based;
1758 (iv) in the written record evidencing approval of the land use permit or subdivision
1759 plat;
1760 (v) in this chapter; or
1761 (vi) in a county ordinance.
1762 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1763 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1764 failure to comply with a requirement that is not expressed:
1765 (i) in the building permit or subdivision plat, documents on which the building permit

1766 or subdivision plat is based, or the written record evidencing approval of the building permit or
1767 subdivision plat; or
1768 (ii) in this chapter or the county's ordinances.
1769 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1770 where an applicant has met all requirements essential for the public health, public safety, and
1771 general welfare of the occupants, in accordance with this chapter, unless:
1772 (i) the applicant and the county have agreed in a written document to the withholding
1773 of a certificate of occupancy; or
1774 (ii) the applicant has not provided a financial assurance for required and uncompleted
1775 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1776 legislative body adopts under this chapter.
1777 (2) A county is bound by the terms and standards of applicable land use regulations and
1778 shall comply with mandatory provisions of those regulations.
1779 (3) A county may not, as a condition of land use application approval, require a person
1780 filing a land use application to obtain documentation regarding a school district's willingness,
1781 capacity, or ability to serve the development proposed in the land use application.
1782 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
1783 which a subdivision plat is recorded, a county may not impose on a building permit applicant
1784 for a single-family dwelling located within the subdivision any land use regulation that is
1785 enacted within 10 years after the day on which the subdivision plat is recorded.
1786 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
1787 applicable building code, health code, or fire code, or other similar regulations.
1788 [~~(4)~~] (5) Upon a specified public agency's submission of a development plan and
1789 schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that
1790 subsection, the specified public agency vests in the county's applicable land use maps, zoning
1791 map, hookup fees, impact fees, other applicable development fees, and land use regulations in
1792 effect on the date of submission.
1793 [~~(5)~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with

1794 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
1795 approval by delivering a written notice:
1796 (i) to the local clerk as defined in Section 20A-7-101; and
1797 (ii) no later than seven days after the day on which a petition for a referendum is
1798 determined sufficient under Section 20A-7-607(5).
1799 (b) Upon delivery of a written notice described in Subsection [~~(5)~~] (6)(a) the following
1800 are rescinded and are of no further force or effect:
1801 (i) the relevant land use approval; and
1802 (ii) any land use regulation enacted specifically in relation to the land use approval.
1803 Section 19. Section **17-27a-522** is amended to read:
1804 **17-27a-522. Property boundary adjustment.**
1805 [~~(1) A property owner:~~]
1806 [~~(a) may execute a parcel boundary adjustment by quitclaim deed or by a boundary line~~
1807 ~~agreement as described in Section 57-1-45; and~~]
1808 [~~(b) shall record the quitclaim deed or boundary line agreement in the office of the~~
1809 ~~county recorder.~~]
1810 [~~(2) A parcel boundary adjustment is not subject to the review of a land use authority.~~]
1811 (1) To make a parcel line adjustment, a property owner shall:
1812 (a) execute a boundary adjustment through:
1813 (i) a quitclaim deed; or
1814 (ii) a boundary line agreement under Section 17-27a-523; and
1815 (b) record the quitclaim deed or boundary line agreement described in Subsection
1816 (1)(a) in the office of the county recorder of the county in which each property is located.
1817 (2) To make a lot line adjustment, a property owner shall:
1818 (a) obtain approval of the boundary adjustment under Section 17-27a-608;
1819 (b) execute a boundary adjustment through:
1820 (i) a quitclaim deed; or
1821 (ii) a boundary line agreement under Section 17-27a-523; and

1822 (c) record the quitclaim deed or boundary line agreement described in Subsection
1823 (2)(b) in the office of the county recorder of the county in which each property is located.
1824 (3) A parcel boundary adjustment under Subsection (1) is not subject to review of a
1825 land use authority unless:
1826 (a) the parcel includes a dwelling; and
1827 (b) the land use authority's approval is required under Subsection 17-27a-523(5).
1828 (4) The recording of a boundary line agreement or other document used to adjust a
1829 mutual boundary line that is not subject to review of a land use authority:
1830 (a) does not constitute a land use approval; and
1831 (b) does not affect the validity of the boundary line agreement or other document used
1832 to adjust a mutual boundary line.
1833 (5) A county may withhold approval of a land use application for property that is
1834 subject to a recorded boundary line agreement or other document used to adjust a mutual
1835 boundary line if the county determines that the lots or parcels, as adjusted by the boundary line
1836 agreement or other document used to adjust the mutual boundary line, are not in compliance
1837 with the county's land use regulations in effect on the day on which the boundary line
1838 agreement or other document used to adjust the mutual boundary line is recorded.
1839 Section 20. Section **17-27a-523** is amended to read:
1840 **17-27a-523. Boundary line agreement.**
1841 [~~(1) As used in this section, "boundary line agreement" is an agreement described in~~
1842 ~~Section 57-1-45.~~]
1843 [~~(2) A property owner:~~]
1844 [~~(a) may execute a boundary line agreement; and~~]
1845 [~~(b) shall record a boundary line agreement in the office of the county recorder.~~]
1846 [~~(3) A boundary line agreement is not subject to the review of a land use authority.~~]
1847 (1) If properly executed and acknowledged as required by law, an agreement between
1848 owners of adjoining property that designates the boundary line between the adjoining
1849 properties acts, upon recording in the office of the recorder of the county in which each

