

1 **Land Use Regulation Amendments**  
 2 **2026 GENERAL SESSION**  
 3 **STATE OF UTAH**  
 4 **Chief Sponsor: Kirk A. Cullimore**  
 5 **House Sponsor:**

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6 **LONG TITLE**

7 **General Description:**

8 This bill modifies requirements related to development agreements.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ prohibits a municipality from limiting or impairing rights under certain development agreements approved by a county;
- 12 ▶ prohibits a municipality from refusing to provide certain municipal services to a property that is the subject of a development agreement approved by a county;
- 13 ▶ provides that where there is a conflict between a provision of a development agreement and a land use regulation, the provision of the development agreement governs; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

- 21 **10-20-504**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
22 Chapter 15
- 23 **10-20-508**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
24 Chapter 15
- 25 **10-20-902**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
26 Chapter 15
- 27 **17-79-508**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
28 Chapter 14

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29 *Be it enacted by the Legislature of the state of Utah:*  
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31 Section 1. Section **10-20-504** is amended to read:

32 **10-20-504 . Temporary land use regulations.**

33 (1)(a) Except as provided in Subsection (2)(b), a municipal legislative body may,  
34 without prior consideration of or recommendation from the planning commission, [  
35 ~~enact~~] adopt an ordinance establishing a temporary land use regulation for any part or  
36 all of the area within the municipality if:

37 (i) the legislative body makes a finding of compelling, countervailing public interest;  
38 or

39 (ii) the area is unregulated.

40 (b) A temporary land use regulation under Subsection (1)(a) may not:

41 (i) prohibit or regulate the erection, construction, reconstruction, or alteration of any  
42 building or structure or any subdivision approval[-] ; or

43 [~~(c) A temporary land use regulation under Subsection (1)(a) may not~~]

44 (ii) impose an impact fee or other financial requirement on building or development.

45 (2)(a) [~~The~~] A municipal legislative body that adopts an ordinance establishing a  
46 temporary land use regulation shall establish a period of limited effect for the  
47 ordinance that does not[-to] exceed 180 days.

48 (b) A municipal legislative body may not apply the provisions of a temporary land use  
49 regulation to the review of a specific land use application if the land use application  
50 is impaired or prohibited by proceedings initiated under Subsection  
51 10-20-902(1)(a)(ii)(B).

52 (3)(a) A municipal legislative body may, without prior planning commission  
53 consideration or recommendation, [~~enact~~] adopt an ordinance establishing a  
54 temporary land use regulation prohibiting construction, subdivision approval, and  
55 other development activities within an area that is the subject of an [~~Environmental~~  
56 ~~Impact Statement~~] environmental impact statement or a [~~Major Investment Study~~]  
57 major investment study examining the area as a proposed highway or transportation  
58 corridor.

59 (b) A regulation under Subsection (3)(a):

60 (i) may not exceed 180 days in duration;

61 (ii) may be renewed, if requested by the Transportation Commission created under  
62 Section 72-1-301, for up to two additional 180-day periods by an ordinance [  
63 ~~enacted~~] adopted before the expiration of the previous regulation; and

64 (iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the

65 Environmental Impact Statement or Major Investment Study is in progress.

66 (4) A municipal legislative body may not adopt an ordinance establishing a temporary land  
 67 use regulation that limits or impairs the rights of a property owner under a recorded  
 68 development agreement that a county approved before the municipality:

69 (a) incorporated; or

70 (b) annexed the real property that is the subject of the development agreement.

71 Section 2. Section **10-20-508** is amended to read:

72 **10-20-508 . Development agreements.**

73 (1) Subject to Subsection (2), a municipality may enter into a development agreement  
 74 containing any term that the municipality considers necessary or appropriate to  
 75 accomplish the purposes of this chapter, including a term relating to:

76 (a) a master planned development;

77 (b) a planned unit development;

78 (c) an annexation;

79 (d) affordable or moderate income housing with development incentives;

80 (e) a public-private partnership; or

81 (f) a density transfer or bonus within a development project or between development  
 82 projects.

