

28 (g) "Gas corporation" has the same meaning as defined in Section 54-2-1.

29 (h) (i) "General plan" means a document that a county adopts that sets forth general
30 guidelines for proposed future development of the land within the county, as set forth in Sections
31 17-27-301 and 17-27-302.

32 (ii) "General plan" includes what is also commonly referred to as a "master plan."

33 (i) "Interstate pipeline company" means a person or entity engaged in natural gas
34 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the
35 Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

36 (j) "Intrastate pipeline company" means a person or entity engaged in natural gas
37 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission
38 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

39 (k) "Legislative body" means the county legislative body, or for a county that has adopted
40 an alternative form of government, the body exercising legislative powers.

41 (l) "Lot line adjustment" means the relocation of the property boundary line between two
42 adjoining lots with the consent of the owners of record.

43 (m) "Municipality" means a city or town.

44 (n) "Nonconforming structure" means a structure that:

45 (i) legally existed before its current zoning designation; and

46 (ii) because of subsequent zoning changes, does not conform with the zoning regulation's
47 setback, height restrictions, or other regulations that govern the structure.

48 (o) "Nonconforming use" means a use of land that:

49 (i) legally existed before its current zoning designation;

50 (ii) has been maintained continuously since the time the zoning regulation governing the
51 land changed; and

52 (iii) because of subsequent zoning changes, does not conform with the zoning regulations
53 that now govern the land.

54 (p) "Official map" has the same meaning as provided in Section 72-5-401.

55 (q) "Person" means an individual, corporation, partnership, organization, association, trust,
56 governmental agency, or any other legal entity.

57 (r) "Plat" means a map or other graphical representation of lands being laid out and
58 prepared in accordance with Section 17-27-804.

59 (s) "Record of survey map" means a map of a survey of land prepared in accordance with
60 Section 17-23-17.

61 (t) (i) "Residential facility for elderly persons" means a single-family or multiple-family
62 dwelling unit that meets the requirements of Part 5 and any ordinance adopted under authority of
63 that part.

64 (ii) "Residential facility for elderly persons" does not include a health care facility as
65 defined by Section 26-21-2.

66 (u) "Special district" means all entities established under the authority of Title 17A,
67 Special Districts, and any other governmental or quasi-governmental entity that is not a county,
68 municipality, school district, or unit of the state.

69 (v) "Street" means public rights-of-way, including highways, avenues, boulevards,
70 parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and
71 other ways.

72 (w) (i) "Subdivision" means any land that is divided, resubdivided or proposed to be
73 divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose,
74 whether immediate or future, for offer, sale, lease, or development either on the installment plan
75 or upon any and all other plans, terms, and conditions.

76 (ii) "Subdivision" includes the division or development of land whether by deed, metes
77 and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

78 (iii) "Subdivision" does not include:

79 (A) a bona fide division or partition of agricultural land for agricultural purposes,
80 including a division or partition where all of the parcels created by the division or partition are ten
81 acres or larger in size and contain or will contain no more than one residence or dwelling per
82 parcel;

83 (B) a recorded agreement between owners of adjoining properties adjusting their mutual
84 boundary if:

85 (I) no new lot is created; and

86 (II) the adjustment does not result in a violation of applicable zoning ordinances;

87 (C) a recorded document, executed by the owner of record, revising the legal description
88 of more than one contiguous parcel of property into one legal description encompassing all such
89 parcels of property; or

90 (D) a bona fide division or partition of land in a county other than a first class county for
91 the purpose of siting, on one or more of the resulting separate parcels:

92 (I) an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation,
93 interstate pipeline company, or intrastate pipeline company; or

94 (II) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility
95 service regeneration, transformation, retransmission, or amplification facility.

96 (iv) The joining of a subdivided parcel of property to another parcel of property that has
97 not been subdivided does not constitute a "subdivision" under this Subsection (1)(w) as to the
98 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
99 ordinance.

100 (x) "Unincorporated" means the area outside of the incorporated boundaries of cities and
101 towns.

102 (2) (a) A county meets the requirements of reasonable notice required by this chapter if
103 it:

104 (i) posts notice of the hearing or meeting in at least three public places within the
105 jurisdiction and publishes notice of the hearing or meeting in a newspaper of general circulation
106 in the jurisdiction, if one is available; or

107 (ii) gives actual notice of the hearing or meeting.

108 (b) A county legislative body may enact an ordinance establishing stricter notice
109 requirements than those required by this Subsection (2).

110 (c) (i) Proof that one of the two forms of notice authorized by this Subsection (2) was
111 given is prima facie evidence that notice was properly given.

112 (ii) If notice given under authority of this section is not challenged as provided in Section
113 17-27-1001 within 30 days from the date of the meeting for which the notice was given, the notice
114 is considered adequate and proper.

Legislative Review Note
as of 10-18-01 2:52 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel