

SB0271S01 compared with SB0271

~~{deleted text}~~ shows text that was in SB0271 but was deleted in SB0271S01.

inserted text shows text that was not in SB0271 but was inserted into SB0271S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{HOME OWNERSHIP REQUIREMENTS}~~ Representative Val L. Peterson proposes the following substitute bill:

LAND USE AND HOME OWNERSHIP AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: ~~{_____}~~ Val L. Peterson

LONG TITLE

General Description:

This bill prohibits certain municipal and county land use regulations, and restricts certain land use decisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a county or municipal legislative body from ~~{enacting}~~ adopting or enforcing a land use regulation that regulates co-owned homes differently from other residential units; ~~{and}~~
- ▶ prohibits a county or municipal legislative body from using a land use regulation regarding co-owned homes to punish individuals for owning or using a co-owned home ~~{,}~~ and

SB0271S01 compared with SB0271

- ▶ for local non-historic lots:
 - prohibits certain land use regulations; and
 - restricts certain land use decisions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-534, as enacted by Laws of Utah 2021, First Special Session, Chapter 3

17-27a-530, as enacted by Laws of Utah 2021, First Special Session, Chapter 3

ENACTS:

10-8-85.10, Utah Code Annotated 1953

17-50-340, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-8-85.10** is enacted to read:

10-8-85.10. Ordinances regarding co-ownership -- Prohibition on municipal ordinances restricting co-ownership models.

(1) As used in this section:

(a) "Co-owned home" means any residential unit that is jointly owned, in any manner or form, by any combination of individuals or entities.

(b) "Residential unit" means the same as that term is defined in Section 10-8-85.4.

(2) Notwithstanding Section 10-9a-501 and Subsection 10-9a-503(1), a municipal legislative body may not:

(a) ~~enact~~adopt or enforce a land use regulation that regulates co-owned homes differently than other residential units; or

(b) use a land use regulation governing co-owned homes to fine, charge, prosecute, or otherwise punish an individual solely for the act of owning or using a co-owned home.

(3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use regulations, if the regulations are applied equally to all residential units, including co-owned

SB0271S01 compared with SB0271

homes.

(4) This section does not limit private individuals or associations from adopting rules or regulations governing co-owned homes.

(5) Nothing in this section limits a municipality's authority to adopt or enforce regulations regarding:

(a) accessory dwelling units, as defined in Section 10-91-103;

(b) internal accessory dwelling units, as defined in Section 10-9a-511.5; or

(c) the rental of a residential unit for fewer than 30 days consistent with Section

10-8-85.4.

Section 2. Section 10-9a-534 is amended to read:

10-9a-534. Regulation of building design elements prohibited -- Exceptions.

(1) As used in this section~~;~~:

(a) "[~~building~~] **Building** design element" means:

~~(a)~~ (i) exterior color;

~~(b)~~ (ii) type or style of exterior cladding material;

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

~~(d)~~ (iv) exterior nonstructural architectural ornamentation;

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

~~(f)~~ (vi) location, design, placement, or architectural styling of a garage door, not

including a rear-loading garage door;

~~(g)~~ (vii) number or type of rooms;

~~(h)~~ (viii) interior layout of a room;

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

~~(j)~~ (x) rear yard landscaping requirements;

~~(k)~~ (xi) minimum building dimensions; or

~~(l)~~ (xii) a requirement to install front yard fencing.

(b) "Local non-historic lot" means a lot that:

(i) is in an area designated in:

(A) the National Register of Historic Places;

(B) the state register, as defined in Section 9-8-402; or

(C) a local historic district or area, or a site designated as a local landmark;

SB0271S01 compared with SB0271

(ii) was created by a subdivision plat approved by a municipality and recorded after January 1, 1990;

(iii) is larger than one acre; and

(iv) includes primary structures built after January 1, 1997.

(c) "Subterranean improvement" means an improvement or area for connecting structures that is:

(i) located entirely below grade; and

(ii) constructed or will be constructed consistent with Title 15A, State Construction and Fire Codes Act.

