



28           **10-20-304 . Political subdivisions required to conform to municipality's land use**  
29           **ordinances -- Exceptions.**

30           (1)(a) Each county, municipality, school district, charter school, special district, special  
31           service district, and political subdivision of the state shall conform to any applicable  
32           land use ordinance of any municipality when installing, constructing, operating, or  
33           otherwise using any area, land, or building situated within that municipality.

34           (b) In addition to any other remedies provided by law, when a municipality's land use  
35           ordinance is violated or about to be violated by another political subdivision, that  
36           municipality may institute an injunction, mandamus, abatement, or other appropriate  
37           action or proceeding to prevent, enjoin, abate, or remove the improper installation,  
38           improvement, or use.

39           (2)(a) Except as provided in Subsection (3), a school district or charter school is subject  
40           to a municipality's land use ordinances.

41           (b)(i) Notwithstanding Subsection (3), a municipality may:

42                   (A) subject a charter school to standards within each zone pertaining to setback,  
43                   height, bulk and massing regulations, off-site parking, curb cut, traffic  
44                   circulation, and construction staging; and

45                   (B) impose regulations upon the location of a project that are necessary to avoid  
46                   unreasonable risks to health or safety, as provided in Subsection (3)(f).

47           (ii) The standards to which a municipality may subject a charter school under  
48           Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

49           (iii) Except as provided in Subsection (7)(d), the only basis upon which a  
50           municipality may deny or withhold approval of a charter school's land use  
51           application is the charter school's failure to comply with a standard imposed under  
52           Subsection (2)(b)(i).

53           (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of  
54           an obligation to comply with a requirement of an applicable building or safety  
55           code to which it is otherwise obligated to comply.

56           (3) A municipality may not:

57                   (a) impose requirements for landscaping, fencing, aesthetic considerations, construction  
58                   methods or materials, additional building inspections, municipal building codes,  
59                   building use for educational purposes, or the placement or use of temporary  
60                   classroom facilities on school property;

61                   (b) except as otherwise provided in this section, require a school district or charter

- 62 school to participate in the cost of any roadway or sidewalk, or a study on the impact  
63 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety  
64 of school children and not located on or contiguous to school property, unless the  
65 roadway or sidewalk is required to connect an otherwise isolated school site to an  
66 existing roadway;
- 67 (c) require a district or charter school to pay fees not authorized by this section;
- 68 (d) provide for inspection of school construction or assess a fee or other charges for  
69 inspection, unless the school district or charter school is unable to provide for  
70 inspection by an inspector, other than the project architect or contractor, who is  
71 qualified under criteria established by the state superintendent;
- 72 (e) require a school district or charter school to pay any impact fee for an improvement  
73 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact  
74 Fees Act;
- 75 (f) impose regulations upon the location of an educational facility except as necessary to  
76 avoid unreasonable risks to health or safety; or
- 77 (g) for a land use or a structure owned or operated by a school district or charter school  
78 that is not an educational facility but is used in support of providing instruction to  
79 pupils, impose a regulation that:
- 80 (i) is not imposed on a similar land use or structure in the zone in which the land use  
81 or structure is approved; or
- 82 (ii) uses the tax exempt status of the school district or charter school as criteria for  
83 prohibiting or regulating the land use or location of the structure.
- 84 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the  
85 siting of a new school with the municipality in which the school is to be located, to:
- 86 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the  
87 impacts between the new school and future highways; and
- 88 (b) maximize school, student, and site safety.
- 89 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:
- 90 (a) provide a walk-through of school construction at no cost and at a time convenient to  
91 the district or charter school; and
- 92 (b) provide recommendations based upon the walk-through.
- 93 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 94 (i) a municipal building inspector;
- 95 (ii)(A) for a school district, a school district building inspector from that school

