Effective 11/6/2025

Chapter 20
Municipal Land Use, Development, and Management Act

Part 1
General Provisions

10-20-101 Purposes -- General land use authority.

(1) The purposes of this chapter are to:
  (a) provide for the health, safety, and welfare;
  (b) promote the prosperity;
  (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
  (d) protect the tax base;
  (e) secure economy in governmental expenditures;
  (f) foster the state's agricultural and other industries;
  (g) protect both urban and nonurban development;
  (h) protect and ensure access to sunlight for solar energy devices;
  (i) provide fundamental fairness in land use regulation;
  (j) facilitate orderly growth, allow growth in a variety of housing types, and contribute toward housing affordability; and
  (k) protect property values.

(2) To accomplish the purposes of this chapter, a municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:
  (a) uses;
  (b) density;
  (c) open spaces;
  (d) structures;
  (e) buildings;
  (f) energy efficiency;
  (g) light and air;
  (h) air quality;
  (i) transportation and public or alternative transportation;
  (j) infrastructure;
  (k) street and building orientation;
  (l) width requirements;
  (m) public facilities;
  (n) fundamental fairness in land use regulation; and
  (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

(3)
  (a) Any ordinance, resolution, or rule enacted by a municipality in accordance with its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

(b) A municipality may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the municipality demonstrates that the regulation:
(i) is necessary for the purposes of this chapter;
(ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
(iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-102 Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:
(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

(3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Department of Transportation, if:
(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
(b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
(c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:
(a) a single project; and
(b) the subject of a land use approval that:
(i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601; and
(ii) is determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7)
(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
(i) creates an additional lot or parcel; or
(ii) is made by the Department of Transportation.

(8)
(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:
(i) creates an additional lot or parcel; or
(ii) is made by the Department of Transportation.
(9) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.
(10)
(a) "Charter school" means:
(i) an operating charter school;
(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
(b) "Charter school" does not include a therapeutic school.
(11) "Conditional use" means a land use that, because of the unique characteristics or potential detrimental impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
(12) "Constitutional taking" means a governmental action that results in a taking of private property where compensation to the property owner is required by the:
(a) Fifth or Fourteenth Amendment to the Constitution of the United States; or
(b) Utah Constitution, Article I, Section 22.
(13) "Conveyance document" means an instrument that:
(a) meets the definition of "document" in Section 57-1-1; and
(b) meets the requirements of Section 57-1-45.5.
(14) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.
(15) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
(16) "Department of Transportation" means the entity created in Section 72-1-201.
(17) "Development activity" means:
(a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
(b) any change in use of a building or structure that creates additional demand and need for public facilities; or
(c) any change in the use of land that creates additional demand and need for public facilities.
(18)
(a) "Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.
(b) "Development agreement" does not include an improvement completion assurance.
(19)
(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. Sec. 802.

(20) "Document" means the same as that term is defined in Section 57-1-1.

(21) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (21)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection (21)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (21)(a)(i); or

(ii) a therapeutic school.

(22) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

(23) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

(24) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

(26) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(27) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

(h) any other geologic condition that presents a risk:

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

(28) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:
(a) recommend land use regulations to preserve local historic districts or areas; and
(b) administer local historic preservation land use regulations within a local historic district or area.
(29) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
(30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.
(31)
(a) "Identical plans" means floor plans submitted to a municipality that:
(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the municipality;
(ii) have no structural differences from floor plans that were previously approved by the municipality; and
(iii) describe a building that:
(A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
(B) has a substantially identical floor plan to a floor plan previously approved by the municipality; and
(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipality or a review of the site plan and associated geotechnical reports for the site.
(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the municipality.
(32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
(33) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:
(a) recording a subdivision plat; or
(b) development of a commercial, industrial, mixed use, or multifamily project.
(34) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
(a) complies with the municipality's written standards for design, materials, and workmanship; and
(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
(35) "Improvement warranty period" means a period:
(a) no later than one year after a municipality's acceptance of required public landscaping; or
(b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and
(ii) has substantial evidence, on record:
(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the land use applicant to mitigate the suspect soil.

(36) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human occupation; and

(b) an applicant shall install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) whether the improvement is public or private, as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

(37) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b)

(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(38) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(39) "Land use application":

(a) means an application that is:

(i) required by a municipality; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

(40) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

(41) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit; or

(b) a land use application.

(42) "Land use permit" means a permit issued by a land use authority.

(43) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

(44) "Legislative body" means the municipal council.
(45) "Local historic district or area" means a geographically definable area that:
(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and
(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.
(46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
(47) "Major transit investment corridor" means public transit service that uses or occupies:
(a) public transit rail right-of-way;
(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
(i) a public transit district as defined in Section 17B-2a-802; or
(ii) an eligible political subdivision as defined in Section 59-12-2202.
(48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
(49) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.
(50) "Municipal utility easement" means an easement that:
(a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;
(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
(c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;
(d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
(e)
(i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and
(ii) is located in a utility easement granted for public use; or
(f) is described in Section 10-20-615 and is used by a specified public utility.
(51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:
(a) verifying that building plans are identical plans; and
(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
(52) "Noncomplying structure" means a structure that:
(a) legally existed before the structure's current land use designation; and
(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
(53) "Nonconforming use" means a use of land that:
(a) legally existed before the land's current land use designation;
(b) has been maintained continuously since the time the land use ordinance governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(54) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the municipality's general plan.

(55) "Parcel" means any real property that is not a lot.

(56) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(57) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the municipality;

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

(58) "Planning commission" means the commission established under Section 10-20-301.

(59) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-20-803 or 57-8-13.

(60) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(61) "Property owner" means a person that holds legal title in real property.

(62) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

(d) a charter school.

(63) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(64) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(65) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

(66) "Receiving zone" means an area that a municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.
(67) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.
(68) "Residential facility for persons with a disability" means a residence:
(a) in which more than one person with a disability resides; and
(b) which is licensed or certified by the Department of Health and Human Services under:
(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
(69) "Residential roadway" means a public local residential road that:
(a) will serve primarily to provide access to adjacent primarily residential areas and property;
(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
(d) has a posted speed limit of 25 miles per hour or less;
(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
(70) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
(a) parliamentary order and procedure;
(b) ethical behavior; and
(c) civil discourse.
(71) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
(72) "Sending zone" means an area that a municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.
(73) "Simple boundary adjustment" means a boundary adjustment that does not:
(a) affect a public right-of-way, municipal utility easement, or other public property;
(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
(c) result in a lot or parcel out of conformity with land use regulations.
(74) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
(75) "Specific land use law" means a requirement or restriction on the use of a specific parcel in a development agreement that a legislative body approves with the consent of an affected property owner.
(76) "Specified public agency" means:
(a) the state;
(b) a school district; or
(c) a charter school.
(77) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
(78) "State" includes any department, division, or agency of the state.

(79)
(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
(b) "Subdivision" includes:
(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
(ii) except as provided in Subsection (79)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
(c) "Subdivision" does not include:
(i) a bona fide division or partition of land used for agricultural purposes as provided in Subsection 10-20-808(2);
(ii) a recorded conveyance document:
(A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or
(B) joining a lot to a parcel;
(iii) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
(A) is in anticipation of future land use approvals on the parcel or parcels;
(B) does not confer any land use approvals; and
(C) has not been approved by the land use authority;
(iv) a boundary adjustment;
(v) a boundary establishment;
(vi) a road, street, or highway dedication plat;
(vii) a deed or easement for a road, street, or highway purpose; or
(viii) any other division of land authorized by law.
(80)
(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-20-811 that:
(i) vacates all or a portion of the subdivision;
(ii) increases the number of lots within the subdivision;
(iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
(iv) alters a common area or other common amenity within the subdivision.
(b) "Subdivision amendment" does not include a simple boundary adjustment.
(81) "Substantial evidence" means evidence that:
(a) is beyond a scintilla; and
(b) a reasonable mind would accept as adequate to support a conclusion.
(82) "Suspect soil" means soil that has:
(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
(b) bedrock units with high shrink or swell susceptibility; or
(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
(83) "Therapeutic school" means a residential group living facility:
(a) for four or more individuals who are not related to:

(i) the owner of the facility; or
(ii) the primary service provider of the facility;
(b) that serves students who have a history of failing to function:
(i) at home;
(ii) in a public school; or
(iii) in a nonresidential private school; and
(c) that offers:
(i) room and board; and
(ii) an academic education integrated with:
(A) specialized structure and supervision; or
(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.
(84) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a property owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.
(85) "Unincorporated" means the area outside of the incorporated area of a city or town.
(86) "Water interest" means any right to the beneficial use of water, including:
(a) each of the rights listed in Section 73-1-11; and
(b) an ownership interest in the right to the beneficial use of water represented by:
(i) a contract; or
(ii) a share in a water company, as defined in Section 73-3-3.5.
(87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Amended by Chapter 166, 2026 General Session

10-20-103 Municipal standards.
(1) This chapter does not prohibit a municipality from adopting the municipality's own land use standards.
(2) Notwithstanding Subsection (1), a municipality may not impose a requirement, regulation, condition, or standard that conflicts with a provision of this chapter, Chapter 21, Municipalities and Housing Supply, other state law, or federal law.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 2
Notice

10-20-201 Required notice.
(1) At a minimum, each municipality shall provide actual notice or the notice required by this part.
(2) A municipality may by ordinance require greater notice than required under this part.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-202 Applicant notice -- Waiver of requirements.
(1) For each land use application, the municipality shall:

(a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
(b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
(c) notify the applicant of any final action on a pending application.
(2) If a municipality fails to comply with the requirements of Subsection (1)(a) or (b) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-203 Notice of intent to prepare a general plan or comprehensive general plan amendments in certain municipalities.

(1) Before preparing a proposed general plan or a comprehensive general plan amendment, each municipality within a county of the first or second class shall provide 10 calendar days notice of the municipality's intent to prepare a proposed general plan or a comprehensive general plan amendment:
(a) to each affected entity;
(b) to the Utah Geospatial Resource Center created in Section 63A-16-505;
(c) to the association of governments, established in accordance with an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and
(d) for the municipality, as a class A notice under Section 63G-30-102, for at least 10 days.
(2) Each notice under Subsection (1) shall:
(a) indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
(b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;
(c) be sent by mail, e-mail, or other effective means;
(d) invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
(i) impacts that the use of land proposed in the proposed general plan or amendment may have; and
(ii) uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and
(e) include the address of an Internet website, if the municipality has one, and the name and telephone number of an individual where more information can be obtained concerning the municipality's proposed general plan or amendment.
(3) A municipality shall send the newly adopted general plan and comprehensive general plan amendments to the relevant association of governments within 45 days of the date of adoption.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-204 Notice of public hearings and public meetings to consider general plan or modifications.

(1) Each municipality shall provide:
(a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and

(b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:
(a) published for the municipality, as a class A notice under Section 63G-30-102, for at least 10 days; and
(b) mailed to each affected entity.
(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be published for the municipality, as a class A notice under Section 63G-30-102, for at least 24 hours.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-205 Notice of public hearings and public meetings on adoption or modification of land use regulation.
(1) Each municipality shall give:
(a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation; and
(b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be:
(a) mailed to each affected entity at least 10 calendar days before the public hearing; and
(b)
(i) provided for the area directly affected by the land use ordinance change, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing; or
(ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.
(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:
(a) include:
(i) a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; or
(ii) a direct link to the municipality's webpage where a person can find a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and
(b) be provided to any person upon written request.
(4) Each notice of a public meeting under Subsection (1)(b) shall be provided for the municipality, as a class A notice under Section 63G-30-102, for at least 24 hours before the meeting.
(5)
(a) A municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within a proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.
(b) The notice shall:
(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
(ii) state the current zone in which the real property is located;
(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
(vi) state the address where the property owner should file the protest;
(vii) notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body; and
(viii) state the location, date, and time of the public hearing described in Section 10-20-502.
(c) If a municipality mails notice to a property owner in accordance with Subsection (2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather than sent separately.
(6)
(a) For purpose of the notice requirements in Subsection (2)(b) only, a proposed land use ordinance is ministerial in nature if the proposed land use ordinance is to:
(i) bring the municipality's land use ordinances into compliance with a state or federal law;
(ii) adopt a municipal land use update that affects:
(A) an entire zoning district; or
(B) multiple zoning districts;
(iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;
(iv) recodify the municipality's existing land use ordinances; or
(v) designate or define an affected area for purposes of a boundary adjustment or annexation.
(b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.
(c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):
(i) the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described in Subsection (6)(a); and
(ii) the notice requirements of Subsection (2)(b)(i) apply.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-206 Third party notice -- High priority transportation corridor notice.
(1)
(a) If a municipality requires notice to adjacent property owners, the municipality shall:
(i) mail notice to the record owner of each parcel within parameters specified by municipal ordinance; or
(ii) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
(b) If a municipality mails notice to third party property owners under Subsection (1)(a), it shall mail equivalent notice to property owners within an adjacent jurisdiction.
(2)
(a) As used in this Subsection (2), "high priority transportation corridor" means a transportation corridor identified as a high priority transportation corridor under Section 72-5-403.

(b) The Department of Transportation may request, in writing, that a municipality provide the department with electronic notice of each land use application received by the municipality that may adversely impact the development of a high priority transportation corridor.
(c) If the municipality receives a written request as provided in Subsection (2)(b), the municipality shall provide the Department of Transportation with timely electronic notice of each land use application that the request specifies.
(3)
(a) A large public transit district, as defined in Section 17B-2a-802, may request, in writing, that a municipality provide the large public transit district with electronic notice of each land use application received by the municipality that may impact the development of a major transit investment corridor.
(b) If the municipality receives a written request as provided in Subsection (3)(a), the municipality shall provide the large public transit district with timely electronic notice of each land use application that the request specifies.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-207 Notice for an amendment to a subdivision -- Notice for vacation of or change to street.
(1)
(a) For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).
(b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:
(i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or
(ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
(2) Each municipality shall provide notice as required by Section 10-20-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-208 Hearing and notice for petition to vacate a public street.
(1) For any petition to vacate some or all of a public street or municipal utility easement the legislative body shall:
(a) hold a public hearing; and
(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).
(2) At least 10 days before the public hearing under Subsection (1)(a), the legislative body shall ensure that the notice required under Subsection (1)(b) is:
(a) mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
(b) mailed to each affected entity; and
(c) provided for the public street or municipal utility easement, as a class A notice under Section 63G-30-102, for at least 10 days.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-209 Notice challenge.

If notice given under authority of this part is not challenged under Section 10-20-1109 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-210 Notice to municipality when a private institution of higher education is constructing student housing.

(1) Each private postsecondary educational institution, as defined in Section 53H-1-101, that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.

(2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:

(a) the county in whose unincorporated area the privately owned residential property is located; or

(b) the municipality in whose boundaries the privately owned residential property is located.

(3) At the request of a county or municipality that is entitled to notice under this section, the institution and the legislative body of the affected county or municipality shall jointly hold a public hearing to provide information to the public and receive input from the public about the proposed construction.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-211 Canal owner or operator -- Notice to municipality.

(1) A canal company or a canal operator shall ensure that each municipality in which the canal company or canal operator owns or operates a canal has on file, regarding the canal company or canal operator:

(a) a current mailing address and phone number;

(b) a contact name; and

(c) a general description of the location of each canal owned or operated by the canal owner or canal operator.

(2) If the information described in Subsection (1) changes after a canal company or a canal operator has provided the information to the municipality, the canal company or canal operator shall provide the correct information to the municipality within 30 days of the day on which the information changes.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-212 Notice for an amendment to public improvements in a subdivision or development.

