

1                   **Municipal and County Land Use Exemption Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor:

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3   **LONG TITLE**

4   **General Description:**

5       This bill addresses entities required to conform to a municipality's or county's land use  
6   ordinances.

7   **Highlighted Provisions:**

8       This bill:

9       ▸ provides that a municipality or county may not subject a school district to standards  
10   within each zone pertaining to setback, height, bulk and massing regulations, off-site  
11   parking, curb cut, traffic circulation, and construction staging; and

12      ▸ makes technical and conforming changes.

13   **Money Appropriated in this Bill:**

14       None

15   **Other Special Clauses:**

16       None

17   **Utah Code Sections Affected:**

18   AMENDS:

19       **10-9a-305**, as last amended by Laws of Utah 2024, Chapter 464

20       **17-27a-305**, as last amended by Laws of Utah 2024, Chapter 464

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

23       Section 1. Section **10-9a-305** is amended to read:

24       **10-9a-305 . Other entities required to conform to municipality's land use**  
25   **ordinances -- Exceptions -- School districts, charter schools, home-based microschools,**  
26   **and micro-education entities -- Submission of development plan and schedule.**

27   (1)(a) Each county, municipality, school district, charter school, special district, special  
28   service district, and political subdivision of the state shall conform to any applicable  
29   land use ordinance of any municipality when installing, constructing, operating, or  
30   otherwise using any area, land, or building situated within that municipality.

31 (b) In addition to any other remedies provided by law, when a municipality's land use  
32 ordinance is violated or about to be violated by another political subdivision, that  
33 municipality may institute an injunction, mandamus, abatement, or other appropriate  
34 action or proceeding to prevent, enjoin, abate, or remove the improper installation,  
35 improvement, or use.

36 (2)(a) Except as provided in [~~Subsection~~] Subsections (2)(b)(i)(A) and (3), a school  
37 district or charter school is subject to a municipality's land use ordinances.

38 (b)(i) Notwithstanding Subsection (3), a municipality may:

39 (A) subject a charter school but not a school district to standards within each zone  
40 pertaining to setback, height, bulk and massing regulations, off-site parking,  
41 curb cut, traffic circulation, and construction staging; and

42 (B) impose regulations upon the location of a project that are necessary to avoid  
43 unreasonable risks to health or safety, as provided in Subsection (3)(f).

44 (ii) The standards to which a municipality may subject a charter school under  
45 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

46 (iii) Except as provided in Subsection (7)(d), the only basis upon which a  
47 municipality may deny or withhold approval of a charter school's land use  
48 application is the charter school's failure to comply with a standard imposed under  
49 Subsection (2)(b)(i).

50 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of  
51 an obligation to comply with a requirement of an applicable building or safety  
52 code to which it is otherwise obligated to comply.

53 (3) A municipality may not:

54 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction  
55 methods or materials, additional building inspections, municipal building codes,  
56 building use for educational purposes, or the placement or use of temporary  
57 classroom facilities on school property;

58 (b) except as otherwise provided in this section, require a school district or charter  
59 school to participate in the cost of any roadway or sidewalk, or a study on the impact  
60 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety  
61 of school children and not located on or contiguous to school property, unless the  
62 roadway or sidewalk is required to connect an otherwise isolated school site to an  
63 existing roadway;

64 (c) require a district or charter school to pay fees not authorized by this section;

