

**Representative Melvin R. Brown** 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:

- ▶ defines terms;
- ▶ requires a planning commission 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 protest with the planning commission;
- ▶ prohibits the planning commission or legislative body from adopting a proposed zoning map or map amendment if adequate protests are filed; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

- 27 **10-9a-103**, as last amended by Laws of Utah 2012, Chapter 231
- 28 **10-9a-205**, as last amended by Laws of Utah 2010, Chapters 90 and 123
- 29 **10-9a-502**, as renumbered and amended by Laws of Utah 2005, Chapter 254
- 30 **11-36a-502**, as enacted by Laws of Utah 2011, Chapter 47
- 31 **17-27a-103**, as last amended by Laws of Utah 2012, Chapter 231
- 32 **17-27a-205**, as last amended by Laws of Utah 2010, Chapters 90 and 123
- 33 **17-27a-502**, as renumbered and amended by Laws of Utah 2005, Chapter 254

34 ENACTS:

- 35 **10-9a-213**, Utah Code Annotated 1953
- 36 **10-9a-502.5**, Utah Code Annotated 1953
- 37 **17-27a-213**, Utah Code Annotated 1953
- 38 **17-27a-502.5**, Utah Code Annotated 1953



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

41 Section 1. Section **10-9a-103** is amended to read:

42 **10-9a-103. Definitions.**

43 As used in this chapter:

44 (1) "Adequate protests" means protests that are:

45 (a) filed with a planning commission no later than 60 days after the day of the public  
46 hearing required under Section 10-9a-502 on a proposed zoning map or map amendment; and

47 (b) signed by the owners of private real property that:

48 (i) is located within a proposed zoning map or map amendment;

49 (ii) covers at least the majority of the total private land area within the proposed zoning  
50 map or map amendment; and

51 (iii) is equal in value to at least 50% of the value of all private real property within the  
52 applicable area.

53 ~~(1)~~ (2) "Affected entity" means a county, municipality, local district, special service  
54 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
55 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
56 public utility, a property owner, a property owners association, or the Utah Department of

57 Transportation, if:

58 (a) the entity's services or facilities are likely to require expansion or significant  
59 modification because of an intended use of land;

60 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
61 plan; or

62 (c) the entity has filed with the municipality a request for notice during the same  
63 calendar year and before the municipality provides notice to an affected entity in compliance  
64 with a requirement imposed under this chapter.

65 [~~(2)~~] (3) "Appeal authority" means the person, board, commission, agency, or other  
66 body designated by ordinance to decide an appeal of a decision of a land use application or a  
67 variance.

68 [~~(3)~~] (4) "Billboard" means a freestanding ground sign located on industrial,  
69 commercial, or residential property if the sign is designed or intended to direct attention to a  
70 business, product, or service that is not sold, offered, or existing on the property where the sign  
71 is located.

72 [~~(4)~~] (5) (a) "Charter school" means:

73 (i) an operating charter school;

74 (ii) a charter school applicant that has its application approved by a chartering entity in  
75 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

76 (iii) an entity who is working on behalf of a charter school or approved charter  
77 applicant to develop or construct a charter school building.

78 (b) "Charter school" does not include a therapeutic school.

79 [~~(5)~~] (6) "Conditional use" means a land use that, because of its unique characteristics  
80 or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not  
81 be compatible in some areas or may be compatible only if certain conditions are required that  
82 mitigate or eliminate the detrimental impacts.

83 [~~(6)~~] (7) "Constitutional taking" means a governmental action that results in a taking of  
84 private property so that compensation to the owner of the property is required by the:

85 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

86 (b) Utah Constitution Article I, Section 22.

87 [~~(7)~~] (8) "Culinary water authority" means the department, agency, or public entity with

88 responsibility to review and approve the feasibility of the culinary water system and sources for  
89 the subject property.

90 ~~[(8)]~~ (9) "Development activity" means:

91 (a) any construction or expansion of a building, structure, or use that creates additional  
92 demand and need for public facilities;

93 (b) any change in use of a building or structure that creates additional demand and need  
94 for public facilities; or

95 (c) any change in the use of land that creates additional demand and need for public  
96 facilities.

97 ~~[(9)]~~ (10) (a) "Disability" means a physical or mental impairment that substantially  
98 limits one or more of a person's major life activities, including a person having a record of such  
99 an impairment or being regarded as having such an impairment.

100 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
101 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
102 802.

103 ~~[(10)]~~ (11) "Educational facility":

104 (a) means:

105 (i) a school district's building at which pupils assemble to receive instruction in a  
106 program for any combination of grades from preschool through grade 12, including  
107 kindergarten and a program for children with disabilities;

108 (ii) a structure or facility:

109 (A) located on the same property as a building described in Subsection ~~[(10)]~~

110 (11)(a)(i); and

111 (B) used in support of the use of that building; and

112 (iii) a building to provide office and related space to a school district's administrative  
113 personnel; and

114 (b) does not include:

115 (i) land or a structure, including land or a structure for inventory storage, equipment  
116 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

117 (A) not located on the same property as a building described in Subsection ~~[(10)]~~

118 (11)(a)(i); and

119 (B) used in support of the purposes of a building described in Subsection [~~(10)~~]

120 ~~(11)~~(a)(i); or

121 (ii) a therapeutic school.

122 [~~(11)~~] (12) "Elderly person" means a person who is 60 years old or older, who desires  
123 or needs to live with other elderly persons in a group setting, but who is capable of living  
124 independently.

125 [~~(12)~~] (13) "Fire authority" means the department, agency, or public entity with  
126 responsibility to review and approve the feasibility of fire protection and suppression services  
127 for the subject property.

128 [~~(13)~~] (14) "Flood plain" means land that:

129 (a) is within the 100-year flood plain designated by the Federal Emergency  
130 Management Agency; or

131 (b) has not been studied or designated by the Federal Emergency Management Agency  
132 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
133 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
134 Federal Emergency Management Agency.

135 [~~(14)~~] (15) "General plan" means a document that a municipality adopts that sets forth  
136 general guidelines for proposed future development of the land within the municipality.

137 [~~(15)~~] (16) "Geologic hazard" means:

138 (a) a surface fault rupture;

139 (b) shallow groundwater;

140 (c) liquefaction;

141 (d) a landslide;

142 (e) a debris flow;

143 (f) unstable soil;

144 (g) a rock fall; or

145 (h) any other geologic condition that presents a risk:

146 (i) to life;

147 (ii) of substantial loss of real property; or

148 (iii) of substantial damage to real property.

149 [~~(16)~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,

150 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or  
151 other utility system.

152 [~~(17)~~] (18) "Identical plans" means building plans submitted to a municipality that:

153 (a) are clearly marked as "identical plans";

154 (b) are substantially identical to building plans that were previously submitted to and  
155 reviewed and approved by the municipality; and

156 (c) describe a building that:

157 (i) is located on land zoned the same as the land on which the building described in the  
158 previously approved plans is located;

159 (ii) is subject to the same geological and meteorological conditions and the same law  
160 as the building described in the previously approved plans;

161 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
162 and approved by the municipality; and

163 (iv) does not require any additional engineering or analysis.

164 [~~(18)~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter  
165 36a, Impact Fees Act.

166 [~~(19)~~] (20) "Improvement assurance" means a surety bond, letter of credit, cash, or  
167 other security:

168 (a) to guaranty the proper completion of an improvement;

169 (b) that is required as a condition precedent to:

170 (i) recording a subdivision plat; or

171 (ii) beginning development activity; and

172 (c) that is offered to a land use authority to induce the land use authority, before actual  
173 construction of required improvements, to:

174 (i) consent to the recording of a subdivision plat; or

175 (ii) issue a permit for development activity.

176 [~~(20)~~] (21) "Improvement assurance warranty" means a promise that the materials and  
177 workmanship of improvements:

178 (a) comport with standards that the municipality has officially adopted; and

179 (b) will not fail in any material respect within a warranty period.

180 [~~(21)~~] (22) "Internal lot restriction" means a platted note, platted demarcation, or

181 platted designation that:

182 (a) runs with the land; and

183 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
184 the plat; or

185 (ii) designates a development condition that is enclosed within the perimeter of a lot  
186 described on the plat.

187 [~~(22)~~] (23) "Land use application" means an application required by a municipality's  
188 land use ordinance.

189 [~~(23)~~] (24) "Land use authority" means a person, board, commission, agency, or other  
190 body designated by the local legislative body to act upon a land use application.

191 [~~(24)~~] (25) "Land use ordinance" means a planning, zoning, development, or  
192 subdivision ordinance of the municipality, but does not include the general plan.

193 [~~(25)~~] (26) "Land use permit" means a permit issued by a land use authority.