- 96 district; or
- 97 (B) for a charter school, a school district building inspector from the school
- 98 district in which the charter school is located; or
- 99 (iii) an independent, certified building inspector who is not an employee of the
- 100 contractor, licensed to perform the inspection that the inspector is requested to
- 101 perform, and approved by a municipal building inspector or:
- 102 (A) for a school district, a school district building inspector from that school
- 103 district; or
- 104 (B) for a charter school, a school district building inspector from the school
- 105 district in which the charter school is located.
- 106 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 107 (c) If a school district or charter school uses a school district or independent building
- 108 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
- 109 submit to the state superintendent of public instruction and municipal building
- 110 official, on a monthly basis during construction of the school building, a copy of each
- 111 inspection certificate regarding the school building.
- 112 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
- 113 considered a permitted use in all zoning districts within a municipality.
- 114 (b) Each land use application for any approval required for a charter school, home-based
- 115 microschool, or micro-education entity, including an application for a building
- 116 permit, shall be processed on a first priority basis.
- 117 (c) Parking requirements for a charter school or a micro-education entity may not exceed
- 118 the minimum parking requirements for schools or other institutional public uses
- 119 throughout the municipality.
- 120 (d) If a municipality has designated zones for a sexually oriented business, or a business
- 121 which sells alcohol, a charter school or a micro-education entity may be prohibited
- 122 from a location which would otherwise defeat the purpose for the zone unless the
- 123 charter school or micro-education entity provides a waiver.
- 124 (e)(i) A school district, charter school, or micro-education entity may seek a
- 125 certificate authorizing permanent occupancy of a school building from:
- 126 (A) the state superintendent of public instruction, as provided in Subsection
- 127 53E-3-706(3), if the school district or charter school used an independent
- 128 building inspector for inspection of the school building; or
- 129 (B) a municipal official with authority to issue the certificate, if the school district,

130 charter school, or micro-education entity used a municipal building inspector  
131 for inspection of the school building.

132 (ii) A school district may issue its own certificate authorizing permanent occupancy  
133 of a school building if it used its own building inspector for inspection of the  
134 school building, subject to the notification requirement of Subsection  
135 53E-3-706(3)(a).

136 (iii) A charter school or micro-education entity may seek a certificate authorizing  
137 permanent occupancy of a school building from a school district official with  
138 authority to issue the certificate, if the charter school or micro-education entity  
139 used a school district building inspector for inspection of the school building.

140 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
141 of public instruction under Subsection 53E-3-706(3) or a school district official  
142 with authority to issue the certificate shall be considered to satisfy any municipal  
143 requirement for an inspection or a certificate of occupancy.

144 (f)(~~+~~) A micro-education entity may operate in a facility [~~that~~] only if the  
145 micro-education entity complies with all applicable ordinances of the political  
146 subdivision, which may include provisions described in Subsection (10) or other  
147 relevant provisions, and the facility:

148 (i) meets Group E Occupancy requirements as defined by the International Building  
149 Code, as incorporated by Section 15A-2-103[~~;~~] ; or

150 [~~(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)~~  
151 ~~may have up to 100 students in the facility.]~~

152 [~~(g) (ii) [A micro-education entity may operate in a facility that ]~~]is subject to and  
153 complies with the same occupancy requirements as a Class A-1, A-3, B, or M  
154 Occupancy as defined by the International Building Code, as incorporated by  
155 Section 15A-2-103, if:

156 [~~(i) (A)~~] (~~A~~) the facility has a code compliant fire alarm system and carbon monoxide  
157 detection system;

158 [~~(i) (B)(A)~~] (~~B~~) each classroom in the facility has an exit directly to the outside at  
159 the level of exit or discharge[~~;~~] , or

160 [~~(B)~~] (~~B~~) the structure has a code compliant fire sprinkler system; and

161 [~~(i) (C)~~] (~~C~~) the facility has an automatic fire sprinkler system in fire areas of the  
162 facility that are greater than 12,000 square feet.