- 65 (d) provide for inspection of school construction or assess a fee or other charges for  
66 inspection, unless the school district or charter school is unable to provide for  
67 inspection by an inspector, other than the project architect or contractor, who is  
68 qualified under criteria established by the state superintendent;
- 69 (e) require a school district or charter school to pay any impact fee for an improvement  
70 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact  
71 Fees Act;
- 72 (f) impose regulations upon the location of an educational facility except as necessary to  
73 avoid unreasonable risks to health or safety; or
- 74 (g) for a land use or a structure owned or operated by a school district or charter school  
75 that is not an educational facility but is used in support of providing instruction to  
76 pupils, impose a regulation that:
- 77 (i) is not imposed on a similar land use or structure in the zone in which the land use  
78 or structure is approved; or
- 79 (ii) uses the tax exempt status of the school district or charter school as criteria for  
80 prohibiting or regulating the land use or location of the structure.
- 81 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the  
82 siting of a new school with the municipality in which the school is to be located, to:
- 83 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the  
84 impacts between the new school and future highways; and
- 85 (b) maximize school, student, and site safety.
- 86 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:
- 87 (a) provide a walk-through of school construction at no cost and at a time convenient to  
88 the district or charter school; and
- 89 (b) provide recommendations based upon the walk-through.
- 90 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 91 (i) a municipal building inspector;
- 92 (ii)(A) for a school district, a school district building inspector from that school  
93 district; or
- 94 (B) for a charter school, a school district building inspector from the school  
95 district in which the charter school is located; or
- 96 (iii) an independent, certified building inspector who is not an employee of the  
97 contractor, licensed to perform the inspection that the inspector is requested to  
98 perform, and approved by a municipal building inspector or:

- 99 (A) for a school district, a school district building inspector from that school  
100 district; or
- 101 (B) for a charter school, a school district building inspector from the school  
102 district in which the charter school is located.
- 103 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 104 (c) If a school district or charter school uses a school district or independent building  
105 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall  
106 submit to the state superintendent of public instruction and municipal building  
107 official, on a monthly basis during construction of the school building, a copy of each  
108 inspection certificate regarding the school building.
- 109 (7)(a) A charter school, home-based microschool, or micro-education entity shall be  
110 considered a permitted use in all zoning districts within a municipality.
- 111 (b) Each land use application for any approval required for a charter school, home-based  
112 microschool, or micro-education entity, including an application for a building  
113 permit, shall be processed on a first priority basis.
- 114 (c) Parking requirements for a charter school or a micro-education entity may not exceed  
115 the minimum parking requirements for schools or other institutional public uses  
116 throughout the municipality.
- 117 (d) If a municipality has designated zones for a sexually oriented business, or a business  
118 which sells alcohol, a charter school or a micro-education entity may be prohibited  
119 from a location which would otherwise defeat the purpose for the zone unless the  
120 charter school or micro-education entity provides a waiver.
- 121 (e)(i) A school district, charter school, or micro-education entity may seek a  
122 certificate authorizing permanent occupancy of a school building from:
- 123 (A) the state superintendent of public instruction, as provided in Subsection  
124 53E-3-706(3), if the school district or charter school used an independent  
125 building inspector for inspection of the school building; or
- 126 (B) a municipal official with authority to issue the certificate, if the school district,  
127 charter school, or micro-education entity used a municipal building inspector  
128 for inspection of the school building.
- 129 (ii) A school district may issue its own certificate authorizing permanent occupancy  
130 of a school building if it used its own building inspector for inspection of the  
131 school building, subject to the notification requirement of Subsection 53E-3-706  
132 (3)(a)(ii).

- 133 (iii) A charter school or micro-education entity may seek a certificate authorizing  
134 permanent occupancy of a school building from a school district official with  
135 authority to issue the certificate, if the charter school or micro-education entity  
136 used a school district building inspector for inspection of the school building.
- 137 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
138 of public instruction under Subsection 53E-3-706(3) or a school district official  
139 with authority to issue the certificate shall be considered to satisfy any municipal  
140 requirement for an inspection or a certificate of occupancy.
- 141 (f)(i) A micro-education entity may operate in a facility that meets Group E  
142 Occupancy requirements as defined by the International Building Code, as  
143 incorporated by Subsection 15A-2-103(1)(a).
- 144 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):  
145 (A) may have up to 100 students in the facility; and  
146 (B) shall have enough space for at least 20 net square feet per student.
- 147 (g) A micro-education entity may operate in a facility that is subject to and complies  
148 with the same occupancy requirements as a Class B Occupancy as defined by the  
149 International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:
- 150 (i) the facility has a code compliant fire alarm system and carbon monoxide detection  
151 system;
- 152 (ii)(A) each classroom in the facility has an exit directly to the outside at the level  
153 of exit or discharge; or  
154 (B) the structure has a code compliant fire sprinkler system;
- 155 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that  
156 are greater than 12,000 square feet; and
- 157 (iv) the facility has enough space for at least 20 net square feet per student.
- 158 (h)(i) A home-based microschool is not subject to additional occupancy  
159 requirements beyond occupancy requirements that apply to a primary dwelling,  
160 except that the home-based microschool shall have enough space for at least 35  
161 net square feet per student.
- 162 (ii) If a floor that is below grade in a home-based microschool is used for home-based  
163 microschool purposes, the below grade floor of the home-based microschool shall  
164 have at least one emergency escape or rescue window that complies with the  
165 requirements for emergency escape and rescue windows as defined by the  
166 International Residential Code, as incorporated by Section 15A-1-210.

