

SUBJECT: Limiting building height restrictions in certain municipalities

COMMITTEE: Land & Resource Management — favorable, without amendment

VOTE: 6 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Schofield

1 nay — Ortega

2 absent — Reynolds, Sherman

SENATE VOTE: On final passage (April 26) —28-3

WITNESSES: None (*considered in a formal hearing on May 9*)

BACKGROUND: Some have suggested that state regulation is needed to ensure consistency in building height restrictions.

DIGEST: SB 491 would prohibit a municipality with a population of more than 725,000 from adopting or enforcing a regulation, including a zoning regulation, that limited the height of a building based on the building's proximity to a lot that was more than 50 feet away.

The bill would not affect a restriction or regulation imposed by:

- statute for preserving views of the state capitol;
- federal law;
- a municipality that contained a World Heritage Site declared by United Nations Educational, Scientific and Cultural Organization intended to protect a building or area's historical, cultural, or architectural significance; or
- a municipality related to the height of a building near an airport.

The bill would not apply to a tower that was:

- a fixed, uninhabitable structure, regardless of whether free-standing or guyed; and

- not designed to act as a shelter or to be occupied for any use.

SB 491 would not affect the validity or enforceability by any person of a restrictive covenant or deed restriction.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.