194 [~~(26)~~] (27) "Legislative body" means the municipal council.

195 [~~(27)~~] (28) "Local district" means an entity under Title 17B, Limited Purpose Local  
196 Government Entities - Local Districts, and any other governmental or quasi-governmental  
197 entity that is not a county, municipality, school district, or the state.

198 [~~(28)~~] (29) "Lot line adjustment" means the relocation of the property boundary line in  
199 a subdivision between two adjoining lots with the consent of the owners of record.

200 [~~(29)~~] (30) "Moderate income housing" means housing occupied or reserved for  
201 occupancy by households with a gross household income equal to or less than 80% of the  
202 median gross income for households of the same size in the county in which the city is located.

203 [~~(30)~~] (31) "Nominal fee" means a fee that reasonably reimburses a municipality only  
204 for time spent and expenses incurred in:

205 (a) verifying that building plans are identical plans; and

206 (b) reviewing and approving those minor aspects of identical plans that differ from the  
207 previously reviewed and approved building plans.

208 [~~(31)~~] (32) "Noncomplying structure" means a structure that:

209 (a) legally existed before its current land use designation; and

210 (b) because of one or more subsequent land use ordinance changes, does not conform  
211 to the setback, height restrictions, or other regulations, excluding those regulations, which

212 govern the use of land.

213 [~~(32)~~] (33) "Nonconforming use" means a use of land that:

214 (a) legally existed before its current land use designation;

215 (b) has been maintained continuously since the time the land use ordinance governing  
216 the land changed; and

217 (c) because of one or more subsequent land use ordinance changes, does not conform  
218 to the regulations that now govern the use of the land.

219 [~~(33)~~] (34) "Official map" means a map drawn by municipal authorities and recorded in  
220 a county recorder's office that:

221 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
222 highways and other transportation facilities;

223 (b) provides a basis for restricting development in designated rights-of-way or between  
224 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
225 the land; and

226 (c) has been adopted as an element of the municipality's general plan.

227 [~~(34)~~] (35) "Person" means an individual, corporation, partnership, organization,  
228 association, trust, governmental agency, or any other legal entity.

229 [~~(35)~~] (36) "Plan for moderate income housing" means a written document adopted by  
230 a city legislative body that includes:

231 (a) an estimate of the existing supply of moderate income housing located within the  
232 city;

233 (b) an estimate of the need for moderate income housing in the city for the next five  
234 years as revised biennially;

235 (c) a survey of total residential land use;

236 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
237 income housing; and

238 (e) a description of the city's program to encourage an adequate supply of moderate  
239 income housing.

240 [~~(36)~~] (37) "Plat" means a map or other graphical representation of lands being laid out  
241 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

242 [~~(37)~~] (38) "Potential geologic hazard area" means an area that:

243 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
244 relevant map or report as needing further study to determine the area's potential for geologic  
245 hazard; or

246 (b) has not been studied by the Utah Geological Survey or a county geologist but  
247 presents the potential of geologic hazard because the area has characteristics similar to those of  
248 a designated geologic hazard area.

249 [~~38~~] (39) "Public agency" means:

250 (a) the federal government;

251 (b) the state;

252 (c) a county, municipality, school district, local district, special service district, or other  
253 political subdivision of the state; or

254 (d) a charter school.

255 [~~39~~] (40) "Public hearing" means a hearing at which members of the public are  
256 provided a reasonable opportunity to comment on the subject of the hearing.

257 [~~40~~] (41) "Public meeting" means a meeting that is required to be open to the public  
258 under Title 52, Chapter 4, Open and Public Meetings Act.

259 [~~41~~] (42) "Receiving zone" means an area of a municipality that the municipality  
260 designates, by ordinance, as an area in which an owner of land may receive a transferable  
261 development right.

262 [~~42~~] (43) "Record of survey map" means a map of a survey of land prepared in  
263 accordance with Section 17-23-17.

264 [~~43~~] (44) "Residential facility for elderly persons" means a single-family or  
265 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not  
266 include a health care facility as defined by Section 26-21-2.

267 [~~44~~] (45) "Residential facility for persons with a disability" means a residence:

268 (a) in which more than one person with a disability resides; and

269 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
270 Chapter 2, Licensure of Programs and Facilities; or

271 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
272 Health Care Facility Licensing and Inspection Act.

