

Part 2 Notice

10-9a-201 Required notice.

- (1) At a minimum, each municipality shall provide actual notice or the notice required by this part.
- (2) A municipality may by ordinance require greater notice than required under this part.

Enacted by Chapter 254, 2005 General Session

10-9a-202 Applicant notice -- Waiver of requirements.

- (1) For each land use application, the municipality shall:
 - (a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
 - (b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
 - (c) notify the applicant of any final action on a pending application.
- (2) If a municipality fails to comply with the requirements of Subsection (1)(a) or (b) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Amended by Chapter 257, 2006 General Session

10-9a-203 Notice of intent to prepare a general plan or comprehensive general plan amendments in certain municipalities.

- (1) Before preparing a proposed general plan or a comprehensive general plan amendment, each municipality within a county of the first or second class shall provide 10 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment:
 - (a) to each affected entity;
 - (b) to the Automated Geographic Reference Center created in Section 63F-1-506;
 - (c) to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and
 - (d) on the Utah Public Notice Website created under Section 63F-1-701.
- (2) Each notice under Subsection (1) shall:
 - (a) indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
 - (b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;
 - (c) be sent by mail, e-mail, or other effective means;
 - (d) invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
 - (i) impacts that the use of land proposed in the proposed general plan or amendment may have; and
 - (ii) uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and
 - (e) include the address of an Internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendment.

Amended by Chapter 202, 2015 General Session

10-9a-204 Notice of public hearings and public meetings to consider general plan or modifications.

- (1) Each municipality shall provide:
 - (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
 - (b) notice of each public meeting on the subject.
- (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:
 - (a)
 - (i) published in a newspaper of general circulation in the area; and
 - (ii) published on the Utah Public Notice Website created in Section 63F-1-701;
 - (b) mailed to each affected entity; and
 - (c) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.
- (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:
 - (a)
 - (i) submitted to a newspaper of general circulation in the area; and
 - (ii) published on the Utah Public Notice Website created in Section 63F-1-701; and
 - (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.

Amended by Chapter 90, 2010 General Session

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

- (1) Each municipality shall give:
 - (a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use ordinance; and
 - (b) notice of each public meeting on the subject.
- (2) Each notice of a public hearing under Subsection (1)(a) shall be:
 - (a) mailed to each affected entity at least 10 calendar days before the public hearing;
 - (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website; and
 - (c)
 - (i)
 - (A) published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and
 - (B) published on the Utah Public Notice Website created in Section 63F-1-701, at least 10 calendar days before the public hearing; or
 - (ii) mailed at least 10 days before the public hearing to:

- (A) each property owner whose land is directly affected by the land use ordinance change;
and
 - (B) each adjacent property owner within the parameters specified by municipal ordinance.
- (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be posted:
- (a) in at least three public locations within the municipality; or
 - (b) on the municipality's official website.
- (4)
- (a) If a municipality plans to hold a public hearing in accordance with Section 10-9a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least 10 days prior to the scheduled day of the public hearing.
 - (b) The notice shall:
 - (i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
 - (ii) state the current zone in which the real property is located;
 - (iii) state the proposed new zone for the real property;
 - (iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
 - (v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
 - (vi) state the address where the property owner should file the protest;
 - (vii) notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body; and
 - (viii) state the location, date, and time of the public hearing described in Section 10-9a-502.
 - (c) If a municipality mails notice to a property owner in accordance with Subsection (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent separately.

Amended by Chapter 324, 2013 General Session

10-9a-206 Third party notice.

- (1) If a municipality requires notice to adjacent property owners, the municipality shall:
 - (a) mail notice to the record owner of each parcel within parameters specified by municipal ordinance; or
 - (b) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
- (2) If a municipality mails notice to third party property owners under Subsection (1), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

Enacted by Chapter 254, 2005 General Session

10-9a-207 Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

- (1)

- (a) For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).
- (b) At least 10 calendar days before the public meeting, the notice required under Subsection (1) (a) shall be:
 - (i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or
 - (ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (2) Each municipality shall provide notice as required by Section 10-9a-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

Amended by Chapter 338, 2009 General Session

10-9a-208 Hearing and notice for proposal to vacate a public street, right-of-way, or easement.

- (1) For any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall:
 - (a) hold a public hearing; and
 - (b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).
- (2) At least 10 days before the public hearing under Subsection (1)(a), the notice required under Subsection (1)(b) shall be:
 - (a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
 - (b) mailed to each affected entity;
 - (c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and
 - (d)
 - (i) published in a newspaper of general circulation in the municipality in which the land subject to the petition is located; and
 - (ii) published on the Utah Public Notice Website created in Section 63F-1-701.

Amended by Chapter 90, 2010 General Session

10-9a-209 Notice challenge.

If notice given under authority of this part is not challenged under Section 10-9a-801 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Enacted by Chapter 254, 2005 General Session

10-9a-210 Notice to municipality when a private institution of higher education is constructing student housing.

- (1) Each private institution of higher education that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.
- (2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:

- (a) the county in whose unincorporated area the privately owned residential property is located;
or
 - (b) the municipality in whose boundaries the privately owned residential property is located.
- (3) At the request of a county or municipality that is entitled to notice under this section, the institution and the legislative body of the affected county or municipality shall jointly hold a public hearing to provide information to the public and receive input from the public about the proposed construction.

Enacted by Chapter 231, 2005 General Session

10-9a-211 Canal owner or operator -- Notice to municipality.

- (1) For purposes of Subsection 10-9a-509(1)(b)(iv), a canal company or a canal operator shall provide on or before July 1, 2010, any municipality in which the canal company or canal operator owns or operates a canal:
- (a) a current mailing address and phone number;
 - (b) a contact name; and
 - (c) a general description of the location of each canal owned or operated by the canal owner or canal operator.
- (2) If the information described in Subsection (1) changes after a canal company or a canal operator has provided the information to the municipality, the canal company or canal operator shall provide the correct information within 30 days of the day on which the information was changed.

Enacted by Chapter 332, 2010 General Session

10-9a-212 Notice for an amendment to public improvements in a subdivision or development.

Prior to implementing an amendment to adopted specifications for public improvements that apply to subdivision or development, a municipality shall give 30 days mailed notice and an opportunity to comment to anyone who has requested the notice in writing.

Enacted by Chapter 216, 2012 General Session