

305 (ii) a parking or setback exception;

306 (iii) a density transfer or bonus;

307 (iv) a development incentive;

308 (v) a zone change; or

309 (vi) an amendment to a prior development agreement.

310 (d) A municipality may not require a development agreement as a condition for
311 developing land within the municipality if:

312 (i) the development otherwise complies with applicable statute and municipal
313 ordinances;

314 (ii) the development is an allowed or permitted use; or

315 (iii) the municipality's land use regulations otherwise establish all applicable standards
316 for development on the land.

317 (e) A municipality may submit to a county recorder's office for recording:

318 (i) a fully executed agreement; or

319 (ii) a document related to:

320 (A) code enforcement;

321 (B) a special assessment area;

322 (C) a local historic district boundary; or

323 (D) the memorializing or enforcement of an agreed upon restriction, incentive, or
324 covenant.

325 (f) Subject to Subsection (2)(e) ~~§~~ → [(†)] ← ~~§~~ , a municipality may not cause to be recorded
325a against

326 private real property a document that imposes development requirements, development
327 regulations, or development controls on the property.

328 ~~[(e)]~~ (g) To the extent that a development agreement does not specifically address a
329 matter or concern related to land use or development, the matter or concern is governed by:

330 (i) this chapter; and

331 (ii) any applicable land use regulations.

332 Section 4. Section **10-9a-534** is amended to read:

333 **10-9a-534. Regulation of building design elements prohibited -- Exceptions.**

334 (1) As used in this section, "building design element" means:

335 (a) exterior color;

801 county in the future; or

802 (iii) allow a use or development of land that applicable land use regulations governing
803 the area subject to the development agreement would otherwise prohibit, unless the legislative
804 body approves the development agreement in accordance with the same procedures for
805 enacting a land use regulation under Section 17-27a-502, including a review and
806 recommendation from the planning commission and a public hearing.

807 (b) A development agreement that requires the implementation of an existing land use
808 regulation as an administrative act does not require a legislative body's approval under Section
809 17-27a-502.

810 [~~(c) (i) If a development agreement restricts an applicant's rights under clearly
811 established state law, the county shall disclose in writing to the applicant the rights of the
812 applicant the development agreement restricts.]~~

813 [~~(ii) A county's failure to disclose in accordance with Subsection (2)(c)(i) voids any
814 provision in the development agreement pertaining to the undisclosed rights:]~~

815 [~~(d) A county may not require a development agreement as a condition for developing
816 land if the county's land use regulations establish all applicable standards for development on
817 the land.]~~

818 [~~(e)~~] (c) Subject to Subsection (2)(d) ~~§~~ → , ← ~~§~~ a county may require a development
818a agreement

819 for developing land within the unincorporated area of the county if the applicant has applied for
820 a legislative or discretionary approval, including an approval relating to:

- 821 (i) the height of a structure;
- 822 (ii) a parking or setback exception;
- 823 (iii) a density transfer or bonus;
- 824 (iv) a development incentive;
- 825 (v) a zone change; or
- 826 (vi) an amendment to a prior development agreement.

827 (d) A county may not require a development agreement as a condition for developing
828 land within the unincorporated area of the county if:

- 829 (i) the development otherwise complies with applicable statute and county ordinances;
- 830 (ii) the development is an allowed or permitted use; or
- 831 (iii) the county's land use regulations otherwise establish all applicable standards for

832 development on the land.

833 (e) A county may submit to a county recorder's office for recording:

834 (i) a fully executed agreement; or

835 (ii) a document related to:

836 (A) code enforcement;

837 (B) a special assessment area;

838 (C) a local historic district boundary; or

839 (D) the memorializing or enforcement of an agreed upon restriction, incentive, or

840 covenant.

841 (f) Subject to Subsection (2)(e) ~~§~~ → [(f)] ← ~~§~~ , a county may not cause to be recorded against

842 private real property a document that imposes development requirements, development

843 regulations, or development controls on the property.

844 (g) To the extent that a development agreement does not specifically address a matter
845 or concern related to land use or development, the matter or concern is governed by:

846 (i) this chapter; and

847 (ii) any applicable land use regulations.

848 Section 12. Section **17-27a-530** is amended to read:

849 **17-27a-530. Regulation of building design elements prohibited -- Exceptions.**

850 (1) As used in this section, "building design element" means:

851 (a) exterior color;

852 (b) type or style of exterior cladding material;

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

854 (d) exterior nonstructural architectural ornamentation;

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

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

858 (g) number or type of rooms;

859 (h) interior layout of a room;

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

861 (j) rear yard landscaping requirements;

862 (k) minimum building dimensions; or

1018 ~~[(b) No later than 20 business days after the day on which an applicant submits a plat,~~
1019 ~~the county shall complete a review of the applicant's final subdivision land use application for~~
1020 ~~single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan~~
1021 ~~reviews.]~~

1022 (7) A county shall complete a subdivision plan review of a subdivision improvement
1023 plan that is submitted with a complete subdivision application for a residential subdivision for
1024 single-family dwellings, two-family dwellings, or town homes:

1025 (a) within 20 business days after the complete subdivision application is submitted, if
1026 the county has a population over 5,000; or

1027 (b) within 40 business days after the complete subdivision application is submitted, if
1028 the county has a population of 5,000 or less.