273 [~~45~~] (46) "Rules of order and procedure" means a set of rules that govern and

274 prescribe in a public meeting:

275 (a) parliamentary order and procedure;

276 (b) ethical behavior; and

277 (c) civil discourse.

278 [~~(46)~~] (47) "Sanitary sewer authority" means the department, agency, or public entity  
279 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
280 wastewater systems.

281 [~~(47)~~] (48) "Sending zone" means an area of a municipality that the municipality  
282 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
283 development right.

284 [~~(48)~~] (49) "Specified public agency" means:

285 (a) the state;

286 (b) a school district; or

287 (c) a charter school.

288 [~~(49)~~] (50) "Specified public utility" means an electrical corporation, gas corporation,  
289 or telephone corporation, as those terms are defined in Section 54-2-1.

290 [~~(50)~~] (51) "State" includes any department, division, or agency of the state.

291 [~~(51)~~] (52) "Street" means a public right-of-way, including a highway, avenue,  
292 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
293 or other way.

294 [~~(52)~~] (53) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
295 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
296 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
297 installment plan or upon any and all other plans, terms, and conditions.

298 (b) "Subdivision" includes:

299 (i) the division or development of land whether by deed, metes and bounds description,  
300 devise and testacy, map, plat, or other recorded instrument; and

301 (ii) except as provided in Subsection [~~(52)~~] (53)(c), divisions of land for residential and  
302 nonresidential uses, including land used or to be used for commercial, agricultural, and  
303 industrial purposes.

304 (c) "Subdivision" does not include:

305 (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
306 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
307 neither the resulting combined parcel nor the parcel remaining from the division or partition  
308 violates an applicable land use ordinance;

309 (ii) a recorded agreement between owners of adjoining unsubdivided properties  
310 adjusting their mutual boundary if:

311 (A) no new lot is created; and

312 (B) the adjustment does not violate applicable land use ordinances;

313 (iii) a recorded document, executed by the owner of record:

314 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
315 property into one legal description encompassing all such parcels of property; or

316 (B) joining a subdivided parcel of property to another parcel of property that has not  
317 been subdivided, if the joinder does not violate applicable land use ordinances;

318 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting  
319 their mutual boundary if:

320 (A) no new dwelling lot or housing unit will result from the adjustment; and

321 (B) the adjustment will not violate any applicable land use ordinance; or

322 (v) a bona fide division or partition of land by deed or other instrument where the land  
323 use authority expressly approves in writing the division in anticipation of further land use  
324 approvals on the parcel or parcels.

325 (d) The joining of a subdivided parcel of property to another parcel of property that has  
326 not been subdivided does not constitute a subdivision under this Subsection [~~(52)~~] (53) as to  
327 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
328 subdivision ordinance.

329 [~~(53)~~] (54) "Therapeutic school" means a residential group living facility:

330 (a) for four or more individuals who are not related to:

331 (i) the owner of the facility; or

332 (ii) the primary service provider of the facility;

333 (b) that serves students who have a history of failing to function:

334 (i) at home;

335 (ii) in a public school; or

336 (iii) in a nonresidential private school; and

337 (c) that offers:

338 (i) room and board; and

339 (ii) an academic education integrated with:

340 (A) specialized structure and supervision; or

341 (B) services or treatment related to a disability, an emotional development, a

342 behavioral development, a familial development, or a social development.

343 [~~(54)~~] (55) "Transferable development right" means a right to develop and use land that  
344 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
345 land use rights from a designated sending zone to a designated receiving zone.

346 [~~(55)~~] (56) "Unincorporated" means the area outside of the incorporated area of a city  
347 or town.

348 [~~(56)~~] (57) "Water interest" means any right to the beneficial use of water, including:

349 (a) each of the rights listed in Section 73-1-11; and

350 (b) an ownership interest in the right to the beneficial use of water represented by:

351 (i) a contract; or

352 (ii) a share in a water company, as defined in Section 73-3-3.5.

353 [~~(57)~~] (58) "Zoning map" means a map, adopted as part of a land use ordinance, that  
354 depicts land use zones, overlays, or districts.