1850 property is located, as a quitclaim deed to convey all of each party's right, title, interest, and
1851 estate in property outside the agreed boundary line that had been the subject of the boundary
1852 line agreement or dispute that led to the boundary line agreement.
1853 (2) Adjoining property owners executing a boundary line agreement described in
1854 Subsection (1) shall:
1855 (a) ensure that the agreement includes:
1856 (i) a legal description of the agreed upon boundary line and of each parcel or lot after
1857 the boundary line is changed;
1858 (ii) the name and signature of each grantor that is party to the agreement;
1859 (iii) a sufficient acknowledgment for each grantor's signature;
1860 (iv) the address of each grantee for assessment purposes;
1861 (v) a legal description of the parcel or lot each grantor owns before the boundary line is
1862 changed; and
1863 (vi) the date of the agreement if the date is not included in the acknowledgment in a
1864 form substantially similar to a quitclaim deed as described in Section 57-1-13;
1865 (b) if any of the property subject to the boundary line agreement is a lot, prepare an
1866 amended plat in accordance with Section 17-27a-608 before executing the boundary line
1867 agreement; and
1868 (c) if none of the property subject to the boundary line agreement is a lot, ensure that
1869 the boundary line agreement includes a statement citing the file number of a record of a survey
1870 map in accordance with Section 17-23-17, unless the statement is exempted by the county.
1871 (3) A boundary line agreement described in Subsection (1) that complies with
1872 Subsection (2) presumptively:
1873 (a) has no detrimental effect on any easement on the property that is recorded before
1874 the day on which the agreement is executed unless the owner of the property benefitting from
1875 the easement specifically modifies the easement within the boundary line agreement or a
1876 separate recorded easement modification or relinquishment document; and
1877 (b) relocates the parties' common boundary line for an exchange of consideration.

1878 (4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a
1879 boundary line agreement that only affects parcels is not subject to:
1880 (a) any public notice, public hearing, or preliminary platting requirement;
1881 (b) the review of a land use authority; or
1882 (c) an engineering review or approval of the county, except as provided in Subsection
1883 (5).
1884 (5) (a) If a parcel that is the subject of a boundary line agreement contains a dwelling
1885 unit, the county may require a review of the boundary line agreement if the county:
1886 (i) adopts an ordinance that:
1887 (A) requires review and approval for a boundary line agreement containing a dwelling
1888 unit; and
1889 (B) includes specific criteria for approval; and
1890 (ii) completes the review within 14 days after the day on which the property owner
1891 submits the boundary line agreement for review.
1892 (b) (i) If a county, upon a review under Subsection (5)(a), determines that the boundary
1893 line agreement is deficient or if the county requires additional information to approve the
1894 boundary line agreement, the county shall send, within the time period described in Subsection
1895 (5)(a)(ii), written notice to the property owner that:
1896 (A) describes the specific deficiency or additional information that the county requires
1897 to approve the boundary line agreement; and
1898 (B) states that the county shall approve the boundary line agreement upon the property
1899 owner's correction of the deficiency or submission of the additional information described in
1900 Subsection (5)(b)(i)(A).
1901 (ii) If a county, upon a review under Subsection (5)(a), approves the boundary line
1902 agreement, the county shall send written notice of the boundary line agreement's approval to
1903 the property owner within the time period described in Subsection (5)(a)(ii).
1904 (c) If a county fails to send a written notice under Subsection (5)(b) within the time
1905 period described in Subsection (5)(a)(ii), the property owner may record the boundary line

1906 agreement as if no review under this Subsection (5) was required.
1907 Section 21. Section **17-27a-526** is enacted to read:
1908 **17-27a-526. Development agreements.**
1909 (1) Subject to Subsection (2), a county may enter into a development agreement
1910 containing any term that the county considers necessary or appropriate to accomplish the
1911 purposes of this chapter.
1912 (2) (a) A development agreement may not:
1913 (i) limit a county's authority in the future to:
1914 (A) enact a land use regulation; or
1915 (B) take any action allowed under Section 17-53-223;
1916 (ii) require a county to change the zoning designation of an area of land within the
1917 county in the future; or
1918 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
1919 existing land use regulation that governs the area subject to the development agreement, unless
1920 the legislative body approves the development agreement in accordance with the same
1921 procedures for enacting a land use regulation under Section 17-27a-502, including a review and
1922 recommendation from the planning commission and a public hearing.
1923 (b) A development agreement that requires the implementation of an existing land use
1924 regulation as an administrative act does not require a legislative body's approval under Section
1925 17-27a-502.
1926 (c) A county may not require a development agreement as the only option for
1927 developing land within the county.
1928 (d) To the extent that a development agreement does not specifically address a matter
1929 or concern related to land use or development, the matter or concern is governed by:
1930 (i) this chapter; and
1931 (ii) any applicable land use regulations.
1932 Section 22. Section **17-27a-527** is enacted to read:
1933 **17-27a-527. Infrastructure improvements involving roadways.**

1934 (1) As used in this section:
1935 (a) "Low impact development" means the same as that term is defined in Section
1936 19-5-108.5.
1937 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.
1938 (ii) "Pavement" does not include a curb or gutter.
1939 (c) "Residential street" means a public or private roadway that:
1940 (i) currently serves or is projected to serve an area designated primarily for
1941 single-family residential use;
1942 (ii) requires at least two off-site parking spaces for each single-family residential
1943 property abutting the roadway; and
1944 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
1945 based on findings contained in:
1946 (A) a traffic impact study;
1947 (B) the county's general plan under Section 17-27a-401;
1948 (C) an adopted phasing plan; or
1949 (D) a written plan or report on current or projected traffic usage.
1950 (2) (a) Except as provided in Subsection (2)(b), a county may not, as part of an
1951 infrastructure improvement, require the installation of pavement on a residential street at a
1952 width in excess of 32 feet if the county requires low impact development for the area in which
1953 the residential street is located.
1954 (b) Subsection (2)(a) does not apply if a county requires the installation of pavement:
1955 (i) in a vehicle turnaround area; or
1956 (ii) to address specific traffic flow constraints at an intersection or other area.
1957 (3) (a) A county shall, by ordinance, establish any standards that the county requires, as
1958 part of an infrastructure improvement, for fire department vehicle access and turnaround on
1959 roadways.
1960 (b) The county shall ensure that the standards established under Subsection (3)(a) are
1961 consistent with the State Fire Code as defined in Section 15A-1-102.

