

Representative Stephen L. Whyte proposes the following substitute bill:

MUNICIPAL LAND USE REGULATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen L. Whyte

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions relating to local governments.

Highlighted Provisions:

This bill:

- ▶ modifies the signature requirements for a petition proposing to annex an area to a municipality;
- ▶ modifies county and municipal land use provisions;
- ▶ requires a county or municipality to accept and process a complete land use application under specified conditions;
- ▶ modifies provisions relating to development agreements;
- ▶ modifies the limitation of a provision on building design elements;
- ▶ authorizes a county or municipality to require a seller to notify a buyer of water wise landscaping requirements;
- ▶ enacts language relating to residential rear setback limitations;
- ▶ modifies provisions relating to the review of subdivision applications and subdivision improvement plans;
- ▶ modifies a provision relating to the landscaping of residential lots or open space;
- ▶ modifies a provision relating to a completion assurance bond;



26 ▶ modifies provisions relating to the enforcement of county and municipal land use
27 regulations; and

28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **10-2-403**, as last amended by Laws of Utah 2023, Chapters 16, 34 and 478

36 **10-9a-509**, as last amended by Laws of Utah 2023, Chapter 478

37 **10-9a-532**, as last amended by Laws of Utah 2023, Chapter 478

38 **10-9a-534**, as last amended by Laws of Utah 2023, Chapters 160, 478

39 **10-9a-536**, as last amended by Laws of Utah 2023, Chapters 139, 247

40 **10-9a-604.2**, as enacted by Laws of Utah 2023, Chapter 501

41 **10-9a-604.5**, as last amended by Laws of Utah 2023, Chapter 478

42 **10-9a-802**, as last amended by Laws of Utah 2020, Chapter 434

43 **17-27a-508**, as last amended by Laws of Utah 2023, Chapter 478

44 **17-27a-528**, as last amended by Laws of Utah 2023, Chapter 478

45 **17-27a-530**, as last amended by Laws of Utah 2023, Chapters 160, 478

46 **17-27a-532**, as last amended by Laws of Utah 2023, Chapters 139, 247

47 **17-27a-604.2**, as enacted by Laws of Utah 2023, Chapter 501

48 **17-27a-604.5**, as last amended by Laws of Utah 2023, Chapter 478

49 **17-27a-802**, as last amended by Laws of Utah 2020, Chapter 434

50 **38-9-102**, as last amended by Laws of Utah 2023, Chapter 16

51 ENACTS:

52 **10-9a-538**, Utah Code Annotated 1953

53 **17-27a-534**, Utah Code Annotated 1953



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

56 Section 1. Section **10-2-403** is amended to read:

57 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

58 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated
59 area to a municipality is initiated by a petition as provided in this section.

60 (2) (a) (i) Before filing a petition under Subsection (1), the person or persons intending
61 to file a petition shall:

62 (A) file with the city recorder or town clerk of the proposed annexing municipality a
63 notice of intent to file a petition; and

64 (B) send a copy of the notice of intent to each affected entity.

65 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the
66 area that is proposed to be annexed.

67 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
68 annexed is located shall:

69 (A) mail the notice described in Subsection (2)(b)(iii) to:

70 (I) each owner of real property located within the area proposed to be annexed; and

71 (II) each owner of real property located within 300 feet of the area proposed to be
72 annexed; and

73 (B) send to the proposed annexing municipality a copy of the notice and a certificate
74 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

75 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
76 days after receiving from the person or persons who filed the notice of intent:

77 (A) a written request to mail the required notice; and

78 (B) payment of an amount equal to the county's expected actual cost of mailing the
79 notice.

80 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

81 (A) be in writing;

82 (B) state, in bold and conspicuous terms, substantially the following:

83 "Attention: Your property may be affected by a proposed annexation.

84 Records show that you own property within an area that is intended to be included in a
85 proposed annexation to (state the name of the proposed annexing municipality) or that is within
86 300 feet of that area. If your property is within the area proposed for annexation, you may be
87 asked to sign a petition supporting the annexation. You may choose whether to sign the

88 petition. By signing the petition, you indicate your support of the proposed annexation. If you
89 sign the petition but later change your mind about supporting the annexation, you may
90 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
91 of (state the name of the proposed annexing municipality) within 30 days after (state the name
92 of the proposed annexing municipality) receives notice that the petition has been certified.

93 There will be no public election on the proposed annexation because Utah law does not
94 provide for an annexation to be approved by voters at a public election. Signing or not signing
95 the annexation petition is the method under Utah law for the owners of property within the area
96 proposed for annexation to demonstrate their support of or opposition to the proposed
97 annexation.

98 You may obtain more information on the proposed annexation by contacting (state the
99 name, mailing address, telephone number, and email address of the official or employee of the
100 proposed annexing municipality designated to respond to questions about the proposed
101 annexation), (state the name, mailing address, telephone number, and email address of the
102 county official or employee designated to respond to questions about the proposed annexation),
103 or (state the name, mailing address, telephone number, and email address of the person who
104 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
105 notice of intent, one of those persons). Once filed, the annexation petition will be available for
106 inspection and copying at the office of (state the name of the proposed annexing municipality)
107 located at (state the address of the municipal offices of the proposed annexing municipality).";
108 and

109 (C) be accompanied by an accurate map identifying the area proposed for annexation.

110 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
111 other information or materials related or unrelated to the proposed annexation.

112 (c) (i) After receiving the certificate from the county as provided in Subsection
113 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
114 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for
115 the annexation proposed in the notice of intent.

116 (ii) An annexation petition provided by the proposed annexing municipality may be
117 duplicated for circulation for signatures.

118 (3) Each petition under Subsection (1) shall:

119 (a) be filed with the applicable city recorder or town clerk of the proposed annexing
120 municipality;

121 (b) contain the signatures of, if all the real property within the area proposed for
122 annexation is owned by a public entity other than the federal government, the owners of all the
123 publicly owned real property, or the owners of private real property that:

124 (i) is located within the area proposed for annexation;

125 (ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area
126 within the area proposed for annexation;

127 (B) covers 100% of all of the rural real property within the area proposed for
128 annexation; and

129 (C) covers 100% of all of the private land area within the area proposed for annexation
130 [~~or~~] if the area is within a migratory bird production area created under Title 23A, Chapter 13,
131 Migratory Bird Production Area; and

132 (iii) is equal in value to at least 1/3 of the value of all private real property within the
133 area proposed for annexation;

134 (c) be accompanied by:

135 (i) an accurate and recordable map, prepared by a licensed surveyor in accordance with
136 Section 17-23-20, of the area proposed for annexation; and

137 (ii) a copy of the notice sent to affected entities as required under Subsection
138 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

139 (d) contain on each signature page a notice in bold and conspicuous terms that states
140 substantially the following:

141 "Notice:

142 • There will be no public election on the annexation proposed by this petition because
143 Utah law does not provide for an annexation to be approved by voters at a public election.

