

Local Land Use Revisions

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor:

LONG TITLE

General Description:

This bill deals with regulation of certain land uses in residential zones.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a person may make a request to a municipality or county in regard to a proposed land use that conforms with a preferred land use regulation;
- ▶ requires a municipality or county to determine if a request conforms with a preferred land regulation and provide notice of the determination to the applicant;
- ▶ authorizes a planning commission or legislative body to deny a request, under certain conditions, that conforms with a preferred land use regulation;
- ▶ provides that if a planning commission or legislative body does not deny a request that conforms with a preferred land use regulation within 30 days, the request becomes a permitted use;
- ▶ provides that a municipality's or county's determination that a request does not meet statutory requirements for a preferred land use regulation is an administrative act;
- ▶ provides that a planning commission's decision to deny a request that conforms with a preferred land use regulation is an administrative act;
- ▶ provides that a legislative body's decision to deny a request that conforms with a preferred land use regulation is a legislative act; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31 **10-21-304**, Utah Code Annotated 1953

32 **17-80-304**, Utah Code Annotated 1953

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

35 Section 1. Section **10-21-304** is enacted to read:

36 **10-21-304 . Definitions -- Conformity with a preferred land use regulation a**
37 **permitted use under certain circumstances.**

38 **(1) As used in this section:**

39 **(a) "Application" means a land use application.**

40 **(b) "Area mean purchase price" means the mean purchase price of a single-family**
41 **residential unit sold in a county, as determined by the county or a municipality in the**
42 **county based on publicly available data, during:**

43 **(i) the immediately preceding calendar year; or**

44 **(ii) the calendar year immediately before the calendar year described in Subsection**
45 **(1)(b)(i).**

46 **(c) "Preferred land use regulation" means a regulation described in Subsection (2):**

47 **(i) that the Legislature finds:**

48 **(A) would advance the state's objective of lowering the average cost of housing by**
49 **enabling the construction of homes that are smaller and less expensive;**

50 **(B) allows for some permitting of individual projects that are unlikely to adversely**
51 **affect nearby property owners, the public, or the communities in which the**
52 **projects are built; and**

53 **(C) maintains the local land use authority's jurisdiction over which projects are**
54 **permitted to be built within the local land use authority's boundaries; and**

55 **(ii) that, as applied to a property owner in a municipality, is not a permitted use under**
56 **the municipality's zoning regulations, land use ordinances, or building standards.**

57 **(d) "Request" means a written submission from a property owner, or a person acting on**
58 **a property owner's behalf, seeking that a municipality accept a preferred land use**
59 **regulation on a specific parcel as part of a simultaneous or upcoming application.**

60 **(e) "Setback" means the required distance between the property line of a lot or parcel**
61 **and the location where a structure is allowed to be placed under an adopted land use**
62 **regulation.**

63 **(f) "Starter home" means a single-family residential unit that:**

64 **(i) is sold to an initial owner-occupier for an amount equal to or less than the area**

mean purchase price of a single family residential unit;

- (ii) is deed restricted to be owner-occupied for two years following the day on which the unit is first sold;
- (iii) has a minimum of two parking spots, covered or uncovered; and
- (iv) is built:
 - (A) on a lot of any size;
 - (B) without meeting a minimum number of livable square feet;
 - (C) with any floor area ratio;
 - (D) with any setbacks, if the setbacks meet minimum safety codes; and
 - (E) with any building materials of any appearance, if the building materials meet minimum safety codes.

(2) The following are preferred land use regulations in an area zoned for residential use:

- (a) regulations that permit a person to build a starter home;
- (b) for lot size requirements, a minimum of 5,400 square feet; or
- (c) for an accessory dwelling unit, a single accessory dwelling unit per lot that:
 - (i) may be internal or external to the primary dwelling on the lot;
 - (ii) conforms to all relevant building codes; and
 - (iii) for an external accessory dwelling unit:
 - (A) has side and rear setbacks of no more than three feet; and
 - (B) is a maximum of two stories above ground.

(3)(a) A person may submit a request that a municipality accept a preferred land use regulation, notwithstanding a conflicting municipal regulation, as part of an application or an upcoming application to develop a specific residential property as described in this Subsection (3).

(b) A request shall include:

- (i) a written description or drawn sketch describing the anticipated development plan; and
- (ii) a specific reference to the preferred land use regulation the person is seeking.
- (c) A municipality may require supporting information from a person making a request only as strictly necessary to determine whether the request meets the requirements of this section.
- (d) A municipality may not require a person making a request to:
 - (i) submit engineering plans, drawings, plats, or will-serve letters; or
 - (ii) conform with all other municipal regulations or standards that the municipality

normally requires to accept or process a complete land use application.