163 (g)(i) The number of students that a micro-education entity may have in a facility

- 164 described in Subsection (7)(f) is:
- 165 (A) determined by the facility's occupancy classification and occupant capacity
- 166 under the state construction codes, as incorporated by Section 15A-2-103; and
- 167 (B) subject to applicable zoning and land use regulations.
- 168 (ii) Notwithstanding the facility's occupant capacity, a micro-education entity may
- 169 not have more than 100 students.
- 170 (h) A person may alter or convert the use of a structure located within any zone into a
- 171 facility described in Subsection (7)(f) for operation by a micro-education entity if the
- 172 facility:
- 173 (i) complies with the state construction codes, as incorporated by Section 15A-2-103,
- 174 including any permit, plan review, or inspection required for a change in
- 175 occupancy classification; and
- 176 (ii) complies with any applicable ordinances of the political subdivision, which may
- 177 include provisions described in Subsection (10) or other relevant provisions.
- 178 ~~(h)~~ (i)(i) A home-based microschool is not subject to additional occupancy
- 179 requirements beyond occupancy requirements that apply to a primary dwelling.
- 180 (ii) If a floor that is below grade in a home-based microschool is used for home-based
- 181 microschool purposes, the below grade floor of the home-based microschool shall
- 182 have at least one emergency escape or rescue window that complies with the
- 183 requirements for emergency escape and rescue windows as defined by the
- 184 International Residential Code, as incorporated by Section 15A-2-103.
- 185 (8)(a) A specified public agency intending to develop its land shall submit to the land
- 186 use authority a development plan and schedule:
- 187 (i) as early as practicable in the development process, but no later than the
- 188 commencement of construction; and
- 189 (ii) with sufficient detail to enable the land use authority to assess:
- 190 (A) the specified public agency's compliance with applicable land use ordinances;
- 191 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
- 192 (c), (d), (e), and (g) caused by the development;
- 193 (C) the amount of any applicable fee described in Sections 10-20-904 and
- 194 10-20-910;
- 195 (D) any credit against an impact fee; and
- 196 (E) the potential for waiving an impact fee.
- 197 (b) The land use authority shall respond to a specified public agency's submission under

198 Subsection (8)(a) with reasonable promptness in order to allow the specified public  
 199 agency to consider information the municipality provides under Subsection (8)(a)(ii)  
 200 in the process of preparing the budget for the development.

201 (9) Nothing in this section may be construed to:

- 202 (a) modify or supersede Section 10-20-305; or
- 203 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that  
 204 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair  
 205 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with  
 206 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

207 (10)(a) Nothing in Subsection (7) prevents a political subdivision from:

208 ~~[(a)]~~ (i) requiring a home-based microschool or micro-education entity to comply with  
 209 municipal zoning and land use regulations that do not conflict with this section,  
 210 including:

- 211 ~~[(i)]~~ (A) parking;
- 212 ~~[(ii)]~~ (B) traffic[; and] , including types or sizes of streets on which a microschool  
 213 or micro-education entity may be located based on the projected number of  
 214 students or impact and circulation requirements;
- 215 (C) noise ordinances;
- 216 (D) graduated square footage requirements for lot sizes based on the projected  
 217 number of students; and
- 218 ~~[(iii)]~~ (E) hours of operation;

219 ~~[(b)]~~ (ii) requiring a home-based microschool or micro-education entity to obtain a  
 220 business license;

221 ~~[(c)]~~ (iii) enacting municipal ordinances and regulations consistent with this section;

222 ~~[(d)]~~ (iv) subjecting a micro-education entity to standards within each zone pertaining  
 223 to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic  
 224 circulation, and construction staging; and

225 ~~[(e)]~~ (v) imposing regulations on the location of a project that are necessary to avoid  
 226 risks to health or safety.

227 (b) Nothing in Subsection (7) or this Subsection (10) requires a political subdivision to  
 228 enact an ordinance.

229 (c) A political subdivision may:

230 (i) include in an ordinance one or more of the provisions described in Subsection  
 231 (10)(a); and

232           (ii) include other relevant provisions not described in Subsection (10)(a) in an  
 233           ordinance.