83 (2)(a) [A] Except as provided in Subsection (2)(g) or (2)(h), a development agreement  
 84 may not:

85 (i) limit a municipality's authority in the future to:

86 (A) enact a land use regulation; or

87 (B) take any action allowed under Section 10-8-84;

88 (ii) require a municipality to change the zoning designation of an area of land within  
 89 the municipality in the future; or

90 (iii) allow a use or development of land that applicable land use regulations  
 91 governing the area subject to the development agreement would otherwise  
 92 prohibit, unless the legislative body approves the development agreement in  
 93 accordance with the same procedures for enacting a land use regulation under  
 94 Section 10-20-502, including a review and recommendation from the planning  
 95 commission and a public hearing.

96 (b) A development agreement that requires the implementation of an existing land use  
 97 regulation as an administrative act does not require a legislative body's approval  
 98 under Section 10-20-502.

- 99 (c) Subject to Subsection (2)(d), a municipality may require a development agreement  
100 for developing land within the municipality if the applicant has applied for a  
101 legislative or discretionary approval, including an approval relating to:  
102 (i) the height of a structure;  
103 (ii) a parking or setback exception;  
104 (iii) a density transfer or bonus;  
105 (iv) a development incentive;  
106 (v) a zone change; or  
107 (vi) an amendment to a prior development agreement.
- 108 (d) A municipality may not require a development agreement as a condition for  
109 developing land within the municipality if:  
110 (i) the development otherwise complies with applicable statute and municipal  
111 ordinances;  
112 (ii) the development is an allowed or permitted use; or  
113 (iii) the municipality's land use regulations otherwise establish all applicable  
114 standards for development on the land.
- 115 (e) A municipality may submit to a county recorder's office for recording:  
116 (i) a fully executed development agreement; or  
117 (ii) a document related to:  
118 (A) code enforcement;  
119 (B) a special assessment area;  
120 (C) a local historic district boundary; or  
121 (D) the memorializing or enforcement of an agreed upon restriction, incentive, or  
122 covenant.
- 123 (f) [~~Subject to Subsection (2)(e)~~] Except for a development agreement approved in  
124 accordance with this section or a document described in Subsection (2)(e)(ii), a  
125 municipality may not cause to be recorded against private real property a document  
126 that imposes development requirements, development regulations, or development  
127 controls on the property.
- 128 (g) To the extent that a development agreement[-] :  
129 (i) does not specifically address a matter or concern related to land use or  
130 development, the matter or concern is governed by:  
131 [(†)] (A) this chapter; and  
132 [(††)] (B) any applicable land use regulations[-] ; or

- 133           (ii) conflicts with a land use regulation, the development agreement governs with  
 134           respect to the development and use of the real property that is the subject of the  
 135           development agreement.
- 136       (h) For a real property in a municipality that is the subject of a recorded development  
 137           agreement that a county approved before the municipality incorporated or before the  
 138           municipality annexed the property, the municipality may not:
- 139           (i) limit or impair the development or use of the property as specified in the  
 140           development agreement; or
- 141           (ii) refuse to provide municipal services to the property:
- 142               (A) that the municipality provides to other real property within the municipality's  
 143               boundaries; or
- 144               (B) that the development agreement specifies that a county or municipality will  
 145               provide to the property.

146       Section 3. Section **10-20-902** is amended to read:

147           **10-20-902 . Applicant's entitlement to land use application approval --**  
 148       **Municipality's requirements and limitations -- Vesting upon submission of development**  
 149       **plan and schedule.**

- 150       (1)(a)(i) An applicant who has submitted a complete land use application as  
 151           described in Subsection (1)(c), including the payment of all application fees, is  
 152           entitled to substantive review of the application under the land use regulations:
- 153               (A) in effect on the date that the application is complete; and  
 154               (B) applicable to the application or to the information shown on the application.
- 155       (ii) An applicant is entitled to approval of a land use application if the application  
 156           conforms to the requirements of the applicable land use regulations, land use  
 157           decisions, and development standards in effect when the applicant submits a  
 158           complete application and pays application fees, unless:
- 159               (A) the land use authority, on the record, formally finds that a compelling,  
 160               countervailing public interest would be jeopardized by approving the  
 161               application and specifies the compelling, countervailing public interest in  
 162               writing; or
- 163               (B) in the manner provided by local ordinance and before the applicant submits  
 164               the application, the municipality formally initiates proceedings to amend the  
 165               municipality's land use regulations in a manner that would prohibit approval of  
 166               the application as submitted.