- 167 (8)(a) A specified public agency intending to develop its land shall submit to the land  
168 use authority a development plan and schedule:
- 169 (i) as early as practicable in the development process, but no later than the  
170 commencement of construction; and
  - 171 (ii) with sufficient detail to enable the land use authority to assess:
    - 172 (A) the specified public agency's compliance with applicable land use ordinances;
    - 173 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),  
174 (c), (d), (e), and (g) caused by the development;
    - 175 (C) the amount of any applicable fee described in Section 10-9a-510;
    - 176 (D) any credit against an impact fee; and
    - 177 (E) the potential for waiving an impact fee.
  - 178 (b) The land use authority shall respond to a specified public agency's submission under  
179 Subsection (8)(a) with reasonable promptness in order to allow the specified public  
180 agency to consider information the municipality provides under Subsection (8)(a)(ii)  
181 in the process of preparing the budget for the development.
- 182 (9) Nothing in this section may be construed to:
- 183 (a) modify or supersede Section 10-9a-304; or
  - 184 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that  
185 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair  
186 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with  
187 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.
- 188 (10) Nothing in Subsection (7) prevents a political subdivision from:
- 189 (a) requiring a home-based microschool or micro-education entity to comply with  
190 municipal zoning and land use regulations that do not conflict with this section,  
191 including:
    - 192 (i) parking;
    - 193 (ii) traffic; and
    - 194 (iii) hours of operation;
  - 195 (b) requiring a home-based microschool or micro-education entity to obtain a business  
196 license;
  - 197 (c) enacting municipal ordinances and regulations consistent with this section;
  - 198 (d) subjecting a micro-education entity to standards within each zone pertaining to  
199 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic  
200 circulation, and construction staging; and

201 (e) imposing regulations on the location of a project that are necessary to avoid risks to  
202 health or safety.

203 Section 2. Section **17-27a-305** is amended to read:

204 **17-27a-305 . Other entities required to conform to county's land use ordinances**  
205 **-- Exceptions -- School districts, charter schools, home-based microschoools, and**  
206 **micro-education entities -- Submission of development plan and schedule.**

207 (1)(a) Each county, municipality, school district, charter school, special district, special  
208 service district, and political subdivision of the state shall conform to any applicable  
209 land use ordinance of any county when installing, constructing, operating, or  
210 otherwise using any area, land, or building situated within a mountainous planning  
211 district or the unincorporated portion of the county, as applicable.

212 (b) In addition to any other remedies provided by law, when a county's land use  
213 ordinance is violated or about to be violated by another political subdivision, that  
214 county may institute an injunction, mandamus, abatement, or other appropriate action  
215 or proceeding to prevent, enjoin, abate, or remove the improper installation,  
216 improvement, or use.

217 (2)(a) Except as provided in [Subsection] Subsections (2)(b)(i)(A) and (3), a school  
218 district or charter school is subject to a county's land use ordinances.

219 (b)(i) Notwithstanding Subsection (3), a county may:

220 (A) subject a charter school but not a school district to standards within each zone  
221 pertaining to setback, height, bulk and massing regulations, off-site parking,  
222 curb cut, traffic circulation, and construction staging; and

223 (B) impose regulations upon the location of a project that are necessary to avoid  
224 unreasonable risks to health or safety, as provided in Subsection (3)(f).

225 (ii) The standards to which a county may subject a charter school under Subsection  
226 (2)(b)(i) shall be objective standards only and may not be subjective.

227 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may  
228 deny or withhold approval of a charter school's land use application is the charter  
229 school's failure to comply with a standard imposed under Subsection (2)(b)(i).