234           Section 2. Section **17-79-305** is amended to read:

235           **17-79-305 . Other entities required to conform to county's land use ordinances --**

236           **Exceptions -- School districts, charter schools, home-based microschoools, and**

237           **micro-education entities -- Submission of development plan and schedule.**

238           (1)(a) Each county, municipality, school district, charter school, special district, special  
 239           service district, and political subdivision of the state shall conform to any applicable  
 240           land use ordinance of any county when installing, constructing, operating, or  
 241           otherwise using any area, land, or building situated within a mountainous planning  
 242           district or the unincorporated portion of the county, as applicable.

243           (b) In addition to any other remedies provided by law, when a county's land use  
 244           ordinance is violated or about to be violated by another political subdivision, that  
 245           county may institute an injunction, mandamus, abatement, or other appropriate action  
 246           or proceeding to prevent, enjoin, abate, or remove the improper installation,  
 247           improvement, or use.

248           (2)(a) Except as provided in Subsection (3), a school district or charter school is subject  
 249           to a county's land use ordinances.

250           (b)(i) Notwithstanding Subsection (3), a county may:

251                   (A) subject a charter school to standards within each zone pertaining to setback,  
 252                   height, bulk and massing regulations, off-site parking, curb cut, traffic  
 253                   circulation, and construction staging; and

254                   (B) impose regulations upon the location of a project that are necessary to avoid  
 255                   unreasonable risks to health or safety, as provided in Subsection (3)(f).

256           (ii) The standards to which a county may subject a charter school under Subsection  
 257           (2)(b)(i) shall be objective standards only and may not be subjective.

258           (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may  
 259           deny or withhold approval of a charter school's land use application is the charter  
 260           school's failure to comply with a standard imposed under Subsection (2)(b)(i).

261           (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of  
 262           an obligation to comply with a requirement of an applicable building or safety  
 263           code to which it is otherwise obligated to comply.

264           (3) A county may not:

265                   (a) impose requirements for landscaping, fencing, aesthetic considerations, construction

- 266 methods or materials, additional building inspections, county building codes,  
267 building use for educational purposes, or the placement or use of temporary  
268 classroom facilities on school property;
- 269 (b) except as otherwise provided in this section, require a school district or charter  
270 school to participate in the cost of any roadway or sidewalk, or a study on the impact  
271 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety  
272 of school children and not located on or contiguous to school property, unless the  
273 roadway or sidewalk is required to connect an otherwise isolated school site to an  
274 existing roadway;
- 275 (c) require a district or charter school to pay fees not authorized by this section;
- 276 (d) provide for inspection of school construction or assess a fee or other charges for  
277 inspection, unless the school district or charter school is unable to provide for  
278 inspection by an inspector, other than the project architect or contractor, who is  
279 qualified under criteria established by the state superintendent;
- 280 (e) require a school district or charter school to pay any impact fee for an improvement  
281 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact  
282 Fees Act;
- 283 (f) impose regulations upon the location of an educational facility except as necessary to  
284 avoid unreasonable risks to health or safety; or
- 285 (g) for a land use or a structure owned or operated by a school district or charter school  
286 that is not an educational facility but is used in support of providing instruction to  
287 pupils, impose a regulation that:
- 288 (i) is not imposed on a similar land use or structure in the zone in which the land use  
289 or structure is approved; or
- 290 (ii) uses the tax exempt status of the school district or charter school as criteria for  
291 prohibiting or regulating the land use or location of the structure.
- 292 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the  
293 siting of a new school with the county in which the school is to be located, to:
- 294 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the  
295 impacts between the new school and future highways; and
- 296 (b) maximize school, student, and site safety.
- 297 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:
- 298 (a) provide a walk-through of school construction at no cost and at a time convenient to  
299 the district or charter school; and