Before implementing an amendment to adopted specifications for public improvements that apply to a subdivision or a development, a municipality shall:

(1) hold a public hearing;

(2) mail a notice 30 days or more before the date of the public hearing to:

(a) each person who has submitted a land use application for which the land use authority has not issued a land use decision; and
(b) each person who makes a written request to receive a copy of the notice; and
(3) allow each person who receives a notice in accordance with Subsection (2) to provide public comment in writing before the public hearing or in person during the public hearing.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-213 Hearing and notice procedures for modifying sign regulations.
(1)
(a) Before any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within any unified commercial development, as defined in Section 72-7-504.6, or within any planned unit development, a municipality shall give written notice of the proposed illuminated sign to:
(i) each property owner within a 500 foot radius of the sign site;
(ii) a municipality or county within a 500 foot radius of the sign site; and
(iii) any outdoor advertising permit holder described in Subsection 72-7-506(2)(b).
(b) The notice described in Subsection (1)(a) shall include the schedule of public meetings at which the proposed changes to land use regulations or land use application will be discussed.
(2) A municipality shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the illuminated sign.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-214 Notice of significant private airports.
(1) As used in this section, "significant private airport" means the same as that term is defined in Section 72-10-102.
(2) If a municipality receives a notification described in Section 72-10-416, the municipal land use authority shall record with the county recorder and against any existing residential parcel within 2,500 feet of a runway of a significant private airport located within the boundary of the municipality a notice with the following language: "In accordance with Utah Code Section 10-20-214, notice is hereby given that the subject property is located within 2,500 feet of a runway of a significant airport that as of [INSERT THE DATE OF THE RECORDING] is known as [AIRPORT NAME] and is located at [INSERT THE ADDRESS OF THE SIGNIFICANT PRIVATE AIRPORT]. Said notice boundary more accurately described as [INSERT BOUNDARY LEGAL DESCRIPTION OF ALL PROPERTY WITHIN 2,500 FEET OF RUNWAY]."

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 3
General Land Use Provisions

10-20-301 Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

(1)
(a) Each municipality shall enact an ordinance establishing a planning commission.
(b) The ordinance shall:
(i) include the number and terms of the planning commission members and, if the municipality chooses, alternate members;
(ii) provide procedures for appointing a planning commission member;
(iii) provide procedures for filling vacancies on the planning commission;
(iv) provide procedures for removing a planning commission member from the planning commission and specify that:
(A) in a form of government described in Section 10-3b-301 or 10-3b-401, and subject to any delegation of authority under Subsection 10-3b-303(1) or 10-3b-403(1), the legislative body may remove a planning commission member; or
(B) in a form of government described in Section 10-3b-202, the mayor may remove a planning commission member;
(v) except as provided in Subsection (1)(b)(vi), describe the causes for which a planning commission member may be removed from the planning commission, which shall include:
(A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;
(B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and
(C) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties;
(vi) provide that a planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission;
(vii) provide requirements for when a planning commission member shall recuse oneself from deliberating or voting on certain land use applications;
(viii) define the authority of the planning commission;
(ix) subject to Subsection (1)(c), include rules of order and procedure for use by the planning commission in a public meeting; and
(x) include other details relating to the organization and procedures of the planning commission.
(c) Subsection (1)(b)(ix) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
(2) The legislative body may authorize a member to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Amended by Chapter 166, 2026 General Session

10-20-302 Planning commission powers and duties -- Training requirements.
(1) The planning commission shall review and make a recommendation to the legislative body for:
(a) a general plan and amendments to the general plan;
(b) land use regulations, including:
(i) ordinances regarding the subdivision of land within the municipality; and
(ii) amendments to existing land use regulations;

(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
(e) application processes that:
(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
(ii) shall protect the right of each:
(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority; and
(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority.
(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-20-405.
(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
(4) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.
(5)
(a)
(i) This Subsection (5) applies to:
(A) a city of the first, second, third, or fourth class; and
(B) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.
(ii) The population for each city described in Subsection (5)(a)(i) shall be derived from:
(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or
(B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States Census Bureau.
(b) A municipality described in Subsection (5)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:
(i) one hour of annual training on general powers and duties, including the role of the planning commission in administrative, legislative, and quasi-judicial functions under this chapter; and
(ii) three hours of annual training on a combination of land use and ethics topics, which may include:
(A) appeals and variances;
(B) conditional use permits;
(C) exactions;
(D) impact fees;
(E) vested rights;
(F) subdivision regulations and improvement guarantees;
(G) land use referenda;
(H) property rights;
(I) real estate procedures and financing;
(J) zoning, including use-based and form-based;
(K) drafting ordinances and code that complies with statute;

(L) ex parte communication; and
(M) conflict of interest.
(c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection (5)(b)(i).
(d) A planning commission member may qualify for one completed hour of training required under Subsection (5)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.
(e) A municipality shall provide the training described in Subsection (5)(b) through:
(i) municipal staff;
(ii) the Utah League of Cities and Towns; or
(iii) a list of training courses selected by:
(A) the Utah League of Cities and Towns; or
(B) the Division of Real Estate created in Section 61-2-201.
(f) A municipality shall, for each planning commission member:
(i) monitor compliance with the training requirements in Subsection (5)(b); and
(ii) maintain a record of training completion at the end of each calendar year.

Amended by Chapter 166, 2026 General Session

10-20-303 Entrance upon land.

The municipality may enter upon any land at reasonable times to make examinations and surveys pertinent to the:
(1) preparation of its general plan; or
(2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

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

(1)
(a) Each county, municipality, school district, charter school, special district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality.
(b) In addition to any other remedies provided by law, when a municipality's land use ordinance is violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.
(2)
(a) Except as provided in Subsection (3), a school district or charter school is subject to a municipality's land use ordinances.
(b)
(i) Notwithstanding Subsection (3), a municipality may:
(A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

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

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

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

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

(3) A municipality may not:

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

(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district or charter school to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection;

(e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

(f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or

(g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:

(i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or

(ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.

(4) Subject to Section 53E-3-703 and in accordance with standards the Division of Facilities Construction and Management establishes in rule, a school district or charter school shall coordinate the siting of a new school with the municipality in which the school is to be located, to:

(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and

(b) maximize school, student, and site safety.

(5) Notwithstanding Subsection (3)(d), a municipality may, at the municipality's discretion:

(a) request a walk-through of school construction at no cost and at a time convenient to the school district or charter school; and

(b) provide recommendations based upon the walk-through to:

(i) the school district or charter school; and

(ii) the Division of Facilities Construction and Management.

(6)

(a) The Division of Facilities Construction and Management has the sole authority to approve inspectors for school construction projects under Title 63A, Chapter 5b, Part 12, Public School Construction Oversight.

(b) A school district may only use inspectors approved by the Division of Facilities Construction and Management as follows:

(i) a Division of Facilities Construction and Management inspector;

(ii) a municipal building inspector who is on the division's approved roster under Section 63A-5b-1220; or

(iii) a certified building inspector, which may include a qualified school district inspector, who meets all of the following requirements:

(A) is on the Division of Facilities Construction and Management's approved roster under Section 63A-5b-1220;

(B) is not an employee of the contractor;

(C) is licensed to perform the inspection requested; and

(D) maintains current certifications as required by Division of Facilities Construction and Management's rule.

(7)

(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a municipality.

(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school or a micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the municipality.

(d) If a municipality has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or a micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.

(e)

(i) A certificate authorizing permanent occupancy issued by the Division of Facilities Construction and Management under Section 63A-5b-1208 shall be the exclusive certificate required, and the municipality shall accept the Division of Facilities Construction and Management's certificate as satisfying all local occupancy requirements.

(ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, and shall comply with local building codes and permitting requirements through municipal or county building officials.

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

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

(ii) is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined by the International Building Code, as incorporated by Section 15A-2-103, if:

(A) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(B) each classroom in the facility has an exit directly to the outside at the level of exit or discharge, orthe structure has a code compliant fire sprinkler system; and

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

(g)

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

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

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

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

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

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

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

(i)

(i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling.

(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated by Section 15A-2-103.

(8)

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

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

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

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

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

(C) the amount of any applicable fee described in Sections 10-20-904 and 10-20-910;

(D) any credit against an impact fee; and

(E) the potential for waiving an impact fee.

(b) The land use authority shall respond to a specified public agency's submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.

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

(a) modify or supersede Section 10-20-305; or

(b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

(10)
(a) Nothing in Subsection (7) prevents a political subdivision from:
(i) requiring a home-based microschool or micro-education entity to comply with municipal zoning and land use regulations that do not conflict with this section, including:
(A) parking;
(B) traffic, including types or sizes of streets on which a microschool or micro-education entity may be located based on the projected number of students or impact and circulation requirements;
(C) noise ordinances;
(D) graduated square footage requirements for lot sizes based on the projected number of students; and
(E) hours of operation;
(ii) requiring a home-based microschool or micro-education entity to obtain a business license;
(iii) enacting municipal ordinances and regulations consistent with this section;
(iv) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
(v) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.
(b) Nothing in Subsection (7) or this Subsection (10) requires a political subdivision to enact an ordinance.
(c) A political subdivision may:
(i) include in an ordinance one or more of the provisions described in Subsection (10)(a); and
(ii) include other relevant provisions not described in Subsection (10)(a) in an ordinance.
(11)
(a) Section 63A-5b-1218 governs the requirements for permitting and inspection of public school buildings.
(b) A municipality may not enact any ordinance, policy, or regulation relating to the permitting or inspection of public school buildings.
(12) Nothing in this section shall prohibit the required regulation or subsequent inspection by a local health department.

Amended by Chapter 225, 2026 General Session

10-20-305 State and federal property.
(1) As used in this section:
(a) "Commuter rail" means the same as that term is defined in Section 63N-23-101.
(b)
(i) "Commuter rail facility" means a parking facility or maintenance facility related to commuter rail.
(ii) "Commuter rail facility" does not include the rail or a station platform.
(2) Unless otherwise provided by law, nothing contained in this chapter or Chapter 21, Municipalities and Housing Supply, may be construed as giving a municipality jurisdiction over:
(a) real property or an interest in real property owned by the state or the United States; or
(b) except as provided by Subsection (3), other real property necessary for the construction of a commuter rail project for which the Department of Transportation has oversight and supervision.

(3) Upon completion of a commuter rail project described in Subsection (2), including any performance of work related to warranties and latent defects, a municipality retains the jurisdiction and land use authority provided by law over the completed commuter rail facilities.
(4)
(a) As used in this Subsection (4), "exempted government landowner" means a state agency, independent entity, or regional economic development authority that has exclusive control over the management, development, and disposition of a parcel of state-owned land.
(b) Notwithstanding Subsection (2), when an exempted government landowner intends to dispose of a parcel of state-owned land, a municipality may coordinate with the exempted government landowner to develop a prospective land use regulation or general plan amendment for the parcel in order to ensure alignment between the exempted government landowner's activity and objectives and the municipality's role as the land use authority if the parcel is conveyed to a private owner.
(c) A municipal legislative body that adopts a prospective land use regulation or amends a general plan under Subsection (4)(b) is not required to comply with the notice provisions of Part 2, Notice, the procedure specified in Section 10-20-502, or Subsections 10-20-503(2) and (3), if:
(i) the prospective land use regulation will govern, or the general plan amendment describes, state-owned land if that the state-owned land is transferred to private ownership; and
(ii) the exempted government landowner requested the prospective land use regulation or general plan amendment.

Amended by Chapter 344, 2026 General Session

Part 4
General Plan

10-20-401 General plan required -- Content.
(1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt a comprehensive, long-range general plan for:
(a) present and future needs of the municipality; and
(b) growth and development of all or any part of the land within the municipality.
(2) The general plan may provide for:
(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
(c) the efficient and economical use, conservation, and production of the supply of:
(i) food and water; and
(ii) drainage, sanitary, and other facilities and resources;
(d) the use of energy conservation and solar and clean energy resources;
(e) the protection of urban development;
(f) if the municipality is a town, the protection or promotion of moderate income housing;
(g) the protection and promotion of air quality;
(h) historic preservation;

(i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and
(j) an official map.
(3) Subject to Section 10-20-404, the municipality may determine the comprehensiveness, extent, and format of the general plan.
(4) Except for a city of the fifth class or a town, on or before December 31, 2025, a municipality that has a general plan that does not include a water use and preservation element that complies with Section 10-20-404 shall amend the municipality's general plan to comply with Section 10-20-404.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-402 Information and technical assistance from the state.

Each state official, department, and agency shall:
(1) promptly deliver any data and information requested by a municipality unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
(2) furnish any other technical assistance and advice that they have available to the municipality without additional cost to the municipality.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-403 Specific provisions for general plan -- Moderate income housing plan.

(1) The general plan of a specified municipality, as defined in Section 10-21-101, shall include a moderate income housing element that meets the requirements of Section 10-21-201.
(2)
(a) This Subsection (2) applies to a municipality that is not a specified municipality as of January 1, 2023.
(b) As of January 1, if a municipality described in Subsection (2)(a) changes from one class to another or grows in population to qualify as a specified municipality as defined in Section 10-21-101, the municipality shall amend the municipality's general plan to comply with Subsection (1) on or before August 1 of the first calendar year beginning on January 1 in which the municipality qualifies as a specified municipality.

Enacted by Chapter 15, 2025 Special Session 1

10-20-404 General plan preparation.

(1)
(a) The planning commission shall provide notice, as provided in Section 10-20-203, of the planning commission's intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's recommendation.
(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.
(c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.
(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of

the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2)

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate;

(B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(C) except for a city of the fifth class or a town, is coordinated to integrate the land use element with the water use and preservation element; and

(D) except for a city of the fifth class or a town, accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;

(B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;

(C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

(D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

(iii) a moderate income housing element that meets the requirements of Section 10-21-201; and

(iv) except for a city of the fifth class or a town, a water use and preservation element that addresses:

(A) the effect of permitted development or patterns of development on water demand and water infrastructure;

(B) methods of reducing water demand and per capita consumption for future development;

(C) methods of reducing water demand and per capita consumption for existing development; and

(D) opportunities for the municipality to modify the municipality's operations to eliminate practices or conditions that waste water.

(b) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the municipality;

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and

(iii) consider and coordinate with any station area plans adopted by the municipality if required under Section 63N-23-104.

(c) In drafting the transportation and traffic circulation element, the planning commission shall:

(i)
(A) consider and coordinate with the regional transportation plan developed by the municipality's region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or
(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization; and
(ii) consider and coordinate with any station area plans adopted by the municipality if required under Section 63N-23-104.
(d) In drafting the water use and preservation element, the planning commission:
(i) shall consider:
(A) applicable regional water conservation goals recommended by the Division of Water Resources; and
(B) if Section 73-10-32 requires the municipality to adopt a water conservation plan in accordance with Section 73-10-32, the municipality's water conservation plan;
(ii) shall include a recommendation for:
(A) water conservation policies to be determined by the municipality; and
(B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;
(iii) shall review the municipality's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;
(iv) shall consider principles of sustainable landscaping, including the:
(A) reduction or limitation of the use of lawn or turf;
(B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;
(C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;
(D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;
(E) reduction of yard waste; and
(F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;
(v) shall consult with the public water system or systems serving the municipality with drinking water regarding how implementation of the land use element and water use and preservation element may affect:
(A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and
(B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;
(vi) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and the water use and preservation element may affect the Great Salt Lake;
(vii) may include recommendations for additional water demand reduction strategies, including:
(A) creating a water budget associated with a particular type of development;
(B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;

(C) providing one or more water reduction incentives for existing development such as modification of existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;
(D) discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand; and
(E) adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development; and
(viii) for a town, may include, and for another municipality, shall include, a recommendation for low water use landscaping standards for a new:
(A) commercial, industrial, or institutional development;
(B) common interest community, as defined in Section 57-25-102; or
(C) multifamily housing project.
(3) The proposed general plan may include:
(a) an environmental element that addresses:
(i) the protection, conservation, development, and use of natural resources, including the quality of:
(A) air;
(B) forests;
(C) soils;
(D) rivers;
(E) groundwater and other waters;
(F) harbors;
(G) fisheries;
(H) wildlife;
(I) minerals; and
(J) other natural resources; and
(ii)
(A) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters;
(B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas;
(C) the prevention, control, and correction of the erosion of soils;
(D) the preservation and enhancement of watersheds and wetlands; and
(E) the mapping of known geologic hazards;
(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
(i) historic preservation;
(ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
(f) provisions addressing any of the matters listed in Subsection 10-20-401(2) or Section 10-20-403; and
(g) any other element the municipality considers appropriate.

Amended by Chapter 94, 2026 General Session

10-20-405 Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1)
(a) After completing the planning commission's recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
(b) The planning commission shall provide notice of the public hearing, as required by Section 10-20-204.
(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3)
(a) The legislative body may adopt, reject, or make any revisions to the proposed general plan or amendment that the legislative body considers appropriate.
(b) If the municipal legislative body rejects the proposed general plan or amendment, the legislative body may provide suggestions to the planning commission for the planning commission's review and recommendation.

(4) The legislative body shall adopt the following elements and plans in conformity with the requirements of Section 10-20-404:
(a) a land use element;
(b) a transportation and traffic circulation element;
(c) for a specified municipality as defined in Section 10-21-101, a moderate income housing element; and
(d) except for a city of the fifth class or a town, on or before December 31, 2025, a water use and preservation element.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-406 Effect of general plan.

Except as provided in Section 10-20-407, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-407 Public uses to conform to general plan.

After the legislative body has adopted a general plan, the following public properties may not be constructed or authorized unless the public property conforms to the current general plan:

(1) a street, park, or other public way, ground, place, or space;
(2) a publicly owned building or structure; and
(3) a public utility, whether publicly or privately owned.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-408 Effect of official maps.
(1) Municipalities may adopt an official map.
(2)
(a) An official map does not:
(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or
(ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.
(b) This section does not prohibit a municipality from:
(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section 10-20-911;
(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
(iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section 10-20-911.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 5
Land Use Regulations - General Processes

10-20-501 Enactment of land use regulation, land use decision, or development agreement.
(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.
(2)
(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.
(b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.
(3) A legislative body shall ensure that a land use regulation is consistent with the purposes of this chapter.
(4)
(a) A legislative body shall adopt a land use regulation to:
(i) create or amend a zoning district under Subsection 10-20-503(1)(a); and
(ii) designate general uses allowed in each zoning district.
(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5)
(a) Except as provided in Subsection (5)(b) or (5)(c), a municipality shall publish on the municipality's website:
(i) all of the municipality's land use regulations; and
(ii) a fee schedule that lists all of the municipality's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.
(b) A municipality that does not have a maintained and active website shall provide for inspection of the information described in Subsection (5)(a) at the municipality's place of business during normal business hours.
(c) A municipality may comply with Subsection (5)(a) by:
(i) posting a link on the municipality's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and
(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.
(6) A municipality may not adopt a land use regulation or development agreement, or make a land use decision, that restricts the type of crop that may be grown in an area that is:
(a) zoned agricultural; or
(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
(7) A municipal land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Amended by Chapter 166, 2026 General Session

10-20-502 Preparation and adoption of land use regulation.
(1) A planning commission shall:
(a) provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4);
(b) hold a public hearing on a proposed land use regulation;
(c) if applicable, consider each written objection filed in accordance with Subsection 10-20-205(5) before the public hearing; and
(d)
(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and
(ii) forward to the legislative body all objections filed in accordance with Subsection 10-20-205(5).
(2)
(a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.
(b) After providing notice as required by Subsection 10-20-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):
(i) as proposed by the planning commission; or
(ii) after making any revision the legislative body considers appropriate.
(c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:

(i) a land use applicant makes a request described in Subsection 10-20-905(2)(b); or
(ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Amended by Chapter 166, 2026 General Session

10-20-503 Land use ordinance or zoning map amendments.

(1) Only a legislative body may amend:
(a) the number, shape, boundaries, area, or general uses of any zoning district;
(b) any regulation of or within the zoning district; or
(c) any other provision of a land use regulation.
(2) A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.
(3) A legislative body shall comply with the procedure specified in Section 10-20-502 in preparing and adopting an amendment to a land use regulation.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-504 Temporary land use regulations.

(1)
(a) Except as provided in Subsection (2)(b), a municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:
(i) the legislative body makes a finding of compelling, countervailing public interest; or
(ii) the area is unregulated.
(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.
(2)
(a) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed 180 days.
(b) A municipal legislative body may not apply the provisions of a temporary land use regulation to the review of a specific land use application if the land use application is impaired or prohibited by proceedings initiated under Subsection 10-20-902(1)(a)(ii)(B).
(3)
(a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
(b) A regulation under Subsection (3)(a):
(i) may not exceed 180 days in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional 180-day periods by ordinance enacted before the expiration of the previous regulation; and
(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-505 Zoning districts.

(1)
(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
(c) A municipality may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
(i) protect life; and
(ii) prevent:
(A) the substantial loss of real property; or
(B) substantial damage to real property.
(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.
(3)
(a) There is no minimum area or diversity of ownership requirement for a zone designation.
(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
(4) A municipality may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-506 Conditional uses.

(1)
(a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.
(b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.
(2)
(a)
(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.

(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-507 Classification of new and unlisted business uses.

(1) As used in this section:

(a) "Classification request" means a request to determine whether a proposed business use aligns with an existing land use specified in a municipality's land use ordinances.

(b) "New or unlisted business use" means a business activity that does not align with an existing land use specified in a municipality's land use ordinances.

(2)

(a) Each municipality shall incorporate into the municipality's land use ordinances a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for an approved use.

(b) The process described in Subsection (2)(a) shall:

(i) detail how an applicant may submit a classification request;

(ii) establish a procedure for the municipality to review a classification request, including:

(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use;

(B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use; and

(C) providing the applicant an opportunity to appeal a land use authority's decision to a land use appeal authority;

(iii) provide that if a use is determined to be a new or unlisted business use:

(A) the applicant shall submit to the legislative body for review an application requesting that the legislative body adopt a land use ordinance that permits the new or unlisted business as a permitted or conditional use;

(B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall consider and approve or deny the application described in Subsection (2)(b)(iii)(A); and

(C) the legislative body shall approve or deny the application described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the municipality and appears at required hearings;

(iv) provide that if the legislative body approves the application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate zone or zones for the approved use; and

(v) provide that if the legislative body denies the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees with the land use authority's classification of the proposed use, the legislative body shall:
(A) notify the applicant in writing of each reason for the classification or denial; and
(B) notify the applicant of the process for appealing the legislative body's decision in accordance with Section 10-20-1109.
(c) A municipality may not require an applicant who submits an application described in Subsection (2)(b)(iii)(A) to submit the application to the planning commission for consideration, review, or approval.
(3) Each municipality shall amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).

Amended by Chapter 166, 2026 General Session

10-20-508 Development agreements.
(1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter, including a term relating to:
(a) a master planned development;
(b) a planned unit development;
(c) an annexation;
(d) affordable or moderate income housing with development incentives;
(e) a public-private partnership; or
(f) a density transfer or bonus within a development project or between development projects.
(2)
(a) A development agreement may not:
(i) limit a municipality's authority in the future to:
(A) enact a land use regulation; or
(B) take any action allowed under Section 10-8-84;
(ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or
(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-20-502, including a review and recommendation from the planning commission and a public hearing.
(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 10-20-502.
(c) Subject to Subsection (2)(d), a municipality may require a development agreement for developing land within the municipality if the applicant has applied for a legislative or discretionary approval, including an approval relating to:
(i) the height of a structure;
(ii) a parking or setback exception;
(iii) a density transfer or bonus;
(iv) a development incentive;
(v) a zone change; or

(vi) an amendment to a prior development agreement.
(d) A municipality may not require a development agreement as a condition for developing land within the municipality if:
(i) the development otherwise complies with applicable statute and municipal ordinances;
(ii) the development is an allowed or permitted use; or
(iii) the municipality's land use regulations otherwise establish all applicable standards for development on the land.
(e) A municipality may submit to a county recorder's office for recording:
(i) a fully executed agreement; or
(ii) a document related to:
(A) code enforcement;
(B) a special assessment area;
(C) a local historic district boundary; or
(D) the memorializing or enforcement of an agreed upon restriction, incentive, or covenant.
(f) Subject to Subsection (2)(e), a municipality may not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.
(g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:
(i) this chapter; and
(ii) any applicable land use regulations.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 6
Land Use Regulations - Particular Situations

10-20-601 Local historic district or area.
(1) As used in this section:
(a) "Citizen-led process" means a process established by a municipality to create a local historic district or area that requires:
(i) a petition signed by a minimum number of property owners within the boundaries of the proposed local historic district or area; or
(ii) a vote of the property owners within the boundaries of the proposed local historic district or area.
(b) "Condominium project" means the same as that term is defined in Section 57-8-3.
(c) "Unit" means the same as that term is defined in Section 57-8-3.
(2) If a municipality provides a citizen-led process, the process shall require that:
(a) more than 33% of the property owners within the boundaries of the proposed local historic district or area agree in writing to the creation of the proposed local historic district or area;
(b) before any property owner agrees to the creation of a proposed local historic district or area under Subsection (2)(a), the municipality prepare and distribute, to each property owner within the boundaries of the proposed local historic district or area, a neutral information pamphlet that:
(i) describes the process to create a local historic district or area; and
(ii) lists the pros and cons of a local historic district or area;

(c) after the property owners satisfy the requirement described in Subsection (2)(a), for each parcel or, if the parcel contains a condominium project, each unit, within the boundaries of the proposed local historic district or area, the municipality provide:
(i) a second copy of the neutral information pamphlet described in Subsection (2)(b); and
(ii) one public support ballot that, subject to Subsection (3), allows the owner or owners of record to vote in favor of or against the creation of the proposed local historic district or area;
(d) in a vote described in Subsection (2)(c)(ii), the returned public support ballots that reflect a vote in favor of the creation of the proposed local historic district or area:
(i) equal at least two-thirds of the returned public support ballots; and
(ii) represent more than 50% of the parcels and units within the proposed local historic district or area;
(e) if a local historic district or area proposal fails in a vote described in Subsection (2)(c)(ii), the legislative body may override the vote and create the proposed local historic district or area with an affirmative vote of two-thirds of the members of the legislative body; and
(f) if a local historic district or area proposal fails in a vote described in Subsection (2)(c)(ii) and the legislative body does not override the vote under Subsection (2)(e), a resident may not initiate the creation of a local historic district or area that includes more than 50% of the same property as the failed local historic district or area proposal for four years after the day on which the public support ballots for the vote are due.
(3) In a vote described in Subsection (2)(c)(ii):
(a) a property owner is eligible to vote regardless of whether the property owner is an individual, a private entity, or a public entity;
(b) the municipality shall count no more than one public support ballot for:
(i) each parcel within the boundaries of the proposed local historic district or area; or
(ii) if the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and
(c) if a parcel or unit has more than one owner of record, the municipality shall count a public support ballot for the parcel or unit only if the public support ballot reflects the vote of the property owners who own at least a 50% interest in the parcel or unit.
(4) The requirements described in Subsection (2)(d) apply to the creation of a local historic district or area that is:
(a) initiated in accordance with a municipal process described in Subsection (2); and
(b) not complete on or before January 1, 2016.
(5) A vote described in Subsection (2)(c)(ii) is not subject to Title 20A, Election Code.

Enacted by Chapter 15, 2025 Special Session 1

10-20-602 Limit on single family designation.
(1) As used in this section, "single-family limit" means the number of individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.
(2) A municipality may not adopt a single-family limit that is less than:
(a) three, if the municipality has within its boundary:
(i) a state university; or
(ii) a private university with a student population of at least 20,000; or
(b) four, for each other municipality.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-603 Regulating annexed territory.

(1) The legislative body of each municipality shall assign a land use zone or a variety of land use zones to territory annexed to the municipality at the time the territory is annexed.

(2) If the legislative body fails to assign a land use zone at the time the territory is annexed, all land uses within the annexed territory shall be compatible with surrounding uses within the municipality.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-604 Private maintenance of public access amenities prohibited.

(1) As used in this section:

(a) "Public access amenity" means a physical feature like a trail or recreation area that a municipality designates for public access and use.

(b) "Retail water line" means the same as that term is defined in Section 11-8-4.

(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.

(d)

(i) "Water utility" means a main line or other integral part of a sewer or water utility service.

(ii) "Water utility" does not include a retail water line, privately owned water utility, or sewer lateral.

(2) A municipality may not require a private individual or entity, including a community association or homeowners association, to maintain and be responsible for a public access amenity or water utility in perpetuity unless:

(a) the public access amenity is the property located adjacent to the private property owned by the private individual or entity to the curb line of the street, including park strips and sidewalks; or

(b) the private individual or entity agreed to maintain or be responsible for the public access amenity or water utility in perpetuity in a covenant, utility service agreement, development agreement, or other agreement between the municipality and the private individual or entity.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-605 Transferable development rights.

(1) A municipality may adopt an ordinance:

(a) designating sending zones and receiving zones located wholly within the municipality;

(b) designating a sending zone if the area described in the sending zone is located, at least in part, within the municipality, and the area described in the sending zone that is located outside the municipality complies with Subsection (2);

(c) designating a receiving zone if the area described in the receiving zone is located, at least in part, within the municipality, and the area described in the receiving zone that is located outside the municipality complies with Subsection (2); and

(d) allowing the transfer of a transferable development right from a sending zone to a receiving zone.

(2) A municipality may adopt an ordinance designating a sending zone or receiving zone that is located, in part, in another municipality or unincorporated county if the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an ordinance designating the sending zone or receiving zone.

(3) A municipality may not allow the use of a transferable development right unless the municipality adopts an ordinance described in Subsection (1).

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-606 Changes to rental dwelling units-- Egress windows.

(1) As used in this section:
(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
(i) within a primary dwelling;
(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
(b) "Primary dwelling" means a single-family dwelling that:
(i) is detached; and
(ii) is occupied as the primary residence of the owner of record.
(c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.
(2) A municipal ordinance may not:
(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:
(i) the reasonable installation of:
(A) a smoke detector that is plugged in or battery operated;
(B) a ground fault circuit interrupter protected outlet on existing wiring;
(C) street addressing;
(D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;
(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;
(F) hand or guard rails; or
(G) occupancy separation doors as required by the International Residential Code; or
(ii) the abatement of a structure; or
(b) be enforced to terminate a legal nonconforming rental dwelling use.
(3)
(a) A municipality may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:
(i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
(A) a detached one-, two-, three-, or four-family dwelling; or
(B) a town home that is not more than three stories above grade with a separate means of egress; and
(ii)
(A) the window in the existing bedroom is smaller than that required by current State Construction Code; and
(B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.
(b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.
(4) Nothing in this section prohibits a municipality from:

(a) regulating the style of window that is required or allowed in a bedroom;
(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or
(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-607 Termination of a billboard and associated rights.

(1) A municipality may only require termination of a billboard and associated rights through:
(a) gift;
(b) purchase;
(c) agreement;
(d) exchange; or
(e) eminent domain.
(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.
(3) A termination under Subsection (1)(e) requires the municipality to:
(a) acquire the billboard and associated rights through eminent domain, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, except as provided in Subsections 10-20-608(2)(f) and (h); and
(b) after acquiring the rights under Subsection (3)(a), terminate the billboard and associated rights.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-608 Municipality's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboards to be rebuilt or replaced -- Validity of municipal permit after issuance of state permit.

(1) As used in this section:
(a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.
(b) "Highest allowable height" means:
(i) if the height allowed by the municipality, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the municipality; or
(ii)
(A) for a noninterstate billboard:
(I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or
(II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and
(B) for an interstate billboard:
(I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or
(II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.