230 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of  
231 an obligation to comply with a requirement of an applicable building or safety  
232 code to which it is otherwise obligated to comply.

233 (3) A county may not:

234 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction

- 235 methods or materials, additional building inspections, county building codes,  
236 building use for educational purposes, or the placement or use of temporary  
237 classroom facilities on school property;
- 238 (b) except as otherwise provided in this section, require a school district or charter  
239 school to participate in the cost of any roadway or sidewalk, or a study on the impact  
240 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety  
241 of school children and not located on or contiguous to school property, unless the  
242 roadway or sidewalk is required to connect an otherwise isolated school site to an  
243 existing roadway;
- 244 (c) require a district or charter school to pay fees not authorized by this section;
- 245 (d) provide for inspection of school construction or assess a fee or other charges for  
246 inspection, unless the school district or charter school is unable to provide for  
247 inspection by an inspector, other than the project architect or contractor, who is  
248 qualified under criteria established by the state superintendent;
- 249 (e) require a school district or charter school to pay any impact fee for an improvement  
250 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact  
251 Fees Act;
- 252 (f) impose regulations upon the location of an educational facility except as necessary to  
253 avoid unreasonable risks to health or safety; or
- 254 (g) for a land use or a structure owned or operated by a school district or charter school  
255 that is not an educational facility but is used in support of providing instruction to  
256 pupils, impose a regulation that:
- 257 (i) is not imposed on a similar land use or structure in the zone in which the land use  
258 or structure is approved; or
- 259 (ii) uses the tax exempt status of the school district or charter school as criteria for  
260 prohibiting or regulating the land use or location of the structure.
- 261 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the  
262 siting of a new school with the county in which the school is to be located, to:
- 263 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the  
264 impacts between the new school and future highways; and
- 265 (b) maximize school, student, and site safety.
- 266 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:
- 267 (a) provide a walk-through of school construction at no cost and at a time convenient to  
268 the district or charter school; and



- 269 (b) provide recommendations based upon the walk-through.
- 270 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
- 271 (i) a county building inspector;
- 272 (ii)(A) for a school district, a school district building inspector from that school
- 273 district; or
- 274 (B) for a charter school, a school district building inspector from the school
- 275 district in which the charter school is located; or
- 276 (iii) an independent, certified building inspector who is not an employee of the
- 277 contractor, licensed to perform the inspection that the inspector is requested to
- 278 perform, and approved by a county building inspector or:
- 279 (A) for a school district, a school district building inspector from that school
- 280 district; or
- 281 (B) for a charter school, a school district building inspector from the school
- 282 district in which the charter school is located.
- 283 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 284 (c) If a school district or charter school uses a school district or independent building
- 285 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
- 286 submit to the state superintendent of public instruction and county building official,
- 287 on a monthly basis during construction of the school building, a copy of each
- 288 inspection certificate regarding the school building.
- 289 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
- 290 considered a permitted use in all zoning districts within a county.
- 291 (b) Each land use application for any approval required for a charter school, home-based
- 292 microschool, or micro-education entity, including an application for a building
- 293 permit, shall be processed on a first priority basis.
- 294 (c) Parking requirements for a charter school or micro-education entity may not exceed
- 295 the minimum parking requirements for schools or other institutional public uses
- 296 throughout the county.
- 297 (d) If a county has designated zones for a sexually oriented business, or a business which
- 298 sells alcohol, a charter school or micro-education entity may be prohibited from a
- 299 location which would otherwise defeat the purpose for the zone unless the charter
- 300 school or micro-education entity provides a waiver.
- 301 (e)(i) A school district, charter school, or micro-education entity may seek a
- 302 certificate authorizing permanent occupancy of a school building from:

- 303 (A) the state superintendent of public instruction, as provided in Subsection  
304 53E-3-706(3), if the school district, charter school, or micro-education entity  
305 used an independent building inspector for inspection of the school building; or  
306 (B) a county official with authority to issue the certificate, if the school district,  
307 charter school, or micro-education entity used a county building inspector for  
308 inspection of the school building.
- 309 (ii) A school district may issue its own certificate authorizing permanent occupancy  
310 of a school building if it used its own building inspector for inspection of the  
311 school building, subject to the notification requirement of Subsection 53E-3-706  
312 (3)(a)(ii).
- 313 (iii) A charter school or micro-education entity may seek a certificate authorizing  
314 permanent occupancy of a school building from a school district official with  
315 authority to issue the certificate, if the charter school or micro-education entity  
316 used a school district building inspector for inspection of the school building.
- 317 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
318 of public instruction under Subsection 53E-3-706(3) or a school district official  
319 with authority to issue the certificate shall be considered to satisfy any county  
320 requirement for an inspection or a certificate of occupancy.
- 321 (f)(i) A micro-education entity may operate a facility that meets Group E Occupancy  
322 requirements as defined by the International Building Code, as incorporated by  
323 Subsection 15A-2-103(1)(a).
- 324 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):  
325 (A) may have up to 100 students in the facility; and  
326 (B) shall have enough space for at least 20 net square feet per student[;] .
- 327 (g) A micro-education entity may operate a facility that is subject to and complies with  
328 the same occupancy requirements as a Class B Occupancy as defined by the  
329 International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:
- 330 (i) the facility has a code compliant fire alarm system and carbon monoxide detection  
331 system;
- 332 (ii)(A) each classroom in the facility has an exit directly to the outside at the level  
333 of exit discharge; or  
334 (B) the structure has a code compliant fire sprinkler system;
- 335 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that  
336 are greater than 12,000 square feet; and

- 337 (iv) the facility has enough space for at least 20 net square feet per student.
- 338 (h)(i) A home-based microschoo is not subject to additional occupancy requirements  
339 beyond occupancy requirements that apply to a primary dwelling, except that the  
340 home-based microschoo shall have enough space for at least 35 square feet per  
341 student.
- 342 (ii) If a floor that is below grade in a home-based microschoo is used for home-based  
343 microschoo purposes, the below grade floor of the home-based microschoo shall  
344 have at least one emergency escape or rescue window that complies with the  
345 requirements for emergency escape and rescue windows as defined by the  
346 International Residential Code, as incorporated in Section 15A-1-210.
- 347 (8)(a) A specified public agency intending to develop its land shall submit to the land  
348 use authority a development plan and schedule:
- 349 (i) as early as practicable in the development process, but no later than the  
350 commencement of construction; and
- 351 (ii) with sufficient detail to enable the land use authority to assess:
- 352 (A) the specified public agency's compliance with applicable land use ordinances;
- 353 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),  
354 (c), (d), (e), and (g) caused by the development;
- 355 (C) the amount of any applicable fee described in Section 17-27a-509;
- 356 (D) any credit against an impact fee; and
- 357 (E) the potential for waiving an impact fee.
- 358 (b) The land use authority shall respond to a specified public agency's submission under  
359 Subsection (8)(a) with reasonable promptness in order to allow the specified public  
360 agency to consider information the municipality provides under Subsection (8)(a)(ii)  
361 in the process of preparing the budget for the development.
- 362 (9) Nothing in this section may be construed to:
- 363 (a) modify or supersede Section 17-27a-304; or
- 364 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails  
365 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing  
366 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with  
367 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.
- 368 (10) Nothing in Subsection (7) prevents a political subdivision from:
- 369 (a) requiring a home-based microschoo or micro-education entity to comply with local  
370 zoning and land use regulations that do not conflict with this section, including:

- 371 (i) parking;
- 372 (ii) traffic; and
- 373 (iii) hours of operation;
- 374 (b) requiring a home-based microschool or micro-education entity to obtain a business
- 375 license;
- 376 (c) enacting county ordinances and regulations consistent with this section;
- 377 (d) subjecting a micro-education entity to standards within each zone pertaining to
- 378 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
- 379 circulation, and construction staging; and
- 380 (e) imposing regulations on the location of a project that are necessary to avoid risks to
- 381 health or safety.
- 382 (11) Notwithstanding any other provision of law, the proximity restrictions that apply to
- 383 community locations do not apply to a micro-education entity.

384 **Section 3. Effective Date.**

385 This bill takes effect on May 7, 2025.