Effective 5/9/2017

Part 5
Land Use Regulations

17-27a-501 Enactment of land use regulation.

(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 land use regulation shall be consistent with the purposes set forth in this chapter.

(4)

(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 17-27a-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 county may not adopt a land use regulation, development agreement, or 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.

(6) A county 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 65, 2023 General Session

17-27a-502 Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-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 17-27a-205(4) prior to 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:

(A) all or any part of the unincorporated area of the county; or

(B) for a mountainous planning district, all or any part of the area in the mountainous planning district; and

(ii) forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).

(2)

(a) The 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 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed 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) 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.

Amended by Chapter 384, 2019 General Session

17-27a-503 Zoning district or land use regulation 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 17-27a-502 in preparing and adopting an amendment to a land use regulation.

Amended by Chapter 384, 2019 General Session

17-27a-504 Temporary land use regulations.

(1)
(a) Except as provided in Subsection 2(b), a county 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 county 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 legislative body shall establish a period of limited effect for the ordinance not to exceed 180 days.
(b) A county 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 17-27a-508(1)(a)(ii)(B).
(3)
(a) A 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.

Amended by Chapter 478, 2023 General Session

17-27a-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 county 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.

(d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling disturbance area unless the property is located in a flood zone or geologic hazard except as required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water pollution.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, 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 county decision.

(4) A county may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.

Amended by Chapter 327, 2015 General Session
Amended by Chapter 352, 2015 General Session

17-27a-505.5 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 county may not adopt a single-family limit that is less than:

(a) three, if the county has within its unincorporated area:
(i) a state university;
(ii) a private university with a student population of at least 20,000; or
(iii) a mountainous planning district; or
(b) four, for each other county.

Amended by Chapter 102, 2021 General Session

17-27a-506 Conditional uses.

(1)
(a) A county 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 county 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 a 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.

Amended by Chapter 385, 2021 General Session

17-27a-506.5 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 county'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 county's land use ordinances.

(2)
(a) Each county shall incorporate into the county'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 county 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; and
(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;
(iii) provide that if a use is determined to be a new or unlisted business use:
(A) the applicant shall submit an application for approval of the new or unlisted business use to the legislative body for review;
(B) the legislative body shall consider and determine whether to approve or deny the new or unlisted business use; and
(C) the legislative body shall approve or deny the new or unlisted business use, 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 county and appears at required hearings;
(iv) provide that if the legislative body approves a proposed new or unlisted business use, the legislative body shall designate an appropriate zone or zones for the approved use; and
(v) provide that if the legislative body denies a proposed new or unlisted business use, or if an applicant disagrees with a 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) offer the applicant an opportunity to challenge the classification or denial through an administrative appeal process established by the county.
(3) Each county 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).

Enacted by Chapter 49, 2025 General Session

17-27a-507 Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), 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)
(i) Subject to the requirements of this Subsection (3), a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
(ii) Except as described in Subsection (3)(a)(iii), 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 pursuant to 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 county.

(iii) A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.

(iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.

(v) 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 (3)(a)(i) on which an exaction for a water interest is based.

(b) A county or its culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).

(4)

(a) If a county plans to dispose of surplus real property under Section 17-50-312 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

(b) A person to whom a county offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the county's offer.

(c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.

(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

(5)

(a) A county 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 (5)(a) does not apply if a county 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 county 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 county 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 county 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 county 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 county, the panel described in Subsection (5)(d)(ii) shall consist of the following three experts:
(A) one licensed engineer, designated by the county;
(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 (5)(d)(iii)(A) and (B).
(iv) A member of the panel assembled by the county under Subsection (5)(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 county's published appeal fee.
(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).
(vii) Pursuant to Section 17-27a-801, a land use applicant or the county 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 255, 2023 General Session
Amended by Chapter 478, 2023 General Session

17-27a-508 Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.
(1)
(a)
(i) Subject to Subsection (7), an applicant who has submitted a complete land use application, 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 submitted 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 all 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 county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county 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 prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-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) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application in accordance with this chapter.