355 Section 2. Section **10-9a-205** is amended to read:

356 **10-9a-205. Notice of public hearings and public meetings on adoption or**  
357 **modification of land use ordinance.**

358 (1) Each municipality shall give:

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

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

362 (2) [~~Each~~] Except as provided in Section 10-9a-213, each notice of a public hearing  
363 under Subsection (1)(a) shall be:

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

365 (b) posted:

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

- 367 (ii) on the municipality's official website; and
- 368 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
- 369 calendar days before the public hearing; and
- 370 (B) published on the Utah Public Notice Website created in Section 63F-1-701, at least
- 371 10 calendar days before the public hearing; or
- 372 (ii) mailed at least 10 days before the public hearing to:
- 373 (A) each property owner whose land is directly affected by the land use ordinance
- 374 change; and
- 375 (B) each adjacent property owner within the parameters specified by municipal
- 376 ordinance.
- 377 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 378 before the meeting and shall be posted:
- 379 (a) in at least three public locations within the municipality; or
- 380 (b) on the municipality's official website.

381 Section 3. Section **10-9a-213** is enacted to read:

382 **10-9a-213. Notice and hearing for proposed zoning change.**

383 (1) (a) Subject to Subsection (1)(b), if a planning commission prepares a zoning map or

384 map amendment, and before recommending the zoning map or map amendment to the

385 legislative body in accordance with Sections 10-9a-302 and 10-9a-502, the planning

386 commission shall send written notice to each owner of private real property whose property is

387 located entirely or partially within the proposed map or amendment.

388 (b) (i) This section applies if the zoning map or map amendment is proposed by the

389 municipality.

390 (ii) If the zoning map or map amendment is proposed by a person or entity other than

391 the municipality, the notice requirements for a land use ordinance in Section 10-9a-205 shall

392 apply.

393 (2) The written notice shall:

394 (a) identify, with specificity, the owner's real property that will be affected by the

395 proposed zoning map or map amendment;

396 (b) state the current zone in which the real property is located;

397 (c) state the proposed new zone for the real property, including proposed regulations.

398 prohibitions, and permitted uses, that the property will be subject to if the zoning map or map  
399 amendment is adopted;

400 (d) (i) state that the owner of real property may no later than 60 days after the day of  
401 the public hearing described in Section 10-9a-502 file a protest to the inclusion of the owner's  
402 property in the proposed zoning map or map amendment; and

403 (ii) state the date of the protest filing deadline;

404 (e) state the address of where the protest should be filed with the planning commission;

405 (f) notify the property owner that if adequate protests are filed with the planning  
406 commission, the commission may not recommend and the legislative may not adopt the zoning  
407 map or map amendment; and

408 (g) state the location, date, and time of the public hearing described in Section  
409 10-9a-502.

410 (3) The planning commission shall mail the notice at least 10 calendar days before the  
411 public hearing, first class, postage prepaid, to each owner of record according to the records of  
412 the county recorder of private real property located within the proposed zoning map or map  
413 amendment.

414 (4) In addition to the written notice required in Subsection (2), the planning  
415 commission shall give notice in accordance with Subsections 10-9a-205(2)(b) and (c)(i).

416 Section 4. Section **10-9a-502** is amended to read:

417 **10-9a-502. Preparation and adoption of land use ordinance or zoning map.**

418 (1) The planning commission shall:

419 (a) provide notice as required by Subsection 10-9a-205(1)(a) for a proposed land use  
420 ordinance other than a zoning map or map amendment or Section 10-9a-213 for a proposed  
421 zoning map or map amendment;

422 (b) hold a public hearing on a proposed land use ordinance or zoning map; and

423 (c) except as provided in Subsection (2), prepare and recommend to the legislative  
424 body a proposed land use ordinance or ordinances and zoning map that represent the planning  
425 commission's recommendation for regulating the use and development of land within all or any  
426 part of the area of the municipality.

427 (2) If adequate protests are filed in accordance with Section 10-9a-502.5 to a zoning  
428 map or map amendment proposed by the municipality:

429 (a) the planning commission may not recommend to the legislative body the zoning  
430 map or map amendment; and

431 (b) the legislative body may not consider or adopt the proposed zoning map or map  
432 amendment under Subsection (3).

433 ~~[(2)]~~ (3) The municipal legislative body shall consider each proposed land use  
434 ordinance and zoning map recommended to it by the planning commission, and, after providing  
435 notice as required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative  
436 body may adopt or reject the ordinance or map either as proposed by the planning commission  
437 or after making any revision the municipal legislative body considers appropriate.

438 Section 5. Section **10-9a-502.5** is enacted to read:

439 **10-9a-502.5. Zoning protests.**

440 (1) (a) An owner of property that is included in a zoning map or map amendment  
441 proposed by the municipality may, within the time specified in the notice under Section  
442 10-9a-213, file a written protest against the inclusion of all or a part of the owner's property in  
443 the zoning map or map amendment.

