

Raymond P. Ward proposes the following substitute bill:

1 **Small Lots and Starter Homes Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Lincoln Fillmore

2 **LONG TITLE**

3 **General Description:**

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

5 **Highlighted Provisions:**

6 This bill:

7 ▶ defines terms;

8 ▶ provides that a person may make a request to a municipality or county in regard to a
9 proposed land use that conforms with a preferred land use regulation;

10 ▶ requires a municipality or county to determine if a request conforms with a preferred land
11 use regulation and provide notice of the determination to the applicant;

12 ▶ authorizes a planning commission or legislative body to deny a request, under certain
13 conditions, that conforms with a preferred land use regulation;

14 ▶ provides that if a planning commission or legislative body does not deny a request that
15 conforms with a preferred land use regulation within 30 days, the request becomes a
16 permitted use;

17 ▶ provides that a municipality's or county's determination that a request does not meet
18 statutory requirements for a preferred land use regulation is an administrative act;

19 ▶ provides that a planning commission's decision to deny a request that conforms with a preferred
20 land use regulation is an administrative act;

21 ▶ provides that a legislative body's decision to deny a request that conforms with a preferred
22 land use regulation is a legislative act; and

23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **10-21-304**, Utah Code Annotated 195332 **17-80-304**, Utah Code Annotated 195334 *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; or44 (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; and53 (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; and55 (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
65 mean purchase price of a single-family residential unit;

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

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

69 (iv) is built:

70 (A) on a lot of any size;

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

72 (C) with any floor area ratio;

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

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

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

77 (a) regulations that permit a person to build a starter home; or
78 (b) for lot size requirements, a minimum of 5,400 square feet.

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

83 (b) A request shall include:

84 (i) a written description or drawn sketch describing the anticipated development plan;
85 and
86 (ii) a specific reference to the preferred land use regulation the person is seeking.

87 (c) A municipality may require supporting information from a person making a request
88 only as strictly necessary to determine whether the request meets the requirements of
89 this section.

90 (d) A municipality may not require a person making a request to:

91 (i) submit engineering plans, drawings, plats, or will-serve letters; or
92 (ii) conform with all other municipal regulations or standards that the municipality
93 normally requires to accept or process a complete land use application.

94 (4)(a) No later than five business days after the day on which a municipality receives a
95 request, municipal staff shall determine if the request conforms with Subsection (3)
96 regardless of whether the request conforms with the applicable land use regulation

97 otherwise governing the parcel at issue.

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

100 (5)(a) If a municipality determines that a request does not conform with Subsection (3),

101 or if the request lacks information the municipality requires under Subsection (3)(c),
102 the municipality shall no later than five business days after the day on which the
103 municipality receives the request, deny the request and provide to the applicant:

104 (i) notice of the determination and denial; and

105 (ii) the reasoning for the determination.

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

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

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

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

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

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

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

121 (d) by majority vote.

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

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

126 (c) If a municipal legislative body denies an application under Subsection (6), the denial
127 is a legislative act.

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

131 Subsection (5)(a):

132 (a) the preferred land use described in the request becomes a vested permitted use as to
133 the property and as to the use described in the request 31 days after the day on which
134 the person submitted the request to the municipality;

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

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

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

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

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

145 **17-80-304 . Definitions -- Conformity with a preferred land use regulation a**
146 **permitted use under certain circumstances.**

147 (1) As used in this section:

148 (a) "Application" means a land use application.

149 (b) "Area mean purchase price" means the mean purchase price of a single-family
150 residential unit sold in a county, as determined by the county based on publicly
151 available data, during:

152 (i) the immediately preceding calendar year; or
153 (ii) the calendar year immediately before the calendar year described in Subsection
154 (1)(b)(i).

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

156 (i) that the Legislature finds:

157 (A) advances the state's objective of lowering the average cost of housing by
158 enabling the construction of homes that are smaller and less expensive;

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

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

164 (ii) that, as applied to a property owner in an unincorporated county, is not a

165 permitted use under the county's zoning regulations, land use ordinances, or
166 building standards.

167 (d) "Request" means a written submission from a property owner, or a person acting on
168 a property owner's behalf, seeking that a county accept a preferred land use
169 regulation on a specific parcel as part of a simultaneous or upcoming application.
170 (e) "Setback" means the required distance between the property line of a lot or parcel
171 and the location where a structure is allowed to be placed under an adopted land use
172 regulation.
173 (f) "Starter home" means a single-family residential unit that:

174 (i) is sold to an initial owner-occupier for an amount equal to or less than the area
175 mean purchase price of a single-family residential unit;
176 (ii) is deed restricted to be owner-occupied for two years following the day on which
177 the unit is first sold;
178 (iii) has a minimum of two parking spots, covered or uncovered; and
179 (iv) is built:
180 (A) on a lot of any size;
181 (B) without meeting a minimum number of livable square feet;
182 (C) with any floor area ratio;
183 (D) with any setbacks, if the setbacks meet minimum safety codes; and
184 (E) with any building materials of any appearance, if the building materials meet
185 minimum safety codes.

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

187 (a) regulations that permit a person to build a starter home; or
188 (b) for lot size requirements, a minimum of 5,400 square feet.

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

193 (b) A request shall include:

194 (i) a written description or drawn sketch describing the anticipated development plan;
195 and
196 (ii) a specific reference to the preferred land use regulation the person is seeking.

197 (c) A county may require supporting information from a person making a request only as
198 strictly necessary to determine whether the request meets the requirements of this

199 section.

200 (d) A county may not require a person making a request to:
201 (i) submit engineering plans, drawings, plats, or will-serve letters; or
202 (ii) conform with all other county regulations or standards that the county normally
203 requires to accept or process a complete land use application.

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

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

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

214 (i) notice of the determination and denial; and
215 (ii) the reasoning for the determination.

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

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

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

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

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

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

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

231 (d) by majority vote.

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

233 under this chapter.

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

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

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

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

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

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

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

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

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

254 **Section 3. Effective Date.**

255 This bill takes effect on May 6, 2026.