- 167 (b) The municipality shall process an application without regard to proceedings the  
168 municipality initiated to amend the municipality's ordinances as described in  
169 Subsection (1)(a)(ii)(B) if:
- 170 (i) 180 days have passed since the municipality initiated the proceedings; and  
171 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval  
172 of the application as submitted; or  
173 (B) during the 12 months before the municipality processing the application, or  
174 multiple applications of the same type, are impaired or prohibited under the  
175 terms of a temporary land use regulation adopted under Section 10-20-504.
- 176 (c) A land use application is considered submitted and complete when the applicant  
177 provides the application in a form that complies with the requirements of applicable  
178 ordinances and pays all applicable fees.
- 179 (d) A subsequent incorporation of a municipality or a petition that proposes the  
180 incorporation of a municipality does not affect:
- 181 (i) a land use application approved by a county in accordance with Section 17-79-803[-] ;  
182 or  
183 (ii) a development agreement approved by a county in accordance with Section  
184 17-79-508.
- 185 (e) Unless a phasing sequence is required in an executed development agreement, a  
186 municipality shall, without regard to any other separate and distinct land use  
187 application, accept and process a complete land use application.
- 188 (f) The continuing validity of an approval of a land use application is conditioned upon  
189 the applicant proceeding after approval to implement the approval with reasonable  
190 diligence.
- 191 (g) A municipality may not impose on an applicant who has submitted a complete  
192 application a requirement that is not expressed in:
- 193 (i) this chapter;  
194 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
195 application, subject to Subsection 10-20-902(1)(a)(ii); or  
196 (iii) a municipal specification for public improvements applicable to a subdivision or  
197 development that is in effect on the date that the applicant submits an application.
- 198 (h) A municipality may not impose on a holder of an issued land use permit or a final,  
199 unexpired subdivision plat a requirement that is not expressed:  
200 (i) in a land use permit;

- 201 (ii) on the subdivision plat;
- 202 (iii) in a document on which the land use permit or subdivision plat is based;
- 203 (iv) in the written record evidencing approval of the land use permit or subdivision  
204 plat;
- 205 (v) in this chapter;
- 206 (vi) in a municipal ordinance; or
- 207 (vii) in a municipal specification for residential roadways in effect at the time a  
208 residential subdivision was approved.
- 209 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold  
210 issuance of a certificate of occupancy or acceptance of subdivision improvements  
211 because of an applicant's failure to comply with a requirement that is not expressed:
- 212 (i) in the building permit or subdivision plat, documents on which the building permit  
213 or subdivision plat is based, or the written record evidencing approval of the land  
214 use permit or subdivision plat; or
- 215 (ii) in this chapter or the municipality's ordinances.
- 216 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy  
217 where an applicant has met all requirements essential for the public health, public  
218 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 219 (i) the applicant and the municipality have agreed in a written document to the  
220 withholding of a certificate of occupancy; or
- 221 (ii) the applicant has not provided a financial assurance for required and uncompleted  
222 public landscaping improvements or infrastructure improvements in accordance  
223 with an applicable local ordinance.
- 224 (k) A municipality may not conduct a final inspection required before issuing a  
225 certificate of occupancy for a residential unit that is within the boundary of an  
226 infrastructure financing district, as defined in Section 17B-1-102, until the applicant  
227 for the certificate of occupancy provides adequate proof to the municipality that any  
228 lien on the unit arising from the infrastructure financing district's assessment against  
229 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after  
230 payment in full of the infrastructure financing district's assessment against that unit.
- 231 (l) A municipality:
- 232 (i) may require the submission of a private landscaping plan, as defined in Section  
233 10-20-807, before landscaping is installed; and
- 234 (ii) may not withhold an applicant's building permit or certificate of occupancy