144 • If you sign this petition and later decide that you do not support the petition, you may
145 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
146 of (state the name of the proposed annexing municipality). If you choose to withdraw your
147 signature, you shall do so no later than 30 days after (state the name of the proposed annexing
148 municipality) receives notice that the petition has been certified.";

149 (e) if the petition proposes a cross-county annexation, as defined in Section 10-2-402.5,

150 be accompanied by a copy of the resolution described in Subsection 10-2-402.5(4)(a)(iii)(A);
151 and

152 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be
153 designated as the contact sponsor, and indicate the mailing address of each sponsor.

154 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
155 area proposed for annexation to a municipality in a previously filed petition that has not been
156 denied, rejected, or granted.

157 (5) If practicable and feasible, the boundaries of an area proposed for annexation shall
158 be drawn:

159 (a) along the boundaries of existing special districts and special service districts for
160 sewer, water, and other services, along the boundaries of school districts whose boundaries
161 follow city boundaries or school districts adjacent to school districts whose boundaries follow
162 city boundaries, and along the boundaries of other taxing entities;

163 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
164 services;

165 (c) to facilitate the consolidation of overlapping functions of local government;

166 (d) to promote the efficient delivery of services; and

167 (e) to encourage the equitable distribution of community resources and obligations.

168 (6) On the date of filing, the petition sponsors shall deliver or mail a copy of the
169 petition to the clerk of the county in which the area proposed for annexation is located.

170 (7) A property owner who signs an annexation petition may withdraw the owner's
171 signature by filing a written withdrawal, signed by the property owner, with the city recorder or
172 town clerk no later than 30 days after the municipal legislative body's receipt of the notice of
173 certification under Subsection 10-2-405(2)(c)(i).

174 Section 2. Section 10-9a-509 is amended to read:

175 **10-9a-509. Applicant's entitlement to land use application approval --**

176 **Municipality's requirements and limitations -- Vesting upon submission of development**
177 **plan and schedule.**

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

- 181 (A) in effect on the date that the application is complete; and
182 (B) applicable to the application or to the information shown on the application.
183 (ii) An applicant is entitled to approval of a land use application if the application
184 conforms to the requirements of the applicable land use regulations, land use decisions, and
185 development standards in effect when the applicant submits a complete application and pays
186 application fees, unless:
187 (A) the land use authority, on the record, formally finds that a compelling,
188 countervailing public interest would be jeopardized by approving the application and specifies
189 the compelling, countervailing public interest in writing; or
190 (B) in the manner provided by local ordinance and before the applicant submits the
191 application, the municipality formally initiates proceedings to amend the municipality's land
192 use regulations in a manner that would prohibit approval of the application as submitted.
193 (b) The municipality shall process an application without regard to proceedings the
194 municipality initiated to amend the municipality's ordinances as described in Subsection
195 (1)(a)(ii)(B) if:
196 (i) 180 days have passed since the municipality initiated the proceedings; and
197 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the
198 application as submitted; or
199 (B) during the 12 months prior to the municipality processing the application, or
200 multiple applications of the same type, are impaired or prohibited under the terms of a
201 temporary land use regulation adopted under Section 10-9a-504.
202 (c) A land use application is considered submitted and complete when the applicant
203 provides the application in a form that complies with the requirements of applicable ordinances
204 and pays all applicable fees.
205 (d) A subsequent incorporation of a municipality or a petition that proposes the
206 incorporation of a municipality does not affect a land use application approved by a county in
207 accordance with Section 17-27a-508.
208 (e) Unless a phasing sequence is required in an executed development agreement, a
209 municipality shall, without regard to any other separate and distinct land use application, accept
210 and process a complete land use application.
211 [~~e~~] (f) The continuing validity of an approval of a land use application is conditioned

212 upon the applicant proceeding after approval to implement the approval with reasonable
213 diligence.

214 ~~[(f)]~~ (g) A municipality may not impose on an applicant who has submitted a complete
215 application a requirement that is not expressed in:

216 (i) this chapter;

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

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

221 ~~[(g)]~~ (h) A municipality may not impose on a holder of an issued land use permit or a
222 final, unexpired subdivision plat a requirement that is not expressed:

223 (i) in a land use permit;

224 (ii) on the subdivision plat;

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

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

228 (v) in this chapter;

229 (vi) in a municipal ordinance; or

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

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

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

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

239 ~~[(i)]~~ (j) A municipality may not unreasonably withhold issuance of a certificate of
240 occupancy where an applicant has met all requirements essential for the public health, public
241 safety, and general welfare of the occupants, in accordance with this chapter, unless:

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

243 withholding of a certificate of occupancy; or

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

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

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

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

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

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

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

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

265 (i) the relevant land use approval; and

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

267 Section 3. Section 10-9a-532 is amended to read:

268 **10-9a-532. Development agreements.**

269 (1) Subject to Subsection (2), a municipality may enter into a development agreement
270 containing any term that the municipality considers necessary or appropriate to accomplish the
271 purposes of this chapter, including a term relating to:

272 (a) a master planned development;

273 (b) a planned unit development;

- 274 (c) an annexation;
- 275 (d) affordable or moderate income housing with development incentives;
- 276 (e) a public private partnership; or
- 277 (f) a density transfer or bonus within a development project or between development
- 278 projects.

279 (2) (a) A development agreement may not:

280 (i) limit a municipality's authority in the future to:

281 (A) enact a land use regulation; or

282 (B) take any action allowed under Section 10-8-84;

283 (ii) require a municipality to change the zoning designation of an area of land within
284 the municipality in the future; or

285 (iii) allow a use or development of land that applicable land use regulations governing
286 the area subject to the development agreement would otherwise prohibit, unless the legislative
287 body approves the development agreement in accordance with the same procedures for
288 enacting a land use regulation under Section 10-9a-502, including a review and
289 recommendation from the planning commission and a public hearing.

290 (b) A development agreement that requires the implementation of an existing land use
291 regulation as an administrative act does not require a legislative body's approval under Section
292 10-9a-502.

