

BUILDING PERMIT REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to building permits issued by a county or municipality.

Highlighted Provisions:

This bill:

▶ prohibits a county or municipality from changing or adding to building permit requirements after issuance of the building permit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-509, as last amended by Laws of Utah 2023, Chapter 478

17-27a-508, as last amended by Laws of Utah 2023, Chapter 478

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

Section 1. Section **10-9a-509** is amended to read:

10-9a-509. Applicant's entitlement to land use application approval --

Municipality's requirements and limitations -- Vesting upon submission of development



28 **plan and schedule.**

29 (1) (a) (i) An applicant who has submitted a complete land use application as described
30 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
31 review of the application under the land use regulations:

32 (A) in effect on the date that the application is complete; and

33 (B) applicable to the application or to the information shown on the application.

34 (ii) An applicant is entitled to approval of a land use application if the application
35 conforms to the requirements of the applicable land use regulations, land use decisions, and
36 development standards in effect when the applicant submits a complete application and pays
37 application fees, unless:

38 (A) the land use authority, on the record, formally finds that a compelling,
39 countervailing public interest would be jeopardized by approving the application and specifies
40 the compelling, countervailing public interest in writing; or

41 (B) in the manner provided by local ordinance and before the applicant submits the
42 application, the municipality formally initiates proceedings to amend the municipality's land
43 use regulations in a manner that would prohibit approval of the application as submitted.

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

47 (i) 180 days have passed since the municipality initiated the proceedings; and

48 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the
49 application as submitted; or

50 (B) during the 12 months prior to the municipality processing the application, or
51 multiple applications of the same type, are impaired or prohibited under the terms of a
52 temporary land use regulation adopted under Section 10-9a-504.

53 (c) A land use application is considered submitted and complete when the applicant
54 provides the application in a form that complies with the requirements of applicable ordinances
55 and pays all applicable fees.

56 (d) A subsequent incorporation of a municipality or a petition that proposes the
57 incorporation of a municipality does not affect a land use application approved by a county in
58 accordance with Section 17-27a-508.

59 (e) The continuing validity of an approval of a land use application is conditioned upon
60 the applicant proceeding after approval to implement the approval with reasonable diligence.

61 (f) A municipality may not impose on an applicant who has submitted a complete
62 application a requirement that is not expressed in:

63 (i) this chapter;

64 (ii) a municipal ordinance in effect on the date that the applicant submits a complete
65 application, subject to Subsection 10-9a-509(1)(a)(ii); or

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

68 (g) A municipality may not impose on a holder of an issued land use permit or a final,
69 unexpired subdivision plat a requirement that is not expressed:

70 (i) in a land use permit;

71 (ii) on the subdivision plat;

72 (iii) in a document on which the land use permit or subdivision plat is based;

73 (iv) in the written record evidencing approval of the land use permit or subdivision
74 plat;

75 (v) in this chapter;

76 (vi) in a municipal ordinance; or

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

79 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
80 of a certificate of occupancy or acceptance of subdivision improvements because of an
81 applicant's failure to comply with a requirement that is not expressed:

82 (i) in the building permit or subdivision plat, documents on which the building permit
83 or subdivision plat is based, or the written record evidencing approval of the land use permit or
84 subdivision plat; or

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

86 (i) A municipality may not unreasonably withhold issuance of a certificate of
87 occupancy where an applicant has met all requirements essential for the public health, public
88 safety, and general welfare of the occupants, in accordance with this chapter, unless:

89 (i) the applicant and the municipality have agreed in a written document to the

90 withholding of a certificate of occupancy; or

91 (ii) the applicant has not provided a financial assurance for required and uncompleted
92 public landscaping improvements or infrastructure improvements in accordance with an
93 applicable ordinance that the legislative body adopts under this chapter.

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

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

99 (4) Upon a specified public agency's submission of a development plan and schedule as
100 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the
101 specified public agency vests in the municipality's applicable land use maps, zoning map,
102 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
103 on the date of submission.

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

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

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

110 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are
111 rescinded and are of no further force or effect:

112 (i) the relevant land use approval; and

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

114 (6) After issuance of a building permit, a municipality may not change or add to the
115 requirements expressed in the building permit.