(4)(a) No later than five business days after the day on which a municipality receives a request, municipal staff shall determine if the request conforms with Subsection (3) regardless of whether the request conforms with the applicable land use regulation otherwise governing the parcel at issue.

(b) If a request conforms with Subsection (3), the municipality shall, within one business day, provide notice of the determination to the applicant.

(5)(a) If a municipality determines that a request does not conform with Subsection (3), or if the request lacks information the municipality requires under Subsection (3)(c), the municipality shall no later than five business days after the day on which the municipality receives the request, deny the request and provide to the applicant:

(i) notice of the determination and denial; and

(ii) the reasoning for the determination.

(b) The municipality may not use the person's failure to submit a complete land use application as the basis to deny a request.

(c) A denial and determination under this Subsection (5) is an administrative act.

(d) A person that receives a denial and determination under this Subsection (5) may submit a new request that addresses the reasoning for the denial, which shall begin a new 30-day time period.

(6) A planning commission or legislative body may, within 30 calendar days of the day on which a person submits a request that is not timely denied under Subsection (5), act to deny the request:

(a) if the planning commission or legislative body determines, for any reason, that the benefit to the person and community would be outweighed by the negative effect to others in the community;

(b) if the planning commission or legislative body makes a finding on the record regarding the determination described in Subsection (6)(a);

(c) in a public meeting of the planning commission or legislative body; and

(d) by m

(7)(a) A denial under Subsection (6) does not affect any other rights of the applicant under this chapter.

(b) If a planning commission denies an application under Subsection (6), the denial is an administrative act.

(c) If a municipal legislative body denies an application under Subsection (6), the denial

133 is a legislative act.

134 (8) If a planning commission or municipal legislative body expressly approves or does not
135 deny a request as described in Subsection (6), regardless of whether the municipality
136 fails to make a timely determination under Subsection (4) or a timely denial under
137 Subsection (5)(a):

138 (a) the preferred land use described in the request becomes a vested permitted use as to
139 the property and as to the use described in the request 31 days after the day on which
140 the person submitted the request to the municipality;
141 (b) the preferred land use regulation is considered a legislatively adopted land use
142 regulation for that property and development; and
143 (c) approval of the request or the failure to deny the request does not constitute approval
144 of the entire land use application.

145 (9) In considering a preferred land use regulation legislatively adopted under Subsection
146 (8)(b), the municipality is not required to:

147 (a) amend municipal zoning regulations, land use ordinances, or building standards; or
148 (b) apply the preferred land use regulation to other land use applications for the same
149 residential zone.

150 Section 2. Section **17-80-304** is enacted to read:

151 **17-80-304 . Definitions -- Conformity with a preferred land use regulation a**
152 **permitted use under certain circumstances.**

153 (1) As used in this section:

154 (a) "Application" means a land use application.
155 (b) "Area mean purchase price" means the mean purchase price of a single-family
156 residential unit sold in a county, as determined by the county or a municipality in the
157 county based on publicly available data, during:
158 (i) the immediately preceding calendar year; or
159 (ii) the calendar year immediately before the calendar year described in Subsection
160 (1)(b)(i).

161 (c) "Preferred land use regulation" means a regulation described in Subsection (2):

162 (i) that the Legislature finds:

163 (A) advances the state's objective of lowering the average cost of housing by
164 enabling the construction of homes that are smaller and less expensive;
165 (B) allows for some permitting of individual projects that are unlikely to adversely
166 affect nearby property owners, the public, or the communities in which the

167 projects are built; and

168 (C) maintains the local land use authority's jurisdiction over which projects are
169 permitted to be built within the local land use authority's boundaries; and

170 (ii) that, as applied to a property owner in an unincorporated county, is not a
171 permitted use under the county's zoning regulations, land use ordinances, or
172 building standards.

173 (d) "Request" means a written submission from a property owner, or a person acting on
174 a property owner's behalf, seeking that a municipality accept a preferred land use
175 regulation on a specific parcel as part of a simultaneous or upcoming application.

176 (e) "Setback" means the required distance between the property line of a lot or parcel
177 and the location where a structure is allowed to be placed under an adopted land use
178 regulation.