(c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.
(d) "Interstate height" means a height that is the higher of:
(i) 65 feet above the ground; and
(ii) 25 feet above the grade of the interstate.
(e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.
(f) "Visibility area" means the area on a street or highway that is:
(i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and
(ii) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:
(A) perpendicular to the street or highway; and
(B)
(I) for an interstate billboard, 500 feet from the base of the billboard; or
(II) for a noninterstate billboard, 300 feet from the base of the billboard.
(2)
(a) If a billboard owner makes a written request to the municipality with jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard owner may take the requested action, without further municipal land use approval, 180 days after the day on which the billboard owner makes the written request, unless within the 180-day period the municipality:
(i) in an attempt to acquire the billboard and associated rights through eminent domain under Section 10-20-607 for the purpose of terminating the billboard and associated rights:
(A) completes the procedural steps required under Title 78B, Chapter 6, Part 5, Eminent Domain, before the filing of an eminent domain action; and
(B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain;
(ii) denies the request in accordance with Subsection (2)(d); or
(iii) requires the billboard owner to remove the billboard in accordance with Subsection (3).
(b) Subject to Subsection (2)(a), a billboard owner may:
(i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty, an act of God, or vandalism;
(ii) relocate or rebuild a billboard structure, or take another measure, to correct a mistake in the placement or erection of a billboard for which the municipality issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;
(iii) structurally modify or upgrade a billboard;
(iv) relocate a billboard into any commercial, industrial, or manufacturing zone within the municipality's boundaries, if the relocated billboard is:
(A) within 5,280 feet of the billboard's previous location; and
(B) no closer than 300 feet from an off-premise sign existing on the same side of the street or highway, or if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; or
(v) make one or more of the following modifications, as the billboard owner determines, to a billboard that is structurally altered by modification or upgrade under Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these alterations:

(A) erect the billboard:
(I) to the highest allowable height; and
(II) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; or
(B) install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before the billboard's relocation.

(c) A modification under Subsection (2)(b)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

(d) A municipality may deny a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard without acquiring the billboard and associated rights through eminent domain under Section 10-20-607, if the mistake in placement or erection of the billboard is determined by clear and convincing evidence, in a proceeding that protects the billboard owner's due process rights, to have resulted from an intentionally false or misleading statement:
(i) by the billboard applicant in the application; and
(ii) regarding the placement or erection of the billboard.

(e) A municipality that acquires a billboard and associated rights through eminent domain under Section 10-20-607 shall pay just compensation to the billboard owner in an amount that is:
(i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;
(ii) the value of any other right associated with the billboard;
(iii) the cost of the sign structure; and
(iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.

(f) If a municipality commences an eminent domain action under Subsection (2)(a)(i):
(i) the provisions of Section 78B-6-510 do not apply; and
(ii) the municipality may not take possession of the billboard or the billboard's associated rights until:
(A) completion of all appeals of a judgment allowing the municipality to acquire the billboard and associated rights; and
(B) the billboard owner receives payment of just compensation, described in Subsection (2)(e).

(g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a billboard owner may proceed, without further municipal land use approval, to take an action requested under Subsection (2)(a), if the municipality's eminent domain action commenced under Subsection (2)(a)(i) is dismissed without an order allowing the municipality to acquire the billboard and associated rights.

(h)
(i) A billboard owner may withdraw a request made under Subsection (2)(a) at any time before the municipality takes possession of the billboard or the billboard's associated rights in accordance with Subsection (2)(f)(ii).
(ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i), the court shall dismiss the municipality's eminent domain action to acquire the billboard or associated rights.

(3) Notwithstanding Section 10-20-607, a municipality may require the owner of a billboard to remove the billboard without acquiring the billboard and associated rights through eminent domain if:
(a) the municipality determines:

(i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard:
(A) is structurally unsafe;
(B) is in an unreasonable state of repair; or
(C) has been abandoned for at least 12 months;
(b) the municipality notifies the billboard owner in writing that the billboard owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);
(c) the billboard owner fails to remedy the condition or conditions within:
(i) 180 days after the day on which the billboard owner receives written notice under Subsection (3)(b); or
(ii) if the condition forming the basis of the municipality's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, after the day on which the billboard owner receives written notice under Subsection (3)(b); and
(d) following the expiration of the applicable period under Subsection (3)(c) and after providing the billboard owner with reasonable notice of proceedings and an opportunity for a hearing, the municipality finds:
(i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.
(4) A municipality may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than the billboard's owner, or the billboard's owner acting through a contractor, within 500 feet of the nonconforming location.
(5) A permit that a municipality issues, extends, or renews for a billboard remains valid beginning on the day on which the municipality issues, extends, or renews the permit and ending 180 days after the day on which a required state permit is issued for the billboard if:
(a) the billboard requires a state permit; and
(b) an application for the state permit is filed within 30 days after the day on which the municipality issues, extends, or renews a permit for the billboard.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-609 Regulation of amateur radio antennas.
(1) A municipality may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.
(2) If a municipality adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:
(a) reasonably accommodate amateur radio communications; and
(b) represent the minimal practicable regulation to accomplish the municipality's purpose.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-610 Regulation and licensing of residential facilities for persons with disabilities.

(1) A municipality may only regulate a residential facility for persons with disabilities to the extent allowed by:
  (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;
  (b) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and
  (c) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.
(2) The responsibility to license programs or entities that operate facilities for persons with disabilities, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Health and Human Services as provided in:
  (a) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and
  (b) Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-611 Wetlands.
(1) A municipality may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of the federal government has designated the land as wetlands.
(2) A land use authority that issues a land use permit that affects land designated as wetlands by the United States Army Corps of Engineers or another agency of the federal government shall provide a copy of the land use permit to the Utah Geological Survey established in Section 79-3-201.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-612 Refineries.
(1) As used in this section, "develop" or "development" means:
  (a) the construction, alteration, or improvement of land, including any related moving, demolition, or excavation outside of a refinery property boundary;
  (b) the subdivision of land for a non-industrial use; or
  (c) the construction of a non-industrial structure on a parcel that is not subject to the subdivision process.
(2) Before a legislative body may adopt a non-industrial zoning change to permit development within 500 feet of a refinery boundary, the legislative body shall consult with the refinery to determine whether the proposed change is compatible with the refinery.
(3) Before a land use authority may approve an application to develop within 500 feet of a refinery boundary, the land use authority shall consult with the refinery to determine whether the development is compatible with the refinery.
(4) A legislative body described in Subsection (2), or a land use authority described in Subsection (3), may not request from the refinery:
  (a) proprietary information;
  (b) information, if made public, that would create a security or safety risk to the refinery or the public;
  (c) information that is restricted from public disclosure under federal or state law; or
  (d) information that is available in public record.
(5)

(a) This section does not grant authority to a legislative body described in Subsection (2), or a land use authority described in Subsection (3), to require a refinery to undertake or cease an action.
(b) This section does not create a cause of action against a refinery.
(c) Except as expressly provided in this section, this section does not alter or remove any legal right or obligation of a refinery.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-613 High tunnels -- Exemption from municipal regulation.
(1) As used in this section, "high tunnel" means a structure that:
(a) is not a permanent structure;
(b) is used for the growing, keeping, storing, sale, or shelter of an agricultural commodity; and
(c) has a:
(i) metal, wood, or plastic frame;
(ii) plastic, woven textile, or other flexible covering; and
(iii) floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.
(2) A municipal building code does not apply to a high tunnel.
(3) No building permit shall be required for the construction of a high tunnel.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-614 Cannabis production establishments, medical cannabis pharmacies, and industrial hemp producer licensee.
(1) As used in this section:
(a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.
(b) "Closed-door medical cannabis pharmacy" means the same as that term is defined in Section 4-41a-102.
(c) "Industrial hemp producer licensee" means the same as the term "medical cannabis research licensee" is defined in Section 4-41-102.
(d) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.
(2)
(a)
(i) A municipality may not regulate a cannabis production establishment or a medical cannabis pharmacy in conflict with:
(A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and applicable jurisprudence; and
(B) this chapter.
(ii) A municipality may not regulate an industrial hemp producer licensee in conflict with:
(A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and
(B) this chapter.
(b) The Department of Agriculture and Food has plenary authority to license programs or entities that operate a cannabis production establishment or a medical cannabis pharmacy.
(3)
(a) Within the time period described in Subsection (3)(b), a municipality shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:

(i) regarding a cannabis production establishment, Section 4-41a-406; or
(ii) regarding a medical cannabis pharmacy, Section 4-41a-1105.
(b) A municipality shall take the action described in Subsection (3)(a):
(i) before January 1, 2021, within 45 days after the day on which the municipality receives a petition for the action; and
(ii) after January 1, 2021, in accordance with Section 10-20-905.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-615 Specified public utility located in a municipal utility easement.

A specified public utility may exercise each power of a public utility under Section 54-3-27 if the specified public utility uses an easement:
(1) with the consent of a municipality; and
(2) that is located within a municipal utility easement described in Subsections 10-20-102(50)(a) through (e).

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-616 Utility service connections.

(1) A municipality may not enact an ordinance, a resolution, or a policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an energy utility service provided by a public utility as that term is defined in Section 54-2-1.
(2) Subsection (1) does not apply to:
(a) an incentive offered by a municipality; or
(b) a building owned by a municipality.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-617 Infrastructure improvements involving roadways.

(1) As used in this section:
(a) "Low impact development" means the same as that term is defined in Section 19-5-108.5.
(b)
(i) "Pavement" means the bituminous or concrete surface of a roadway.
(ii) "Pavement" does not include a curb or gutter.
(c) "Residential street" means a public or private roadway that:
(i) currently serves or is projected to serve an area designated primarily for single-family residential use;
(ii) requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and
(iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day, based on findings contained in:
(A) a traffic impact study;
(B) the municipality's general plan under Section 10-20-401;
(C) an adopted phasing plan; or
(D) a written plan or report on current or projected traffic usage.
(2)
(a) Except as provided in Subsection (2)(b), a municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess

of 32 feet if the municipality requires low impact development for the area in which the residential street is located.

(b) Subsection (2)(a) does not apply if a municipality requires the installation of pavement:

(i) in a vehicle turnaround area; or

(ii) to address specific traffic flow constraints at an intersection or other area.

(3)

(a) A municipality shall, by ordinance, establish any standards that the municipality requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.

(b) The municipality shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-618 Regulation of building design elements prohibited -- Regulation of parking spaces prohibited -- Exceptions.

(1) As used in this section:

(a) "Affordable housing" means housing occupied or reserved for occupancy that is priced at 80% of the county median home price.

(b) "Building design element" means:

(i) exterior color;

(ii) type or style of exterior cladding material;

(iii) style, dimensions, or materials of a roof structure, roof pitch, or porch;

(iv) exterior nonstructural architectural ornamentation;

(v) location, design, placement, or architectural styling of a window or door;

(vi) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;

(vii) number or type of rooms;

(viii) interior layout of a room;

(ix) minimum square footage over 1,000 square feet, not including a garage;

(x) rear yard landscaping requirements;

(xi) minimum building dimensions; or

(xii) a requirement to install front yard fencing.

(c) "Owner-occupied" means a housing unit in which the individual who owns the housing unit, solely or jointly, lives as the individual's primary residence for no less than five years.

(d) "Specified municipality" means the same as that term is defined in Section 10-21-101.

(e) "Unobstructed" means a parking space that has no permanent barriers that would unreasonably reduce the size of an available parking space described in Subsection (4).

(2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one- or two-family dwelling.

(3) Subsection (2) does not apply to:

(a) a dwelling located within an area designated as a historic district in:

(i) the National Register of Historic Places;

(ii) the state register as defined in Section 9-8a-402; or

(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);

(b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;

(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
(d) building design elements agreed to under a development agreement;
(e) a dwelling located within an area that:
(i) is zoned primarily for residential use; and
(ii) was substantially developed before calendar year 1950;
(f) an ordinance enacted to implement water efficient landscaping in a rear yard;
(g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
(i) defects in the material of existing cladding; or
(ii) consistent defects in the installation of existing cladding;
(h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
(i) the municipality to apply to the owner's property; and
(ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district; or
(i) an ordinance enacted to mitigate the impacts of an accidental explosion:
(i) in excess of 20,000 pounds of trinitrotoluene equivalent;
(ii) that would create overpressure waves greater than .2 pounds per square inch; and
(iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.
(4) A municipality that is a specified municipality may not:
(a) require that the dimensions of a single parking space for a one- or two-family dwelling or town home be:
(i) for unobstructed, enclosed, or covered parking:
(A) more than 10 feet wide; or
(B) more than 20 feet long; or
(ii) for uncovered parking:
(A) more than nine feet wide; or
(B) more than 20 feet long;
(b) restrict an unobstructed tandem parking space from satisfying two parking spaces as part of a minimum parking space requirement; and
(c) restrict a two-car garage from satisfying two parking spaces as part of a minimum parking space requirement.
(5) A municipality may not require a garage for a single-family attached or detached dwelling that is owner-occupied affordable housing.
(6) If a municipality requires a garage, the municipality shall count each parking space within the garage as part of the municipality's minimum parking space requirement as described in Section 10-21-303.
(7) Nothing in this section prohibits a municipality from requiring on-site parking for owner-occupied affordable housing.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-619 Water wise landscaping -- Municipal landscaping regulations.
(1) As used in this section:
(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.

(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
(d) "Private landscaping plan" means the same as that term is defined in Section 10-20-807.
(e)
(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
(f) "Water wise landscaping" means any or all of the following:
(i) installation of plant materials suited to the microclimate and soil conditions that can:
(A) remain healthy with minimal irrigation once established; or
(B) be maintained without the use of overhead spray irrigation;
(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
(iii) use of other landscape design features that:
(A) minimize the need of the landscape for supplemental water from irrigation; or
(B) reduce the landscape area dedicated to lawn or turf.
(g) "Wildland-urban interface" means the same as that term is defined in the edition of the International Wildland Urban Interface Code adopted under Section 15A-2-103.
(2) A municipality may not enact or enforce a land use regulation, or adopt or enforce a policy, that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.
(3)
(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from requiring a property owner to:
(i) comply with a site plan review, private landscaping plan review, or other review process before installing water wise landscaping;
(ii) maintain plant material in a healthy condition; and
(iii) follow specific water wise landscaping design requirements adopted by the municipality, including a requirement that:
(A) restricts or clarifies the use of mulches considered detrimental to municipal operations;
(B) imposes minimum or maximum vegetative coverage standards; or
(C) restricts or prohibits the use of specific plant materials.
(b) A municipality may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.
(4) A municipality may require a seller of a newly constructed residence to inform the first buyer of the newly constructed residence of a municipal ordinance requiring water wise landscaping.
(5) A municipality shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.
(6) A municipality may not enact or enforce a land use regulation, or adopt or enforce a policy, that prohibits, or has the effect of prohibiting, a property owner from removing vegetation from a portion of the property owner's property:
(a) that is within a designated wildland-urban interface area; and

(b) where removal is required to comply with the defensible space requirements of the edition of the International Wildland Urban Interface Code adopted under Section 15A-2-103.

(7) A municipality may enforce a municipal landscaping ordinance in compliance with this section.

Amended by Chapter 79, 2026 General Session

10-20-620 Land use compatibility with military use.

(1) As used in this section:

(a) "Department" means the Department of Veterans and Military Affairs.

(b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.

(c) "Military land" means the following land or facilities:

(i) Camp Williams;

(ii) Hill Air Force Base;

(iii) Dugway Proving Ground;

(iv) Tooele Army Depot;

(v) Utah Test and Training Range;

(vi) Nephi Readiness Center;

(vii) Cedar City Alternate Flight Facility;

(viii) Naval Industrial Reserve Ordnance Plant; or

(ix) Little Mountain Test Facility.

(2)

(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a municipality within 5,000 feet of a boundary of military land, a municipality shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.

(b) A municipality that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.

(3) If a municipality receives a land use application related to land within 5,000 feet of a boundary of military land, before the municipality may approve the land use application, the municipality shall notify the department in writing.

(4)

(a) If the department receives the notice described in Subsection (3), the executive director of the department shall:

(i) determine whether the proposed land use is compatible with the military use of the relevant military land; and

(ii) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the municipality regarding the determination of compatibility described in Subsection (4)(a)(i).

(b)

(i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, except as provided in Subsection (4)(b)(ii), the municipality shall consider the compatible use plan in processing the land use application.

(ii) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, if the applicant has a

vested right, the municipality is not required to consider the compatible land use plan in consideration of the land use application.

(5) If the department receives the notice described in Subsection (3) before the municipality has completed the compatible use plan as described in this section, the department shall consult with the municipality and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Amended by Chapter 301, 2026 General Session

10-20-621 Modular building.

