

28 (e) "Elderly person" means a person who is 60 years old or older, who desires or needs to
29 live with other elderly persons in a group setting, but who is capable of living independently.

30 (f) (i) "General plan" means a document that a municipality adopts that sets forth general
31 guidelines for proposed future development of the land within the municipality, as set forth in
32 Sections 10-9-301 and 10-9-302.

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

34 (g) "Legislative body" means the city council or city commission.

35 (h) "Lot line adjustment" in a subdivision means the relocation of the property boundary
36 line between two adjoining lots with the consent of the owners of record.

37 (i) "Municipality" means a city or town.

38 (j) "Nonconforming structure" means a structure that:

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

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

42 (k) "Nonconforming use" means a use of land that:

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

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

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

48 (l) "Official map" means a map of proposed streets that has the legal effect of prohibiting
49 development of the property until the municipality develops the proposed street.

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

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

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

58 (o) "Street" means public rights-of-way, including highways, avenues, boulevards,

59 parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and
60 other ways.

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

65 (ii) "Subdivision" includes:

66 (A) the division or development of land whether by deed, metes and bounds description,
67 devise and testacy, lease, map, plat, or other recorded instrument; and

68 (B) except as provided in Subsection (1)(p)(iii), divisions of land for all residential and
69 nonresidential uses, including land used or to be used for commercial, agricultural, and industrial
70 purposes.

71 (iii) "Subdivision" does not include:

72 (A) a bona fide division or partition of agricultural land for the purpose of joining one of
73 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither
74 the resulting combined parcel nor the parcel remaining from the division or partition violates an
75 applicable zoning ordinance;

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

78 (I) no new lot is created; and

79 (II) the adjustment does not result in a violation of applicable zoning ordinances; [or]

80 (C) a recorded document, executed by the owner of record, revising the legal description
81 of more than one contiguous parcel of property into one legal description encompassing all such
82 parcels of property[=]; or

83 (D) the undeveloped and otherwise unsubdivided parcel of land that remains after
84 separating from it a smaller parcel for the purpose of developing the smaller parcel.

85 (iv) The joining of a subdivided parcel of property to another parcel of property that has
86 not been subdivided does not constitute a "subdivision" under this Subsection (1)(p) as to the
87 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
88 subdivision ordinance.

89 (q) "Unincorporated" means the area outside of the incorporated boundaries of cities and

90 towns.

91 (2) (a) A municipality meets the requirements of reasonable notice required by this chapter
92 if it:

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

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

97 (b) A municipal legislative body may enact an ordinance establishing stricter notice
98 requirements than those required by [this] Subsection (2)(a).

99 (c) (i) Proof that one of the two forms of notice authorized by [this] Subsection (2)(a) was
100 given is prima facie evidence that notice was properly given.

101 (ii) If notice given under authority of this section is not challenged as provided in Section
102 10-9-1001 within 30 days from the date of the meeting for which the notice was given, the notice
103 is considered adequate and proper.

104 Section 2. Section **17-27-103** is amended to read:

105 **17-27-103. Definitions -- Notice.**

106 (1) As used in this chapter:

107 (a) "Billboard" means a freestanding ground sign located on industrial, commercial, or
108 residential property if the sign is designed or intended to direct attention to a business, product, or
109 service that is not sold, offered, or existing on the property where the sign is located.

110 (b) "Chief executive officer" means the county executive, or if the county has adopted an
111 alternative form of government, the official who exercises the executive powers.

112 (c) "Conditional use" means a land use that, because of its unique characteristics or
113 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
114 compatible in some areas or may be compatible only if certain conditions are required that mitigate
115 or eliminate the detrimental impacts.

116 (d) "County" means the unincorporated area of the county.

117 (e) "Elderly person" means a person who is 60 years old or older, who desires or needs to
118 live with other elderly persons in a group setting, but who is capable of living independently.

119 (f) (i) "General plan" means a document that a county adopts that sets forth general
120 guidelines for proposed future development of the land within the county, as set forth in Sections

121 17-27-301 and 17-27-302.

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

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

125 (h) "Lot line adjustment" means the relocation of the property boundary line between two
126 adjoining lots with the consent of the owners of record.

127 (i) "Municipality" means a city or town.

128 (j) "Nonconforming structure" means a structure that:

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

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

132 (k) "Nonconforming use" means a use of land that:

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

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

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

138 (l) "Official map" means a map of proposed streets that has the legal effect of prohibiting
139 development of the property until the county develops the proposed street.

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

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

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

148 (o) "Street" means public rights-of-way, including highways, avenues, boulevards,
149 parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and
150 other ways.

151 (p) (i) "Subdivision" means any land that is divided, resubdivided or proposed to be

152 divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose,
153 whether immediate or future, for offer, sale, lease, or development either on the installment plan
154 or upon any and all other plans, terms, and conditions.

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

157 (iii) "Subdivision" does not include:

158 (A) a bona fide division or partition of agricultural land for agricultural purposes;

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

161 (I) no new lot is created; and

162 (II) the adjustment does not result in a violation of applicable zoning ordinances; [or]

163 (C) a recorded document, executed by the owner of record, revising the legal description
164 of more than one contiguous parcel of property into one legal description encompassing all such
165 parcels of property[.]; or

166 (D) the undeveloped and otherwise unsubdivided parcel of land that remains after
167 separating from it a smaller parcel for the purpose of developing the smaller parcel.

168 (iv) The joining of a subdivided parcel of property to another parcel of property that has
169 not been subdivided does not constitute a "subdivision" under this Subsection (1)(p) as to the
170 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
171 ordinance.

172 (q) "Unincorporated" means the area outside of the incorporated boundaries of cities and
173 towns.

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

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

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

180 (b) A county legislative body may enact an ordinance establishing stricter notice
181 requirements than those required by [this] Subsection (2)(a).

182 (c) (i) Proof that one of the two forms of notice authorized by [this] Subsection (2)(a) was

183 given is prima facie evidence that notice was properly given.

184 (ii) If notice given under authority of this section is not challenged as provided in Section
185 17-27-1001 within 30 days from the date of the meeting for which the notice was given, the notice
186 is considered adequate and proper.

Legislative Review Note
as of 1-7-99 12:19 PM

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

Office of Legislative Research and General Counsel