(e) 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.

(f) Subject to Subsection (7), a county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A county 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 county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

(h) Except as provided in Subsection (1)(i) or (j), a county 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 building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

(i) A county 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 county 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.

(j) A county 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 county 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.

(k) A county:

(i) may require the submission of a private landscaping plan, as defined in Section 17-27a-604.5, 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 county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county 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.

(4) Subject to Subsection (7), a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county'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.

(5)

(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(4).

(b) Upon delivery of a written notice described in Subsection (5)(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.

(6)

(a) After issuance of a building permit, a county 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 (6)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.
(7) A county shall comply with the provisions of this chapter regarding all pending land use applications and new land use applications submitted under this chapter.

Amended by Chapter 399, 2025 General Session
Amended by Chapter 464, 2025 General Session

17-27a-508.1 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 or sewer lateral.
(2) A county 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 county and the private individual or entity.

Enacted by Chapter 399, 2025 General Session

17-27a-509 Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.
(1) A county 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 county charges for a building permit fee for that building.
(2)
(a) Subject to Subsection (2)(b), a county may impose and collect a fee for reviewing and approving identical plans, as described in Section 17-27a-536, 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 county may impose and collect a fee for reviewing an original plan, as defined in Section 17-27a-536, 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 county may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the county water, sewer, storm water, power, or other utility system.

(4) A county 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 county 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 county 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 county 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 county shall establish a fee appeal process subject to an appeal authority described in Part 7, Appeal Authority and Variances, and district court review in accordance with Part 8, 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 county 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).

(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 following as if it were a county:

(a) Subsections (5) and (6);

(b) Section 17-27a-507; and

(c) Section 17-27a-509.5.

Amended by Chapter 62, 2025 General Session
Amended by Chapter 399, 2025 General Session

17-27a-509.5 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 county 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 county 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 county 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 county 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 must 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)(a).
(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 should have taken final action under Subsection (2)(c).

(3)

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

(i) culinary water system;

(ii) sanitary sewer system;

(iii) storm water system;

(iv) transportation system;

(v) 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 county'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 county of a first, second, or third 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 county of the fourth, fifth, or sixth class, 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 time periods described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) 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 county 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)(A) or (3)(c)(iii)(B) 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 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 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 county 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 county'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 10-9a-604.5:

(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 county'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 county'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 10-9a-604.5(5)(b).

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

(i) a county'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 county'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 17-27a-508, 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.

Amended by Chapter 399, 2025 General Session

17-27a-509.7 Transferable development rights.

(1) A county may adopt an ordinance:

(a) designating sending zones and receiving zones located wholly within the unincorporated area of the county;

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

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

(2) A county may adopt an ordinance designating a sending zone or receiving zone that is located, in part, in a municipality or unincorporated area of another 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 county may not allow the use of a transferable development right unless the county adopts an ordinance described in Subsection (1).

Amended by Chapter 399, 2025 General Session

17-27a-510 Nonconforming uses and noncomplying structures.

(1)

(a) Except as provided in this section, a nonconforming use or a 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 county 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 county 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 county's zoning ordinance, a county may permit a billboard owner to relocate the billboard within the county's unincorporated area to a location that is mutually acceptable to the county and the billboard owner.
(ii) If the county 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 Subsection 17-27a-512(2).
(4)
(a) Unless the county 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 county 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)(c) has not occurred.
(5) A county 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.

Amended by Chapter 355, 2022 General Session

17-27a-510.5 Changes to dwellings -- 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 county ordinance adopted under Section 10-1-203.5 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 county 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 county 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.

Amended by Chapter 102, 2021 General Session

17-27a-511 Termination of a billboard and associated rights.

(1) A county 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 county 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 17-27a-512(2)(f) and (h); and
(b) after acquiring the rights under Subsection (3)(a), terminate the billboard and associated rights.

