

Nate Blouin proposes the following substitute bill:

**Local Land Use Regulation Restrictions**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nate Blouin**

House Sponsor:

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**LONG TITLE**

**General Description:**

This bill deals with the authority of a municipality to require a building design element.

**Highlighted Provisions:**

This bill:

- defines the term "housing-restricted community";
- prohibits a municipality 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

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-534**, 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[~~;~~] :

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

- [(a)] (i) exterior color;
- [(b)] (ii) type or style of exterior cladding material;
- [(c)] (iii) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- [(d)] (iv) exterior nonstructural architectural ornamentation;
- [(e)] (v) location, design, placement, or architectural styling of a window or door;

- 30           ~~(f)~~ (vi) location, design, placement, or architectural styling of a garage door, not  
31           including a rear-loading garage door;
- 32           ~~(g)~~ (vii) number or type of rooms;
- 33           ~~(h)~~ (viii) interior layout of a room;
- 34           ~~(i)~~ (ix) minimum square footage over 1,000 square feet, not including a garage;
- 35           ~~(j)~~ (x) rear yard landscaping requirements;
- 36           ~~(k)~~ (xi) minimum building dimensions; or
- 37           ~~(l)~~ (xii) a requirement to install front yard fencing.
- 38       (b) "Housing-restricted community" means a municipality in a county of the first or  
39       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[:]  
42       ; and
- 43       (b) if the municipality is also a housing-restricted community, require a one- or  
44       two-family dwelling to include, build, or install a garage, attached or detached.
- 45       (3) Subsection (2) does not apply to:
- 46       (a) a dwelling located within an area designated as a historic district in:
- 47           (i) the National Register of Historic Places;
- 48           (ii) the state register as defined in Section 9-8a-402; or
- 49           (iii) a local historic district or area, or a site designated as a local landmark, created  
50           by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
- 51       (b) an ordinance enacted as a condition for participation in the National Flood Insurance  
52       Program administered by the Federal Emergency Management Agency;
- 53       (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban  
54       Interface Code adopted under Section 15A-2-103;
- 55       (d) building design elements agreed to under a development agreement;
- 56       (e) a dwelling located within an area that:
- 57           (i) is zoned primarily for residential use; and
- 58           (ii) was substantially developed before calendar year 1950;
- 59       (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 60       (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence  
61       from the construction industry of:
- 62           (i) defects in the material of existing cladding; or
- 63           (ii) consistent defects in the installation of existing cladding;

- 64 (h) a land use regulation, including a planned unit development or overlay zone, that a
- 65 property owner requests:
- 66 (i) the municipality to apply to the owner's property; and
- 67 (ii) in exchange for an increase in density or other benefit not otherwise available as a
- 68 permitted use in the zoning area or district; or
- 69 (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
- 70 (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
- 71 (ii) that would create overpressure waves greater than .2 pounds per square inch; and
- 72 (iii) that would pose a risk of damage to a window, garage door, or carport of a
- 73 facility located within the vicinity of the regulated area.

74 Section 2. **Effective Date.**

75 This bill takes effect on May 7, 2025.