179 (f) "Starter home" means a single-family residential unit that:

180 (i) is sold to an initial owner-occupier for an amount equal to or less than the area
181 mean purchase price of a single family residential unit;

182 (ii) is deed restricted to be owner-occupied for two years following the day on which
183 the unit is first sold;

184 (iii) has a minimum of two parking spots, covered or uncovered; and

185 (iv) is built:

186 (A) on a lot of any size;

187 (B) without meeting a minimum number of livable square feet;

188 (C) with any floor area ratio;

189 (D) with any setbacks, if the setbacks meet minimum safety codes; and

190 (E) with any building materials of any appearance, if the building materials meet
191 minimum safety codes.

192 (2) The following are preferred land use regulations in an area zoned for residential use:

193 (a) regulations that permit a person to build a starter home;

194 (b) for lot size requirements, a minimum of 5,400 square feet; or

195 (c) for an accessory dwelling unit, a single accessory dwelling unit per lot that:

196 (i) may be internal or external to the primary dwelling on the lot;

197 (ii) conforms to all relevant building codes; and

198 (iii) for an external accessory dwelling unit:

199 (A) has side and rear setbacks of no more than three feet; and

200 (B) is a maximum of two stories above ground.

201 (3)(a) A person may submit a request that a county accept a preferred land use
202 regulation, notwithstanding a conflicting county regulation, as part of an application
203 or an upcoming application to develop a specific residential property as described in
204 this Subsection (3).

205 (b) A request shall include:

206 (i) a written description or drawn sketch describing the anticipated development plan;
207 and

208 (ii) a specific reference to the preferred land use regulation the person is seeking.

209 (c) A county may require supporting information from a person making a request only as
210 strictly necessary to determine whether the request meets the requirements of this
211 section.

212 (d) A county may not require a person making a request to:

213 (i) submit engineering plans, drawings, plats, or will-serve letters; or
214 (ii) conform with all other county regulations or standards that the county normally
215 requires to accept or process a complete land use application.

216 (4)(a) No later than five business days after the day on which a county receives a
217 request, county staff shall determine if the request conforms with Subsection (3)
218 regardless of whether the request conforms with the applicable land use regulation
219 otherwise governing the parcel at issue.

220 (b) If a request conforms with Subsection (3), the county shall, within one business day,
221 provide notice of the determination to the applicant.

222 (5)(a) If a county determines that a request does not conform with Subsection (3), or if
223 the request lacks information the county requires under Subsection (3)(c), the county
224 shall no later than five business days after the day on which the county receives the
225 request, deny the request and provide to the applicant:

226 (i) notice of the determination and denial; and
227 (ii) the reasoning for the determination.

228 (b) The county may not use the person's failure to submit a complete land use
229 application as the basis to deny a request.

230 (c) A denial and determination under this Subsection (5) is an administrative act.

231 (d) A person that receives a denial and determination under this Subsection (5) may
232 submit a new request that addresses the reasoning for the denial, which shall begin a
233 new 30-day time period.

234 (6) A planning commission or legislative body may, within 30 calendar days of the day on

235 which a person submits a request that is not timely denied under Subsection (5), act to
236 deny the request:

237 (a) if the planning commission or legislative body determines, for any reason, that the
238 benefit to the person and community would be outweighed by the negative effect to
239 others in the community;

240 (b) if the planning commission or legislative body makes a finding on the record
241 regarding the determination described in Subsection (6)(a);

242 (c) in a public meeting of the planning commission or legislative body; and

243 (d) by majority vote.

244 (7)(a) A denial under Subsection (6) does not affect any other rights of the applicant
245 under this chapter.

246 (b) If a planning commission denies an application under Subsection (6), the denial is an
247 administrative act.

248 (c) If a county legislative body denies an application under Subsection (6), the denial is a
249 legislative act.

250 (8) If a planning commission or county legislative body expressly approves or does not
251 deny a request as described in Subsection (6), regardless of whether the county fails to
252 make a timely determination under Subsection (4) or a timely denial under Subsection
253 (5)(a):

254 (a) the preferred land use described in the request becomes a vested permitted use as to
255 the property and as to the use described in the request 31 days after the day on which
256 the person submitted the request to the county;

257 (b) the preferred land use regulation is considered a legislatively adopted land use
258 regulation for that property and development; and

259 (c) approval of the request or the failure to deny the request does not constitute approval
260 of the entire land use application.

261 (9) In considering a preferred land use regulation legislatively adopted under Subsection
262 (8)(b), the county is not required to:

263 (a) amend county zoning regulations, land use ordinances, or building standards; or

264 (b) apply the preferred land use regulation to other land use applications for the same
265 residential zone.

266 **Section 3. Effective Date.**

267 This bill takes effect on May 6, 2026.