293 ~~[(c) (i) If a development agreement restricts an applicant's rights under clearly
294 established state law, the municipality shall disclose in writing to the applicant the rights of the
295 applicant the development agreement restricts.]~~

296 ~~[(ii) A municipality's failure to disclose in accordance with Subsection (2)(c)(i) voids
297 any provision in the development agreement pertaining to the undisclosed rights.]~~

298 ~~[(d) A municipality may not require a development agreement as a condition for
299 developing land if the municipality's land use regulations establish all applicable standards for
300 development on the land.]~~

301 (c) Subject to Subsection (2)(d), a municipality may require a development agreement
302 for developing land within the municipality if the applicant has applied for a legislative or
303 discretionary approval, including an approval relating to:

304 (i) the height of a structure;

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) ~~§~~ → ~~[(f)]~~ ← ~~§~~ , 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;

- 336 (b) type or style of exterior cladding material;
- 337 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 338 (d) exterior nonstructural architectural ornamentation;
- 339 (e) location, design, placement, or architectural styling of a window or door;
- 340 (f) location, design, placement, or architectural styling of a garage door, not including a
- 341 rear-loading garage door;
- 342 (g) number or type of rooms;
- 343 (h) interior layout of a room;
- 344 (i) minimum square footage over 1,000 square feet, not including a garage;
- 345 (j) rear yard landscaping requirements;
- 346 (k) minimum building dimensions; or
- 347 (l) a requirement to install front yard fencing.
- 348 (2) Except as provided in Subsection (3), a municipality may not impose a requirement
- 349 for a building design element on a one- or two-family dwelling.
- 350 (3) Subsection (2) does not apply to:
- 351 (a) a dwelling located within an area designated as a historic district in:
- 352 (i) the National Register of Historic Places;
- 353 (ii) the state register as defined in Section [9-8a-402](#); or
- 354 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 355 ordinance before January 1, 2021, except as provided under Subsection (3)(b);
- 356 (b) an ordinance enacted as a condition for participation in the National Flood
- 357 Insurance Program administered by the Federal Emergency Management Agency;
- 358 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 359 Interface Code adopted under Section [15A-2-103](#);
- 360 (d) building design elements agreed to under a development agreement;
- 361 (e) a dwelling located within an area that:
- 362 (i) is zoned primarily for residential use; and
- 363 (ii) was substantially developed before calendar year 1950;
- 364 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 365 (g) an ordinance enacted to regulate type of cladding, in response to findings or
- 366 evidence from the construction industry of:

367 (i) defects in the material of existing cladding; or
 368 (ii) consistent defects in the installation of existing cladding; [~~or~~]
 369 (h) a land use regulation, including a planned unit development or overlay zone, that a
 370 property owner requests:

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

374 (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
 375 (i) in excess of 20,000 pounds of trinitrotoluene equivalent;
 376 (ii) that would create overpressure waves greater than .2 pounds per square inch; and
 377 (iii) that would pose a risk of damage to a window, garage door, or carport of a facility
 378 located within the vicinity of the regulated area.

379 Section 5. Section **10-9a-536** is amended to read:

380 **10-9a-536. Water wise landscaping.**

381 (1) As used in this section:

382 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
 383 grasses.

384 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
 385 loose and applied to the soil.

386 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
 387 through a nozzle.

388 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
 389 exposed leaf area of a plant or group of plants at full maturity.

390 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
 391 exposed leaf area of a tree or trees.

392 (e) "Water wise landscaping" means any or all of the following:

393 (i) installation of plant materials suited to the microclimate and soil conditions that
 394 can:

395 (A) remain healthy with minimal irrigation once established; or

396 (B) be maintained without the use of overhead spray irrigation;

397 (ii) use of water for outdoor irrigation through proper and efficient irrigation design

398 and water application; or

399 (iii) use of other landscape design features that:

400 (A) minimize the need of the landscape for supplemental water from irrigation; or

401 (B) reduce the landscape area dedicated to lawn or turf.

402 (2) A municipality may not enact or enforce an ordinance, resolution, or policy that
403 prohibits, or has the effect of prohibiting, a property owner from incorporating water wise
404 landscaping on the property owner's property.

405 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality
406 from requiring a property owner to:

407 (i) comply with a site plan review or other review process before installing water wise
408 landscaping;

409 (ii) maintain plant material in a healthy condition; and

410 (iii) follow specific water wise landscaping design requirements adopted by the
411 municipality, including a requirement that:

412 (A) restricts or clarifies the use of mulches considered detrimental to municipal
413 operations;

414 (B) imposes minimum or maximum vegetative coverage standards; or

415 (C) restricts or prohibits the use of specific plant materials.

416 (b) A municipality may not require a property owner to install or keep in place lawn or
417 turf in an area with a width less than eight feet.

418 (4) A municipality may require a seller of a newly constructed residence to inform the
419 first buyer of the newly constructed residence of a municipal ordinance requiring water wise
420 landscaping.

421 [~~4~~] (5) A municipality shall report to the Division of Water Resources the existence,
422 enactment, or modification of an ordinance, resolution, or policy that implements
423 regional-based water use efficiency standards established by the Division of Water Resources
424 by rule under Section 73-10-37.

425 Section 6. Section 10-9a-538 is enacted to read:

426 **10-9a-538. Residential rear setback limitations.**

427 (1) As used in this section:

428 (a) "Allowable feature" means:

429 (i) a landing or walkout porch that:
430 (A) is no more than 32 square feet in size; and
431 (B) is used for ingress to and egress from the rear of the residential dwelling; or
432 (ii) a window well.
433 (b) "Landing" means an uncovered, above-ground platform, with or without stairs,
434 connected to the rear of a residential dwelling.
435 (c) "Setback" means the required distance between the property line of a lot or parcel
436 and the location where a structure is allowed to be placed under an adopted land use regulation.
437 (d) "Walkout porch" means an uncovered platform that is on the ground and connected
438 to the rear of a residential dwelling.
439 (e) "Window well" means a recess in the ground around a residential dwelling to allow
440 for ingress and egress through a window installed in a basement that is fully or partially below
441 ground.
442 (2) A municipality may not enact or enforce an ordinance, resolution, or policy that
443 prohibits or has the effect of prohibiting an allowable feature within the rear setback of a
444 residential building lot or parcel.
445 (3) Subsection (2) does not apply to a historic district within the municipality.
446 Section 7. Section **10-9a-604.2** is amended to read:
447 **10-9a-604.2. Review of subdivision applications and subdivision improvement**
448 **plans.**
449 (1) As used in this section:
450 (a) "Review cycle" means the occurrence of:
451 (i) the applicant's submittal of a complete subdivision [~~land use~~] application;
452 (ii) the municipality's review of that subdivision [~~land use~~] application;
453 (iii) the municipality's response to that subdivision [~~land use~~] application, in
454 accordance with this section; and
455 (iv) the applicant's reply to the municipality's response that addresses each of the
456 municipality's required modifications or requests for additional information.
457 (b) "Subdivision application" means a land use application for the subdivision of land.
458 ~~(b)~~ (c) "Subdivision improvement plans" means the civil engineering plans associated
459 with required infrastructure improvements and municipally controlled utilities required for a

460 subdivision.

461 ~~[(c)]~~ (d) "Subdivision ordinance review" means review by a municipality to verify that
462 a subdivision ~~[land use]~~ application meets the criteria of the municipality's ~~[subdivision]~~
463 ordinances.

464 ~~[(d)]~~ (e) "Subdivision plan review" means a review of the applicant's subdivision
465 improvement plans and other aspects of the subdivision ~~[land use]~~ application to verify that the
466 application complies with municipal ordinances and applicable installation standards and
467 inspection specifications for infrastructure improvements.