- 235 because the applicant has not submitted a private landscaping plan.
- 236 (2) A municipality is bound by the terms and standards of applicable land use regulations  
237 and shall comply with mandatory provisions of those regulations.
- 238 (3) A municipality may not, as a condition of land use application approval, require a  
239 person filing a land use application to obtain documentation regarding a school district's  
240 willingness, capacity, or ability to serve the development proposed in the land use  
241 application.
- 242 (4) Upon a specified public agency's submission of a development plan and schedule as  
243 required in Subsection 10-20-304(8) that complies with the requirements of that  
244 subsection, the specified public agency vests in the municipality's applicable land use  
245 maps, zoning map, hookup fees, impact fees, other applicable development fees, and  
246 land use regulations in effect on the date of submission.
- 247 (5)(a) If sponsors of a referendum timely challenge a project in accordance with  
248 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land  
249 use approval by delivering a written notice:
- 250 (i) to the local clerk as defined in Section 20A-7-101; and  
251 (ii) no later than seven days after the day on which a petition for a referendum is  
252 determined sufficient under Subsection 20A-7-607(5).
- 253 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
254 rescinded and are of no further force or effect:
- 255 (i) the relevant land use approval; and  
256 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 257 (6)(a) After issuance of a building permit, a municipality may not:
- 258 (i) change or add to the requirements expressed in the building permit, unless the  
259 change or addition is:  
260 (A) requested by the building permit holder; or  
261 (B) necessary to comply with an applicable state building code; or  
262 (ii) revoke the building permit or take action that has the effect of revoking the  
263 building permit.
- 264 (b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that  
265 contains an expiration date defined in the building permit.
- 266 Section 4. Section **17-79-508** is amended to read:  
267 **17-79-508 . Development agreements.**
- 268 (1) Subject to Subsection (2), a county may enter into a development agreement containing

269 any term that the county considers necessary or appropriate to accomplish the purposes  
270 of this chapter, including a term relating to:

- 271 (a) a master planned development;
- 272 (b) a planned unit development;
- 273 (c) an annexation;
- 274 (d) affordable or moderate income housing with development incentives;
- 275 (e) a public-private partnership; or
- 276 (f) a density transfer or bonus within a development project or between development  
277 projects.

278 (2)(a) ~~[A]~~ Except as provided in Subsection (2)(g), a development agreement may not:

- 279 (i) limit a county's authority in the future to:
  - 280 (A) enact a land use regulation; or
  - 281 (B) take any action allowed under Section 17-64-501;
- 282 (ii) require a county to change the zoning designation of an area of land within the  
283 county in the future; or
- 284 (iii) allow a use or development of land that applicable land use regulations  
285 governing the area subject to the development agreement would otherwise  
286 prohibit, unless the legislative body approves the development agreement in  
287 accordance with the same procedures for enacting a land use regulation under  
288 Section 17-79-502, including a review and recommendation from the planning  
289 commission and a public hearing.

290 (b) A development agreement that requires the implementation of an existing land use  
291 regulation as an administrative act does not require a legislative body's approval  
292 under Section 17-79-502.

293 (c) Subject to Subsection (2)(d), a county may require a development agreement for  
294 developing land within the unincorporated area of the county if the applicant has  
295 applied for a legislative or discretionary approval, including an approval relating to:

- 296 (i) the height of a structure;
- 297 (ii) a parking or setback exception;
- 298 (iii) a density transfer or bonus;
- 299 (iv) a development incentive;
- 300 (v) a zone change; or
- 301 (vi) an amendment to a prior development agreement.

302 (d) A county may not require a development agreement as a condition for developing

- 303 land within the unincorporated area of the county if:
- 304 (i) the development otherwise complies with applicable statute and county ordinances;
- 305 (ii) the development is an allowed or permitted use; or
- 306 (iii) the county's land use regulations otherwise establish all applicable standards for
- 307 development on the land.
- 308 (e) A county may submit to a county recorder's office for recording:
- 309 (i) a fully executed agreement; or
- 310 (ii) a document related to:
- 311 (A) code enforcement;
- 312 (B) a special assessment area;
- 313 (C) a local historic district boundary; or
- 314 (D) the memorializing or enforcement of an agreed upon restriction, incentive, or
- 315 covenant.
- 316 (f) ~~[Subject to Subsection (2)(e),]~~ Except for a development agreement approved in
- 317 accordance with this section or a document described in Subsection (2)(e)(ii), a
- 318 county may not cause to be recorded against private real property a document that
- 319 imposes development requirements, development regulations, or development
- 320 controls on the property.
- 321 (g) To the extent that a development agreement[-] :
- 322 (i) does not specifically address a matter or concern related to land use or
- 323 development, the matter or concern is governed by:
- 324 [(i)] (A) this chapter; and
- 325 [(ii)] (B) any applicable land use regulations[-] ; or
- 326 (ii) conflicts with a land use regulation, the development agreement governs with
- 327 respect to the development and use of the real property that is the subject of the
- 328 development agreement.

329 **Section 5. Effective Date.**

330 This bill takes effect on May 6, 2026.