(1) Title 15A, State Construction and Fire Codes Act, governs regulations related to the construction, transportation, installation, inspection, fees, and enforcement related to modular building.

(2) A municipality may adopt an ordinance regulating modular building so long as the ordinance conforms with Title 15A, State Construction and Fire Codes Act, Chapter 21, Municipalities and Housing Supply, and this chapter.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-622 Operation of a tower crane.

(1) As used in this section:

(a) "Affected land" means a parcel of land over which a part of a tower crane travels, other than the parcel on which the tower crane is located.

(b) "Airspace approval" means a license, easement, permission of the owner of affected land, or other approval for a part of a tower crane to travel within the air space over affected land.

(c)

(i) "Live load" means material being suspended from or lifted by a tower crane.

(ii) "Live load" does not include the components of a tower crane.

(d) "Permit period" means the period during which a land use permit is in effect.

(e)

(i) "Tower crane" means a crane that is attached to and supported by a building or foundation.

(ii) "Tower crane" does not include a crane supported by tracks or tires.

(2) Except as provided in Subsection (3), a municipality may not require airspace approval as a condition for the municipality's:

(a) approval of a building permit; or

(b) authorization of a development activity.

(3) A municipality may require airspace approval relating to affected land as a condition for the municipality's approval of a building permit or for the municipality's authorization of a development activity if:

(a) the tower crane will, during the permit period or development activity, carry a live load over the affected land; or

(b) the affected land is within:

(i) an airport overlay zone; or

(ii) another zone designated to protect the airspace around an airport.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-623 Residential rear setback limitations.

(1) As used in this section:
(a) "Allowable feature" means:
(i) a landing or walkout porch that:
(A) is no more than 32 square feet in size; and
(B) is used for ingress to and egress from the rear of the residential dwelling; or
(ii) a window well.
(b) "Landing" means an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.
(c) "Setback" means the required distance between the property line of a lot or parcel and the location where a structure is allowed to be placed under an adopted land use regulation.
(d) "Walkout porch" means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.
(e) "Window well" means a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.
(2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits or has the effect of prohibiting an allowable feature within the rear setback of a residential building lot or parcel.
(3) Subsection (2) does not apply to a historic district within the municipality.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-624 Digital asset mining -- Zoning restrictions.
(1) As used in this section:
(a) "Digital asset" means the same as that term is defined in Section 7-29-101.
(b) "Digital asset mining" means using computer hardware and software specifically designed or utilized for validating data and securing a blockchain network.
(c) "Digital asset mining business" means a group of computers working at a single site that:
(i) consumes more than one megawatt of energy on an average annual basis; and
(ii) operates for the purpose of generating blockchain tokens by securing a blockchain network.
(2) A municipality may not enact an ordinance, resolution, or rule that:
(a) for digital asset mining businesses located in areas zoned for industrial use, imposes sound restrictions on digital asset mining businesses that are more stringent than the generally applicable limits set for industrial-zoned areas; or
(b) prevents a digital asset mining business from operating in an area zoned for industrial use if the digital asset mining business meets other requirements for industrial use.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-625 Model homes and open houses.
(1) As used in this section:
(a) "Model home" means:
(i) a single-family home that the homebuilder uses to promote the sale or lease of another single-family home; or
(ii) a unit within a multi-family residential structure that the owner uses to promote the sale or lease of another unit within the multi-family residential structure.
(b) "Open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.

(2) The legislative body of a municipality may not regulate a model home or open house differently than a residential use.
(3) Any ordinance regulating a model home or an open house differently than a residential use is void.

Enacted by Chapter 166, 2026 General Session

10-20-626 Structure height.
(1) A municipality may regulate:
(a) the number of habitable stories that a structure may contain; and
(b) the overall height of a structure.
(2) If a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the land use application is subject to land use regulations described in Subsection (1) that conflict, the land use authority may not limit the number of above-ground habitable stories the land use applicant builds within the maximum overall height that the land use authority approved for the structure.

Enacted by Chapter 166, 2026 General Session

Part 7
Vested Critical Infrastructure Materials Operations

10-20-701 Definitions.
As used in this part:
(1) "Commercial quantities," for purposes of this section, means critical infrastructure materials:
(a) extracted or processed by a commercial enterprise in the ordinary course of business; and
(b) in a sufficient amount that the critical infrastructure materials introduction into commerce would create a reasonable expectation of profit.
(2) "Contiguous land" means surface or subsurface land that shares a common boundary and is not separated by a highway as defined in Section 41-6a-102.
(3) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
(4) "Critical infrastructure materials use" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
(5) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
(a) owns, controls, or manages a critical infrastructure materials use; and
(b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials use.
(6) "Existing legal use" means a critical infrastructure materials use that has operated in accordance with:
(a) a legal nonconforming use that has not been abandoned for more than 24 consecutive months; or
(b) a permit issued by the applicable political subdivision.

(7) "New land" means surface or subsurface land that a critical infrastructure materials operator gains ownership or control of on or before January 1, 2026, regardless of whether that land is included in any applicable permit issued by a political subdivision or a legal nonconforming use.
(8) "Vested critical infrastructure materials use" means a critical infrastructure materials use by a critical infrastructure materials operator that is an existing legal use.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-702 Vested critical infrastructure materials use -- Presumption.

(1)
(a) A critical infrastructure materials use is presumed to be a vested critical infrastructure materials use if the critical infrastructure materials use meets the definition of vested critical infrastructure materials use in Section 10-20-701.
(b) A person claiming that a vested critical infrastructure materials use has not been established has the burden of proof to show by the preponderance of the evidence that the vested critical infrastructure materials use has not been established.
(2) A vested critical infrastructure materials use:
(a) runs with the land; and
(b) may be changed to another critical infrastructure materials use without losing its status as a vested critical infrastructure materials use.
(3) The present or future boundary of the critical infrastructure materials use of a critical infrastructure materials operator with a vested critical infrastructure materials use does not limit:
(a) the scope of rights of a critical infrastructure materials operator with a vested critical infrastructure material use; or
(b) the protection for a critical infrastructure materials protection area.
(4)
(a) A critical infrastructure operator with a vested critical infrastructure materials use shall file a declaration for recording in the office of the recorder of the county in which the vested critical infrastructure materials use is located.
(b) A declaration under Subsection (4)(a) shall:
(i) contain a legal description of the land included within the vested critical infrastructure materials use; and
(ii) provide notice of the vested critical infrastructure materials use.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-703 Rights of a critical infrastructure materials operator with a vested critical infrastructure materials use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of the critical infrastructure materials use, the rights of a critical infrastructure materials operator with a vested critical infrastructure materials use include with respect to that existing legal use the right to:
(a) progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any contiguous land that the critical infrastructure materials operator owns or controls before May 7, 2025;
(b) expand the vested critical infrastructure materials use to new land that is contiguous land to the surface or subsurface land on which the critical infrastructure materials operator has a

vested critical infrastructure materials use, including the surface or subsurface land under Subsection (1)(a);

(c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildingson any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025;

(d) on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025:

(i) increase production or volume;

(ii) alter the method of extracting or processing, including with respect to the vested use, the right to stockpile or hold in reserve critical infrastructure materials, to recycle, and to batch and mix concrete and asphalt; and

(iii) extract or process a different or additional critical infrastructure material than previously extracted or processed on the surface or subsurface land; and

(e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials use.

(2)

(a) As used in this Subsection (2), "applicable legislative body" means the legislative body of each:

(i) county in whose unincorporated area the new land to be included in the vested critical infrastructure materials use is located; or

(ii) municipality in which the new land to be included in the critical infrastructure materials use is located.

(b) A critical infrastructure materials operator with a vested critical infrastructure materials use is presumed to have a right to expand the vested critical infrastructure materials use to new land.

(c) Before expanding a vested critical infrastructure materials use to new land, a critical infrastructure materials operator shall provide written notice:

(i) of the critical infrastructure materials operator's intent to expand the vested critical infrastructure materials use; and

(ii) to each applicable legislative body.

(d)

(i) An applicable legislative body shall:

(A) hold a public meeting or hearing at the applicable legislative body's next available meeting that is no later than 30 days after receiving the notice under Subsection (2)(c); and

(B) provide reasonable, advance, written notice of the intended expansion of the vested critical infrastructure materials use and the public meeting or hearing to each owner of the surface estate of the new land.

(ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide sufficient public notice of the critical infrastructure materials operator's intent to expand the vested critical infrastructure materials use to the new land.

(e)

(i) After the public meeting or hearing under Subsection (2)(d)(i), a critical infrastructure materials operator may expand a vested critical infrastructure materials use to new land without any action by an applicable legislative body, unless the applicable legislative body finds by the preponderance of the evidence on the record that the expansion to new land will endanger the public health, safety, and welfare.

(ii) If the applicable legislative body makes the finding of endangerment described in Subsection (2)(e)(i), Subsection (4) applies.

(3) If a critical infrastructure materials operator expands a vested critical infrastructure materials use to new land, as authorized under this section:

(a) the critical infrastructure materials operator's rights under the vested critical infrastructure materials use with respect to land on which the vested critical infrastructure materials use occurs apply with equal force after the expansion to the new land; and

(b) the critical infrastructure materials protection area that includes land on which the vested critical infrastructure materials use occurs is expanded to include the new land.

(4)

(a) If the applicable legislative body makes the finding of endangerment described in Subsection (2)(e)(i):

(i) the critical infrastructure materials operator shall submit to the applicable legislative body the critical infrastructure materials operator's plan for expansion under this section;

(ii) by no later than 90 days after receipt of the plan for expansion described in Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:

(A) evidence that the expansion to new land will endanger the public health, safety, and welfare; and

(B) proposed measures to mitigate the endangerment of the public health, safety, and welfare; and

(iii) the applicable legislative body shall hold a public hearing by no later than 30 days after the date the applicable legislative body complies with Subsection (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).

(b) The applicable legislative body may impose mitigation measures under this Subsection (4) that are reasonable and do not exceed requirements imposed by permits issued by a state agency such as an air quality permit.

(c) A political subdivision may not prohibit the expansion of a vested critical infrastructure materials use if the critical infrastructure materials operator agrees to comply with the mitigation measures described in Subsection (4)(b).

(d) The process under this Subsection (4) is not a land use application or conditional use application under this chapter.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-704 Abandonment of a vested critical infrastructure materials use.

(1) A critical infrastructure materials operator may abandon some or all of a vested critical infrastructure materials use only as provided in this section.

(2) To abandon some or all of a vested critical infrastructure materials use, a critical infrastructure materials operator shall record a written declaration of abandonment with the recorder of the county in which the vested critical infrastructure materials use being abandoned is located.

(3) The written declaration of abandonment under Subsection (2) shall specify the vested critical infrastructure materials use or the portion of the vested critical infrastructure materials use being abandoned.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 8
Subdivisions

10-20-801 Enactment of subdivision ordinance.

(1) The legislative body of a municipality may enact ordinances requiring that a subdivision plat comply with the provisions of the municipality's ordinances and this part before:
  (a) the subdivision plat may be filed and recorded in the county recorder's office; and
  (b) lots may be sold.
(2) If the legislative body fails to enact a subdivision ordinance, the municipality may regulate subdivisions only to the extent provided in this part.
(3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the municipality's subdivision ordinance.
(4) A legislative body may adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-802 Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

(1) A planning commission shall:
  (a) review and provide a recommendation to the legislative body on any proposed ordinance that regulates the subdivision of land in the municipality;
  (b) review and make a recommendation to the legislative body on any proposed ordinance that amends the regulation of the subdivision of the land in the municipality;
  (c) provide notice consistent with Section 10-20-205; and
  (d) hold a public hearing on the proposed ordinance before making the planning commission's final recommendation to the legislative body.
(2)
  (a) A legislative body may adopt, modify, revise, or reject an ordinance described in Subsection (1) that the planning commission recommends.
  (b) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-803 Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and underground utility facility owner verification of plat -- Recording plat.

(1) As used in this section:
  (a)
    (i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.
    (ii) "Facility owner" includes a canal owner or associated canal operator contact described in:
      (A) Section 10-20-211;
      (B) Subsection 73-5-7(3); or
      (C) Subsection (6)(c).
  (b) "Local health department" means the same as that term is defined in Section 26A-1-102.

(c) "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Section 73-5-7.
(d) "Underground facility" means the same as that term is defined in Section 54-8a-2.
(e) "Water conveyance facility" means the same as that term is defined in Section 73-1-15.5.
(2) Unless exempt under Section 10-20-808 or excluded from the definition of subdivision under Section 10-20-102, whenever any land is laid out and platted, the owner of the land shall provide to the municipality in which the land is located an accurate plat that describes or specifies:
(a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
(b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
(c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale;
(d) every existing right-of-way and recorded easement located within the plat for:
(i) an underground facility;
(ii) a water conveyance facility; or
(iii) any other utility facility; and
(e) any water conveyance facility located, entirely or partially, within the plat that:
(i) is not recorded; and
(ii) of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:
(A) in the state engineer's inventory of canals; or
(B) from a surveyor under Subsection (6)(c).
(3)
(a) Subject to Subsections (4), (6), and (7), if the plat conforms to the municipality's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, if the local health department and the municipality consider the local health department's approval necessary, the municipality shall approve the plat.
(b) Municipalities are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.
(c) A municipality may not require that a plat be approved or signed by a person or entity who:
(i) is not an employee or agent of the municipality; or
(ii) does not:
(A) have a legal or equitable interest in the property within the proposed subdivision;
(B) provide a utility or other service directly to a lot within the subdivision;
(C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or
(D) provide culinary public water service whose source protection zone designated as provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
(d) A municipality shall:

(i) within 20 days after the day on which an owner of land submits to the municipality a complete subdivision plat land use application, mail written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat, as determined using information made available to the municipality:

(A) from the facility owner under Section 10-20-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;

(B) in the state engineer's inventory of canals; or

(C) from a surveyor under Subsection (6)(c); and

(ii) not approve the subdivision plat for at least 20 days after the day on which the municipality mails to each facility owner the notice described in Subsection (3)(d)(i), in order to receive any comments from each facility owner regarding:

(A) access to the water conveyance facility;

(B) maintenance of the water conveyance facility;

(C) protection of the water conveyance facility;

(D) safety of the water conveyance facility; or

(E) any other issue related to water conveyance facility operations.

(e) When applicable, the owner of the land seeking subdivision plat approval shall comply with Section 73-1-15.5.

(f) A facility owner's failure to provide comments to a municipality in accordance with Subsection (3)(d)(ii) does not affect or impair the municipality's authority to approve the subdivision plat.

(4) The municipality may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(5)

(a) Within 30 days after approving a final plat under this section, a municipality shall submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in the unified statewide 911 emergency service database described in Section 63H-7a-304:

(i) an electronic copy of the approved final plat; or

(ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

(b) If requested by the Utah Geospatial Resource Center, a municipality that approves a final plat under this section shall:

(i) coordinate with the Utah Geospatial Resource Center to validate the information described in Subsection (5)(a); and

(ii) assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in Subsection (5)(a) for inclusion in the unified statewide 911 emergency service database.

(6)

(a) A county recorder may not record a plat unless:

(i) before recordation, the municipality has approved and signed the plat;

(ii) each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and

(iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as provided by law.

(b) A surveyor who prepares the plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii)

(A) has completed a survey of the property described on the plat in accordance with Section 17-73-504 and has verified all measurements; or

(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

(iii) has placed monuments as represented on the plat.

(c)

(i) To the extent possible, the surveyor shall consult with the owner or operator, or a representative designated by the owner or operator, of an existing water conveyance facility located within the proposed subdivision, or an existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:

(A) boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;

(B) location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and

(C) physical restrictions governing the location of the existing or proposed underground facility or utility facility.

(ii) The cooperation of an owner or operator of a water conveyance facility, underground facility, or utility facility under Subsection (6)(c)(i):

(A) indicates only that the plat approximates the location of the existing facilities but does not warrant or verify their precise location; and

(B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law applicable to prescriptive rights, or any other provision of law.

(7)

(a) Except as provided in Subsection (6)(c), after the plat has been acknowledged, certified, and approved, the owner of the land seeking to record the plat shall, within the time period and manner designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.

