

**LAND USE AUTHORITY AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Neil Walter**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to local land use regulations.

**Highlighted Provisions:**

This bill:

▶ prohibits a county or municipality from requiring the incorporation of a preferred aesthetic feature in new development unless the preferred aesthetic feature is expressed in the county or municipality's land use regulation.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-501**, as last amended by Laws of Utah 2023, Chapter 65

**17-27a-501**, as last amended by Laws of Utah 2023, Chapter 65

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

Section 1. Section **10-9a-501** is amended to read:

**10-9a-501. Enactment of land use regulation, land use decision, or development agreement.**



28 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
29 enact a land use regulation.

30 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
31 regulation only by ordinance.

32 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
33 imposes a fee.

34 (3) A legislative body shall ensure that a land use regulation is consistent with the  
35 purposes set forth in this chapter.

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

37 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and

38 (ii) designate general uses allowed in each zoning district.

39 (b) A land use authority may establish or modify other restrictions or requirements  
40 other than those described in Subsection (4)(a), including the configuration or modification of  
41 uses or density, through a land use decision that applies criteria or policy elements that a land  
42 use regulation establishes or describes.

43 (5) A municipality may not adopt a land use regulation, development agreement, or  
44 land use decision that restricts the type of crop that may be grown in an area that is:

45 (a) zoned agricultural; or

46 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

47 (6) A municipal land use regulation pertaining to an airport or an airport influence area,  
48 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
49 Zoning Act.

50 (7) (a) As used in this Subsection (7), "aesthetic feature" means a characteristic of a  
51 structure that relates to the color, architectural style, type of facade, or other aesthetic quality of  
52 the structure.

53 (b) A municipality may not require development that occurs on or after January 1, 2025  
54 to incorporate an aesthetic feature preferred by the municipality unless the preferred aesthetic  
55 feature is expressed in the municipality's land use regulation.

56 Section 2. Section 17-27a-501 is amended to read:

57 **17-27a-501. Enactment of land use regulation.**

58 (1) Only a legislative body, as the body authorized to weigh policy considerations, may

59 enact a land use regulation.

60 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
61 regulation only by ordinance.

62 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
63 imposes a fee.

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

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

66 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

67 (ii) designate general uses allowed in each zoning district.

68 (b) A land use authority may establish or modify other restrictions or requirements  
69 other than those described in Subsection (4)(a), including the configuration or modification of  
70 uses or density, through a land use decision that applies criteria or policy elements that a land  
71 use regulation establishes or describes.

72 (5) A county may not adopt a land use regulation, development agreement, or land use  
73 decision that restricts the type of crop that may be grown in an area that is:

74 (a) zoned agricultural; or

75 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

76 (6) A county land use regulation pertaining to an airport or an airport influence area, as  
77 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
78 Zoning Act.

79 (7) (a) As used in this Subsection (7), "aesthetic feature" means a characteristic of a  
80 structure that relates to the color, architectural style, type of facade, or other aesthetic quality of  
81 the structure.

82 (b) A county may not require development that occurs on or after January 1, 2025 to  
83 incorporate an aesthetic feature preferred by the county unless the preferred aesthetic feature is  
84 expressed in the county's land use regulation.

85 Section 3. **Effective date.**

86 This bill takes effect on May 1, 2024.