444 (b) A property owner may not protest a zoning map or map amendment if:

445 (i) the map or amendment is proposed by a person or entity other than the municipality;  
446 and

447 (ii) the owner's property is not included in the zoning map or map amendment.

448 (2) A protest under Subsection (2) shall describe or otherwise identify the property  
449 owned by the person filing the protest.

450 (3) An owner may withdraw a protest at any time before the expiration of the 60-day  
451 period.

452 (4) The failure of an owner of property within the proposed zoning map or map  
453 amendment to file a timely written protest constitutes a waiver of any objection to:

454 (a) adoption of the zoning map or map amendment; or

455 (b) the inclusion on the owner's property within the zone.

456 Section 6. Section **11-36a-502** is amended to read:

457 **11-36a-502. Notice to adopt or amend an impact fee facilities plan.**

458 (1) If a local political subdivision chooses to prepare an independent impact fee  
459 facilities plan rather than include an impact fee facilities element in the general plan in

460 accordance with Section 11-36a-301, the local political subdivision shall, before adopting or  
461 amending the impact fee facilities plan:

462 (a) give public notice, in accordance with Subsection (2), of the plan or amendment at  
463 least 10 days before the day on which the public hearing described in Subsection (1)(d) is  
464 scheduled;

465 (b) make a copy of the plan or amendment, together with a summary designed to be  
466 understood by a lay person, available to the public;

467 (c) place a copy of the plan or amendment and summary in each public library within  
468 the local political subdivision; and

469 (d) hold a public hearing to hear public comment on the plan or amendment.

470 (2) With respect to the public notice required under Subsection (1)(a):

471 (a) each municipality shall comply with the notice and hearing requirements of, and,  
472 except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections  
473 10-9a-205 and 10-9a-801 and Subsection 10-9a-502[~~(2)~~](3);

474 (b) each county shall comply with the notice and hearing requirements of, and, except  
475 as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205  
476 and 17-27a-801 and Subsection 17-27a-502[~~(2)~~](3); and

477 (c) each local district, special service district, and private entity shall comply with the  
478 notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

479 (3) Nothing contained in this section or Section 11-36a-503 may be construed to  
480 require involvement by a planning commission in the impact fee facilities planning process.

481 Section 7. Section **17-27a-103** is amended to read:

482 **17-27a-103. Definitions.**

483 As used in this chapter:

484 (1) "Adequate protests" means protests that are:

485 (a) filed with a planning commission no later than 60 days after the day of the public  
486 hearing required under Section 17-27a-502 on a proposed zoning map or map amendment; and

487 (b) signed by the owners of private real property that:

488 (i) is located within a proposed zoning map or map amendment;

489 (ii) covers at least the majority of the total private land area within the proposed zoning  
490 map or map amendment; and

491 (iii) is equal in value to at least 50% of the value of all private real property within the  
492 applicable area.

493 [~~(1)~~] (2) "Affected entity" means a county, municipality, local district, special service  
494 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
495 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
496 property owner, property owners association, public utility, or the Utah Department of  
497 Transportation, if:

498 (a) the entity's services or facilities are likely to require expansion or significant  
499 modification because of an intended use of land;

500 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
501 or

502 (c) the entity has filed with the county a request for notice during the same calendar  
503 year and before the county provides notice to an affected entity in compliance with a  
504 requirement imposed under this chapter.

505 [~~(2)~~] (3) "Appeal authority" means the person, board, commission, agency, or other  
506 body designated by ordinance to decide an appeal of a decision of a land use application or a  
507 variance.

508 [~~(3)~~] (4) "Billboard" means a freestanding ground sign located on industrial,  
509 commercial, or residential property if the sign is designed or intended to direct attention to a  
510 business, product, or service that is not sold, offered, or existing on the property where the sign  
511 is located.

512 [~~(4)~~] (5) (a) "Charter school" means:

513 (i) an operating charter school;

514 (ii) a charter school applicant that has its application approved by a chartering entity in  
515 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

516 (iii) an entity who is working on behalf of a charter school or approved charter  
517 applicant to develop or construct a charter school building.

518 (b) "Charter school" does not include a therapeutic school.

519 [~~(5)~~] (6) "Chief executive officer" means the person or body that exercises the  
520 executive powers of the county.