468 (2) The review cycle restrictions and requirements of this section do not apply to the
469 review of subdivision applications affecting property within identified geological hazard areas.

470 (3) (a) A municipality may require a subdivision improvement plan to be submitted
471 with a subdivision application.

472 (b) A municipality may not require a subdivision improvement plan to be submitted
473 with both a preliminary subdivision application and a final subdivision application.

474 (4) (a) The review cycle requirements of this section apply:

475 (i) to the review of a preliminary subdivision application, if the municipality requires a
476 subdivision improvement plan to be submitted with a preliminary subdivision application; or

477 (ii) to the review of a final subdivision application, if the municipality requires a
478 subdivision improvement plan to be submitted with a final subdivision application.

479 (b) A municipality may not, outside the review cycle, engage in a substantive review of
480 required infrastructure improvements or a municipally controlled utility.

481 ~~[(3) (a) No later than 15 business days after the day on which an applicant submits a~~
482 ~~complete preliminary subdivision land use application for a residential subdivision for~~
483 ~~single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete~~
484 ~~the initial review of the application, including subdivision improvement plans.]~~

485 ~~[(b)]~~ (5) (a) A municipality shall complete the initial review of a complete subdivision
486 application submitted for ordinance review for a residential subdivision for single-family
487 dwellings, two-family dwellings, or town homes:

488 (i) no later than 15 business days after the complete subdivision application is
489 submitted, if the municipality has a population over 5,000; or

490 (ii) no later than 30 business days after the complete subdivision application is

491 submitted, if the municipality has a population of 5,000 or less.

492 (b) A municipality shall maintain and publish a list of the items comprising the
493 complete [~~preliminary~~] subdivision [~~land use~~] application, including:

494 (i) the application;

495 (ii) the owner's affidavit;

496 (iii) an electronic copy of all plans in PDF format;

497 (iv) the preliminary subdivision plat drawings; and

498 (v) a breakdown of fees due upon approval of the application.

499 (6) [(4)(a)] A municipality shall publish a list of the items that comprise a complete
500 [final] subdivision land use application.

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

505 (7) A municipality shall complete a subdivision plan review of a subdivision
506 improvement plan that is submitted with a complete subdivision application for a residential
507 subdivision for single-family dwellings, two-family dwellings, or town homes:

508 (a) within 20 business days after the complete subdivision application is submitted, if
509 the municipality has a population over 5,000; or

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

512 ~~[(5)]~~ (8) (a) In reviewing a subdivision [~~land use~~] application, a municipality may
513 require:

514 (i) additional information relating to an applicant's plans to ensure compliance with
515 municipal ordinances and approved standards and specifications for construction of public
516 improvements; and

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

519 (b) A municipality's request for additional information or modifications to plans under
520 Subsection ~~[(5)(a)(i)]~~ (8)(a)(i) or (ii) shall be specific and include citations to ordinances,
521 standards, or specifications that require the modifications to subdivision improvement plans,

522 and shall be logged in an index of requested modifications or additions.

523 (c) A municipality may not require more than four review cycles for a subdivision
524 improvement plan review.

525 (d) (i) Subject to Subsection [~~(5)(d)(ii)~~] (8)(d)(ii), unless the change or correction is
526 necessitated by the applicant's adjustment to a subdivision improvement plan [set] or an update
527 to a phasing plan that adjusts the infrastructure needed for the specific development, a change
528 or correction not addressed or referenced in a municipality's subdivision improvement plan
529 review is waived.

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

532 (iii) If an applicant makes a material change to a subdivision improvement plan [set],
533 the municipality has the discretion to restart the review process at the first review of the [~~final~~
534 ~~application~~] subdivision improvement plan review, but only with respect to the portion of the
535 subdivision improvement plan [set] that the material change substantively [~~effects~~] affects.

536 (e) (i) [~~H~~] This Subsection (8)(e) applies if an applicant does not submit a revised
537 subdivision improvement plan within:

538 (A) 20 business days after the municipality requires a modification or correction, [~~the~~
539 ~~municipality shall have an additional 20 business days to respond to the plans] if the
540 municipality has a population over 5,000; or~~

541 (B) 40 business days after the municipality requires a modification or correction, if the
542 municipality has a population of 5,000 or less.

543 (ii) If an applicant does not submit a revised subdivision improvement plan within the
544 time specified in Subsection (8)(e)(i), a municipality has an additional 20 business days after
545 the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

546 [~~(6)~~] (9) After the applicant has responded to the final review cycle, and the applicant
547 has complied with each modification requested in the municipality's previous review cycle, the
548 municipality may not require additional revisions if the applicant has not materially changed
549 the plan, other than changes that were in response to requested modifications or corrections.

550 [~~(7)~~] (10) (a) In addition to revised plans, an applicant shall provide a written
551 explanation in response to the municipality's review comments, identifying and explaining the
552 applicant's revisions and reasons for declining to make revisions, if any.

553 (b) The applicant's written explanation shall be comprehensive and specific, including
554 citations to applicable standards and ordinances for the design and an index of requested
555 revisions or additions for each required correction.

556 (c) If an applicant fails to address a review comment in the response, the review cycle
557 is not complete and the subsequent review cycle may not begin until all comments are
558 addressed.

559 ~~[(8)]~~ (11) (a) If, on the fourth or final review, a municipality fails to respond within 20
560 business days, the municipality shall, upon request of the property owner, and within 10
561 business days after the day on which the request is received:

562 (i) for a dispute arising from the subdivision improvement plans, assemble an appeal
563 panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final
564 revised set of plans; or

565 (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in
566 writing, of the deficiency in the application and of the right to appeal the determination to a
567 designated appeal authority.

568 Section 8. Section 10-9a-604.5 is amended to read:

569 **10-9a-604.5. Subdivision plat recording or development activity before required**
570 **landscaping or infrastructure is completed -- Improvement completion assurance --**
571 **Improvement warranty.**

572 (1) As used in this section, "public landscaping improvement" means landscaping that
573 an applicant is required to install to comply with published installation and inspection
574 specifications for public improvements that:

575 (a) will be dedicated to and maintained by the municipality; or

576 (b) are associated with and proximate to trail improvements that connect to planned or
577 existing public infrastructure.

578 (2) A land use authority shall establish objective inspection standards for acceptance of
579 a public landscaping improvement or infrastructure improvement that the land use authority
580 requires.

581 (3) (a) Before an applicant conducts any development activity or records a plat, the
582 applicant shall:

583 (i) complete any required public landscaping improvements or infrastructure

584 improvements; or

585 (ii) post an improvement completion assurance for any required public landscaping
586 improvements or infrastructure improvements.

587 (b) If an applicant elects to post an improvement completion assurance, the applicant
588 shall provide completion assurance for:

589 (i) completion of 100% of the required public landscaping improvements or
590 infrastructure improvements; or

591 (ii) if the municipality has inspected and accepted a portion of the public landscaping
592 improvements or infrastructure improvements, 100% of the incomplete or unaccepted public
593 landscaping improvements or infrastructure improvements.

