Effective 5/3/2023
Renumbered 11/6/2025
10-9a-530 Internal accessory dwelling units.

(1) As used in this section:
  (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
    (i) within a primary dwelling;
    (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
    (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
  (b)
    (i) "Primary dwelling" means a single-family dwelling that:
      (A) is detached; and
      (B) is occupied as the primary residence of the owner of record.
    (ii) "Primary dwelling" includes a garage if the garage:
      (A) is a habitable space; and
      (B) is connected to the primary dwelling by a common wall.
(2) In any area zoned primarily for residential use:
  (a) the use of an internal accessory dwelling unit is a permitted use;
  (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
    (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
    (ii) total lot size;
    (iii) street frontage; or
    (iv) internal connectivity; and
  (c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.
(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
(4) A municipality may:
  (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
  (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
  (c) require a primary dwelling:
    (i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection (4)(c)(i); and
    (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;
  (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
  (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
  (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:

(i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
(A) have a final plat approval dated on or after October 1, 2021; and
(B) comply with applicable land use regulations; or
(ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).
(5)
(a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
(ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);
(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
(v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and
(vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.
(b) The written notice of violation shall:
(i) describe the specific violation;
(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
(A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
(B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
(B) of the name and address of the municipal office where the owner may file the written objection;
(v) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(vi) be posted on the property.
(c) The written notice of lien shall:
(i) comply with the requirements of Section 38-12-102;
(ii) state that the property is subject to a lien;
(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(v) be posted on the property.
(d)
(i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:
(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.
(iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).
(6)
(a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
(b) The notice described in Subsection (6)(a) shall include:
(i) a description of the primary dwelling;
(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.

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