(2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one to 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 9-8-402; or

(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021;

(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; or

(h) a land use regulation, including a planned unit development or overlay zone, that a

SB0271S01 compared with SB0271

property owner requests:

- (i) the municipality to apply to the owner's property; and
- (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.

(4) On a local non-historic lot:

(a) a municipality may not impose restrictions on a dwelling's vertical or horizontal facade or massing;

(b) the exemptions under Subsections (3)(a)(iii) and (3)(h) do not apply for any building design element;

(c) any conditional use for a dwelling, use, or activity is a permitted use; and

(d) a municipality may not include subterranean improvements in any evaluation, decision, or determination of whether a single-family dwelling, or any accessory buildings, comply with a land use regulation, plat, or other restriction.

Section 3. Section 17-27a-530 is amended to read:

17-27a-530. Regulation of building design elements prohibited -- Exceptions.

(1) As used in this section~~;~~:

(a) "[~~building~~] **Building** design element" means:

~~(a)~~ (i) exterior color;

~~(b)~~ (ii) type or style of exterior cladding material;

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

~~(d)~~ (iv) exterior nonstructural architectural ornamentation;

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

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

~~(g)~~ (vii) number or type of rooms;

~~(h)~~ (viii) interior layout of a room;

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

~~(j)~~ (x) rear yard landscaping requirements;

~~(k)~~ (xi) minimum building dimensions; or

~~(l)~~ (xii) a requirement to install front yard fencing.

(b) "Local non-historic lot" means a lot that:

SB0271S01 compared with SB0271

(i) is in an area designated in:

(A) the National Register of Historic Places;

(B) the state register, as defined in Section 9-8-402; or

(C) a local historic district or area, or a site designated as a local landmark;

(ii) was created by a subdivision plat approved by a municipality and recorded after January 1, 1990;

(iii) is larger than one acre; and

(iv) includes primary structures built after January 1, 1997.

(c) "Subterranean improvement" means an improvement or area for connecting structures that is:

(i) located entirely below grade; and

(ii) constructed or will be constructed consistent with Title 15A, State Construction and Fire Codes Act.

(2) Except as provided in Subsection (3), a county may not impose a requirement for a building design element on a one to 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 9-8-402; or

(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021;

(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

SB0271S01 compared with SB0271

evidence from the construction industry of:

- (i) defects in the material of existing cladding; or
- (ii) consistent defects in the installation of existing cladding; or
- (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.

(4) On a local non-historic lot:

(a) a county may not impose restrictions on a dwelling's vertical or horizontal facade or massing;

(b) the exemptions under Subsections (3)(a)(iii) and (3)(h) do not apply for any building design element;

(c) any conditional use for a dwelling, use, or activity is a permitted use; and

(d) a county may not include subterranean improvements in any evaluation, decision, or determination of whether a single-family dwelling, or any accessory buildings, comply with a land use regulation, plat, or other restriction.

Section ~~{2}~~4. Section **17-50-340** is enacted to read:

17-50-340. Ordinances regarding co-ownership -- Prohibition on county ordinances restricting co-ownership models.

(1) As used in this section:

(a) "Co-owned home" means any residential unit that is jointly owned, in any manner or form, by any combination of individuals or entities.

(b) "Residential unit" means the same as that term is defined in Section 17-50-338.

(2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a county legislative body may not:

(a) ~~enact~~adopt or enforce a land use regulation that governs co-owned homes differently than other residential units; or

(b) use a land use regulation that regulates co-owned homes to fine, charge, prosecute, or otherwise punish an individual solely for the act of owning or using a co-owned home.

(3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use

SB0271S01 compared with SB0271

regulations, if the regulations are applied equally to all residential units, including co-owned homes.

(4) This section does not limit homeowners' associations or condominium associations from adopting rules or regulations governing co-owned homes.

(5) Nothing in this section limits a county's authority to adopt or enforce regulations regarding:

(a) accessory dwelling units, as defined in Section 17-27a-103;

(b) internal accessory dwelling units, as defined in Section 17-27a-510.5; or

(c) the rental of a residential unit for fewer than 30 days consistent with Section 17-50-338.