

MUNICIPAL AND COUNTY DEVELOPMENT STANDARDS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends subdivision and development provisions of the municipal and county land use code.

Highlighted Provisions:

This bill:

▶ ~~H→~~ [prohibits] requires that ~~←H~~ a municipality or county ~~H→~~ [from adopting] that adopts ~~←H~~ an amendment to a specification for a public improvement ~~H→~~ [unless the municipality or county holds a public hearing and gives notices] give notice ~~←H~~ ;

▶ prohibits a municipality or county from imposing certain requirements on an applicant for preliminary subdivision approval;

▶ prohibits a municipality or county from imposing certain requirements on a holder of an issued land use permit or a final, unexpired subdivision plat; and

▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-509, as last amended by Laws of Utah 2010, Chapter 332



28 17-27a-508, as last amended by Laws of Utah 2010, Chapter 332

29 ENACTS:

30 10-9a-212, Utah Code Annotated 1953

31 17-27a-212, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 10-9a-212 is enacted to read:

35 **10-9a-212. Notice for an amendment to public improvements in a subdivision or**
36 **development.**

37 ~~Ĥ→ [(1) A municipality may not adopt an amendment to a specification for a public~~
38 ~~improvement that applies to a subdivision or development unless the municipality:~~

39 ~~— (a) holds a public hearing; and~~

40 ~~— (b) gives notice of the hearing date, time, and place as provided in Subsection (2);~~

41 ~~— (2) At least 30 days before the day of the public hearing described in Subsection (1)(a);~~
42 ~~a municipality shall:~~

43 ~~— (a) mail notice to a person who requests with the municipality to receive notice of a~~
44 ~~proposed amendment to a public improvement specification; and~~

45 ~~— (b) publish notice on the Utah Public Notice Website created in Section 63F-1-701.] Prior to~~
45a ~~implementing an amendment to adopted specifications for public improvements that apply to~~
45b ~~subdivision or development, a municipality shall give 30 days mailed notice and an~~
45c ~~opportunity to comment to anyone who has requested the notice in writing. ←Ĥ~~

46 Section 2. Section 10-9a-509 is amended to read:

47 **10-9a-509. Applicant's entitlement to land use application approval -- Exceptions**
48 **-- Application relating to land in a high priority transportation corridor -- Municipality's**
49 **requirements and limitations -- Vesting upon submission of development plan and**
50 **schedule.**

51 (1) (a) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a
52 land use application if the application conforms to the requirements of the municipality's land
53 use maps, zoning map, ~~[and]~~ a municipal specification for public improvements applicable to a
54 subdivision or development, and an applicable land use ordinance in effect when a complete
55 application is submitted and all application fees have been paid, unless:

56 (i) the land use authority, on the record, finds that a compelling, countervailing public
57 interest would be jeopardized by approving the application; or

58 (ii) in the manner provided by local ordinance and before the application is submitted,

121 ~~approved subdivision plat] an applicant~~ **H→ who has submitted a complete application ←H** for
 121a preliminary subdivision approval a requirement that

122 is not expressed in:

123 ~~[(i) in the land use permit or subdivision plat, documents]~~

124 (i) this chapter;

125 (ii) a municipal ordinance; or

126 (iii) a municipal specification for public improvements applicable to a subdivision or
 127 development that is in effect on the date that the applicant submits an application.

128 (i) A municipality may not impose on a holder of an issued land use permit or a final,
 129 unexpired subdivision plat a requirement that is not expressed:

130 (i) in a land use permit;

131 (ii) on the subdivision plat;

132 (iii) in a document on which the land use permit or subdivision plat is based~~[, or]~~;

133 (iv) in the written record evidencing approval of the land use permit or subdivision
 134 plat; [or]

135 ~~[(ii)] (v) in this chapter; or [the municipality's ordinances.]~~

136 (vi) in a municipal ordinance.

137 ~~[(i)] (j) A municipality may not withhold issuance of a certificate of occupancy or~~
 138 ~~acceptance of subdivision improvements because of an applicant's failure to comply with a~~
 139 ~~requirement that is not expressed:~~

140 (i) in the building permit or subdivision plat, documents on which the building permit
 141 or subdivision plat is based, or the written record evidencing approval of the land use permit or
 142 subdivision plat; or

143 (ii) in this chapter or the municipality's ordinances.

144 (2) A municipality is bound by the terms and standards of applicable land use
 145 ordinances and shall comply with mandatory provisions of those ordinances.