116 Section 2. Section 17-27a-508 is amended to read:

117 **17-27a-508. Applicant's entitlement to land use application approval --**
118 **Application relating to land in a high priority transportation corridor -- County's**
119 **requirements and limitations -- Vesting upon submission of development plan and**
120 **schedule.**

121 (1) (a) (i) An applicant who has submitted a complete land use application, including
122 the payment of all application fees, is entitled to substantive review of the application under the
123 land use regulations:

124 (A) in effect on the date that the application is complete; and

125 (B) applicable to the application or to the information shown on the submitted
126 application.

127 (ii) An applicant is entitled to approval of a land use application if the application
128 conforms to the requirements of the applicable land use regulations, land use decisions, and
129 development standards in effect when the applicant submits a complete application and pays all
130 application fees, unless:

131 (A) the land use authority, on the record, formally finds that a compelling,
132 countervailing public interest would be jeopardized by approving the application and specifies
133 the compelling, countervailing public interest in writing; or

134 (B) in the manner provided by local ordinance and before the applicant submits the
135 application, the county formally initiates proceedings to amend the county's land use
136 regulations in a manner that would prohibit approval of the application as submitted.

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

139 (i) 180 days have passed since the county initiated the proceedings; and

140 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the
141 application as submitted; or

142 (B) during the 12 months prior to the county processing the application or multiple
143 applications of the same type, the application is impaired or prohibited under the terms of a
144 temporary land use regulation adopted under Section [17-27a-504](#).

145 (c) A land use application is considered submitted and complete when the applicant
146 provides the application in a form that complies with the requirements of applicable ordinances
147 and pays all applicable fees.

148 (d) The continuing validity of an approval of a land use application is conditioned upon
149 the applicant proceeding after approval to implement the approval with reasonable diligence.

150 (e) A county may not impose on an applicant who has submitted a complete
151 application a requirement that is not expressed in:

- 152 (i) this chapter;
- 153 (ii) a county ordinance in effect on the date that the applicant submits a complete
154 application, subject to Subsection 17-27a-508(1)(a)(ii); or
- 155 (iii) a county specification for public improvements applicable to a subdivision or
156 development that is in effect on the date that the applicant submits an application.
- 157 (f) A county may not impose on a holder of an issued land use permit or a final,
158 unexpired subdivision plat a requirement that is not expressed:
- 159 (i) in a land use permit;
- 160 (ii) on the subdivision plat;
- 161 (iii) in a document on which the land use permit or subdivision plat is based;
- 162 (iv) in the written record evidencing approval of the land use permit or subdivision
163 plat;
- 164 (v) in this chapter;
- 165 (vi) in a county ordinance; or
- 166 (vii) in a county specification for residential roadways in effect at the time a residential
167 subdivision was approved.
- 168 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
169 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
170 failure to comply with a requirement that is not expressed:
- 171 (i) in the building permit or subdivision plat, documents on which the building permit
172 or subdivision plat is based, or the written record evidencing approval of the building permit or
173 subdivision plat; or
- 174 (ii) in this chapter or the county's ordinances.
- 175 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
176 where an applicant has met all requirements essential for the public health, public safety, and
177 general welfare of the occupants, in accordance with this chapter, unless:
- 178 (i) the applicant and the county have agreed in a written document to the withholding
179 of a certificate of occupancy; or
- 180 (ii) the applicant has not provided a financial assurance for required and uncompleted
181 public landscaping improvements or infrastructure improvements in accordance with an
182 applicable ordinance that the legislative body adopts under this chapter.

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

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

188 (4) Upon a specified public agency's submission of a development plan and schedule as
189 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
190 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
191 fees, impact fees, other applicable development fees, and land use regulations in effect on the
192 date of submission.

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

- 196 (i) to the local clerk as defined in Section 20A-7-101; and
- 197 (ii) no later than seven days after the day on which a petition for a referendum is
198 determined sufficient under Subsection 20A-7-607(5).

199 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are
200 rescinded and are of no further force or effect:

- 201 (i) the relevant land use approval; and
- 202 (ii) any land use regulation enacted specifically in relation to the land use approval.

203 (6) After issuance of a building permit, a county may not change or add to the
204 requirements expressed in the building permit.

205 **Section 3. Effective date.**

206 This bill takes effect on May 1, 2024.