1962 Section 23. Section **17-27a-601** is amended to read:

1963 **17-27a-601. Enactment of subdivision ordinance.**

1964 (1) The legislative body of a county may enact ordinances requiring that a subdivision
1965 plat comply with the provisions of the county's ordinances and this part before:

1966 (a) the subdivision plat may be filed and recorded in the county recorder's office; and

1967 (b) lots may be sold.

1968 (2) If the legislative body fails to enact a subdivision ordinance, the county may
1969 regulate subdivisions only as provided in this part.

1970 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
1971 parcel or subject the parcel to the county's subdivision ordinance.

1972 Section 24. Section **17-27a-608** is amended to read:

1973 **17-27a-608. Subdivision amendments.**

1974 (1) (a) A fee owner of [~~land~~] a lot, as shown on the last county assessment roll, in a
1975 [~~subdivision~~] plat that has been laid out and platted as provided in this part may file a written
1976 petition with the land use authority to request a subdivision amendment.

1977 (b) Upon filing a written petition to request a subdivision amendment under Subsection
1978 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
1979 accordance with Section 17-27a-603 that:

1980 (i) depicts only the portion of the subdivision that is proposed to be amended;

1981 (ii) includes a plat name distinguishing the amended plat from the original plat;

1982 (iii) describes the differences between the amended plat and the original plat; and

1983 (iv) includes references to the original plat.

1984 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1985 notice of the petition by mail, email, or other effective means to each affected entity that
1986 provides a service to an owner of record of the portion of the plat that is being amended at least
1987 10 calendar days before the land use authority may approve the petition for a subdivision
1988 amendment.

1989 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a

1990 public hearing within 45 days after the day on which the petition is filed if:
1991 (i) any owner within the plat notifies the county of the owner's objection in writing
1992 within 10 days of mailed notification; or
1993 (ii) a public hearing is required because all of the owners in the subdivision have not
1994 signed the revised plat.
1995 (e) A land use authority may not approve a petition for a subdivision amendment under
1996 this section unless the amendment identifies and preserves any easements owned by a culinary
1997 water authority and sanitary sewer authority for existing facilities located within the
1998 subdivision.
1999 (2) [~~Unless a local ordinance provides otherwise, the~~] The public hearing requirement
2000 of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting
2001 an owner's petition for a subdivision amendment if:
2002 (a) the petition seeks to:
2003 (i) join two or more of the petitioning fee owner's contiguous lots;
2004 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
2005 result in a violation of a land use ordinance or a development condition;
2006 (iii) adjust the lot lines of adjoining lots or [~~parcels~~] between a lot and an adjoining
2007 parcel if the fee owners of each of the adjoining [~~lots or parcels~~] properties join the petition,
2008 regardless of whether the [~~lots or parcels~~] properties are located in the same subdivision;
2009 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2010 imposed by the local political subdivision; or
2011 (v) alter the plat in a manner that does not change existing boundaries or other
2012 attributes of lots within the subdivision that are not:
2013 (A) owned by the petitioner; or
2014 (B) designated as a common area; and
2015 (b) notice has been given to [~~adjacent~~] adjoining property owners in accordance with
2016 any applicable local ordinance.
2017 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or

2018 county utility easement is also subject to Section 17-27a-609.5.
2019 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
2020 a portion of a plat shall include:
2021 (a) the name and address of each owner of record of the land contained in:
2022 (i) the entire plat; or
2023 (ii) that portion of the plan described in the petition; and
2024 (b) the signature of each owner who consents to the petition.
2025 (5) (a) The owners of record of [~~adjacent parcels that are described by either a metes~~
2026 ~~and bounds description or by a recorded plat~~] adjoining properties where one or more of the
2027 properties is a lot may exchange title to portions of those [~~parcels~~] properties if the exchange of
2028 title is approved by the land use authority in accordance with Subsection (5)(b).
2029 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
2030 the exchange of title will not result in a violation of any land use ordinance.
2031 (c) If an exchange of title is approved under Subsection (5)(b):
2032 (i) a notice of approval shall be recorded in the office of the county recorder which:
2033 (A) is executed by each owner included in the exchange and by the land use authority;
2034 (B) contains an acknowledgment for each party executing the notice in accordance with
2035 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
2036 (C) recites the legal descriptions of both the [~~original parcels~~] properties and the
2037 [~~parcels created by~~] properties resulting from the exchange of title; and
2038 (ii) a document of conveyance of title reflecting the approved change shall be recorded
2039 in the office of the county recorder with an amended plat.
2040 (d) A notice of approval recorded under this Subsection (5) does not act as a
2041 conveyance of title to real property and is not required to record a document conveying title to
2042 real property.
2043 (6) (a) The name of a recorded subdivision may be changed by recording an amended
2044 plat making that change, as provided in this section and subject to Subsection (6)(c).
2045 (b) The surveyor preparing the amended plat shall certify that the surveyor:

2046 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2047 Professional Land Surveyors Licensing Act;
2048 (ii) has completed a survey of the property described on the plat in accordance with
2049 Section 17-23-17 and has verified all measurements; and
2050 (iii) has placed monuments as represented on the plat.
2051 (c) An owner of land may not submit for recording an amended plat that gives the
2052 subdivision described in the amended plat the same name as a subdivision recorded in the
2053 county recorder's office.
2054 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
2055 document that purports to change the name of a recorded plat is void.
2056 Section 25. Section **17-27a-609.5** is amended to read:
2057 **17-27a-609.5. Petition to vacate a public street.**
2058 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
2059 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
2060 petition to vacate a public street in accordance with this section.
2061 (2) A petition to vacate some or all of a public street or county utility easement shall
2062 include:
2063 (a) the name and address of each owner of record of land that is:
2064 (i) adjacent to the public street or county utility easement between the two nearest
2065 public street intersections; or
2066 (ii) accessed exclusively by or within 300 feet of the public street or county utility
2067 easement;
2068 (b) proof of written notice to operators of utilities and culinary water or sanitary sewer
2069 facilities located within the bounds of the public street or county utility easement sought to be
2070 vacated; and
2071 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.
2072 (3) If a petition is submitted containing a request to vacate some or all of a public street
2073 or county utility easement, the legislative body shall hold a public hearing in accordance with

2074 Section 17-27a-208 and determine whether:
2075 (a) good cause exists for the vacation; and
2076 (b) the public interest or any person will be materially injured by the proposed
2077 vacation.
2078 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
2079 all of a public street or county utility easement if the legislative body finds that:
2080 (a) good cause exists for the vacation; and
2081 (b) neither the public interest nor any person will be materially injured by the vacation.
2082 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
2083 county utility easement, the legislative body shall ensure that one or both of the following is
2084 recorded in the office of the recorder of the county in which the land is located:
2085 (a) a plat reflecting the vacation; or
2086 (b) (i) an ordinance described in Subsection (4); and
2087 (ii) a legal description of the public street to be vacated.
2088 (6) The action of the legislative body vacating some or all of a public street or county
2089 utility easement that has been dedicated to public use:
2090 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
2091 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's
2092 fee in the vacated street, right-of-way, or easement; and
2093 (b) may not be construed to impair:
2094 (i) any right-of-way or easement of any parcel or lot owner; [~~or~~]
2095 (ii) the rights of any public utility[~~.~~]; or
2096 (iii) the rights of a culinary water authority or sanitary sewer authority.
2097 (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate
2098 and complete a process to vacate some or all of a public street.
2099 (b) If a county submits a petition and initiates a process under Subsection (7)(a):
2100 (i) the legislative body shall hold a public hearing;
2101 (ii) the petition and process may not apply to or affect a public utility easement, except

2102 to the extent:
2103 (A) the easement is not a protected utility easement as defined in Section 54-3-27;
2104 (B) the easement is included within the public street; and
2105 (C) the notice to vacate the public street also contains a notice to vacate the easement;
2106 and
2107 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
2108 a public street through a recorded plat or amended plat.
2109 (8) A legislative body may not approve a petition to vacate a public street under this
2110 section unless the vacation identifies and preserves any easements owned by a culinary water
2111 authority and sanitary sewer authority for existing facilities located within the public street.
2112 Section 26. Section **17-27a-701** is amended to read:
2113 **17-27a-701. Appeal authority required -- Condition precedent to judicial review**
2114 **-- Appeal authority duties.**
2115 (1) (a) Each county adopting a land use ordinance shall, by ordinance, establish one or
2116 more appeal authorities [~~to hear and decide:~~].
2117 (b) An appeal authority shall hear and decide:
2118 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;
2119 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and
2120 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section 17-27a-509.
2121 (c) An appeal authority may not hear an appeal from the enactment of a land use
2122 regulation.
2123 (2) As a condition precedent to judicial review, each adversely affected party shall
2124 timely and specifically challenge a land use authority's land use decision, in accordance with
2125 local ordinance.
2126 (3) An appeal authority described in Subsection (1)(a):
2127 (a) shall:
2128 (i) act in a quasi-judicial manner; and
2129 (ii) serve as the final arbiter of issues involving the interpretation or application of land

2130 use ordinances; and
2131 (b) may not entertain an appeal of a matter in which the appeal authority, or any
2132 participating member, had first acted as the land use authority.
2133 (4) By ordinance, a county may:
2134 (a) designate a separate appeal authority to hear requests for variances than the appeal
2135 authority [~~it~~] the county designates to hear appeals;
2136 (b) designate one or more separate appeal authorities to hear distinct types of appeals
2137 of land use authority decisions;
2138 (c) require an adversely affected party to present to an appeal authority every theory of
2139 relief that [~~it~~] the adversely affected party can raise in district court;
2140 (d) not require a land use applicant or adversely affected party to pursue duplicate or
2141 successive appeals before the same or separate appeal authorities as a condition of an appealing
2142 party's duty to exhaust administrative remedies; and
2143 (e) provide that specified types of land use decisions may be appealed directly to the
2144 district court.
2145 (5) If the county establishes or, prior to the effective date of this chapter, has
2146 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
2147 board, body, or panel shall:
2148 (a) notify each of [~~its~~] the members of the board, body, or panel of any meeting or
2149 hearing of the board, body, or panel;
2150 (b) provide each of [~~its~~] the members of the board, body, or panel with the same
2151 information and access to municipal resources as any other member;
2152 (c) convene only if a quorum of [~~its~~] the members of the board, body, or panel is
2153 present; and
2154 (d) act only upon the vote of a majority of [~~its~~] the convened members of the board,
2155 body, or panel.
2156 Section 27. Section **17-27a-801** is amended to read:
2157 **17-27a-801. No district court review until administrative remedies exhausted --**

