

TOWN OF LEEDS

Resolution No. 2022-02

A RESOLUTION OF THE LEEDS TOWN COUNCIL TO ADOPT MODIFIED STATE CODE 10-9A-530, INTERNAL ACCESSORY UNITS, FOR THE TOWN OF LEEDS, UTAH

WHEREAS, the Town Council of the Town of Leeds, Utah, has held an open and public hearing on the 11TH day of MAY, 2022, to review and discuss a Resolution to adopt modified State Code 10-9a-530, Internal Accessory Units, making Town of Leeds Town Ordinances congruent with this modified State Code.

WHEREAS, the Town Council of the Town of Leeds, Utah, by roll call vote established the Town of Leeds will modify the Town of Leeds Ordinances to reflect in congruence with State Code 10-9a-530.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT the Town of Leeds, Utah, Resolution to adopt modified State Code 10-9a-530, Internal Accessory Units, as attached hereto, is approved and adopted.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: BILL HOSTER	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	_____	_____	_____	x

ADOPTED AND APPROVED THIS 11TH DAY OF MAY 2022.



BILL HOSTER, Mayor

Attest:



ASENETH STEED, Clerk/Recorder

Effective 10/1/2021

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) "Primary dwelling" means a single-family dwelling that:
 - (i) is detached; and
 - (ii) is occupied as the primary residence of the owner of record.
- (2) In any area zoned primarily for residential use:
 - (a) the use of an internal accessory dwelling unit is a permitted use; and
 - (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; or
 - (iii) street frontage.
- (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) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; 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;
 - (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; 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 [\(5\)\(a\)\(iv\)](#) with the county recorder of the county in which the property is located.