594 (c) A municipality shall:

595 (i) establish a minimum of two acceptable forms of completion assurance;

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

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

601 (iv) issue or deny a building permit in accordance with Section 10-9a-802 based on the
602 installation of public landscaping improvements or infrastructure improvements.

603 (d) A municipality may not require an applicant to post an improvement completion
604 assurance for:

605 (i) public landscaping improvements or an infrastructure improvement that the
606 municipality has previously inspected and accepted;

607 (ii) infrastructure improvements that are private and not essential or required to meet
608 the building code, fire code, flood or storm water management provisions, street and access
609 requirements, or other essential necessary public safety improvements adopted in a land use
610 regulation;

611 (iii) in a municipality where ordinances require all infrastructure improvements within
612 the area to be private, infrastructure improvements within a development that the municipality
613 requires to be private; or

614 (iv) landscaping improvements that are not public landscaping improvements[~~as~~

615 defined in Section ~~10-9a-103~~], unless the landscaping improvements and completion assurance
616 are required under the terms of a development agreement.

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

621 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
622 between the applicant and the municipality shall be memorialized in a development agreement.

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

626 (5) The sum of the improvement completion assurance required under Subsections (3)
627 and (4) may not exceed the sum of:

628 (a) 100% of the estimated cost of the public landscaping improvements or
629 infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's
630 bid; and

631 (b) 10% of the amount of the bond to cover administrative costs incurred by the
632 municipality to complete the improvements, if necessary.

633 (6) At any time before a municipality accepts a public landscaping improvement or
634 infrastructure improvement, and for the duration of each improvement warranty period, the
635 municipality may require the applicant to:

636 (a) execute an improvement warranty for the improvement warranty period; and

637 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
638 required by the municipality, in the amount of up to 10% of the lesser of the:

639 (i) municipal engineer's original estimated cost of completion; or

640 (ii) applicant's reasonable proven cost of completion.

641 (7) When a municipality accepts an improvement completion assurance for public
642 landscaping improvements or infrastructure improvements for a development in accordance
643 with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the
644 development meets the requirements for the issuance of a building permit under the building
645 code and fire code.

646 (8) The provisions of this section do not supersede the terms of a valid development
647 agreement, an adopted phasing plan, or the state construction code.

648 Section 9. Section **10-9a-802** is amended to read:

649 **10-9a-802. Enforcement.**

650 (1) (a) A municipality or an adversely affected party may, in addition to other remedies
651 provided by law, institute:

- 652 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 653 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

654 (b) A municipality need only establish the violation to obtain the injunction.

655 (2) (a) [~~A~~] Except as provided in Subsections (3) and (4), a municipality may enforce
656 the municipality's ordinance by withholding a building permit.

657 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
658 building or other structure within a municipality without approval of a building permit.

659 (c) A municipality may not issue a building permit unless the plans of and for the
660 proposed erection, construction, reconstruction, alteration, or use fully conform to all
661 regulations then in effect.

662 (d) A municipality may not deny an applicant a building permit or certificate of
663 occupancy because the applicant has not completed an infrastructure improvement:

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

666 (ii) for which the municipality has accepted an improvement completion assurance for
667 a public landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure
668 [improvements] improvement for the development.

669 (3) A municipality may not deny an applicant a building permit or certificate of
670 occupancy based on the lack of completion of a landscaping improvement that is not a public
671 landscaping improvement, as defined in Section 10-9a-604.5.

672 (4) A municipality may not withhold a building permit based on the lack of completion
673 of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot
674 where a single-family or two-family residence or town home is proposed in a building permit
675 application if an improvement completion assurance has been posted for the incomplete portion
676 of the public sidewalk.

677 (5) A municipality may not prohibit the construction of a single-family or two-family
678 residence or town home, withhold recording a plat, or withhold acceptance of a public
679 landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure improvement
680 based on the lack of installation of a public sidewalk if an improvement completion assurance
681 has been posted for the public sidewalk.

682 (6) A municipality may not redeem an improvement completion assurance securing the
683 installation of a public sidewalk sooner than 18 months after the date the improvement
684 completion assurance is posted.

685 (7) A municipality shall allow an applicant to post an improvement completion
686 assurance for a public sidewalk separate from an improvement completion assurance for:

687 (a) another infrastructure improvement; or

688 (b) a public landscaping improvement, as defined in Section 10-9a-604.5.

689 (8) A municipality may withhold a certificate of occupancy for a single-family or
690 two-family residence or town home until the portion of the public sidewalk to be constructed
691 within a public right-of-way and located immediately adjacent to the single-family or
692 two-family residence or town home is completed and accepted by the municipality.

693 Section 10. Section 17-27a-508 is amended to read:

694 **17-27a-508. Applicant's entitlement to land use application approval --**
695 **Application relating to land in a high priority transportation corridor -- County's**
696 **requirements and limitations -- Vesting upon submission of development plan and**
697 **schedule.**

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

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

702 (B) applicable to the application or to the information shown on the submitted
703 application.

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

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

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

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

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

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

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

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

725 (d) Unless a phasing sequence is required in an executed development agreement, a
726 county shall, without regard to any other separate and distinct land use application, accept and
727 process a complete land use application.

728 [~~(d)~~] (e) The continuing validity of an approval of a land use application is conditioned
729 upon the applicant proceeding after approval to implement the approval with reasonable
730 diligence.

731 [~~(e)~~] (f) A county may not impose on an applicant who has submitted a complete
732 application a requirement that is not expressed in:

733 (i) this chapter;

734 (ii) a county ordinance in effect on the date that the applicant submits a complete
735 application, subject to Subsection 17-27a-508(1)(a)(ii); or

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

738 [~~(f)~~] (g) A county may not impose on a holder of an issued land use permit or a final,

739 unexpired subdivision plat a requirement that is not expressed:

740 (i) in a land use permit;

741 (ii) on the subdivision plat;

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

743 (iv) in the written record evidencing approval of the land use permit or subdivision

744 plat;

745 (v) in this chapter;

746 (vi) in a county ordinance; or

747 (vii) in a county specification for residential roadways in effect at the time a residential
748 subdivision was approved.

749 ~~[(g)]~~ (h) Except as provided in Subsection ~~[(1)(h)]~~ (1)(i), a county may not withhold
750 issuance of a certificate of occupancy or acceptance of subdivision improvements because of an
751 applicant's failure to comply with a requirement that is not expressed:

752 (i) in the building permit or subdivision plat, documents on which the building permit
753 or subdivision plat is based, or the written record evidencing approval of the building permit or
754 subdivision plat; or

755 (ii) in this chapter or the county's ordinances.