2158 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
2159 **-- Staying of decision.**
2160 (1) No person may challenge in district court a land use decision until that person has
2161 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2162 Variances, if applicable.
2163 (2) (a) [~~A~~] Subject to Subsection (1), a land use applicant or adversely affected party
2164 may file a petition for review of [~~the~~] a land use decision with the district court within 30 days
2165 after the decision is final.
2166 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2167 property owner files a request for arbitration of a constitutional taking issue with the property
2168 rights ombudsman under Section 13-43-204 until 30 days after:
2169 (A) the arbitrator issues a final award; or
2170 (B) the property rights ombudsman issues a written statement under Subsection
2171 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
2172 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
2173 taking issue that is the subject of the request for arbitration filed with the property rights
2174 ombudsman by a property owner.
2175 (iii) A request for arbitration filed with the property rights ombudsman after the time
2176 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.
2177 (3) (a) A court shall:
2178 (i) presume that a land use regulation properly enacted under the authority of this
2179 chapter is valid; and
2180 (ii) determine only whether:
2181 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
2182 or federal law; and
2183 (B) it is reasonably debatable that the land use regulation is consistent with this
2184 chapter.
2185 (b) A court shall:

2186 (i) presume that a final land use decision of a land use authority or an appeal authority
2187 is valid; and
2188 (ii) uphold the land use decision unless the land use decision is:
2189 (A) arbitrary and capricious; or
2190 (B) illegal.
2191 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
2192 supported by substantial evidence in the record.
2193 (ii) A land use decision is illegal if the land use decision is:
2194 (A) based on an incorrect interpretation of a land use regulation; or
2195 (B) contrary to law.
2196 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
2197 decision.
2198 (ii) If the court reverses a [~~denial of a land use application~~] land use decision, the court
2199 shall remand the matter to the land use authority with instructions to issue [~~an approval~~] a land
2200 use decision consistent with the court's decision.
2201 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2202 final action on a land use application, if the county conformed with the notice provisions of
2203 Part 2, Notice, or for any person who had actual notice of the pending land use decision.
2204 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
2205 of a land use regulation or general plan may not be filed with the district court more than 30
2206 days after the enactment.
2207 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2208 days after the land use decision is final.
2209 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2210 the reviewing court the record of [~~its~~] the proceedings of the land use authority or appeal
2211 authority, including [~~its~~] the minutes, findings, orders and, if available, a true and correct
2212 transcript of [~~its~~] the proceedings.
2213 (b) If the proceeding was recorded, a transcript of that recording is a true and correct

2214 transcript for purposes of this Subsection (7).
2215 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2216 by the land use authority or appeal authority, as the case may be.
2217 (ii) The court may not accept or consider any evidence outside the record of the land
2218 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2219 land use authority or appeal authority, respectively, and the court determines that [~~it~~] the
2220 evidence was improperly excluded.
2221 (b) If there is no record, the court may call witnesses and take evidence.
2222 (9) (a) The filing of a petition does not stay the land use decision of the land use
2223 authority or appeal authority, as the case may be.
2224 (b) (i) Before filing a petition under this section or a request for mediation or
2225 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
2226 petition the appeal authority to stay [~~its~~] the appeal authority's decision.
2227 (ii) Upon receipt of a petition to stay, the appeal authority may order [~~its~~] the appeal
2228 authority's decision stayed pending district court review if the appeal authority finds [~~it~~] the
2229 order to be in the best interest of the county.
2230 (iii) After a petition is filed under this section or a request for mediation or arbitration
2231 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2232 injunction staying the appeal authority's land use decision.
2233 (10) If the court determines that a party initiated or pursued a challenge to [~~the~~] a land
2234 use decision on a land use application in bad faith, the court may award attorney fees.
2235 Section 28. Section **57-1-13** is amended to read:
2236 **57-1-13. Form of quitclaim deed -- Effect.**
2237 (1) A conveyance of land may also be substantially in the following form:
2238 "QUITCLAIM DEED
2239 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
2240 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
2241 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe

2242 the premises).
2243 Witness the hand of said grantor this _____(month\day\year).
2244 A quitclaim deed when executed as required by law shall have the effect of a
2245 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
2246 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
2247 conveyance."
2248 (2) A boundary line agreement operating as a quitclaim deed shall meet the
2249 requirements described in Section [~~57-1-45~~] 10-9a-524 or 17-27a-523, as applicable.
2250 Section 29. Section **57-1-45** is amended to read:
2251 **57-1-45. Boundary line agreements.**
2252 [~~(1) If properly executed and acknowledged as required under this chapter, and when~~
2253 ~~recorded in the office of the recorder of the county in which the property is located, an~~
2254 ~~agreement between adjoining property owners of land that designates the boundary line~~
2255 ~~between the adjoining properties acts as a quitclaim deed to convey all of each party's right,~~
2256 ~~title, interest, and estate in property outside the agreed boundary line that had been the subject~~
2257 ~~of the boundary line agreement or dispute that led to the boundary line agreement.~~]
2258 [~~(2) Adjoining property owners executing a boundary line agreement described in~~
2259 ~~Subsection (1) shall:~~]
2260 [~~(a) ensure that the agreement includes:~~]
2261 [~~(i) a legal description of the agreed upon boundary line;~~]
2262 [~~(ii) the name and signature of each grantor that is party to the agreement;~~]
2263 [~~(iii) a sufficient acknowledgment for each grantor's signature;~~]
2264 [~~(iv) the address of each grantee for assessment purposes;~~]
2265 [~~(v) the parcel or lot each grantor owns before the boundary line is changed;~~]
2266 [~~(vi) a statement citing the file number of a record of a survey map, as defined in~~
2267 ~~Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with~~
2268 ~~Section 17-23-17, in conjunction with the boundary line agreement; and~~]
2269 [~~(vii) the date of the agreement if the date is not included in the acknowledgment in a~~

