

SB0152S01 compared with SB0152

{Omitted text} shows text that was in SB0152 but was omitted in SB0152S01

inserted text shows text that was not in SB0152 but was inserted into SB0152S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Local Land Use Regulation Restrictions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nate Blouin

House Sponsor:

LONG TITLE

General Description:

This bill deals with the authority of a municipality {or county} to require a building design element.

Highlighted Provisions:

This bill:

- {modifies} defines the {definition of "building design element"} term "housing-restricted community";

- prohibits a municipality {or county} that is a housing-restricted community from requiring a garage on a one- or two-family dwelling; and

- makes technical changes.

Money Appropriated in this Bill:

None

None

AMENDS:

10-9a-534, as last amended by Laws of Utah 2024, Chapter 415, as last amended by Laws of Utah 2024, Chapter 415

SB0152

SB0152 compared with SB0152S01

20 ~~{17-27a-530, as last amended by Laws of Utah 2024, Chapter 415, as last amended by Laws~~
21 ~~of Utah 2024, Chapter 415}~~

19

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

21 Section 1. Section **10-9a-534** is amended to read:

22 **10-9a-534. Regulation of building design elements prohibited -- Exceptions.**

25 (1) As used in this section~~[.]~~ :

24 ~~(a) ["building"]~~ "Building design element" means:

26 ~~(a) (i)~~ (i) exterior color;

27 ~~(b) (ii)~~ (ii) type or style of exterior cladding material;

28 ~~(c) (iii)~~ (iii) style, dimensions, or materials of a roof structure, roof pitch, or porch;

29 ~~(d) (iv)~~ (iv) exterior nonstructural architectural ornamentation;

30 ~~(e) (v)~~ (v) location, design, placement, or architectural styling of a window or door;

31 ~~(f) (vi)~~ (vi) location, design, placement, or architectural styling of a garage door, not including a rear-
loading garage door;

33 ~~(g) (vii)~~ (vii) number or type of rooms;

34 ~~(h) (viii)~~ (viii) interior layout of a room;

35 ~~(i) (ix)~~ (ix) minimum square footage over 1,000 square feet, not including a garage;

36 ~~(j) (x)~~ (x) rear yard landscaping requirements;

37 ~~(k) (xi)~~ (xi) minimum building dimensions; ~~{[or]}~~

38 ~~(l) (xii)~~ (xii) a requirement to install front yard fencing~~{[.]} ; or~~

39 ~~{(m) {a requirement to build, install, or include a garage.}}~~

38 (b) "Housing-restricted community" means a municipality in a county of the first or second class.

40 (2) Except as provided in Subsection (3), a municipality may not:

41 (a) impose a requirement for a building design element on a one- or two-family dwelling~~[.]~~ ; and

43 (b) if the municipality is also a housing-restricted community, require a one- or two-family dwelling to
include, build, or install a garage, attached or detached.

42 (3) Subsection (2) does not apply to:

43 (a) a dwelling located within an area designated as a historic district in:

44 (i) the National Register of Historic Places;

45 (ii) the state register as defined in Section 9-8a-402; or

SB0152 compared with SB0152S01

- 46 (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before
January 1, 2021, except as provided under Subsection (3)(b);
- 48 (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program
administered by the Federal Emergency Management Agency;
- 50 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code
adopted under Section 15A-2-103;
- 52 (d) building design elements agreed to under a development agreement;
- 53 (e) a dwelling located within an area that:
- 54 (i) is zoned primarily for residential use; and
- 55 (ii) was substantially developed before calendar year 1950;
- 56 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 57 (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the
construction industry of:
- 59 (i) defects in the material of existing cladding; or
- 60 (ii) consistent defects in the installation of existing cladding;
- 61 (h) a land use regulation, including a planned unit development or overlay zone, that a property owner
requests:
- 63 (i) the municipality to apply to the owner's property; and
- 64 (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in
the zoning area or district; or
- 66 (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
- 67 (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
- 68 (ii) that would create overpressure waves greater than .2 pounds per square inch; and
- 69 (iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within
the vicinity of the regulated area.

71 ~~{Section 2. Section 17-27a-530 is amended to read: }~~

72 **17-27a-530. Regulation of building design elements prohibited -- Exceptions.**

- 73 (1) As used in this section, "building design element" means:
- 74 (a) exterior color;
- 75 (b) type or style of exterior cladding material;
- 76 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

SB0152 compared with SB0152S01

- 77 (d) exterior nonstructural architectural ornamentation;
- 78 (e) location, design, placement, or architectural styling of a window or door;
- 79 (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading
garage door;
- 81 (g) number or type of rooms;
- 82 (h) interior layout of a room;
- 83 (i) minimum square footage over 1,000 square feet, not including a garage;
- 84 (j) rear yard landscaping requirements;
- 85 (k) minimum building dimensions; [or]
- 86 (l) a requirement to install front yard fencing[-] ; or
- 87 (m) a requirement to build, install, or include a garage.
- 88 (2) Except as provided in Subsection (3), a county may not impose a requirement for a building design
element on a one- or two-family dwelling.
- 90 (3) Subsection (2) does not apply to:
- 91 (a) a dwelling located within an area designated as a historic district in:
- 92 (i) the National Register of Historic Places;
- 93 (ii) the state register as defined in Section 9-8a-402; or
- 94 (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before
January 1, 2021, except as provided under Subsection (3)(b);
- 96 (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program
administered by the Federal Emergency Management Agency;
- 98 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code
adopted under Section 15A-2-103;
- 100 (d) building design elements agreed to under a development agreement;
- 101 (e) a dwelling located within an area that:
- 102 (i) is zoned primarily for residential use; and
- 103 (ii) was substantially developed before calendar year 1950;
- 104 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 105 (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the
construction industry of:
- 107 (i) defects in the material of existing cladding; or

SB0152 compared with SB0152S01

- 108 (ii) consistent defects in the installation of existing cladding;
- 109 (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
- 111 (i) the county to apply to the owner's property; and
- 112 (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district; or
- 114 (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
- 115 (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
- 116 (ii) that would create overpressure waves greater than .2 pounds per square inch; and
- 117 (iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.

74 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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