

Effective 11/6/2025

Part 5
Land Use Regulations - General Processes

17-79-501 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 of this chapter.
- (4)
 - (a) A legislative body shall adopt a land use regulation to:
 - (i) create or amend a zoning district under Subsection 17-79-503(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) A county shall publish on the county's website:
 - (i) all of the county's land use regulations; and
 - (ii) a fee schedule that lists all of the county's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.
 - (b) A county may comply with Subsection (5)(a) by:
 - (i) posting a link on the county's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and
 - (ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.
- (6) A county may not adopt a land use regulation or development agreement, or make a land use decision that restricts the type of crop that may be grown in an area that is:
 - (a) zoned agricultural; or
 - (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
- (7) A 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 166, 2026 General Session

17-79-502 Preparation and adoption of land use regulation.

- (1) A planning commission shall:
 - (a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable, Subsection 17-79-205(4);
 - (b) hold a public hearing on a proposed land use regulation;

- (c) if applicable, consider each written objection filed in accordance with Subsection 17-79-205(4) before the public hearing; and
- (d)
 - (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:
 - (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 17-79-205(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 17-79-205(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) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:
 - (i) a land use applicant makes a request described in Subsection 17-79-805(2)(b); or
 - (ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Amended by Chapter 166, 2026 General Session

17-79-503 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 17-79-502 in preparing and adopting an amendment to a land use regulation.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-504 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 17-79-803(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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-505 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-506 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-507 Classification of new and unlisted business uses.

- (1) As used in this section:
 - (a) "Classification request" means a request to determine whether a proposed business use aligns with an existing land use specified in a 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;
 - (B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use; and
 - (C) providing the applicant an opportunity to appeal a land use authority's decision to the land use appeal authority;
- (iii) provide that if a use is determined to be a new or unlisted business use:
 - (A) the applicant shall submit to the legislative body for review an application requesting that the legislative body adopt a land use ordinance that permits the new or unlisted business as a permitted or conditional use;
 - (B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall consider and approve or deny the application described in Subsection (2)(b)(iii)(A); and
 - (C) the legislative body shall approve or deny the application described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the county and appears at required hearings;
- (iv) provide that if the legislative body approves the application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate zone or zones for the approved use; and
- (v) provide that if the legislative body denies the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees with 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) notify the applicant of the process for appealing the legislative body's decision in accordance with Section 17-79-1009.
- (c) A county may not require an applicant who submits an application described in Subsection (2)(b)(iii)(A) to submit the application to the planning commission for consideration, review, or approval.
- (3) Each 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).

Amended by Chapter 166, 2026 General Session

17-79-508 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 17-64-501;
- (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 17-79-502, 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 17-79-502.
- (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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1