2270 ~~form substantially similar to a quitclaim deed as described in Section 57-1-13; and~~]
2271 [~~(b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,~~
2272 ~~Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.~~]
2273 [~~(3) A boundary line agreement described in Subsection (1) that complies with~~
2274 ~~Subsection (2) presumptively:~~]
2275 [~~(a) has no detrimental effect on any easement on the property that is recorded before~~
2276 ~~the date on which the agreement is executed unless the owner of the property benefitting from~~
2277 ~~the easement specifically modifies the easement within the boundary line agreement or a~~
2278 ~~separate recorded easement modification or relinquishment document; and~~]
2279 [~~(b) relocates the parties' common boundary line for an exchange of consideration.~~]
2280 [~~(4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,~~
2281 ~~Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is~~
2282 ~~not subject to:~~]
2283 [~~(a) any public notice, public hearing, or preliminary platting requirement;~~]
2284 [~~(b) the local entity's planning commission review or recommendation; or~~]
2285 [~~(c) an engineering review or approval of the local entity.~~]
2286 A boundary line agreement to adjust the boundaries of adjoining properties shall
2287 comply with Section 10-9a-524 or 17-27a-523, as applicable.
2288 Section 30. Section **63I-2-217** is amended to read:
2289 **63I-2-217. Repeal dates -- Title 17.**
2290 (1) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.
2291 (2) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs Study
2292 Council, is repealed January 1, 2021.
2293 (3) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous
2294 planning district" is repealed June 1, 2021.
2295 (4) (a) Subsection 17-27a-103[~~(18)~~](20)(b), regarding a mountainous planning district,
2296 is repealed June 1, 2021.
2297 (b) Subsection 17-27a-103[~~(42)~~](44), regarding a mountainous planning district, is

2298 repealed June 1, 2021.
2299 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
2300 district area" is repealed June 1, 2021.
2301 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
2302 repealed June 1, 2021.
2303 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
2304 June 1, 2021.
2305 (c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1,
2306 2021.
2307 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
2308 and "or the mountainous planning district," is repealed June 1, 2021.
2309 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
2310 district or" and ", as applicable" is repealed June 1, 2021.
2311 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
2312 repealed June 1, 2021.
2313 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
2314 June 1, 2021.
2315 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
2316 repealed June 1, 2021.
2317 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
2318 repealed June 1, 2021.
2319 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
2320 planning district" is repealed June 1, 2021.
2321 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
2322 district" is repealed June 1, 2021.
2323 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
2324 repealed June 1, 2021.
2325 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is

2326 repealed June 1, 2021.
2327 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
2328 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.
2329 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
2330 repealed June 1, 2021.
2331 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning
2332 district land" is repealed June 1, 2021.
2333 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
2334 2021.
2335 (17) On June 1, 2021, when making the changes in this section, the Office of
2336 Legislative Research and General Counsel shall:
2337 (a) in addition to its authority under Subsection 36-12-12(3):
2338 (i) make corrections necessary to ensure that sections and subsections identified in this
2339 section are complete sentences and accurately reflect the office's understanding of the
2340 Legislature's intent; and
2341 (ii) make necessary changes to subsection numbering and cross references; and
2342 (b) identify the text of the affected sections and subsections based upon the section and
2343 subsection numbers used in Laws of Utah 2017, Chapter 448.
2344 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
2345 in a designated recreation area, is repealed June 1, 2021.
2346 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
2347 January 1, 2022.
2348 (20) On June 1, 2022:
2349 (a) Section 17-52a-104 is repealed;
2350 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
2351 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and
2352 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.
2353 (21) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to

2354 initiate a change of form of government process by July 1, 2018, is repealed.

D I S C U S S I O N P A P E R F O R P L A N N I N G C O M M I S S I O N U S E

Potential addition to Title 10, Chapter 2

In consideration of HB 82 in 2021 session

10-2-16: RENTAL OF DWELLING UNITS

A. Definitions as used in this section: *Move to 10-2 definitions?*

1. Internal accessory dwelling unit means an accessory dwelling unit created
   a. Within a primary dwelling;
   b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
   c. For the purpose of offering a long-term rental of 30 consecutive days or longer. *>>can it be used for short-term rental? If so it is commercial and can't occur in residential zones<<*
2. Primary dwelling means a single-family dwelling that
   a. Is detached, and
   b. Is occupied as the primary residence of the owner of the rental
3. Rental dwelling means a single-family dwelling that is: >what about apartments?<
   a. Used or designated for use as a residence by one or more persons; and is
   b. Available to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer; or
   c. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer.
4. Short-term rental dwelling unit 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 is
   b. Available to be rented, loaned, leased, or hired out for a period of no more than 30 consecutive days; or is
   c. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of no more than 30 consecutive days.

