

**RESIDENTIAL HOUSING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

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

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to municipal zoning districts.

**Highlighted Provisions:**

This bill:

- ▶ prohibits certain municipalities from denying approval of a lot, based on lot size, if the lot is at least a specified size;
- ▶ provides that a starter home, as defined, is a permitted use in residential zones within certain municipalities; and
- ▶ prohibits the imposition of an impact fee on a starter home unless for specified purposes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-505**, as last amended by Laws of Utah 2015, Chapter 327

**11-36a-202**, as last amended by Laws of Utah 2023, Chapter 502

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



28 Section 1. Section **10-9a-505** is amended to read:

29 **10-9a-505. Zoning districts.**

30 (1) (a) The legislative body may divide the territory over which it has jurisdiction into  
31 zoning districts of a number, shape, and area that it considers appropriate to carry out the  
32 purposes of this chapter.

33 (b) Within those zoning districts, the legislative body may regulate and restrict the  
34 erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and  
35 the use of land.

36 (c) A municipality may enact an ordinance regulating land use and development in a  
37 flood plain or potential geologic hazard area to:

38 (i) protect life; and

39 (ii) prevent:

40 (A) the substantial loss of real property; or

41 (B) substantial damage to real property.

42 (2) The legislative body shall ensure that the regulations are uniform for each class or  
43 kind of buildings throughout each zoning district, but the regulations in one zone may differ  
44 from those in other zones.

45 (3) (a) There is no minimum area or diversity of ownership requirement for a zone  
46 designation.

47 (b) Neither the size of a zoning district nor the number of landowners within the  
48 district may be used as evidence of the illegality of a zoning district or of the invalidity of a  
49 municipal decision.

50 (4) A municipality may by ordinance exempt from specific zoning district standards a  
51 subdivision of land to accommodate the siting of a public utility infrastructure.

52 (5) (a) As used in this Subsection (5):

53 (i) "Starter home" means a detached, single-family residential unit that:

54 (A) the unit's builder sells to the first homeowner of the unit at a price that is less than  
55 the median price for detached, single-family residential units within the municipality in which  
56 the unit is located; and

57 (B) is subject to a deed restriction requiring the unit to be owner-occupied for the first  
58 five years following the issuance of a certificate of occupancy.

- 59           (ii) "Urban municipality" means:
- 60           (A) a municipality in a county of the first or second class; or
- 61           (B) a municipality with a population of over 15,000 in a county of the third class.
- 62           (b) An urban municipality may not deny approval of a lot in a residential zoning
- 63 district, based on lot size, if the lot is at least 5,400 square feet in size.
- 64           (c) A starter home is a permitted use in a residential zone of an urban municipality.

65 Section 2. Section **11-36a-202** is amended to read:

66 **11-36a-202. Prohibitions on impact fees.**

67 (1) A local political subdivision or private entity may not:

68 (a) impose an impact fee to:

69 (i) cure deficiencies in a public facility serving existing development;

70 (ii) raise the established level of service of a public facility serving existing

71 development; or

72 (iii) recoup more than the local political subdivision's or private entity's costs actually

73 incurred for excess capacity in an existing system improvement;

74 (b) delay the construction of a school or charter school because of a dispute with the

75 school or charter school over impact fees; or

76 (c) impose or charge any other fees as a condition of development approval unless

77 those fees are a reasonable charge for the service provided.

78 (2) (a) Notwithstanding any other provision of this chapter, a local political subdivision

79 or private entity may not impose an impact fee:

80 (i) on residential components of development to pay for a public safety facility that is a

81 fire suppression vehicle;

82 (ii) on a school district or charter school for a park, recreation facility, open space, or

83 trail;

84 (iii) on a school district or charter school unless:

85 (A) the development resulting from the school district's or charter school's

86 development activity directly results in a need for additional system improvements for which

87 the impact fee is imposed; and

88 (B) the impact fee is calculated to cover only the school district's or charter school's

89 proportionate share of the cost of those additional system improvements;

90 (iv) to the extent that the impact fee includes a component for a law enforcement  
91 facility, on development activity for:

92 (A) the Utah National Guard;

93 (B) the Utah Highway Patrol; or

94 (C) a state institution of higher education that has its own police force;

95 (v) on development activity on fair park land, as defined in Section [11-68-101](#); ~~or~~

96 (vi) on development activity that consists of the construction of an internal accessory  
97 dwelling unit, as defined in Section [10-9a-530](#), within an existing primary dwelling[-]; or

98 (vii) on a starter home, as defined in Section [10-9a-505](#), unless the impact fee is for  
99 costs related to roads, sewer service, or fire protection service.

100 (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or  
101 private entity may not impose an impact fee on development activity that consists of the  
102 construction of a school, whether by a school district or a charter school, if:

103 (A) the school is intended to replace another school, whether on the same or a different  
104 parcel;

105 (B) the new school creates no greater demand or need for public facilities than the  
106 school or school facilities, including any portable or modular classrooms that are on the site of  
107 the replaced school at the time that the new school is proposed; and

108 (C) the new school and the school being replaced are both within the boundary of the  
109 local political subdivision or the jurisdiction of the private entity.

110 (ii) If the imposition of an impact fee on a new school is not prohibited under  
111 Subsection (2)(b)(i) because the new school creates a greater demand or need for public  
112 facilities than the school being replaced, the impact fee shall be based only on the demand or  
113 need that the new school creates for public facilities that exceeds the demand or need that the  
114 school being replaced creates for those public facilities.

115 (c) Notwithstanding any other provision of this chapter, a political subdivision or  
116 private entity may impose an impact fee for a road facility on the state only if and to the extent  
117 that:

118 (i) the state's development causes an impact on the road facility; and

119 (ii) the portion of the road facility related to an impact fee is not funded by the state or  
120 by the federal government.

121 (3) Notwithstanding any other provision of this chapter, a local political subdivision  
122 may impose and collect impact fees on behalf of a school district if authorized by Section  
123 [11-36a-206](#).

124 Section 3. **Effective date.**

125 This bill takes effect on May 1, 2024.