756 ~~[(h)]~~ (i) A county may not unreasonably withhold issuance of a certificate of occupancy
757 where an applicant has met all requirements essential for the public health, public safety, and
758 general welfare of the occupants, in accordance with this chapter, unless:

759 (i) the applicant and the county have agreed in a written document to the withholding
760 of a certificate of occupancy; or

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

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

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

769 (4) Upon a specified public agency's submission of a development plan and schedule as

770 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
771 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
772 fees, impact fees, other applicable development fees, and land use regulations in effect on the
773 date of submission.

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

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

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

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

782 (i) the relevant land use approval; and

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

784 Section 11. Section 17-27a-528 is amended to read:

785 **17-27a-528. Development agreements.**

786 (1) Subject to Subsection (2), a county may enter into a development agreement
787 containing any term that the county considers necessary or appropriate to accomplish the
788 purposes of this chapter[-], including a term relating to:

789 (a) a master planned development;

790 (b) a planned unit development;

791 (c) an annexation;

792 (d) affordable or moderate income housing with development incentives;

793 (e) a public private partnership; or

794 (f) a density transfer or bonus within a development project or between development
795 projects.

796 (2) (a) A development agreement may not:

797 (i) limit a county's authority in the future to:

798 (A) enact a land use regulation; or

799 (B) take any action allowed under Section 17-53-223;

800 (ii) require a county to change the zoning designation of an area of land within the

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) ~~§~~ → [†] ← ~~§~~ , 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

- 863 (1) a requirement to install front yard fencing.
- 864 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
865 building design element on a one- or [~~two-family~~] two-family dwelling.
- 866 (3) Subsection (2) does not apply to:
- 867 (a) a dwelling located within an area designated as a historic district in:
- 868 (i) the National Register of Historic Places;
- 869 (ii) the state register as defined in Section 9-8a-402; or
- 870 (iii) a local historic district or area, or a site designated as a local landmark, created by
871 ordinance before January 1, 2021, except as provided under Subsection (3)(b);
- 872 (b) an ordinance enacted as a condition for participation in the National Flood
873 Insurance Program administered by the Federal Emergency Management Agency;
- 874 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
875 Interface Code adopted under Section 15A-2-103;
- 876 (d) building design elements agreed to under a development agreement;
- 877 (e) a dwelling located within an area that:
- 878 (i) is zoned primarily for residential use; and
- 879 (ii) was substantially developed before calendar year 1950;
- 880 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 881 (g) an ordinance enacted to regulate type of cladding, in response to findings or
882 evidence from the construction industry of:
- 883 (i) defects in the material of existing cladding; or
- 884 (ii) consistent defects in the installation of existing cladding; [~~or~~]
- 885 (h) a land use regulation, including a planned unit development or overlay zone, that a
886 property owner requests:
- 887 (i) the county to apply to the owner's property; and
- 888 (ii) in exchange for an increase in density or other benefit not otherwise available as a
889 permitted use in the zoning area or district[-]; or
- 890 (i) an ordinance enacted to mitigate the impacts of an accidental explosion:
- 891 (i) in excess of 20,000 pounds trinitrotoluene equivalent;
- 892 (ii) that would create overpressure waves greater than .2 pounds per square inch; and
- 893 (iii) that would pose a risk of damage to a window, garage door, or carport of a facility

894 located within the vicinity of the regulated area.

895 Section 13. Section **17-27a-532** is amended to read:

896 **17-27a-532. Water wise landscaping.**

897 (1) As used in this section:

898 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
899 grasses.

900 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
901 loose and applied to the soil.

902 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
903 through a nozzle.

904 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
905 exposed leaf area of a plant or group of plants at full maturity.

906 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
907 exposed leaf area of a tree or trees.

908 (e) "Water wise landscaping" means any or all of the following:

909 (i) installation of plant materials suited to the microclimate and soil conditions that
910 can:

911 (A) remain healthy with minimal irrigation once established; or

912 (B) be maintained without the use of overhead spray irrigation;

913 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
914 and water application; or

915 (iii) the use of other landscape design features that:

916 (A) minimize the need of the landscape for supplemental water from irrigation; or

917 (B) reduce the landscape area dedicated to lawn or turf.

918 (2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits,
919 or has the effect of prohibiting, a property owner from incorporating water wise landscaping on
920 the property owner's property.

921 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from
922 requiring a property owner to:

923 (i) comply with a site plan review or other review process before installing water wise
924 landscaping;

925 (ii) maintain plant material in a healthy condition; and
 926 (iii) follow specific water wise landscaping design requirements adopted by the county,
 927 including a requirement that:

928 (A) restricts or clarifies the use of mulches considered detrimental to county
 929 operations;

930 (B) imposes minimum or maximum vegetative coverage standards; or

931 (C) restricts or prohibits the use of specific plant materials.

932 (b) A county may not require a property owner to install or keep in place lawn or turf in
 933 an area with a width less than eight feet.

934 (4) A county may require a seller of a newly constructed residence within the
 935 unincorporated area of the county to inform the first buyer of the newly constructed residence
 936 of a county ordinance requiring water wise landscaping.

937 [~~4~~] (5) A county shall report to the Division of Water Resources the existence,
 938 enactment, or modification of an ordinance, resolution, or policy that implements
 939 regional-based water use efficiency standards established by the Division of Water Resources
 940 by rule under Section 73-10-37.

941 Section 14. Section 17-27a-534 is enacted to read:

942 **17-27a-534. Residential rear setback limitations.**

943 (1) As used in this section:

944 (a) "Allowable feature" means:

945 (i) a landing or walkout porch that:

946 (A) is no more than 32 square feet in size; and

947 (B) is used for ingress to and egress from the rear of the residential dwelling; or

948 (ii) a window well.

949 (b) "Landing" means an uncovered, above-ground platform, with or without stairs,
 950 connected to the rear of a residential dwelling.

951 (c) "Setback" means the required distance between the property line of a lot or parcel
 952 and the location where a structure is allowed to be placed under an adopted land use regulation.

953 (d) "Walkout porch" means an uncovered platform that is on the ground and connected
 954 to the rear of a residential dwelling.

955 (e) "Window well" means a recess in the ground around a residential dwelling to allow

956 for ingress and egress through a window installed in a basement that is fully or partially below
957 ground.

958 (2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits
959 or has the effect of prohibiting an allowable feature within the rear setback of a residential
960 building lot or parcel.

961 (3) Subsection (2) does not apply to a historic district located within the unincorporated
962 area of a county.

963 Section 15. Section 17-27a-604.2 is amended to read:

964 **17-27a-604.2. Review of subdivision applications and subdivision improvement**
965 **plans.**

966 (1) As used in this section:

967 (a) "Review cycle" means the occurrence of:

968 (i) the applicant's submittal of a complete subdivision [~~land use~~] application;

969 (ii) the county's review of that subdivision [~~land use~~] application;

970 (iii) the county's response to that subdivision [~~land use~~] application, in accordance with
971 this section; and

972 (iv) the applicant's reply to the county's response that addresses each of the county's
973 required modifications or requests for additional information.