B. Internal accessory dwelling units:

1. Will be designed in a manner that does not change the appearance of the primary dwelling unit;
2. Will not be created within a zoning district covering an area that is equivalent to 25% or less of the total area in the city that is zoned primarily for residential use; >>is this necessary?<<
3. Will include one additional on-site parking space regardless of whether the primary dwelling unit is existing or new construction;
4. Will replace existing parking spaces if the internal accessory dwelling unit is created within a garage or carport;
5. Will not be created on a lot or parcel of land containing the primary dwelling unit if the lot or parcel of land is 6,000 square feet or less in size;
6. Will not be created in a primary dwelling unit served by a failing septic tank;
7. Do not require a separate city utility meter;
8. Will meet all applicable building codes.

C. Short-term dwelling units:

1. Meet all applicable building codes;
2. Conform to maintenance standards as defined by the city in _>noise, trespass, prohibited activities<;
3. Include in a clear and prominent location within each short-term dwelling unit:
   a. A copy of the owner's business license;
   b. The name, address, and phone number of the owner or property manager;
   c. A statement of maximum occupancy for the short-term rental unit
4. Provide a minimum of four (4) off-street parking spaces with all-weather surface;
5. The owner of any short-term dwelling unit is required to collect and remit Transient Room Tax and any other tax deemed necessary by the State Tax Commission.

D. Business license required:

1. Owners of primary dwelling units containing an internal accessory dwelling will obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit.
2. Owners of rental dwellings will obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit. *Why? This makes it commercial use, hence cannot occur in residential zones*
3. Owners of short-term dwelling units will obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit.
4. One city license may include more than one rental dwelling unit and internal accessory dwelling unit owned by the same individual but will not include short-term rental units.
5. One city license may include more than one short-term dwelling unit owned by the same individual but will not include other rental units or internal accessory dwelling units.
6. >>Add the lien clauses from HB0082?<<

TITLE 3

BUSINESS AND LICENSE REGULATIONS

CHAPTER 1

GENERAL LICENSE PROVISIONS

SECTION:

3-1-1: Definitions

3-1-2: License Assessor And Collector

3-1-3: Business License Required

3-1-4: Application For License; Contents

3-1-5: Annual License Fees

3-1-6: Payment Dates

3-1-7: Contents Of Certificate Of License

3-1-8: Display Certificate Of License

3-1-9: Transfer Of License Prohibited

3-1-10: Branch Establishments

3-1-11: Joint Business Licenses

3-1-12: Reciprocal Recognition Of Licenses For Delivery Of Goods

3-1-13: Exemptions To License

3-1-14: Revocation Or Denial Of License

3-1-1: DEFINITIONS:
As used in this Title:

BUSINESS: Includes all activities engaged in within the City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the City, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the City.

EMPLOYEE: The operator or manager of a place of business and any persons employed in the operation of said place of business in any capacity and also any salesman or agent engaged in the operation of the place of business in any capacity.

ENGAGING IN BUSINESS: Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within the City from which business activity is conducted or transacted.

WHOLESALE: A sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

WHOLESALER: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale. (1978 Code § 9-111; 1996 Code)

3-1-2: LICENSE ASSESSOR AND COLLECTOR:
The Recorder/Clerk is designated and appointed as ex-officio assessor of license fees for the City. On receipt of any application for a license, the Recorder/Clerk shall assess the amount due thereon and shall collect all license fees based upon the rate established. He shall enforce all provisions of this Title, and shall cause to be filed complaints against all persons violating any of the provisions of this title. (1978 Code § 9-113; amd. 1996 Code)

3-1-3: BUSINESS LICENSE REQUIRED:
It shall be a Class B misdemeanor and subject to penalty as provided in section1-4-6 of this Code for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball or coin operated machine without first receiving the class or type of license required by the City. Any person conducting business in the Monticello City limits who is of "minor status" according to Utah Code section 15-2-1, or S.B. 81, will not be required to obtain a business license.

A Home Occupations: The following home occupations are required to obtain and maintain a current City business license and meet all requirements of section 10-2-4 of this Code. All other home occupations may operate without a City business license, and are considered "exempt", but must comply with the remainder of this chapter as well as all applicable local, State, and Federal laws.

1 In home child or adult care and preschool businesses.

2 Businesses that require or attract more than ten (10) vehicle trips per day, including but not limited to package delivery, client visits, and employee trips.

3 Any business that is required to have a fire inspection; and any business that is required to obtain a license from another government agency, such as the Department of Health. (Ord. 2018-3, 10-9-2018, eff. 10-9-2018)

3-1-4: APPLICATION FOR LICENSE; CONTENTS:
All applications for license shall include:

A The name of the person desiring a license.

B The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.

C The class of license desired, if such licenses are divided into classes.

D The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.

E The period of time for which such license is desired to be issued.

F An agreement to comply with all local ordinances and State laws.

G An agreement to provide to the City copies of valid State occupational/professional or alcoholic beverage licenses, as applicable. (1978 Code § 9-116; amd. 1996 Code)

3-1-5: ANNUAL LICENSE FEES:
A Schedule: The business, location, trade, calling or profession of every person engaged in a business in the City shall pay an annual license fee, which shall be established by resolution. (1978 Code § 9-211; amd. 1996 Code)

B Penalty For Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid in full. (1978 Code § 9-115)

3-1-6: PAYMENT DATES:
All license fees shall be due and payable as follows, except as may be otherwise provided.

A Annual Fees Due: Annual fees shall be payable before each calendar year in advance. The annual license shall date from January 1 of each year and shall expire on December 31 of each year.

