

Senator David P. Hinkins proposes the following substitute bill:

LAND USE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies provisions governing land use.

Highlighted Provisions:

This bill:

▶ requires a municipality or county to give notice to an owner of private real property if the property is located within an area located in a proposed zoning map or map amendment;

▶ permits an owner of private real property located within a proposed zoning map or map amendment to file a written objection to the zoning map or map amendment;

▶ requires the planning commission to consider the written objections and forward them to the legislative body; and

▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 **10-9a-205**, as last amended by Laws of Utah 2010, Chapters 90 and 123
 - 27 **10-9a-502**, as renumbered and amended by Laws of Utah 2005, Chapter 254
 - 28 **17-27a-205**, as last amended by Laws of Utah 2010, Chapters 90 and 123
 - 29 **17-27a-502**, as renumbered and amended by Laws of Utah 2005, Chapter 254
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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **10-9a-205** is amended to read:

33 **10-9a-205. Notice of public hearings and public meetings on adoption or**
34 **modification of land use ordinance.**

35 (1) Each municipality shall give:

36 (a) notice of the date, time, and place of the first public hearing to consider the
37 adoption or any modification of a land use ordinance; and

38 (b) notice of each public meeting on the subject.

39 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

40 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

41 (b) posted:

42 (i) in at least three public locations within the municipality; or

43 (ii) on the municipality's official website; and

44 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
45 calendar days before the public hearing; and

46 (B) published on the Utah Public Notice Website created in Section 63F-1-701, at least
47 10 calendar days before the public hearing; or

48 (ii) mailed at least 10 days before the public hearing to:

49 (A) each property owner whose land is directly affected by the land use ordinance
50 change; and

51 (B) each adjacent property owner within the parameters specified by municipal
52 ordinance.

53 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
54 before the meeting and shall be posted:

55 (a) in at least three public locations within the municipality; or

56 (b) on the municipality's official website.

57 (4) (a) If a municipality plans to hold a public hearing in accordance with Section
 58 10-9a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy
 59 notice to each owner of private real property whose property is located entirely or partially
 60 within the proposed map at least 10 days prior to the scheduled day of the public hearing.

61 (b) The notice shall:

62 (i) identify with specificity each owner of record of real property that will be affected
 63 by the proposed zoning map or map amendments;

64 (ii) state the current zone in which the real property is located;

65 (iii) state the proposed new zone for the real property;

66 (iv) provide information regarding or a reference to the proposed regulations,
 67 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
 68 amendment is adopted;

69 (v) state that the owner of real property may no later than 10 days after the day of the
 70 first public hearing file a written objection to the inclusion of the owner's property in the
 71 proposed zoning map or map amendment;

72 (vi) state the address where the property owner should file the protest;

73 (vii) notify the property owner that each written objection filed with the municipality
 74 will be provided to the municipal legislative body; and

75 (viii) state the location, date, and time of the public hearing described in Section
 76 10-9a-502.

77 (c) If a municipality mails notice to a property owner in accordance with Subsection
 78 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
 79 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather
 80 than sent separately.

81 Section 2. Section **10-9a-502** is amended to read:

82 **10-9a-502. Preparation and adoption of land use ordinance or zoning map.**

83 (1) The planning commission shall:

84 (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable,
 85 Subsection 10-9a-205(4);

86 (b) hold a public hearing on a proposed land use ordinance or zoning map; [~~and~~]

87 (c) if applicable, consider each written objection filed in accordance with Subsection

88 10-9a-205(4) prior to the public hearing; and

89 [~~☞~~] (d) (i) prepare and recommend to the legislative body a proposed land use
90 ordinance or ordinances and zoning map that represent the planning commission's
91 recommendation for regulating the use and development of land within all or any part of the
92 area of the municipality[-]; and

93 (ii) forward to the legislative body all objections filed in accordance with Subsection
94 10-9a-205(4).

95 (2) The municipal legislative body shall consider each proposed land use ordinance and
96 zoning map recommended to it by the planning commission, and, after providing notice as
97 required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative body may
98 adopt or reject the ordinance or map either as proposed by the planning commission or after
99 making any revision the municipal legislative body considers appropriate.

100 Section 3. Section **17-27a-205** is amended to read:

101 **17-27a-205. Notice of public hearings and public meetings on adoption or**
102 **modification of land use ordinance.**

103 (1) Each county shall give:

104 (a) notice of the date, time, and place of the first public hearing to consider the
105 adoption or modification of a land use ordinance; and

106 (b) notice of each public meeting on the subject.

107 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

108 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

109 (b) posted:

110 (i) in at least three public locations within the county; or

111 (ii) on the county's official website; and

112 (c) (i) published:

113 (A) in a newspaper of general circulation in the area at least 10 calendar days before
114 the public hearing; and

115 (B) on the Utah Public Notice Website created in Section 63F-1-701, at least 10
116 calendar days before the public hearing; or

117 (ii) mailed at least 10 days before the public hearing to:

118 (A) each property owner whose land is directly affected by the land use ordinance

119 change; and

120 (B) each adjacent property owner within the parameters specified by county ordinance.

121 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
122 before the hearing and shall be posted:

123 (a) in at least three public locations within the county; or

124 (b) on the county's official website.

125 (4) (a) If a county plans to hold a public hearing in accordance with Section
126 17-27a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy
127 notice to each owner of private real property whose property is located entirely or partially
128 within the proposed map at least 10 days prior to the scheduled day of the public hearing.

129 (b) The notice shall:

130 (i) identify with specificity each owner of record of real property that will be affected
131 by the proposed zoning map or map amendments;

132 (ii) state the current zone in which the real property is located;

133 (iii) state the proposed new zone for the real property;

134 (iv) provide information regarding or a reference to the proposed regulations,
135 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
136 amendment is adopted;

137 (v) state that the owner of real property may no later than 10 days after the day of the
138 first public hearing file a written objection to the inclusion of the owner's property in the
139 proposed zoning map or map amendment;

140 (vi) state the address where the property owner should file the protest;

141 (vii) notify the property owner that each written objection filed with the county will be
142 provided to the municipal legislative body; and

143 (viii) state the location, date, and time of the public hearing described in Section
144 17-27a-502.

145 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
146 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
147 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
148 separately.

149 Section 4. Section **17-27a-502** is amended to read:

150 **17-27a-502. Preparation and adoption of land use ordinance or zoning map.**

151 (1) The planning commission shall:

152 (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable,

153 Subsection 17-27a-205(4);

154 (b) hold a public hearing on a proposed land use ordinance or zoning map; [~~and~~]

155 (c) if applicable, consider each written objection filed in accordance with Subsection

156 17-27a-205(4) prior to the public hearing; and

157 [~~e~~] (d) (i) prepare and recommend to the legislative body a proposed land use

158 ordinance or ordinances and zoning map that represent the planning commission's

159 recommendation for regulating the use and development of land within all or any part of the

160 unincorporated area of the county[-]; and

161 (ii) forward to the legislative body all objections filed in accordance with Subsection

162 17-27a-205(4).

163 (2) The county legislative body shall consider each proposed land use ordinance and

164 zoning map recommended to it by the planning commission, and, after providing notice as

165 required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body

166 may adopt or reject the proposed ordinance or map either as proposed by the planning

167 commission or after making any revision the county legislative body considers appropriate.