974 (b) "Subdivision application" means a land use application for the subdivision of land
975 located within the unincorporated area of a county.

976 [~~(b)~~] (c) "Subdivision improvement plans" means the civil engineering plans associated
977 with required infrastructure improvements and county-controlled utilities required for a
978 subdivision.

979 [~~(c)~~] (d) "Subdivision ordinance review" means review by a county to verify that a
980 subdivision [~~land use~~] application meets the criteria of the county's [~~subdivision~~] ordinances.

981 [~~(d)~~] (e) "Subdivision plan review" means a review of the applicant's subdivision
982 improvement plans and other aspects of the subdivision [~~land use~~] application to verify that the
983 application complies with county ordinances and applicable installation standards and
984 inspection specifications for infrastructure improvements.

985 (2) The review cycle restrictions and requirements of this section do not apply to the
986 review of subdivision applications affecting property within identified geological hazard areas.

987 (3) (a) A county may require a subdivision improvement plan to be submitted with a
988 subdivision application.

989 (b) A county may not require a subdivision improvement plan to be submitted with
990 both a preliminary subdivision application and a final subdivision application.

991 (4) (a) The review cycle requirements of this section apply:

992 (i) to the review of a preliminary subdivision application, if the county requires a
993 subdivision improvement plan to be submitted with a preliminary subdivision application; or

994 (ii) to the review of a final subdivision application, if the county requires a subdivision
995 improvement plan to be submitted with a final subdivision application.

996 (b) A county may not, outside the review cycle, engage in a substantive review of
997 required infrastructure improvements or a county controlled utility.

998 ~~[(3)(a) No later than 15 business days after the day on which an applicant submits a~~
999 ~~complete preliminary subdivision land use application for a residential subdivision for~~
1000 ~~single-family dwellings, two-family dwellings, or townhomes, the county shall complete the~~
1001 ~~initial review of the application, including subdivision improvement plans.]~~

1002 ~~[(b)]~~ (5) (a) A county shall complete the initial review of a complete subdivision
1003 application submitted for ordinance review for a residential subdivision for single-family
1004 dwellings, two-family dwellings, or town homes:

1005 (i) no later than 15 business days after the complete subdivision application is
1006 submitted, if the county has a population over 5,000; or

1007 (ii) no later than 30 business days after the complete subdivision application is
1008 submitted, if the county has a population of 5,000 or less.

1009 (b) A county shall maintain and publish a list of the items comprising the complete
1010 [preliminary] subdivision [land use] application, including:

1011 (i) the application;

1012 (ii) the owner's affidavit;

1013 (iii) an electronic copy of all plans in PDF format;

1014 (iv) the preliminary subdivision plat drawings; and

1015 (v) a breakdown of fees due upon approval of the application.

1016 ~~[(4)]~~ (6) [(a)] A county shall publish a list of the items that comprise a complete [final]
1017 subdivision land use application.

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 ~~Ŝ~~ → [Subsections] ← ~~Ŝ~~ ~~[(5)(a)(i)]~~ ~~Ŝ~~ → Subsection ← ~~Ŝ~~ (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)]~~ ~~Ŝ~~ → [f] ← ~~Ŝ~~ (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]~~,

1049 the county has the discretion to restart the review process at the first review of the ~~[final~~
1050 ~~application]~~ subdivision improvement plan review, but only with respect to the portion of the
1051 subdivision improvement plan ~~[set]~~ that the material change substantively ~~[effects]~~ affects.

1052 (e) (i) ~~[Hf]~~ This Subsection (8) applies if an applicant does not submit a revised
1053 subdivision improvement plan within:

1054 (A) 20 business days after the county requires a modification or correction, ~~[the county~~
1055 ~~shall have an additional 20 business days to respond to the plans]~~ if the county has a population
1056 over 5,000; or

1057 (B) 40 business days after the county requires a modification or correction, if the
1058 county has a population of 5,000 or less.

1059 (ii) If an applicant does not submit a revised subdivision improvement plan within the
1060 time specified in Subsection (8)(e)(i), a county has an additional 20 business days after the time
1061 specified in Subsection (7) to respond to a revised subdivision improvement plan.

1062 ~~[(6)]~~ (9) After the applicant has responded to the final review cycle, and the applicant
1063 has complied with each modification requested in the county's previous review cycle, the
1064 county may not require additional revisions if the applicant has not materially changed the plan,
1065 other than changes that were in response to requested modifications or corrections.

1066 ~~[(7)]~~ (10) (a) In addition to revised plans, an applicant shall provide a written
1067 explanation in response to the county's review comments, identifying and explaining the
1068 applicant's revisions and reasons for declining to make revisions, if any.

1069 (b) The applicant's written explanation shall be comprehensive and specific, including
1070 citations to applicable standards and ordinances for the design and an index of requested
1071 revisions or additions for each required correction.

1072 (c) If an applicant fails to address a review comment in the response, the review cycle
1073 is not complete and the subsequent review cycle may not begin until all comments are
1074 addressed.

1075 ~~[(8)]~~ (11) (a) If, on the fourth or final review, a county fails to respond within 20
1076 business days, the county shall, upon request of the property owner, and within 10 business
1077 days after the day on which the request is received:

1078 (i) for a dispute arising from the subdivision improvement plans, assemble an appeal
1079 panel in accordance with Subsection [17-27a-507\(5\)\(d\)](#) to review and approve or deny the final

1080 revised set of plans; or

1081 (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in
1082 writing, of the deficiency in the application and of the right to appeal the determination to a
1083 designated appeal authority.

1084 Section 16. Section ~~17-27a-604.5~~ is amended to read:

1085 **17-27a-604.5. Subdivision plat recording or development activity before required**
1086 **infrastructure is completed -- Improvement completion assurance -- Improvement**
1087 **warranty.**

1088 (1) As used in this section, "public landscaping improvement" means landscaping that
1089 an applicant is required to install to comply with published installation and inspection
1090 specifications for public improvements that:

1091 (a) will be dedicated to and maintained by the county; or

1092 (b) are associated with and proximate to trail improvements that connect to planned or
1093 existing public infrastructure.

1094 (2) A land use authority shall establish objective inspection standards for acceptance of
1095 a required public landscaping improvement or infrastructure improvement.

1096 (3) (a) Before an applicant conducts any development activity or records a plat, the
1097 applicant shall:

1098 (i) complete any required public landscaping improvements or infrastructure
1099 improvements; or

1100 (ii) post an improvement completion assurance for any required public landscaping
1101 improvements or infrastructure improvements.

1102 (b) If an applicant elects to post an improvement completion assurance, the applicant
1103 shall provide completion assurance for:

1104 (i) completion of 100% of the required public landscaping improvements or
1105 infrastructure improvements; or

1106 (ii) if the county has inspected and accepted a portion of the public landscaping
1107 improvements or infrastructure improvements, 100% of the incomplete or unaccepted public
1108 landscaping improvements or infrastructure improvements.