(b) A failure to record a plat within the time period designated by ordinance renders the plat voidable by the municipality.

(8) A municipality acting as a land use authority shall approve a condominium plat that complies with the requirements of Section 57-8-13 unless the condominium plat violates a land use regulation of the municipality.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-804 Subdivision plat approval procedure -- Effect of not complying.

(1) A person may not submit a subdivision plat to the county recorder's office for recording unless:

(a) the person has complied with the requirements of Subsection 10-20-803(6)(a);

(b) the plat has been approved by:

(i) the land use authority of the municipality in which the land described in the plat is located; and

(ii) other officers that the municipality designates in its ordinance;

(c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the designated officers; and
(d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.
(2) A subdivision plat recorded without the signatures required under this section is void.
(3) A transfer of land pursuant to a void plat is voidable by the land use authority.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-805 Process for subdivision review and approval.
(1)
(a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.
(b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.
(2)
(a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
(b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
(3) A municipal ordinance governing the subdivision of land shall:
(a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
(b)
(i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
(ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 10-20-808, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section 10-20-808.
(4)
(a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
(b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:
(i) copies of applicable land use regulations;
(ii) a complete list of standards required for the project;
(iii) preliminary and final application checklists; and
(iv) feedback on the concept plan.
(5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.
(6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.

(7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
  (a) receive public comment; and
  (b) hold no more than one public hearing.
(8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
(9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:
  (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
  (b) may not require planning commission or city council approval.
(10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a municipality shall approve the final subdivision application.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-806 Review of subdivision applications and subdivision improvement plans.
(1) As used in this section:
  (a) "Review cycle" means the occurrence of:
    (i) the applicant's submittal of a complete subdivision application;
    (ii) the municipality's review of that subdivision application;
    (iii) the municipality's response to that subdivision application, in accordance with this section; and
    (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.
  (b) "Subdivision application" means a land use application for the subdivision of land.
  (c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.
  (d) "Subdivision ordinance review" means review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.
  (e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.
(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
(3)
  (a) A municipality may require a subdivision improvement plan to be submitted with a subdivision application.
  (b) A municipality may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.
(4)
  (a) The review cycle requirements of this section apply:
    (i) to the review of a preliminary subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A municipality may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.

(5)

(a) A municipality shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(i) no later than 15 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(b) A municipality shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(6) A municipality shall publish a list of the items that comprise a complete subdivision land use application.

(7) A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(8)

(a) In reviewing a subdivision application, a municipality may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

(b) A municipality's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles for a subdivision improvement plan review.

(d)

(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan, the municipality has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(e)

(i) This Subsection (8)(e) applies if an applicant does not submit a revised subdivision improvement plan within :

(A) 20 business days after the municipality requires a modification or correction, if the municipality has a population over 5,000; or

(B) 40 business days after the municipality requires a modification or correction, if the municipality has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a municipality has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)

(a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-20-911(4)(d) to review and approve or deny the final revised set of plans; or

(b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Amended by Chapter 166, 2026 General Session

10-20-807 Subdivision plat recording or development activity before required landscaping or infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section:

(a) "Private landscaping plan" means a proposal:

(i) to install landscaping on a lot owned by a private individual or entity; and

(ii) submitted to a municipality by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

(b) "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

(i) will be dedicated to and maintained by the municipality; or

(ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a public landscaping improvement or infrastructure improvement that the land use authority requires.

(3)

(a) Except as provided in Subsection (3)(d) or (e), before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the municipality has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A municipality shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii)

(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this chapter and any local ordinances; and

(B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of completion assurance and the applicant elects to post a new cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 10-20-1001 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A municipality may not require an applicant to post an improvement completion assurance for:

(i) public landscaping improvements or an infrastructure improvement that the municipality has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private;

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement;
(v) a private landscaping plan;
(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:
(A) before the plat is recorded;
(B) in accordance with inspections required by the municipality for the infrastructure improvement; and
(C) in accordance with final civil engineering plan approval by the municipality; or
(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.
(e)
(i) A municipality may not:
(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or
(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance, security for an improvement warranty, or receiving a building permit.
(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and infrastructure improvements that are installed by an applicant are subject to inspection by the municipality in accordance with the municipality's adopted inspection standards.
(f)
(i) Each improvement completion assurance and improvement warranty posted by an applicant with a municipality shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the municipality.
(ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a municipality for more than one infrastructure improvement or public landscaping improvement, the municipality may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.
(4)
(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a municipality may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.
(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the municipality shall be memorialized in a development agreement.
(c) A municipality may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
  (a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
  (b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
(6)
  (a) Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 10-20-905, and for the duration of each improvement warranty period, the municipality may require the applicant to:
    (i) execute an improvement warranty for the improvement warranty period; and
    (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:
      (A) municipal engineer's original estimated cost of completion; or
      (B) applicant's reasonable proven cost of completion.
  (b) A municipality may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a)(i) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.
(7) When a municipality accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.
(8) A municipality may not require the submission of a private landscaping plan as part of an application for a building permit.
(9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the State Construction Code.

Amended by Chapter 166, 2026 General Session

10-20-808 Exemptions from plat requirement.
(1) Notwithstanding any other provision of law, a plat is not required if:
  (a) a municipality establishes a process to approve an administrative land use decision for a subdivision of 10 or fewer parcels without a plat; and
  (b) the municipality provides in writing that:
    (i) the municipality has provided a certificate or written approval as required by ordinance; and
    (ii) the proposed subdivision:
      (A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the municipality has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires;
      (B) has been approved by the culinary water authority and the sanitary sewer authority;
      (C) is located in a zoned area; and
      (D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
(2)

(a) Subject to Subsection (1), a parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-20-803 if the parcel:
(i) qualifies as land in agricultural use under Section 59-2-502;
(ii) meets the minimum size requirement of applicable land use ordinances; and
(iii) is not used and will not be used for any nonagricultural purpose.
(b) If a parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the parcel to comply with the requirements of Section 10-20-803.
(3)
(a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
(b) The absence of the certificate or written approval required by Subsection (1) does not:
(i) prohibit the county recorder from recording a document; or
(ii) affect the validity of a recorded document.
(c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.
(4)
(a) The boundaries of any subdivision exempted from the plat requirement under this section shall be graphically illustrated on a record of survey map that includes:
(i) a legal description of the parcel to be divided;
(ii) a legal description of each parcel created by the subdivision; and
(iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.
(b) The record of survey map described in Subsection (4)(a) shall be filed with the county surveyor in accordance with Section 17-73-504.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-809 Common area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.
(1) As used in this section:
(a) "Association" means the same as that term is defined in:
(i) regarding a common area, Section 57-8a-102; and
(ii) regarding a common area and facility, Section 57-8-3.
(b) "Common area" means the same as that term is defined in Section 57-8a-102.
(c) "Common area and facility" means the same as that term is defined in Section 57-8-3.
(d) "Condemnor" means the same as that term is defined in Section 78B-6-520.3.
(e) "Declarant" means the same as that term is defined in:
(i) regarding a common area, Section 57-8a-102; and
(ii) regarding a common area and facility, Section 57-8-3.
(f) "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3.
(g) "Period of administrative control" means the same as that term is defined in:
(i) regarding a common area, Section 57-8a-102; and
(ii) regarding a common area and facility, Section 57-8-3.

(h) "Under threat of condemnation" means the same as that term is defined in Section 78B-6-520.3.

(2) A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility, on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat unless:

(a) an association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat;

(b) the conveyance or modification is approved under Subsection (5); or

(c) the conveyance or modification is made in accordance with Subsection (6).

(3) If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (5), the person who presents the instrument of conveyance to a county recorder shall:

(a) attach a notice of the approval described in Subsection (5) as an exhibit to the document of conveyance; or

(b) record a notice of the approval described in Subsection (5) concurrently with the conveyance as a separate document.

(4) When a plat contains a common area or common area and facility:

(a) for purposes of assessment, each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and

(b) each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility, even if that ownership interest is not explicitly stated in the instrument.

(5) Notwithstanding Subsection (2), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:

(a) the local government;

(b)

(i) for a common area that an association owns, 67% of the voting interests in the association; or

(ii) for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and

(c) during the period of administrative control, the declarant.

(6)

(a) Notwithstanding Subsection (2), an individual may convey a portion of a common area and facility in accordance with Section 57-8-32 or 57-8a-232, if:

(i) the individual is authorized to act on behalf of an association by:

(A) a vote of the association's board, either before or after the threat of condemnation arises; or

(B) if the association is defunct or unable to act through a board, the association's governing documents;

(ii) the common area or common area and facility is under threat of condemnation; and

(iii) the individual makes the conveyance to a condemnor.

(b) If an individual makes a conveyance in accordance with Subsection (6)(a), no lot owner or unit owner is required to approve the conveyance or modification.

Amended by Chapter 62, 2026 General Session

10-20-810 Dedication by plat of public streets and other public places.

(1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the municipality for the public for the uses named or intended in the plat.

(2) The dedication established by this section does not impose liability upon the municipality for public streets and other public places that are dedicated in this manner but are unimproved unless:

(a) adequate financial assurance has been provided in accordance with this chapter; and

(b) the municipality has accepted the dedication.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-811 Subdivision amendments.

(1)

(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a petition with the land use authority to request a subdivision amendment.

(b) Upon filing a petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-20-803 that:

(i) depicts only the portion of the subdivision that is proposed to be amended;

(ii) includes a plat name distinguishing the amended plat from the original plat;

(iii) describes the differences between the amended plat and the original plat; and

(iv) includes references to the original plat.

(c)

(i) The land use authority shall provide notice of a petition filed under Subsection (1)(a) by mail or email to:

(A) each affected entity that provides a service to a property owner of record of the portion of the plat that is being vacated or amended; and

(B) each property owner of record within the portion of the subdivision that is proposed to be amended.

(ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the notice.

(d) The land use authority shall hold a public hearing within 45 days after the day on which a petition is filed under Subsection (1)(a) if:

(i) any property owner within the subdivision that is proposed to be amended notifies the municipality of the owner's objection in writing before the deadline for objections as described in Subsection (1)(c)(ii); or

(ii) a municipal ordinance requires a public hearing if all of the property owners within the portion of the subdivision proposed to be amended have not signed the proposed amended plat.

(e) A land use authority may approve a petition for subdivision amendment no earlier than:

(i) the day after the day on which written objections were due to the land use authority, as described in Subsection (1)(c)(ii); or

(ii) if a public hearing is required as described in Subsection (1)(d), the day the public hearing takes place.

(f) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

(i) join two or more of the petitioner fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

(iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(iv) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.

(3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section 10-20-813.

(4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and

(b) the signature of each owner described in Subsection (4)(a) who consents to the petition.

(5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

(a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(b)

(i) has completed a survey of the property described on the plat in accordance with Section 17-73-504 and has verified all measurements;

(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or

(iii) has referenced the original plat that created the lot boundaries being amended; and

(c) has placed monuments as represented on the plat.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-812 Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

(a) there is good cause for the vacation or amendment; and

(b) no public street or municipal utility easement has been vacated or amended.

(2)

(a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.
(b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
(3)
(a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
(b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
(4) An amended plat may not be submitted to the county recorder for recording unless it is:
(a) signed by the land use authority; and
(b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.
(5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.
(6) A plat may be corrected as provided in Section 57-3-106.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-813 Petition to vacate a public street.
(1) In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections 10-20-803 through 10-20-812, a legislative body may approve a petition to vacate a public street in accordance with this section.
(2) A petition to vacate some or all of a public street or municipal utility easement shall include:
(a) the name and address of each owner of record of land that is:
(i) adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
(ii) accessed exclusively by or within 300 feet of the public street or municipal utility easement;
(b) proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
(c) the signature of each owner under Subsection (2)(a) who consents to the vacation.
(3) If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the legislative body shall hold a public hearing in accordance with Section 10-20-208 and determine whether:
(a) good cause exists for the vacation; and
(b) the public interest or any person will be materially injured by the proposed vacation.
(4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:
(a) good cause exists for the vacation; and
(b) neither the public interest nor any person will be materially injured by the vacation.
(5) If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
(a) a plat reflecting the vacation; or
(b)
(i) an ordinance described in Subsection (4); and

(ii) a legal description of the public street to be vacated.

(6) The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and

(b) may not be construed to impair:

(i) any right-of-way or easement of any parcel or lot owner;

(ii) the rights of any public utility; or

(iii) the rights of a culinary water authority or sanitary sewer authority.

(7)

(a) A municipality may submit a petition, in accordance with Subsection (2), and initiate and complete a process to vacate some or all of a public street.

(b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

(i) the legislative body shall hold a public hearing;

(ii) the petition and process may not apply to or affect a public utility easement, except to the extent:

(A) the easement is not a protected utility easement as defined in Section 54-3-27;

(B) the easement is included within the public street; and

(C) the notice to vacate the public street also contains a notice to vacate the easement; and

(iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.

(8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-814 Restrictions for solar and other energy devices.

The land use authority may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-815 Prohibited acts regarding subdivisions.

(1)

(a)

(i) If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.

(ii) A violation of Subsection (1)(a)(i) is an infraction.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
(i) does not affect the validity of the instrument or other document; and
(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.
(2)
(a) A municipality may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.
(b) An action under this Subsection (2) may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
(c) A municipality need only establish the violation to obtain the injunction.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-816 Notice of subdivision located near vested critical infrastructure materials operation.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operations created under Part 7, Vested Critical Infrastructure Materials Operations, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Vested Critical Infrastructure Materials Operations

This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 9
Administration of Land Use, Development, and Management Provisions

10-20-901 Land use authority requirements -- Nature of land use decision.
(1) A land use authority shall apply the plain language of land use regulations.
(2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

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

(1)
(a)
(i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
(A) in effect on the date that the application is complete; and
(B) applicable to the application or to the information shown on the application.
(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.
(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
(i) 180 days have passed since the municipality initiated the proceedings; and
(ii)
(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or
(B) during the 12 months before the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-20-504.
(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-79-803.
(e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
(f) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
(g) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
(i) this chapter;
(ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-20-902(1)(a)(ii); or
(iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
(h) A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
(i) in a land use permit;
(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;
(iv) in the written record evidencing approval of the land use permit or subdivision plat;
(v) in this chapter;
(vi) in a municipal ordinance; or
(vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.

(i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:
(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
(ii) in this chapter or the municipality's ordinances.

(j) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:
(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or
(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

(k) A municipality may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the municipality that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(l) A municipality:
(i) may require the submission of a private landscaping plan, as defined in Section 10-20-807, before landscaping is installed; and
(ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3)
(a) Beginning on October 1, 2026, and except as provided in Subsection (3)(b), a municipality shall publish on the municipality's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.
(b) A municipality that does have a maintained and active website shall provide for inspection of the information described in Subsection (3)(a) at the municipality's place of business during normal business hours.

(4) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-20-304(8) that complies with the requirements of that subsection, the

specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6)

(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

(7)

(a) After issuance of a building permit, a municipality may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection (7)(a) does not prevent a municipality from issuing a building permit that contains an expiration date defined in the building permit.

Amended by Chapter 166, 2026 General Session

10-20-903 Historic preservation authority.

(1)

(a) A legislative body may designate a historic preservation authority.

(b) A legislative body may not designate the legislative body or the municipality's governing body as a historic preservation authority.

(2) In making administrative decisions on land use applications, a historic preservation authority shall apply the plain language of the land use regulations to a land use application.

(3) If a land use regulation does not plainly restrict a land use application, the historic preservation authority shall interpret and apply the land use regulation to favor the land use application.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-904 Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A municipality may impose or collect a fee for reviewing or approving the plans for a commercial or residential building, not to exceed the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the municipality charges for a building permit fee for that building.

(2)

(a) Subject to Subsection (2)(b), a municipality may impose and collect a fee for reviewing and approving identical plans, as described in Section 10-20-908, not to exceed the lesser of:

(i) the actual cost of performing the plan review; or

(ii) 30% of the fee that would be imposed and collected under Subsection (1).

(b) A municipality may impose and collect a fee for reviewing an original plan, as defined in Section 10-20-908, that an applicant submits with the intent that the original plan be used as the basis for a future identical plan submission, the same as any other plan review fee under Subsection (1).

(3) A municipality may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, and appurtenance to connect to the municipal water, sewer, storm water, power, or other utility system.

(4) A municipality may not impose or collect:

(a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit;

(b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review; or

(c) an inspection fee on a qualified water conservancy district, as defined in Section 17B-2a-1010, that hires a qualified inspector to conduct inspections on new infrastructure.

(5)

(a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the municipality shall provide an itemized fee statement that shows the calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the municipality shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:

(i) for each fee, any studies, reports, or methods relied upon by the municipality to create the calculation method described in Subsection (5)(a);

(ii) an accounting of each fee paid;

(iii) how each fee will be distributed; and

(iv) information on filing a fee appeal through the process described in Subsection (5)(c).

(c) A municipality shall establish a fee appeal process subject to an appeal authority described in Part 11, Appeal Authority, Variances, and District Court Review, and district court review in accordance with Part 11, Appeal Authority, Variances, and District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:

(i) regulation;

(ii) processing an application;

(iii) issuing a permit; or

(iv) delivering the service for which the applicant or owner paid the fee.

(6) A municipality may not impose on or collect from a public agency any fee associated with the public agency's development of its land other than:

(a) subject to Subsection (4), a fee for a development service that the public agency does not itself provide;

(b) subject to Subsection (3), a hookup fee; and

(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-905 Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1)

(a) Each municipality shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the municipality diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the municipality provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the municipality shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application shall be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)

(i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(b).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f)

(i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2)

(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) Within 45 days from the date of service of the written request described in Subsection (2)(b):

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

(ii) if a landowner petitions for a land use regulation, a legislative body shall take final action by approving or denying the petition.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority is required to take final action under Subsection (2)(c).

(3)

(a) As used in this Subsection (3), an "infrastructure improvement category" includes:

(i) a culinary water system;

(ii) a sanitary sewer system;

(iii) a storm water system;

(iv) a transportation system;

(v) a secondary and irrigation water system;

(vi) public landscaping; or

(vii) public parks, trails, or open space.

(b) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the municipality's adopted standards.

(c)

(i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.

(ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection (3)(c)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.

(iii) Except as provided in Subsection (3)(c)(iv), (3)(d), or (3)(e), the land use authority shall accept or reject the performance of warranty work within:

(A) for a city of a first, second, third, or fourth class, 15 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i); and

(B) for a city of the fifth class or a town, 30 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i).

(iv) If winter weather conditions do not reasonably permit a full and complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

(d) If a land use authority rejects an applicant's performance of warranty work three times, the municipality may take 15 days in addition to the relevant time period described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.

(e)

(i) If extraordinary circumstances do not permit a land use authority to complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the extraordinary circumstances, the land use authority requires additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection within 30 days after the day on which the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) ends.

(ii) The following situations constitute extraordinary circumstances for purposes of Subsection (3)(e)(i):

(A) the land use authority is processing a request for inspection that substantially exceeds the normal scope of inspection the municipality is customarily required to perform;

(B) the applicant has provided two or more written requests described in Subsection (3)(c)(i) within the same 30-day time period; or

(C) the land use authority is processing an unusually large number of written requests described in Subsection (3)(c)(i) to accept or reject subdivision improvements or performance of warranty work.

(f)

(i) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the municipality's adopted standards, the land use authority shall, within 15 days of the day on which the land use authority makes the determination, comprehensively and with specificity list the reasons for the land use authority's determination.

(ii) If the land use authority fails to provide an applicant with the list described in Subsection (3)(f)(i) within the required time period:

(A) the applicant may send written notice to the land use authority requesting the list within five days; and

(B) if the applicant does not receive the list within five days from the day on which the applicant provides the land use authority with written notice as described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land use authority shall provide, a reimbursement equal to 20% of the applicant's improvement completion assurance or security for the warranty work within each infrastructure improvement category.

(g) Subject to the provisions of Section 10-20-807:

(i) within 15 days of the day on which the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the municipality's adopted standards for that category of infrastructure improvement and an applicant submits complete as-built drawings to the land use authority, whichever occurs later, the land use authority shall return to the applicant 90% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category; and

(ii) within 15 days of the day on which the warranty period expires and the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the municipality's adopted standards for that category of infrastructure improvement, the land use authority shall return to the applicant the remaining 10% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category, plus any remaining portion of a bond described in Subsection 10-20-807(5)(b).

(h) The following acts under this Subsection (3) are administrative acts:

(i) a municipality's return of an applicant's improvement completion assurance, or any portion of an improvement completion assurance, within a category of infrastructure improvements, to the applicant; and

(ii) a municipality's return of an applicant's security for an improvement warranty, or any portion of security for an improvement warranty, within a category of infrastructure improvements, to the applicant.

(4) Subject to Section 10-20-902, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

(5) There shall be no money damages remedy arising from a claim under this section.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-906 Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.

(1) A person may propose a simple boundary adjustment to a land use authority as described in this section.

(2) A proposal for a simple boundary adjustment shall:

(a) include a conveyance document that complies with Section 57-1-45.5; and

(b) describe all lots or parcels affected by the proposed boundary adjustment.

(3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:

(a) meets the requirements of Subsection (2); and

(b) does not:

(i) affect a public right-of-way, municipal utility easement, or other public property;

(ii) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(iii) result in a lot or parcel out of conformity with land use regulations.

(4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.

(5) To propose a full boundary adjustment, the adjoining property owners shall submit a proposal to the land use authority that includes:

(a) a conveyance document that complies with Section 57-1-45.5;

(b) a survey that complies with Subsection 57-1-45.5(3)(b); and

(c) if required by municipal ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section 10-20-811.

(6) A land use authority shall consent to a proposed full boundary adjustment made under Subsection (5) if:

(a) the proposal submitted to the land use authority under Subsection (5) includes all necessary information;

(b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation; and

(c) if required by municipal ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section 10-20-811.

(7)

(a) Consent under Subsection (3) or (6) is an administrative act.

(b) Notice of consent under Subsection (3) or (6) shall be provided to the person proposing the boundary adjustment in a format that makes clear:

(i) the land use authority is not responsible for any error related to the boundary adjustment; and

(ii) a county recorder may record the boundary adjustment.

(8) A boundary adjustment is effective from the day on which the boundary adjustment, as consented to by the land use authority, is recorded by a county recorder along with the relevant conveyance document.
(9) The recording of a boundary adjustment does not constitute a land use approval.
(10) A municipality may enforce municipal ordinances against, or withhold approval of a land use application for, property that is subject to a boundary adjustment if the municipality determines that the resulting lots or parcels are not in compliance with the municipality's land use regulations in effect on the day on which the boundary adjustment is recorded.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-907 Boundary establishment -- Process -- Boundary agreement not subject to review by land use authority -- Prohibitions.
(1) The owners of adjoining property may initiate a boundary establishment to:
  (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining properties; and
  (b) agree upon the location of an existing common boundary between the adjoining properties.
(2) Adjoining property owners executing a boundary establishment described in Subsection (1) shall:
  (a) prepare an establishment document that complies with Section 57-1-45; and
  (b) record the boundary establishment with the county recorder for the county in which the property exists, in accordance with Section 57-1-45.
(3) A boundary establishment:
  (a) is not subject to review of a land use authority; and
  (b) does not require consent or approval from a land use authority before it may be recorded.
(4) A boundary establishment is effective from the day it is recorded by a county recorder.
(5) A municipality may enforce municipal ordinances against property with a boundary establishment that violates a land use regulation.
(6) A boundary establishment that complies with this section presumptively:
  (a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed; and
  (b) conveys the ownership of the adjoining parties to the established common boundary.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-908 Identical plan review -- Process -- Indexing of plans -- Prohibitions.
(1) As used in this section:
  (a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless the day falls on a federal, state, or municipal holiday.
  (b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section 10-20-102.
  (c) "Original plan" means a floor plan that an applicant intends to:
    (i) replicate in the future; and
    (ii) use as the basis for the submission of an identical plan.
(2) An applicant may submit, and a municipality shall review, an identical plan as described in this section.
(3) At the time of submitting an identical plan for review to a municipality, an applicant shall:
  (a) mark the floor plan as "identical plans";
  (b) identify in writing:

(i) the building permit number the municipality issued for the original plan:
(A) that was previously approved by the municipality; and
(B) to which the submitted floor plan qualifies as an identical plan; or
(ii) the identifying index number assigned by the municipality to the original plan, as described in Subsection (5)(b); and
(c) identify the site on which the applicant intends to implement the identical plan.
(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review to a municipality shall:
(a) indicate, at the time of submitting an original plan to the municipality for review and approval, that the applicant intends to use the original plan as the basis for submitting a future identical plan if the original plan is approved by the municipality; and
(b) identify:
(i) the name or other identifier of the original plan; and
(ii) the zone the building will be located in, if the municipality approves the original plan.
(5) Upon approving an original plan and receiving the information described in Subsection (4), a municipality shall:
(a) file and index the original plan for future reference against an identical plan later submitted under Subsection (2); and
(b) provide the applicant with an identifying index number for the original plan.
(6) A municipality that receives a submission under Subsection (2) shall review and compare the submitted identical plan to the original plan to ensure:
(a) the identical plan and original plan are substantially identical; and
(b) no structural changes have been made from the original plan.
(7) Nothing in this section prohibits a municipality from conducting a site review and requiring geological analysis of the proposed site identified by the applicant under Subsection (3)(c).
(8) A municipality shall:
(a) review a submitted identical plan for compliance with this section; and
(b) approve or reject the identical plan within five business days after the day on which the identical plan was submitted under Subsection (2).
(9) An applicant that submits a nonidentical plan to a municipality as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the municipality:
(a) may be fined by the municipality receiving the submission of the nonidentical plan:
(i) in an amount not to exceed three times the building permit fee, if the municipality approved the nonidentical plan as an identical plan before discovering the submission did not qualify as an identical plan; or
(ii) in an amount equal to the building permit fee that would have been issued for the nonidentical plan, if the municipality did not approve the nonidentical plan before discovering the submission did not qualify as an identical plan; and
(b) is prohibited from submitting an identical plan for review and approval under this section for a period of two years from the day on which the municipality discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.
(10) A municipality may impose a criminal penalty, as described in Section 10-3-703, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-909 Fees collected for construction approval -- Approval of plans.

(1) As used in this section:
(a) "Automated review" means a computerized process used to conduct a plan review, including through the use of software and algorithms to assess compliance with an applicable building code, regulation, or ordinance to ensure that a plan meets all of a municipality's required criteria for approval.
(b) "Business day" means the same as that term is defined in Section 10-20-908.
(c) "Construction project" means:
(i) the same as that term is defined in Section 38-1a-102; or
(ii) any work requiring a permit for construction of or on a one- or two-family dwelling, a townhome, or other residential structure built under the State Construction Code and State Fire Code.
(d) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:
(i) a bed and breakfast establishment;
(ii) a boarding house;
(iii) a dormitory;
(iv) a hotel;
(v) an inn;
(vi) a lodging house;
(vii) a motel;
(viii) a resort; or
(ix) a rooming house.
(e)
(i) "Plan review" means all of the reviews and approvals of a plan that a municipality, including all relevant divisions or departments within a municipality, requires before issuing a building permit, with a scope that may not exceed a review to verify:
(A) that the construction project complies with the provisions of the State Construction Code;
(B) that the construction project complies with the energy code adopted under Section 15A-2-103;
(C) that the construction project complies with local ordinances;
(D) that the applicant paid any required fees;
(E) that the applicant obtained final approvals from any other required reviewing agencies;
(F) that the construction project received a structural review;
(G) the total square footage for each building level of finished, garage, and unfinished space; and
(H) that the plans include a printed statement indicating that, before the disturbance of land and during the actual construction, the applicant will comply with applicable federal, state, and local laws and ordinances, including any storm water protection laws and ordinances.
(ii) "Plan review" does not mean a review of:
(A) a document required to be re-submitted for a construction project other than a construction project for a one-or two-family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;
(B) a document submitted as part of a deferred submittal when requested by the applicant and approved by the building official;
(C) a document that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party; or
(D) a storm water permit.

(f) "Screening period" means the three business days following the day on which an applicant submits an application.
(g) "State Construction Code" means the same as that term is defined in Section 15A-1-102.
(h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
(i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.
(j) "Structural review" means:
(i) a review that verifies that a construction project complies with the following:
(A) footing size and bar placement;
(B) foundation thickness and bar placement;
(C) beam and header sizes;
(D) nailing patterns;
(E) bearing points;
(F) structural member size and span; and
(G) sheathing; or
(ii) if the review exceeds the scope of the review described in Subsection (1)(j)(i), a review that a licensed engineer conducts.
(k) "Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.
(2)
(a) If a municipality collects a fee for the inspection of a construction project, the municipality shall ensure that the construction project receives a prompt inspection as described in Subsection (2)(b).
(b) If a municipality cannot provide a building inspection within three business days after the day on which the municipality receives the request for the inspection, the building permit applicant may engage a third-party inspection firm from the third-party inspection firm list described in Section 15A-1-105.
(c) Notwithstanding Subsection (2)(b), if an applicant requests that an inspection take place on a date that is more than three days from the day on which the applicant requests the inspection, the municipality shall conduct the inspection on the date requested.
(d) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:
(i) identifies each violation;
(ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and
(iii) is delivered:
(A) in hardcopy or by electronic means; and
(B) the day on which the inspection occurs.
(3)
(a)
(i) A municipality that receives an application for a plan review shall determine if the application is complete, as described in Subsection (12), within the screening period.
(ii) If the municipality determines an application for a plan review is complete as described in Subsection (12) within the screening period, the municipality shall begin the plan review process described in Subsection (4).
(b) If the municipality determines that an application for a plan review is not complete as described in Subsection (12), and if the municipality notifies the applicant of the municipality's determination:
(i) before 5 p.m. on the last day of the screening period, the municipality may:

(A) pause the screening period until the applicant ensures the application meets the requirements of Subsection (12); or
(B) reject the incomplete application; or
(ii) after 5 p.m. on the last day of the screening period, the municipality may not pause the screening period and shall begin the plan review process described in Subsection (4).
(c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant resubmits the application, the resubmission begins a new screening period in which the municipality shall review the resubmitted application to determine if the application is complete as described in Subsection (12).
(d) If the municipality gives notice of an incomplete application after 5 p.m. on the last day of the screening period, the municipality:
(i) shall immediately notify the applicant that the municipality has determined the application is not complete and the basis for the determination;
(ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time period described in Subsection (4); and
(iii) may pause the relevant time period described in Subsection (4)(a) or (b) as described in Subsection (4)(c).

(4)
(a) Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a one-or two-family dwelling or townhome by no later than 14 business days after the day on which the screening period for the application ends.
(b) Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a residential structure built under the State Construction Code that is not a one- or two-family dwelling, townhome, or a lodging establishment, by no later than 21 business days after the day on which the screening period for the application ends.
(c) If a municipality gives notice of an incomplete application as described in Subsection (3)(d), the municipality:
(i) may pause the time period described in Subsection (4)(a) or (b):
(A) within the last five days of the relevant time period; and
(B) until the applicant provides the municipality with the information necessary to consider the application complete under Subsection (12); and
(ii) shall resume the relevant time period upon receipt of the information necessary to consider the application complete; and
(iii) may, if necessary, use five additional days beginning the day on which the municipality receives the information described in Subsection (4)(c)(ii) to consider whether the application meets the requirements for a building permit, even if the five additional days extend beyond the relevant time period described in Subsection 4(a) or (b).
(d) If, at the conclusion of plan review, the municipality determines the application meets the requirements for a building permit, the municipality shall approve the application and, subject to Subsection (10)(b), issue the building permit to the applicant.

(5)
(a) A municipality may utilize another government entity to determine if an application is complete or perform a plan review, in whole or in part.