1029 ~~[(5)]~~ (8) (a) In reviewing a subdivision ~~[land use]~~ application, a county may require:

1030 (i) additional information relating to an applicant's plans to ensure compliance with
1031 county ordinances and approved standards and specifications for construction of public
1032 improvements; and

1033 (ii) modifications to plans that do not meet current ordinances, applicable standards, or
1034 specifications or do not contain complete information.

1035 (b) A county's request for additional information or modifications to plans under

1036 ~~§~~ **→ [Subsections]** ~~← §~~ ~~[(5)(a)(i)]~~ **→ Subsection** ~~← §~~ (8)(a)(i) or (ii) shall be specific and include
1036a citations to ordinances,

1037 standards, or specifications that require the modifications to subdivision improvement plans,
1038 and shall be logged in an index of requested modifications or additions.

1039 (c) A county may not require more than four review cycles for a subdivision
1040 improvement plan review.

1041 (d) (i) Subject to Subsection ~~[(5)(d)(ii)]~~ ~~§~~ **→ [f]** ~~← §~~ (8)(d)(ii), unless the change or
1041a correction is

1042 necessitated by the applicant's adjustment to a subdivision improvement plan ~~[set]~~ or an update
1043 to a phasing plan that adjusts the infrastructure needed for the specific development, a change
1044 or correction not addressed or referenced in a county's subdivision improvement plan review is
1045 waived.

1046 (ii) A modification or correction necessary to protect public health and safety or to
1047 enforce state or federal law may not be waived.

1048 (iii) If an applicant makes a material change to a subdivision improvement plan ~~[set]~~,

1111 (ii) if an applicant elects to post an improvement completion assurance, allow the
1112 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

1113 (iii) establish a system for the partial release of an improvement completion assurance
1114 as portions of required public landscaping improvements or infrastructure improvements are
1115 completed and accepted in accordance with local ordinance; and

1116 (iv) issue or deny a building permit in accordance with Section 17-27a-802 based on
1117 the installation of public landscaping improvements or infrastructure improvements.

1118 (d) A county may not require an applicant to post an improvement completion
1119 assurance for:

1120 (i) public landscaping improvements or infrastructure improvements that the county
1121 has previously inspected and accepted;

1122 (ii) infrastructure improvements that are private and not essential or required to meet
1123 the building code, fire code, flood or storm water management provisions, street and access
1124 requirements, or other essential necessary public safety improvements adopted in a land use
1125 regulation; ~~§~~ → [or] ← ~~§~~

1126 (iii) in a county where ordinances require all infrastructure improvements within the
1127 area to be private, infrastructure improvements within a development that the county requires
1128 to be private; ~~§~~ → or ← ~~§~~

1129 (iv) landscaping improvements that are not public landscaping improvements [~~as~~
1130 ~~defined in Section 17-27a-103~~], unless the landscaping improvements and completion
1131 assurance are required under the terms of a development agreement.

1132 (4) (a) Except as provided in Subsection (4)(c), as a condition for increased density or
1133 other entitlement benefit not currently available under the existing zone, a county may require a
1134 completion assurance bond for landscaped amenities and common area that are dedicated to
1135 and maintained by a homeowners association.

1136 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
1137 between the applicant and the county shall be memorialized in a development agreement.

1138 (c) A county may not require a completion assurance bond for or dictate who installs or
1139 is responsible for the cost of the landscaping of residential lots or the equivalent open space
1140 surrounding single-family attached homes, whether platted as lots or common area.

1141 (5) The sum of the improvement completion assurance required under Subsections (3)

1173 building or other structure within a county without approval of a building permit.

1174 (c) The county may not issue a building permit unless the plans of and for the proposed
1175 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in
1176 effect.

1177 (d) A county may not deny an applicant a building permit or certificate of occupancy
1178 because the applicant has not completed an infrastructure improvement:

1179 (i) that is not essential to meet the requirements for the issuance of a building permit or
1180 certificate of occupancy under the building code and fire code; and

1181 (ii) for which the county has accepted an improvement completion assurance for a
1182 public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure
1183 [improvements] improvement for the development.

1184 (3) A county may not deny an applicant a building permit or certificate of occupancy
1185 based on the lack of completion of a landscaping improvement that is not a public landscaping
1186 improvement, as defined in Section 17-27a-604.5.

1187 (4) A county may not withhold a building permit based on the lack of completion of a
1188 portion of a public sidewalk to be constructed within a public ~~§~~ → [right-of-way] right-of-way ← ~~§~~
1188a servicing a lot where
1189 a single-family or two-family residence or town home is proposed in a building permit
1190 application if an improvement completion assurance has been posted for the incomplete portion
1191 of the public sidewalk.

1192 (5) A county may not prohibit the construction of a single-family or two-family
1193 residence or town home, withhold recording a plat, or withhold acceptance of a public
1194 landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure
1195 improvement based on the lack of installation of a public sidewalk if an improvement
1196 completion assurance has been posted for the public sidewalk.

1197 (6) A county may not redeem an improvement completion assurance securing the
1198 installation of a public sidewalk sooner than 18 months after the date the improvement
1199 completion assurance is posted.

1200 (7) A county shall allow an applicant to post an improvement completion assurance for
1201 a public sidewalk separate from an improvement completion assurance for:

1202 (a) another infrastructure improvement; or

1203 (b) a public landscaping improvement, as defined in Section 17-27a-604.5.