Amended by Chapter 239, 2018 General Session

17-27a-512 County's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboard to be rebuilt or replaced -- Validity of county 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 county, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the county; 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 county with jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard owner may take the requested action, without further county land use approval, 180 days after the day on which the billboard owner makes the written request, unless within the 180-day period the county:
(i) in an attempt to acquire the billboard and associated rights through eminent domain under Section 17-27a-511 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 county 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 unincorporated area of the county, 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 county 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 17-27a-511, 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 county that acquires a billboard and associated rights through eminent domain under Section 17-27a-511 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 county commences an eminent domain action under Subsection (2)(a)(i):
(i) the provisions of Section 78B-6-510 do not apply; and
(ii) the county may not take possession of the billboard or the billboard's associated rights until:
(A) completion of all appeals of a judgment allowing the county 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 county land use approval, to take an action requested under Subsection (2)(a), if the county's eminent domain action commenced under Subsection (2)(a)(i) is dismissed without an order allowing the county 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 county 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 county's eminent domain action to acquire the billboard or associated rights.
(3) Notwithstanding Section 17-27a-511, a county may require an owner of a billboard to remove the billboard without acquiring a billboard and associated rights through eminent domain if:
(a) the county 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 county 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 county'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 county 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 county 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 county issues, extends, or renews for a billboard remains valid beginning on the day on which the county 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 county issues, extends, or renews a permit for the billboard.

Amended by Chapter 239, 2018 General Session

17-27a-513 Manufactured homes.
(1) For purposes of this section, a manufactured home is the same as defined in Section 15A-1-302, except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.
(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that zone or area.
(3) A county may not:
(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or
(b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

Amended by Chapter 14, 2011 General Session
Amended by Chapter 297, 2011 General Session

17-27a-514 Regulation of amateur radio antennas.

(1) A county 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 county 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 county's purpose.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-515 Regulation of residential facilities for persons with disabilities.

A county may only regulate a residential facility for persons with a disability to the extent allowed by:
(1) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;
(2) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and
(3) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

Repealed and Re-enacted by Chapter 309, 2013 General Session

17-27a-519 Licensing of residences for persons with a disability.

The responsibility to license programs or entities that operate facilities for persons with a disability, 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:
(1) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and
(2) Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities.

Amended by Chapter 327, 2023 General Session

17-27a-520 Wetlands.

(1) A county 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.

Amended by Chapter 216, 2022 General Session

17-27a-521 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.

Enacted by Chapter 306, 2010 General Session

17-27a-522 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, county 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 57-1-4.5(3)(b); and
  (c) if required by county ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section 17-27a-608.
(6) The 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 county ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section 17-27a-608.

(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 the county recorder along with the relevant conveyance document.

(9) The recording of a boundary adjustment does not constitute a land use approval.

(10) A county may enforce county ordinances against, or withhold approval of a land use application for, property that is subject to a boundary adjustment if the county determines that the resulting lots or parcels are not in compliance with the county's land use regulations in effect on the day on which the boundary adjustment is recorded.

Amended by Chapter 40, 2025 General Session

17-27a-523 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 the 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, 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 the county recorder.

(5) A county may enforce county 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.

Amended by Chapter 40, 2025 General Session

17-27a-524 Site plan.

A site plan submitted to a county for approval of a building permit:
(1) if modified, may not be used to impose a penalty on a property owner;
(2) does not represent an agreement for a specific final layout;
(3) does not bind an owner from future development activity or modifications to a development activity on the property; and
(4) is superseded by the terms of a building permit requirement.

Enacted by Chapter 476, 2013 General Session

17-27a-525 Cannabis production establishments and medical cannabis pharmacies.
(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 "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 county 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 county 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 county 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 county shall take the action described in Subsection (3)(a):
(i) before January 1, 2021, within 45 days after the day on which the county receives a petition for the action; and
(ii) after January 1, 2021, in accordance with Subsection 17-27a-509.5(2).