(b) A municipality that utilizes another government entity to determine if an application is complete or perform a plan review, as described in Subsection (5)(a), shall:
(i) notify any other government entities, including water providers, within 24 hours of receiving any building permit application; and
(ii) provide the government entity all documents necessary to determine if an application is complete or perform a plan review, in whole or in part, as requested by the municipality.
(6) A government entity determining if an application is complete or performing a plan review, in whole or in part, as requested by a municipality, shall:
(a) comply with the requirements of this chapter; and
(b) notify the municipality within the screening period whether the application, or a portion of the application, is complete.
(7) An applicant may:
(a) waive the plan review time requirements described in Subsection (4); or
(b) with the municipality's written consent, establish an alternative plan review time requirement.
(8)
(a) A municipality may not enforce a requirement to have a plan review if:
(i) the municipality does not complete the plan review within the relevant time period described in Subsection (4); and
(ii) a licensed architect or structural engineer, or both when required by law, stamps the plan.
(b) If a municipality is prohibited from enforcing a requirement to have a plan review under Subsection (8)(a), the municipality shall return to the applicant the plan review fee.
(9)
(a) A municipality may attach to a reviewed plan a list that includes:
(i) items with which the municipality is concerned and may enforce during construction; and
(ii) building code violations found in the plan.
(b) A municipality may not require an applicant to redraft a plan if the city requests minor changes to the plan that the list described in Subsection (9)(a) identifies.
(c) A municipality may only require a single resubmittal of plans for a one- or two-family dwelling or townhome if deficiencies in the plan would affect the site plan interaction or footprint of the design.
(10)
(a) If a municipality charges a fee for a building permit, the municipality may not refuse payment of the fee at the time the applicant submits an application under Subsection (3).
(b) If a municipality charges a fee for a building permit and does not require the fee for a building permit be included in an application for plan review, upon approval of an application for plan review under Subsection (4)(d), the municipality may require the applicant to pay the fee for the building permit before the municipality issues the building permit.
(11) A municipality may not limit the number of applications submitted under Subsection (3).
(12) For purposes of Subsection (3), an application for plan review is complete if the application contains:
(a) the name, address, and contact information of:
(i) the applicant; and
(ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;
(b) a site plan for the construction project that:
(i) is drawn to scale;
(ii) includes a north arrow and legend; and
(iii) provides specifications for the following:

(A) lot size and dimensions;
(B) setbacks and overhangs for setbacks;
(C) easements;
(D) property lines;
(E) topographical details, if the slope of the lot is greater than 10%;
(F) retaining walls;
(G) hard surface areas;
(H) curb and gutter elevations as indicated in the subdivision documents;
(I) existing and proposed utilities, including water, sewer, and subsurface drainage facilities;
(J) street names;
(K) driveway locations;
(L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and
(M) the location of the nearest hydrant;

(c) construction plans and drawings, including:
(i) elevations, only if the construction project is new construction;
(ii) floor plans for each level, including the location and size of doors, windows, and egress;
(iii) foundation, structural, and framing detail;
(iv) electrical, mechanical, and plumbing design;
(v) a licensed architect's or structural engineer's stamp, when required by law; and
(vi) fire suppression details, when required by fire code;

(d) documentation of energy code compliance;
(e) structural calculations, except for trusses;
(f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:
(i) the slope of the lot is greater than 15%; and
(ii) required by the city;

(g) a statement indicating:
(i) before land disturbance occurs on the subject property, the applicant will obtain a storm water permit; and
(ii) during actual construction, the applicant shall comply with applicable local ordinances and building codes; and

(h) the fees, if any, established by ordinance for the municipality to perform a plan review.

(13) A municipality may, at the municipality's discretion, utilize automated review to fulfill, in whole or in part, the municipality's obligation to conduct a plan review described in this section.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-910 Provisions applicable to a provider of culinary or secondary water.

A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a municipality:
(1) Subsections 10-20-904(5) and (6);
(2) Section 10-20-905;
(3) Section 10-20-911; and
(4) Section 10-20-912.

Amended by Chapter 166, 2026 General Session

10-20-911 Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to Section 10-20-912, an exaction for a water interest, if:
  (a) an essential link exists between a legitimate governmental interest and each exaction; and
  (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:
  (a) the governmental entity shall request the exaction; and
  (b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.

(3)
  (a) If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality.
  (b) A person to whom a municipality offers to reconvey property under Subsection (3)(a) has 90 days to accept or reject the municipality's offer.
  (c) If a person to whom a municipality offers to reconvey property declines the offer, the municipality may offer the property for sale.
  (d) Subsection (3)(a) does not apply to the disposal of property acquired by exaction by a community reinvestment agency.

(4)
  (a) A municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.
  (b) Subsection (4)(a) does not apply if a municipality requires the installation of pavement in excess of 32 feet:
    (i) in a vehicle turnaround area;
    (ii) in a cul-de-sac;
    (iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;
    (iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;
    (v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;
    (vi) as needed for the installation or location of a utility which is maintained by the municipality and is considered a transmission line or requires additional roadway width;
    (vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the municipality within the roadway;
    (viii) for utilities over 12 feet in depth;
    (ix) for roadways with a design speed that exceeds 25 miles per hour;
    (x) as needed for flood and stormwater routing;
    (xi) as needed to meet fire code requirements for parking and hydrants; or
    (xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a municipality from approving a road cross section with a pavement width less than 32 feet.

(d)

(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the municipality assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(iii) Unless otherwise agreed by the applicant and the municipality, the panel described in Subsection (4)(d)(ii) shall consist of the following three experts:

(A) one licensed engineer, designated by the municipality;

(B) one licensed engineer, designated by the land use applicant; and

(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (4)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the municipality under Subsection (4)(d)(ii) may not have an interest in the application that is the subject of the appeal.

(v) The land use applicant shall pay:

(A) 50% of the cost of the panel; and

(B) the municipality's published appeal fee.

(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (4)(d)(vii).

(vii) In accordance with Section 10-20-1109, a land use applicant or the municipality may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Amended by Chapter 166, 2026 General Session

10-20-912 Exactions for water rights.

(1) Subject to the requirements of this section, a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(2) Except as provided in Subsection (3), a culinary water authority shall base an exaction for a culinary water interest on:

(a) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water under Section 19-4-114; and

(b) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.

(3) If a municipality determines, in the sole discretion of the municipality, that good cause exists, the municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).

(4)

(a) A municipality shall make public the methodology used to comply with Subsection (2)(b).

(b) A land use applicant may submit a request to the municipality's legislative body to review an exaction calculation used by the municipality under Subsection (2).

(c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's legislative body shall respond with due process.

(5) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (2) on which an exaction for a water interest is based.

(6)

(a) A municipality may not impose an exaction for a water interest if:

(i) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public; or

(ii) the municipality or the municipality's culinary water authority does not have a written plan in accordance with Subsection (6)(b).

(b) Beginning on January 1, 2028, a municipality shall determine the municipality's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the provisions of this section and Section 10-20-911 the same as if the provider were a municipality.

Enacted by Chapter 166, 2026 General Session

Part 10
Enforcement

10-20-1001 Enforcement -- Limitations on a municipality's ability to enforce an ordinance by withholding a permit or certificate.

(1)

(a) A municipality or a land use applicant may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

(2)

(a) Except as provided in Subsections (3) through (6), a municipality may enforce the municipality's ordinance by withholding a building permit or certificate of occupancy.

(b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

(c) A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A municipality may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the municipality's adopted standards.

(e) A municipality may require temporary signs to be installed at each street intersection once construction of a new roadway allows passage by a motor vehicle.

(f) A municipality may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

(3)
(a) A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:
(i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and
(ii) for which the municipality has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 10-20-807, or an infrastructure improvement for the development.
(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:
(i) for a building permit:
(A) operable fire hydrants installed in a manner that is consistent with the municipality's adopted engineering standards; and
(B) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the municipality's adopted engineering standards;
(ii) for a certificate of occupancy, at the discretion of the municipality, at least one of the following:
(A) a permanent road;
(B) a temporary road covered with asphalt or concrete; or
(C) another method for accessing a structure consistent with Appendix D of the International Fire Code; and
(iii) public infrastructure necessary for the health, life, and safety of the occupant.
(c) A municipality may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.
(4) A municipality may not deny an applicant a building permit or certificate of occupancy for failure to:
(a) submit a private landscaping plan, as defined in Section 10-20-807; or
(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 10-20-807.
(5) A municipality may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.
(6) A municipality may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 10-20-807, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.
(7) A municipality may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.
(8) A municipality shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:
(a) another infrastructure improvement; or
(b) a public landscaping improvement, as defined in Section 10-20-807.

(9) A municipality may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the municipality.

Amended by Chapter 166, 2026 General Session

10-20-1002 Penalties -- Notice.

(1) The municipality may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.
(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter is punishable as a class C misdemeanor upon conviction either:
  (a) as a class C misdemeanor; or
  (b) by imposing the appropriate civil penalty adopted under the authority of this section.
(3) Before imposing upon an owner of record a civil penalty established by ordinance under authority of this chapter, a municipality shall provide:
  (a) written notice, by mail or hand delivery, of each ordinance violation to the address of the:
    (i) owner of record on file in the office of the county recorder; or
    (ii) person designated, in writing, by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation;
  (b) the owner of record a reasonable opportunity to cure a noticed violation; and
  (c) a schedule of the civil penalties that may be imposed upon the expiration of a time certain.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-1003 Nonconforming uses and noncomplying structures.

(1)
  (a) Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.
  (b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
  (c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.
(2) The legislative body may provide for:
  (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;
  (b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and
  (c) the termination of a nonconforming use due to its abandonment.
(3)
  (a) A municipality may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.
  (b) A municipality may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:
    (i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after the day on which

written notice is served to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or

(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

(c)

(i) Notwithstanding a prohibition in the municipality's zoning ordinance, a municipality may permit a billboard owner to relocate the billboard within the municipality's boundaries to a location that is mutually acceptable to the municipality and the billboard owner.

(ii) If the municipality and billboard owner cannot agree to a mutually acceptable location within 180 days after the day on which the owner submits a written request to relocate the billboard, the billboard owner may relocate the billboard in accordance with Section 10-20-608.

(4)

(a) Unless the municipality establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use through substantial evidence, which may not be limited to municipal or county records.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and has the burden of establishing that any claimed abandonment under Subsection (4)(b) has not occurred.

(5) A municipality may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Part 11
Appeal Authority, Variances, and District Court Review

10-20-1101 Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)

(a) Subject to Subsection (1)(d), each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(b) An appeal authority described in Subsection (1)(a) shall hear and decide:

(i) requests for a variance from a land use ordinance;
(ii) appeals from a land use decision applying a land use ordinance; and
(iii) appeals from a fee charged in accordance with Section 10-20-904.
(c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the enactment of a land use regulation.
(d) Beginning on July 1, 2026, a city described in Subsection 10-20-302(5)(a)(i) may not designate the city's legislative body as an appeal authority.
(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal authority for an appeal if:
(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and
(ii) the appellant filed the appeal on or before June 30, 2026.
(2) As a condition precedent to judicial review, each adversely affected party or land use applicant shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.
(3) An appeal authority described in Subsection (1)(a):
(a) shall:
(i) act in a quasi-judicial manner; and
(ii) serve as the final arbiter of issues involving the interpretation or application of a land use ordinance; and
(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.
(4) By ordinance, a municipality may:
(a) designate a separate appeal authority to hear requests for variances than the appeal authority the municipality designates to hear appeals;
(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;
(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court; and
(d) provide that specified types of land use decisions may be appealed directly to the district court.
(5) A municipality may not:
(a) require a public hearing for a request for a variance or land use appeal; or
(b) require a land use applicant or adversely affected party to pursue successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies.
(6) If the municipality establishes or, before the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:
(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;
(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;
(c) convene only if a quorum of the members of the board, body, or panel is present; and
(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Amended by Chapter 166, 2026 General Session

10-20-1102 Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

(2)

(a) The appeal authority may grant a variance only if:

(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the land use ordinance is observed and substantial justice done.

(b)

(i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and

(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprive the property of privileges granted to other properties in the same zone.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The appeal authority may not grant a use variance.

(6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

(a) mitigate any harmful affects of the variance; or

(b) serve the purpose of the standard or requirement that is waived or modified.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-1103 Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.

(1) The land use applicant, a board or officer of the municipality, or an adversely affected party may, within the applicable time period, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

(2)
(a) A land use applicant who has appealed a decision of the land use authority administering or interpreting the municipality's geologic hazard ordinance may request the municipality to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
(b) If a land use applicant makes a request under Subsection (2)(a), the municipality shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the applicant and municipality:
(i) one expert designated by the municipality;
(ii) one expert designated by the land use applicant; and
(iii) one expert chosen jointly by the municipality's designated expert and the land use applicant's designated expert.
(c) A member of the panel assembled by the municipality under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.
(d) The land use applicant shall pay:
(i) 1/2 of the cost of the panel; and
(ii) the municipality's published appeal fee.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-1104 Time to appeal.
(1) The municipality shall enact an ordinance establishing a reasonable time of not less than 10 days to appeal to an appeal authority a written decision issued by a land use authority.
(2) In the absence of an ordinance establishing a reasonable time to appeal, a land use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal authority a written decision issued by a land use authority.
(3) Notwithstanding Subsections (1) and (2), for an appeal from a decision of a historic preservation authority regarding a land use application, the land use applicant may appeal the decision within 30 days after the day on which the historic preservation authority issues a written decision.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-1105 Burden of proof.
In an appeal described in this part:
(1) if the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence; or
(2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Repealed and Re-enacted by Chapter 166, 2026 General Session

10-20-1106 Due process.
(1) An appeal authority shall conduct each appeal and variance request as provided in local ordinance.
(2) An appeal authority shall respect the due process rights of an appeal participant.

(3) An appeal authority may only allow the following people to present or speak during an appeal hearing:
  (a) the appellant or the appellant's representatives;
  (b) the land use applicant or the land use applicant's representatives; and
  (c) the municipality's representatives.

Amended by Chapter 166, 2026 General Session

10-20-1107 Scope of review of factual matters on appeal -- Appeal authority requirements.
(1) A municipality may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.
(2) If the municipality fails to designate a scope of review of factual matters, the appeal authority shall review the factual matters de novo, without deference to the land use authority's determination of the factual matters.
(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.
(4) The appeal authority shall:
  (a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
  (b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
(5)
  (a) An appeal authority's land use decision is a quasi-judicial act.
  (b) Except as provided in Subsection (5)(c), a legislative body may act as an appeal authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.
  (c) Beginning on July 1, 2026, the legislative body of a city described in Subsection 10-20-302(5)(a)(i) may not act as an appeal authority unless:
    (i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and
    (ii) the appellant filed the appeal on or before June 30, 2026.
(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Amended by Chapter 166, 2026 General Session

10-20-1108 Final decision.
(1) A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by ordinance.
(2) A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 10-20-1109(2)(a) or a final action under Subsection 10-20-1109(4).

Renumbered and Amended by Chapter 15, 2025 Special Session 1

10-20-1109 No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

(1) A person may challenge in district court a land use decision if the person has exhausted the person's administrative remedies as provided in this part, if applicable.

(2)

(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.

(b)

(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)

(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)

(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)

(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's ruling.

(4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes final action on a land use application, if the municipality conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the municipality has complied with Section 10-20-205, a challenge to the enactment of a land use regulation, general plan, or specified land use law may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.
(7)
(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders, and, if available, a true and correct transcript of the proceedings.
(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).
(8)
(a)
(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.
(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.
(b) If there is no record, the court may call witnesses and take evidence.
(9)
(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.
(b)
(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's land use decision.
(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's land use decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the municipality.
(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.
(10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Amended by Chapter 166, 2026 General Session

10-20-1110 Consent agreement.
(1) A legislative body may, by resolution or ordinance, settle litigation initiated under Section 10-20-1109 regarding a land use decision with a property owner through a consent agreement.
(2) A legislative body shall approve the consent agreement under Subsection (1) in a public meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
(3) A legislative body is not required to present to a planning commission on any matter covered by a consent agreement.

Renumbered and Amended by Chapter 15, 2025 Special Session 1