B Delinquent: Annual fees shall be due on the first day of each calendar year and shall become delinquent if not paid by February 1 each year. (1978 Code § 9-114; amd. 1996 Code)

3-1-7: CONTENTS OF CERTIFICATE OF LICENSE:
All certificates of license shall be signed by the Recorder/Clerk, and shall contain the following information:

A Name: The name of the person to whom such certificate has been issued.

B Amount: The amount paid.

C Type: The type of license and the class of such license if licenses are divided into classes.

D Term: The term of the license with the commencing date and the date of its expiration.

E Location: The place where such business, calling, trade or profession is to be conducted. (1978 Code § 9-117; amd. 1996 Code)

3-1-8: DISPLAY CERTIFICATE OF LICENSE:
A Posted In Conspicuous Place: Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on

request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.

B Coin-Operated Machine: In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued. (1978 Code § 9-118)

3-1-9: TRANSFER OF LICENSE PROHIBITED:
No license granted or issued under any ordinance of the City shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the City Council. (1978 Code § 9-119)

3-1-10: BRANCH ESTABLISHMENTS:
A separate license must be obtained for each separate place of business in the City and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing places used in connection with or incident to a business licensed under this Title shall not be deemed to be separate places of business or branch establishments. (1978 Code § 9-121)

3-1-11: JOINT BUSINESS LICENSES:
Whenever any person is engaged in two (2) or more businesses at the same location within the City, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The sale of alcohol or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license fee for such business. (1978 Code § 9-122; 1996 Code)

3-1-12: RECIPROCAL RECOGNITION OF LICENSES FOR DELIVERY OF GOODS:
A Exceptions: No license shall be required for operation of any vehicle or equipment in the City when:

1 Such vehicle is merely passing through the City.

2 Such vehicle is used exclusively in intercity or interstate commerce.

B Delivery Of Property: No license shall be required by Chapters 1, 2 or 4 of this Title of any person whose only business activity in the City is the mere delivery in the City of property sold by him at a regular place of business maintained by him outside the City where:

1 Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated; and,

2 The authority licensing such business grants to licensees of the City making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this Section; and,

3 Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of the City for compliance with health or sanitary standards prescribed by the City; and,

4 The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

C Certification Of Section: The Recorder/Clerk shall, at the request of any person, certify a copy of this Section to any municipality or county of the State to which a copy has not previously been certified. (1978 Code § 9-123)

3-1-13: EXEMPTIONS TO LICENSE:
A Tax Exempt Businesses: No license fee shall be imposed under Chapters 1 and 2 of this Title on:

1 Any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the State of Utah.

2 Any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.

3 Any person not maintaining a place of business within the City who has paid a like or similar license tax or fee to some other taxing unit within the State of Utah and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in the City and doing business in such taxing unit.

B Reciprocal Agreements With Other Agencies: The license assessor and collector may, with approval of the City Council, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this Section. (1978 Code § 9-124; 1996 Code)

3-1-14: REVOCATION OR DENIAL OF LICENSE:
A Failure To Comply; Unlawful Activities: Any license issued pursuant to the provisions of this Code or of any ordinance of the City may be revoked and any application denied by the City Council because of:

1 The failure of the licensee or applicant to comply with the conditions and requirements of this Code or any ordinance of the City.

2 Unlawful activities conducted or permitted on the premises where the business is conducted.

B Notice To Licensee: Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the City Council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the City Council (which shall be at least 10 days and not more than 30 days from the date notice is sent), and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

C Not Applicable To Businesses Not Previously Licensed: The preceding subsection3-1-14B shall not apply to applications for licenses for businesses which have not previously been licensed by the City, and such applicants need only be informed that their application has been denied. (1978 Code § 9-120)

Enrolled Copy **H.B. 82**

SINGLE-FAMILY HOUSING MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to single-family housing.

Highlighted Provisions:

This bill:

- modifies and defines terms applicable to municipal and county land use development and management;
- allows a municipality or county to punish an individual who lists or offers a certain licensed or permitted accessory dwelling unit as a short-term rental;
- allows municipalities and counties to require specified physical changes to certain accessory dwelling units;
- in any single-family residential land use zone:
  - requires municipalities and counties to classify certain accessory dwelling units as a permitted land use; and
  - prohibits municipalities and counties from establishing restrictions or requirements for certain accessory dwelling units with limited exceptions;
- allows a municipality or county to hold a lien against real property containing certain accessory dwelling units in certain circumstances;
- provides for statewide amendments to the International Residential Code related to accessory dwelling units;
- requires the executive director of the Olene Walker Housing Loan Fund to establish a two-year pilot program to provide loan guarantees for certain loans related to 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
55
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/ft2)	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

Loa	Wayne	37	7060
Logan	Cache	43	4531
Manila	Daggett	26	6368
Manti	Sanpete	37	5620
Moab	Grand	21	4029
Monticello	San Juan	67	7064
Morgan	Morgan	52	5062
Nephi	Juab	39	5131
Ogden	Weber	37	4334
Panguitch	Garfield	41	6630
Parowan	Iron	32	6007
Price	Carbon	31	5558
Provo	Utah	31	4541
Randolph	Rich	50	6286
Richfield	Sevier	27	5338
St. George	Washington	21	2585
Salt Lake City	Salt Lake	28	4239
Tooele	Tooele	35	5029
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. 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.

[~~(10)~~] (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the jurisdictions identified in that table. Otherwise, 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."

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

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

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

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

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

482

"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"

483

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), <u>and (10),</u> 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.