Amended by Chapter 238, 2024 General Session

17-27a-526 Internal accessory dwelling units.
(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)

(i) "Primary dwelling" means a single-family dwelling that:

(A) is detached; and

(B) is occupied as the primary residence of the owner of record.

(ii) "Primary dwelling" includes a garage if the garage:

(A) is a habitable space; and

(B) is connected to the primary dwelling by a common wall.

(2) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use;

(b) except as provided in Subsections (3) and (4), a county may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size;

(iii) street frontage; or

(iv) internal connectivity; and

(c) a county's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A county may:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(c) require a primary dwelling:

(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the county's land use ordinance, except that if the county's land use ordinance requires four off-street parking spaces, the county may not require the additional space contemplated under this Subsection (4)(c)(i); and

(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is habitable space;

(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;

(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;

(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to 25% or less of the total unincorporated area in the county that is zoned primarily for residential use, except that the county may not prohibit newly constructed internal accessory dwelling units that:

(i) have a final plat approval dated on or after October 1, 2021; and

(ii) comply with applicable land use regulations;

(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;

(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;

(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).
(5)
(a) In addition to any other legal or equitable remedies available to a county, a county may hold a lien against a property that contains an internal accessory dwelling unit if:
(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
(ii) the county provides a written notice of violation in accordance with Subsection (5)(b);
(iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
(v) the county provides a written notice of lien in accordance with Subsection (5)(c); and
(vi) the county records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.
(b) The written notice of violation shall:
(i) describe the specific violation;
(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
(A) no less than 14 days after the day on which the county sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
(B) no less than 30 days after the day on which the county sends the written notice of violation, for any other violation;
(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) notify the owner of the property:
(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
(B) of the name and address of the county office where the owner may file the written objection;
(v) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(vi) be posted on the property.
(c) The written notice of lien shall:
(i) comply with the requirements of Section 38-12-102;
(ii) describe the specific violation;

(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(v) be posted on the property.
(d)
(i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the county shall:
(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a county may not record a lien under this Subsection (5) until the county holds a hearing and determines that the specific violation has occurred.
(iii) If the county determines at the hearing that the specific violation has occurred, the county may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the county may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).
(6)
(a) A county that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
(b) The notice described in Subsection (6)(a) shall include:
(i) a description of the primary dwelling;
(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the county's land use regulations.
(c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Amended by Chapter 501, 2023 General Session

17-27a-527 Utility service connections.
(1) A county 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 county; or
(b) a building owned by a county.

Enacted by Chapter 15, 2021 General Session

17-27a-528 Development agreements.

(1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county 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 county's authority in the future to:
      (A) enact a land use regulation; or
      (B) take any action allowed under Section 17-53-223;
    (ii) require a county to change the zoning designation of an area of land within the county 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 17-27a-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 17-27a-502.
  (c) Subject to Subsection (2)(d), a county may require a development agreement for developing land within the unincorporated area of the county 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 county may not require a development agreement as a condition for developing land within the unincorporated area of the county if:
    (i) the development otherwise complies with applicable statute and county ordinances;
    (ii) the development is an allowed or permitted use; or
    (iii) the county's land use regulations otherwise establish all applicable standards for development on the land.
  (e) A county 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 county 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.

Amended by Chapter 415, 2024 General Session

17-27a-529 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 county's general plan under Section 17-27a-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 county 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 county requires low impact development for the area in which the residential street is located.
(b) Subsection (2)(a) does not apply if a county 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 county shall, by ordinance, establish any standards that the county requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.
(b) The county shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

Enacted by Chapter 385, 2021 General Session

17-27a-530 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 county" means the same as that term is defined in Section 17-27a-408.
(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 county 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 county 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 county that is a specified county 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 county may not require a garage for a single-family attached or detached dwelling that is owner-occupied affordable housing.

