

**Local Land Use Regulation Restrictions**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nate Blouin**

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**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 the definition of "building design element";
- prohibits a municipality or county from requiring a garage on a one- or two-family dwelling; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

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

**17-27a-530**, as last amended by Laws of Utah 2024, Chapter 415

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

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

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

(1) As used in this section, "building design element" means:

- (a) exterior color;
- (b) type or style of exterior cladding material;
- (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- (d) exterior nonstructural architectural ornamentation;
- (e) location, design, placement, or architectural styling of a window or door;
- (f) location, design, placement, or architectural styling of a garage door, not including a

- 32 rear-loading garage door;
- 33 (g) number or type of rooms;
- 34 (h) interior layout of a room;
- 35 (i) minimum square footage over 1,000 square feet, not including a garage;
- 36 (j) rear yard landscaping requirements;
- 37 (k) minimum building dimensions; [ø]
- 38 (l) a requirement to install front yard fencing[-] ; or
- 39 (m) a requirement to build, install, or include a garage.
- 40 (2) Except as provided in Subsection (3), a municipality may not impose a requirement for
- 41 a building design element on a one- or two-family dwelling.
- 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
- 46 (iii) a local historic district or area, or a site designated as a local landmark, created
- 47 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
- 49 Program administered by the Federal Emergency Management Agency;
- 50 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 51 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
- 58 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
- 62 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
- 65 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  
 70 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;  
 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  
 80 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; [ø] ~~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  
 89 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  
 95 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  
 97 Program administered by the Federal Emergency Management Agency;  
 98 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban  
 99 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
- 106 from the construction industry of:
- 107 (i) defects in the material of existing cladding; or
- 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
- 110 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
- 113 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
- 118 facility located within the vicinity of the regulated area.

119 Section 3. **Effective Date.**

120 This bill takes effect on May 7, 2025.