146 (3) A municipality may not, as a condition of land use application approval, require a
 147 person filing a land use application to obtain documentation regarding a school district's
 148 willingness, capacity, or ability to serve the development proposed in the land use application.

149 (4) Upon a specified public agency's submission of a development plan and schedule as
 150 required in Subsection 10-9a-305(9) that complies with the requirements of that subsection, the
 151 specified public agency vests in the municipality's applicable land use maps, zoning map,

152 hookup fees, impact fees, other applicable development fees, and land use ordinances in effect
153 on the date of submission.

154 Section 3. Section **17-27a-212** is enacted to read:

155 **17-27a-212. Notice for an amendment to public improvements in a subdivision or**
156 **development.**

157 ~~¶→ (1) A county may not adopt an amendment to a specification for a public improvement~~
158 ~~that applies to a subdivision or development unless the county:~~

159 ~~—— (a) holds a public hearing; and~~

160 ~~—— (b) gives notice of the hearing date, time, and place as provided in Subsection (2).~~

161 ~~—— (2) At least 30 days before the day of the public hearing described in Subsection (1)(a),~~
162 ~~a county shall:~~

163 ~~—— (a) mail notice to a person who requests with the county to receive notice of a proposed~~
164 ~~amendment to a public improvement specification; and~~

165 ~~—— (b) publish notice on the Utah Public Notice Website created in Section 63F-1-701.] Prior to~~
165a ~~implementing an amendment to adopted specifications for public improvements that apply to~~
165b ~~subdivision or development, a county shall give 30 days mailed notice and an opportunity to~~
165c ~~comment to anyone who has requested the notice in writing. ←¶~~

166 Section 4. Section **17-27a-508** is amended to read:

167 **17-27a-508. Applicant's entitlement to land use application approval --**
168 **Exceptions -- Application relating to land in a high priority transportation corridor --**
169 **County's requirements and limitations -- Vesting upon submission of development plan**
170 **and schedule.**

171 (1) (a) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a
172 land use application if the application conforms to the requirements of the county's land use
173 maps, zoning map, and applicable land use ordinance in effect when a complete application is
174 submitted and all application fees have been paid, unless:

175 (i) the land use authority, on the record, finds that a compelling, countervailing public
176 interest would be jeopardized by approving the application; or

177 (ii) in the manner provided by local ordinance and before the application is submitted,
178 the county has formally initiated proceedings to amend its ordinances in a manner that would
179 prohibit approval of the application as submitted.

180 (b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval
181 of a land use application until the requirements of this Subsection (1)(b)(i) and Subsection
182 (1)(b)(ii) have been met if the land use application relates to land located within the boundaries

214 (c) (i) A land use application is exempt from the requirements of Subsection (1)(b)(i)
215 if:

216 (A) the land use application relates to land that was the subject of a previous land use
217 application; and

218 (B) the previous land use application described under Subsection (1)(c)(i)(A) complied
219 with the requirements of Subsections (1)(b)(i) and (ii).

220 (ii) A county may approve a land use application without making the required
221 notifications under Subsections (1)(b)(i) and (ii) if:

222 (A) the land use application relates to land that was the subject of a previous land use
223 application; and

224 (B) the previous land use application described under Subsection (1)(c)(ii)(A)
225 complied with the requirements of Subsections (1)(b)(i) and (ii).

226 (d) After a county has complied with the requirements of Subsection (1)(b) for a land
227 use application, the county may not withhold approval of the land use application for which the
228 applicant is otherwise entitled under Subsection (1)(a).

229 (e) The county shall process an application without regard to proceedings initiated to
230 amend the county's ordinances as provided in Subsection (1)(a)(ii) if:

231 (i) 180 days have passed since the proceedings were initiated; and

232 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
233 application as submitted.

234 (f) An application for a land use approval is considered submitted and complete when
235 the application is provided in a form that complies with the requirements of applicable
236 ordinances and all applicable fees have been paid.

237 (g) The continuing validity of an approval of a land use application is conditioned upon
238 the applicant proceeding after approval to implement the approval with reasonable diligence.

239 (h) A county may not impose on ~~[a holder of an issued land use permit or approved~~
240 ~~subdivision plat] an applicant~~ **H→ who has submitted a complete application ←H** for
240a preliminary subdivision approval a requirement that is not

241 expressed:

242 [~~(i) in the land use permit or subdivision plat documents]~~

243 (i) in this chapter;

244 (ii) in a county ordinance; or