- 300 (b) provide recommendations based upon the walk-through.
- 301 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 302 (i) a county building inspector;
- 303 (ii)(A) for a school district, a school district building inspector from that school
- 304 district; or
- 305 (B) for a charter school, a school district building inspector from the school
- 306 district in which the charter school is located; or
- 307 (iii) an independent, certified building inspector who is not an employee of the
- 308 contractor, licensed to perform the inspection that the inspector is requested to
- 309 perform, and approved by a county building inspector or:
- 310 (A) for a school district, a school district building inspector from that school
- 311 district; or
- 312 (B) for a charter school, a school district building inspector from the school
- 313 district in which the charter school is located.
- 314 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 315 (c) If a school district or charter school uses a school district or independent building
- 316 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
- 317 submit to the state superintendent of public instruction and county building official,
- 318 on a monthly basis during construction of the school building, a copy of each
- 319 inspection certificate regarding the school building.
- 320 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
- 321 considered a permitted use in all zoning districts within a county.
- 322 (b) Each land use application for any approval required for a charter school, home-based
- 323 microschool, or micro-education entity, including an application for a building
- 324 permit, shall be processed on a first priority basis.
- 325 (c) Parking requirements for a charter school or micro-education entity may not exceed
- 326 the minimum parking requirements for schools or other institutional public uses
- 327 throughout the county.
- 328 (d) If a county has designated zones for a sexually oriented business, or a business which
- 329 sells alcohol, a charter school or micro-education entity may be prohibited from a
- 330 location which would otherwise defeat the purpose for the zone unless the charter
- 331 school or micro-education entity provides a waiver.
- 332 (e)(i) A school district[-], charter school, or micro-education entity may seek a
- 333 certificate authorizing permanent occupancy of a school building from:

- 334 (A) the state superintendent of public instruction, as provided in Subsection  
 335 53E-3-706(3), if the school district, charter school, or micro-education entity  
 336 used an independent building inspector for inspection of the school building; or  
 337 (B) a county official with authority to issue the certificate, if the school district,  
 338 charter school, or micro-education entity used a county building inspector for  
 339 inspection of the school building.
- 340 (ii) A school district may issue its own certificate authorizing permanent occupancy  
 341 of a school building if it used its own building inspector for inspection of the  
 342 school building, subject to the notification requirement of Subsection  
 343 53E-3-706(3)(d)(ii).
- 344 (iii) A charter school or micro-education entity may seek a certificate authorizing  
 345 permanent occupancy of a school building from a school district official with  
 346 authority to issue the certificate, if the charter school or micro-education entity  
 347 used a school district building inspector for inspection of the school building.
- 348 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
 349 of public instruction under Subsection 53E-3-706(3) or a school district official  
 350 with authority to issue the certificate shall be considered to satisfy any county  
 351 requirement for an inspection or a certificate of occupancy.
- 352 (f)(~~+~~) A micro-education entity may operate a facility [~~that~~] only if the  
 353 micro-education entity complies with all applicable ordinances of the political  
 354 subdivision, which may include provisions described in Subsection (10) or other  
 355 relevant provisions, and the facility:
- 356 (i) meets Group E Occupancy requirements as defined by the International Building  
 357 Code, as incorporated by Subsection 15A-2-103(1)(a)[~~;~~] ; or
- 358 (ii)(~~ii~~) ~~A micro-education entity operating in a facility described in Subsection~~  
 359 ~~(7)(f)(i) may have up to 100 students in the facility.]~~
- 360 [~~(g) A micro-education entity may operate a facility that ]~~is subject to and complies with  
 361 the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined  
 362 by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a),  
 363 if:
- 364 [~~(+)~~] (A) the facility has a code compliant fire alarm system and carbon monoxide  
 365 detection system;
- 366 [~~(+)~~] (B)(~~A~~) each classroom in the facility has an exit directly to the outside at  
 367 the level of exit discharge[~~;~~] , or

368                    ~~[(B)]~~ the structure has a code compliant fire sprinkler system; and  
 369                    ~~[(iii)]~~ (C) the facility has an automatic fire sprinkler system in fire areas of the  
 370                    facility that are greater than 12,000 square feet.

371                    (g)(i) The number of students that a micro-education entity may have in a facility  
 372                    described in Subsection (7)(f) is:

373                    (A) determined by the facility's occupancy classification and occupant capacity  
 374                    under the state construction codes, as incorporated by Section 15A-2-103; and

375                    (B) subject to applicable zoning and land use regulations.

376                    (ii) Notwithstanding the facility's occupant capacity, a micro-education entity may  
 377                    not have more than 100 students.

378                    (h) A person may alter or convert the use of a structure located within any zone into a  
 379                    facility described in Subsection (7)(f) for operation by a micro-education entity if the  
 380                    facility:

381                    (i) complies with the state construction codes, as incorporated by Section 15A-2-103,  
 382                    including any permit, plan review, or inspection required for a change in  
 383                    occupancy classification; and

384                    (ii) complies with any applicable ordinances of the political subdivision, which may  
 385                    include provisions described in Subsection (10) or other relevant provisions.

386                    ~~[(h)]~~ (i)(i) A home-based microschool is not subject to additional occupancy  
 387                    requirements beyond occupancy requirements that apply to a primary dwelling.

388                    (ii) If a floor that is below grade in a home-based microschool is used for home-based  
 389                    microschool purposes, the below grade floor of the home-based microschool shall  
 390                    have at least one emergency escape or rescue window that complies with the  
 391                    requirements for emergency escape and rescue windows as defined by the  
 392                    International Residential Code, as incorporated in Section 15A-1-210.

393                    (8)(a) A specified public agency intending to develop its land shall submit to the land  
 394                    use authority a development plan and schedule:

395                    (i) as early as practicable in the development process, but no later than the  
 396                    commencement of construction; and

397                    (ii) with sufficient detail to enable the land use authority to assess:

398                    (A) the specified public agency's compliance with applicable land use ordinances;

399                    (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),  
 400                    (c), (d), (e), and (g) caused by the development;

401                    (C) the amount of any applicable fee described in Section 17-79-804;

- 402 (D) any credit against an impact fee; and
- 403 (E) the potential for waiving an impact fee.
- 404 (b) The land use authority shall respond to a specified public agency's submission under
- 405 Subsection (8)(a) with reasonable promptness in order to allow the specified public
- 406 agency to consider information the municipality provides under Subsection (8)(a)(ii)
- 407 in the process of preparing the budget for the development.
- 408 (9) Nothing in this section may be construed to:
- 409 (a) modify or supersede Section 17-79-306; or
- 410 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails
- 411 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
- 412 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
- 413 Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.
- 414 (10)(a) Nothing in Subsection (7) prevents a political subdivision from:
- 415 ~~[(a)]~~ (i) requiring a home-based microschool or micro-education entity to comply with
- 416 local zoning and land use regulations that do not conflict with this section,
- 417 including:
- 418 ~~[(i)]~~ (A) parking;
- 419 ~~[(ii)]~~ (B) traffic~~[-and]~~ , including types or sizes of streets on which a microschool
- 420 or micro-education entity may be located based on the projected number of
- 421 students or impact and circulation requirements;
- 422 (C) noise ordinances;
- 423 (D) graduated square footage requirements for lot sizes based on the projected
- 424 number of students; and
- 425 ~~[(iii)]~~ (E) hours of operation;
- 426 ~~[(b)]~~ (ii) requiring a home-based microschool or micro-education entity to obtain a
- 427 business license;
- 428 ~~[(c)]~~ (iii) enacting county ordinances and regulations consistent with this section;
- 429 ~~[(d)]~~ (iv) subjecting a micro-education entity to standards within each zone pertaining
- 430 to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
- 431 circulation, and construction staging; and
- 432 ~~[(e)]~~ (v) imposing regulations on the location of a project that are necessary to avoid
- 433 risks to health or safety.
- 434 (b) Nothing in Subsection (7) or this Subsection (10) requires a political subdivision to
- 435 enact an ordinance.

- 436 (c) A political subdivision may:
- 437 (i) include in an ordinance one or more of the provisions described in Subsection
- 438 (10)(a); and
- 439 (ii) include other relevant provisions not described in Subsection (10)(a) in an
- 440 ordinance.

441 (11) Notwithstanding any other provision of law, the proximity restrictions that apply to  
442 community locations do not apply to a micro-education entity.

443 Section 3. **Effective Date.**

444 This bill takes effect on May 6, 2026.