1109 (c) A county shall:

1110 (i) establish a minimum of two acceptable forms of completion assurance;

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)

1142 and (4) may not exceed the sum of:

1143 (a) 100% of the estimated cost of the public landscaping improvements or
1144 infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's
1145 bid; and

1146 (b) 10% of the amount of the bond to cover administrative costs incurred by the county
1147 to complete the improvements, if necessary.

1148 (6) At any time before a county accepts a public landscaping improvement or
1149 infrastructure improvement, and for the duration of each improvement warranty period, the
1150 land use authority may require the applicant to:

1151 (a) execute an improvement warranty for the improvement warranty period; and

1152 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
1153 required by the county, in the amount of up to 10% of the lesser of the:

1154 (i) county engineer's original estimated cost of completion; or

1155 (ii) applicant's reasonable proven cost of completion.

1156 (7) When a county accepts an improvement completion assurance for public
1157 landscaping improvements or infrastructure improvements for a development in accordance
1158 with Subsection (3)(c)(ii), the county may not deny an applicant a building permit if the
1159 development meets the requirements for the issuance of a building permit under the building
1160 code and fire code.

1161 (8) The provisions of this section do not supersede the terms of a valid development
1162 agreement, an adopted phasing plan, or the state construction code.

1163 Section 17. Section **17-27a-802** is amended to read:

1164 **17-27a-802. Enforcement.**

1165 (1) (a) A county or an adversely affected party may, in addition to other remedies
1166 provided by law, institute:

1167 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

1168 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1169 (b) A county need only establish the violation to obtain the injunction.

1170 (2) (a) [~~A~~] Except as provided in Subsections (3) and (4), a county may enforce the
1171 county's ordinance by withholding a building permit.

1172 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any

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 ~~Ŝ→ [right-of-way]~~ right-of-way ←Ŝ
1188a serving 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](#).

1204 (8) A county may withhold a certificate of occupancy for a single-family or two-family
1205 residence or town home until the portion of the public sidewalk to be constructed within a
1206 public right-of-way and located immediately adjacent to the single-family or two-family
1207 residence or town home is completed and accepted by the county.

1208 Section 18. Section **38-9-102** is amended to read:

1209 **38-9-102. Definitions.**

1210 As used in this chapter:

1211 (1) "Affected person" means:

1212 (a) a person who is a record interest holder of the real property that is the subject of a
1213 recorded nonconsensual common law document; or

1214 (b) the person against whom a recorded nonconsensual common law document
1215 purports to reflect or establish a claim or obligation.

1216 (2) "Document sponsor" means a person who, personally or through a designee, signs
1217 or submits for recording a document that is, or is alleged to be, a nonconsensual common law
1218 document.

1219 (3) "Interest holder" means a person who holds or possesses a present, lawful property
1220 interest in certain real property, including an owner, title holder, mortgagee, trustee, or
1221 beneficial owner.

1222 (4) "Lien claimant" means a person claiming an interest in real property who offers a
1223 document for recording or filing with any county recorder in the state asserting a lien, or notice
1224 of interest, or other claim of interest in certain real property.

1225 (5) "Nonconsensual common law document" means a document that is submitted to a
1226 county recorder's office for recording against public official property that:

1227 (a) purports to create a lien or encumbrance on or a notice of interest in the real
1228 property;

1229 (b) at the time the document is recorded, is not:

1230 (i) expressly authorized by this chapter or a state or federal statute;

1231 (ii) authorized by or contained in an order or judgment of a court of competent
1232 jurisdiction; or

1233 (iii) signed by or expressly authorized by a document signed by the owner of the real
1234 property; and

1235 (c) is submitted in relation to the public official's status or capacity as a public official.

1236 (6) "Owner" means a person who has a vested ownership interest in real property.

1237 (7) "Political subdivision" means a county, city, town, school district, special

1238 improvement or taxing district, special district, special service district, or other governmental

1239 subdivision or public corporation.

1240 (8) "Public official" means:

1241 (a) a current or former:

1242 (i) member of the Legislature;

1243 (ii) member of Congress;

1244 (iii) judge;

1245 (iv) member of law enforcement;

1246 (v) corrections officer;

1247 (vi) active member of the Utah State Bar; or

1248 (vii) member of the Board of Pardons and Parole;

1249 (b) an individual currently or previously appointed or elected to an elected position in:

1250 (i) the executive branch of state or federal government; or

1251 (ii) a political subdivision;

1252 (c) an individual currently or previously appointed to or employed in a position in a

1253 political subdivision, or state or federal government that:

1254 (i) is a policymaking position; or

1255 (ii) involves:

1256 (A) purchasing or contracting decisions;

1257 (B) drafting legislation or making rules;

1258 (C) determining rates or fees; or

1259 (D) making adjudicative decisions; or

1260 (d) an immediate family member of a person described in Subsections (8)(a) through

1261 (c).

1262 (9) "Public official property" means real property that has at least one record interest

1263 holder who is a public official.

1264 (10) (a) "Record interest holder" means a person who holds or possesses a present,

1265 lawful property interest in real property, including an owner, titleholder, mortgagee, trustee, or

1266 beneficial owner, and whose name and interest in that real property appears in the county
1267 recorder's records for the county in which the property is located.

1268 (b) "Record interest holder" includes any grantor in the chain of the title in real
1269 property.

1270 (11) "Record owner" means an owner whose name and ownership interest in certain
1271 real property is recorded or filed in the county recorder's records for the county in which the
1272 property is located.

1273 (12) (a) "Wrongful lien" means any document that purports to create a lien, notice of
1274 interest, or encumbrance on an owner's interest in certain real property and at the time it is
1275 recorded is not:

1276 [~~(a)~~] (i) expressly authorized by this chapter or another state or federal statute;

1277 [~~(b)~~] (ii) authorized by or contained in an order or judgment of a court of competent
1278 jurisdiction in the state; or

1279 [~~(c)~~] (iii) signed by or authorized pursuant to a document signed by the owner of the
1280 real property.

1281 (b) "Wrongful lien" includes a document recorded in violation of Subsection
1282 [10-9a-532\(2\)\(d\)](#).

1283 Section 19. **Effective date.**

1284 (1) Except as provided in Subsection (2), this bill takes effect on November 1, 2024.

1285 (2) (a) Except as provided in Subsection (2)(b), the actions affecting Sections
1286 [10-9a-532](#) and [38-9-102](#) take effect on May 1, 2024.

1287 (b) If this bill is approved by two-thirds of all the members elected to each house, the
1288 actions affecting Sections [10-9a-532](#) and [38-9-102](#) take effect upon approval by the governor,
1289 or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8,
1290 without the governor's signature, or in the case of a veto, the date of veto override.