(6) If a county requires a garage, the county shall count each parking space within the garage as part of the county's minimum parking space requirement as described in Section 17-27a-526.

(7) Nothing in this section prohibits a county from requiring on-site parking for owner-occupied affordable housing.

Amended by Chapter 449, 2025 General Session

17-27a-531 Moderate income housing.

(1) A county may only require the development of a certain number of moderate income housing units as a condition of approval of a land use application if:
(a) the county and the applicant enter into a written agreement regarding the number of moderate income housing units;
(b) the county provides incentives for an applicant who agrees to include moderate income housing units in a development; or
(c) the county offers or approves, and an applicant accepts, an incentive described in Section 17-27a-403.1 or 17-27a-403.2.

(2) If an applicant does not agree to participate in the development of moderate income housing units under Subsection (1)(a) or (b), a county may not take into consideration the applicant's decision in the county's determination of whether to approve or deny a land use application.

(3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a ski resort located within the unincorporated area of the county, may require the development of a certain number of moderate income housing units as a condition of approval of a land use application if the requirement is in accordance with an ordinance enacted by the county before January 1, 2022.

Amended by Chapter 385, 2025 General Session

17-27a-532 Water wise landscaping -- County 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 17-27a-604.5.
(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) the 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.
(2) A county may not enact or enforce an ordinance, resolution, or 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 county 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 county, including a requirement that:
(A) restricts or clarifies the use of mulches considered detrimental to county operations;
(B) imposes minimum or maximum vegetative coverage standards; or
(C) restricts or prohibits the use of specific plant materials.
(b) A county 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 county may require a seller of a newly constructed residence within the unincorporated area of the county to inform the first buyer of the newly constructed residence of a county ordinance requiring water wise landscaping.
(5) A county 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 county may enforce a county landscaping ordinance in compliance with this section.

Amended by Chapter 399, 2025 General Session

17-27a-533 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; or
(viii) Little Mountain Test Facility.
(2)
(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a county within 5,000 feet of a boundary of military land, a county 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 county that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.
(3) If a county receives a land use application related to land within 5,000 feet of a boundary of military land, before the county may approve the land use application, the county 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 county 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 county 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 county 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 county has completed the compatible use plan as described in this section, the department shall consult with the county 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 336, 2024 General Session

17-27a-534 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 county 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 located within the unincorporated area of a county.

Enacted by Chapter 415, 2024 General Session

17-27a-535 Operation of a tower crane.
(1) As used in this section:
(a) "Affected land" means the same as that term is defined in Section 10-9a-539.
(b) "Airspace approval" means the same as that term is defined in Section 10-9a-539.
(c) "Live load" means the same as that term is defined in Section 10-9a-539.
(d) "Permit period" means the same as that term is defined in Section 10-9a-539.
(e) "Tower crane" means the same as that term is defined in Section 10-9a-539.
(2) Except as provided in Subsection (3), a county may not require airspace approval as a condition for the county's:
(a) approval of a building permit; or
(b) authorization of a development activity.
(3) A county may require airspace approval relating to affected land as a condition for the county's approval of a building permit or for the county'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.

Enacted by Chapter 329, 2024 General Session

17-27a-536 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 county holiday.

(b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section 17-27a-103.
(c) "Original plan" means the same as that term is defined in Section 10-9a-541.
(2) An applicant may submit, and a county shall review, an identical plan as described in this section.
(3) At the time of submitting an identical plan for review to a county, an applicant shall:
(a) mark the floor plan as "identical plans";
(b) identify in writing:
(i) the building permit number the county issued for the original plan:
(A) that was previously approved by the county; and
(B) to which the submitted floor plan qualifies as an identical plan; or
(ii) the identifying index number assigned by the county 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 county shall:
(a) indicate, at the time of submitting an original plan to the county 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 county; 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 county approves the original plan.
(5) Upon approving an original plan and receiving the information described in Subsection (4), a county 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 county 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 county from conducting a site review and requiring geological analysis of the proposed site identified by the applicant under Subsection (3)(c).
(8) A county 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 county as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the county:
(a) may be fined by the county receiving the submission of the nonidentical plan:
(i) in an amount not to exceed three times the building permit fee, if the county 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 county 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 county discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.