521 [~~(6)~~] (7) "Conditional use" means a land use that, because of its unique characteristics

522 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
523 compatible in some areas or may be compatible only if certain conditions are required that  
524 mitigate or eliminate the detrimental impacts.

525 ~~[(7)]~~ (8) "Constitutional taking" means a governmental action that results in a taking of  
526 private property so that compensation to the owner of the property is required by the:

527 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

528 (b) Utah Constitution Article I, Section 22.

529 ~~[(8)]~~ (9) "Culinary water authority" means the department, agency, or public entity with  
530 responsibility to review and approve the feasibility of the culinary water system and sources for  
531 the subject property.

532 ~~[(9)]~~ (10) "Development activity" means:

533 (a) any construction or expansion of a building, structure, or use that creates additional  
534 demand and need for public facilities;

535 (b) any change in use of a building or structure that creates additional demand and need  
536 for public facilities; or

537 (c) any change in the use of land that creates additional demand and need for public  
538 facilities.

539 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially  
540 limits one or more of a person's major life activities, including a person having a record of such  
541 an impairment or being regarded as having such an impairment.

542 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
543 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
544 802.

545 ~~[(11)]~~ (12) "Educational facility":

546 (a) means:

547 (i) a school district's building at which pupils assemble to receive instruction in a  
548 program for any combination of grades from preschool through grade 12, including  
549 kindergarten and a program for children with disabilities;

550 (ii) a structure or facility:

551 (A) located on the same property as a building described in Subsection ~~[(11)]~~

552 (12)(a)(i); and

553 (B) used in support of the use of that building; and  
554 (iii) a building to provide office and related space to a school district's administrative  
555 personnel; and

556 (b) does not include:

557 (i) land or a structure, including land or a structure for inventory storage, equipment  
558 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

559 (A) not located on the same property as a building described in Subsection [~~(11)~~]  
560 (12)(a)(i); and

561 (B) used in support of the purposes of a building described in Subsection [~~(11)~~]  
562 (12)(a)(i); or

563 (ii) a therapeutic school.

564 [~~(12)~~] (13) "Elderly person" means a person who is 60 years old or older, who desires  
565 or needs to live with other elderly persons in a group setting, but who is capable of living  
566 independently.

567 [~~(13)~~] (14) "Fire authority" means the department, agency, or public entity with  
568 responsibility to review and approve the feasibility of fire protection and suppression services  
569 for the subject property.

570 [~~(14)~~] (15) "Flood plain" means land that:

571 (a) is within the 100-year flood plain designated by the Federal Emergency  
572 Management Agency; or

573 (b) has not been studied or designated by the Federal Emergency Management Agency  
574 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
575 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
576 Federal Emergency Management Agency.

577 [~~(15)~~] (16) "Gas corporation" has the same meaning as defined in Section 54-2-1.

578 [~~(16)~~] (17) "General plan" means a document that a county adopts that sets forth  
579 general guidelines for proposed future development of the unincorporated land within the  
580 county.

581 [~~(17)~~] (18) "Geologic hazard" means:

582 (a) a surface fault rupture;

583 (b) shallow groundwater;

- 584 (c) liquefaction;
- 585 (d) a landslide;
- 586 (e) a debris flow;
- 587 (f) unstable soil;
- 588 (g) a rock fall; or
- 589 (h) any other geologic condition that presents a risk:
- 590 (i) to life;
- 591 (ii) of substantial loss of real property; or
- 592 (iii) of substantial damage to real property.

593 [~~(18)~~] (19) "Internal lot restriction" means a platted note, platted demarcation, or  
594 platted designation that:

- 595 (a) runs with the land; and
- 596 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
597 the plat; or
- 598 (ii) designates a development condition that is enclosed within the perimeter of a lot  
599 described on the plat.

600 [~~(19)~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,  
601 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other  
602 utility system.

603 [~~(20)~~] (21) "Identical plans" means building plans submitted to a county that:

- 604 (a) are clearly marked as "identical plans";
- 605 (b) are substantially identical building plans that were previously submitted to and  
606 reviewed and approved by the county; and
- 607 (c) describe a building that:
  - 608 (i) is located on land zoned the same as the land on which the building described in the  
609 previously approved plans is located;
  - 610 (ii) is subject to the same geological and meteorological conditions and the same law  
611 as the building described in the previously approved plans;
  - 612 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
613 and approved by the county; and
  - 614 (iv) does not require any additional engineering or analysis.

