Effective 7/1/2023

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

(1) As used in this section, "building design element" means:
- (a) exterior color;
- (b) type or style of exterior cladding material;
- (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- (d) exterior nonstructural architectural ornamentation;
- (e) location, design, placement, or architectural styling of a window or door;
- (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
- (g) number or type of rooms;
- (h) interior layout of a room;
- (i) minimum square footage over 1,000 square feet, not including a garage;
- (j) rear yard landscaping requirements;
- (k) minimum building dimensions; or
- (l) a requirement to install front yard fencing.

(2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one- or two-family dwelling.

(3) Subsection (2) does not apply to:
- (a) a dwelling located within an area designated as a historic district in:
  - (i) the National Register of Historic Places;
  - (ii) the state register as defined in Section 9-8a-402; or
  - (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
- (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
- (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
- (d) building design elements agreed to under a development agreement;
- (e) a dwelling located within an area that:
  - (i) is zoned primarily for residential use; and
  - (ii) was substantially developed before calendar year 1950;
- (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
  - (i) defects in the material of existing cladding; or
  - (ii) consistent defects in the installation of existing cladding; or
- (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
  - (i) the municipality to apply to the owner's property; and
  - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.

Amended by Chapter 160, 2023 General Session
Amended by Chapter 478, 2023 General Session