(10) A county may impose a criminal penalty, as described in Section 17-53-223, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Enacted by Chapter 399, 2025 General Session

17-27a-537 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 county's required criteria for approval.

(b) "Business day" means the same as that term is defined in Section 17-27a-536.

(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 county, including all relevant divisions or departments within a county, 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 under Title 15A, State Construction and Fire Codes Act;

(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 county collects a fee for the inspection of a construction project, the county shall ensure that the construction project receives a prompt inspection.
(b) If a county cannot provide a building inspection within three business days after the day on which the county receives the request for the inspection, the applicant may engage an inspection with a third-party inspection firm from the third-party inspection firm list, as described in Section 15A-1-105.
(c) 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 county 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 county determines an application for a plan review is complete, as described in Subsection (12), within the screening period, the county shall begin the plan review process described in Subsection (4).

(b) If the county determines that an application for a plan review is not complete as described in Subsection (12), and if the county notifies the applicant of the county's determination:

(i) before 5 p.m. on the last day of the screening period, the county 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 county 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 county shall review the resubmitted application to determine if the application is complete as described in Subsection (12).

(d) If the county gives notice of an incomplete application after 5 p.m. on the last day of the screening period, the county:

(i) shall immediately notify the applicant that the county 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 county determines an application for plan review is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the county 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 county determines an application for plan review is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the county 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 county gives notice of an incomplete application as described in Subsection (3)(d), the county:

(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 county with the information necessary to consider the application complete under Subsection (12);

(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 county 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 county determines the application meets the requirements for a building permit, the county shall approve the application and, subject to Subsection (10)(b), issue the building permit to the applicant.

(5)

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

(b) A county 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 county.

(6) A government entity determining if an application is complete or performing a plan review, in whole or in part, as requested by a county, shall:

(a) comply with the requirements of this chapter; and

(b) notify the county 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 county's written consent, establish an alternative plan review time requirement.

(8)

(a) A county may not enforce a requirement to have a plan review if:

(i) the county 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 county is prohibited from enforcing a requirement to have a plan review under Subsection (8)(a), the county shall return to the applicant the plan review fee.

(9)

(a) A county may attach to a reviewed plan a list that includes:

(i) items with which the county is concerned and may enforce during construction; and

(ii) building code violations found in the plan.

(b) A county may not require an applicant to redraft a plan if the county requests minor changes to the plan that the list described in Subsection (9)(a) identifies.

(c) A county may 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 county charges a fee for a building permit, the county may not refuse payment of the fee at the time the applicant submits an application under Subsection (3).

(b) If a county 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 county may require the applicant to pay the fee for the building permit before the county issues the building permit.

(11) A county 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 county;
(g) a statement indicating that:
(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 county to perform a plan review.
(13) A county may, at the county's discretion, utilize automated review to fulfill, in whole or in part, the county's obligation to conduct plan review described in this section.

Renumbered and Amended by Chapter 399, 2025 General Session

17-27a-538 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 county receives a notification described in Section 72-10-416, the land use authority of the county 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 an unincorporated area within the boundary of the county a notice with the following language: "In accordance with Utah Code Section 17-27a-538, 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]."

Enacted by Chapter 515, 2025 General Session

17-27a-539 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 political subdivision of the state 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.

Enacted by Chapter 228, 2025 General Session

17-27a-540 High tunnels -- Exemption from county 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 county building code does not apply to a high tunnel.
(3) No building permit shall be required for the construction of a high tunnel.

Enacted by Chapter 469, 2025 General Session