615            [~~(21)~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter  
616 36a, Impact Fees Act.

617            [~~(22)~~] (23) "Improvement assurance" means a surety bond, letter of credit, cash, or  
618 other security:

619            (a) to guaranty the proper completion of an improvement;

620            (b) that is required as a condition precedent to:

621            (i) recording a subdivision plat; or

622            (ii) beginning development activity; and

623            (c) that is offered to a land use authority to induce the land use authority, before actual  
624 construction of required improvements, to:

625            (i) consent to the recording of a subdivision plat; or

626            (ii) issue a permit for development activity.

627            [~~(23)~~] (24) "Improvement assurance warranty" means a promise that the materials and  
628 workmanship of improvements:

629            (a) comport with standards that the county has officially adopted; and

630            (b) will not fail in any material respect within a warranty period.

631            [~~(24)~~] (25) "Interstate pipeline company" means a person or entity engaged in natural  
632 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
633 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

634            [~~(25)~~] (26) "Intrastate pipeline company" means a person or entity engaged in natural  
635 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
636 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

637            [~~(26)~~] (27) "Land use application" means an application required by a county's land use  
638 ordinance.

639            [~~(27)~~] (28) "Land use authority" means a person, board, commission, agency, or other  
640 body designated by the local legislative body to act upon a land use application.

641            [~~(28)~~] (29) "Land use ordinance" means a planning, zoning, development, or  
642 subdivision ordinance of the county, but does not include the general plan.

643            [~~(29)~~] (30) "Land use permit" means a permit issued by a land use authority.

644            [~~(30)~~] (31) "Legislative body" means the county legislative body, or for a county that  
645 has adopted an alternative form of government, the body exercising legislative powers.

646            [~~(31)~~] (32) "Local district" means any entity under Title 17B, Limited Purpose Local  
647 Government Entities - Local Districts, and any other governmental or quasi-governmental  
648 entity that is not a county, municipality, school district, or the state.

649            [~~(32)~~] (33) "Lot line adjustment" means the relocation of the property boundary line in  
650 a subdivision between two adjoining lots with the consent of the owners of record.

651            [~~(33)~~] (34) "Moderate income housing" means housing occupied or reserved for  
652 occupancy by households with a gross household income equal to or less than 80% of the  
653 median gross income for households of the same size in the county in which the housing is  
654 located.

655            [~~(34)~~] (35) "Nominal fee" means a fee that reasonably reimburses a county only for  
656 time spent and expenses incurred in:

- 657            (a) verifying that building plans are identical plans; and
- 658            (b) reviewing and approving those minor aspects of identical plans that differ from the  
659 previously reviewed and approved building plans.

660            [~~(35)~~] (36) "Noncomplying structure" means a structure that:

- 661            (a) legally existed before its current land use designation; and
- 662            (b) because of one or more subsequent land use ordinance changes, does not conform  
663 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
664 the use of land.

665            [~~(36)~~] (37) "Nonconforming use" means a use of land that:

- 666            (a) legally existed before its current land use designation;
- 667            (b) has been maintained continuously since the time the land use ordinance regulation  
668 governing the land changed; and
- 669            (c) because of one or more subsequent land use ordinance changes, does not conform  
670 to the regulations that now govern the use of the land.

671            [~~(37)~~] (38) "Official map" means a map drawn by county authorities and recorded in  
672 the county recorder's office that:

- 673            (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
674 highways and other transportation facilities;
- 675            (b) provides a basis for restricting development in designated rights-of-way or between  
676 designated setbacks to allow the government authorities time to purchase or otherwise reserve

677 the land; and

678 (c) has been adopted as an element of the county's general plan.

679 [~~38~~] (39) "Person" means an individual, corporation, partnership, organization,  
680 association, trust, governmental agency, or any other legal entity.

681 [~~39~~] (40) "Plan for moderate income housing" means a written document adopted by  
682 a county legislative body that includes:

683 (a) an estimate of the existing supply of moderate income housing located within the  
684 county;

685 (b) an estimate of the need for moderate income housing in the county for the next five  
686 years as revised biennially;

687 (c) a survey of total residential land use;

688 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
689 income housing; and

690 (e) a description of the county's program to encourage an adequate supply of moderate  
691 income housing.

692 [~~40~~] (41) "Plat" means a map or other graphical representation of lands being laid out  
693 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

694 [~~41~~] (42) "Potential geologic hazard area" means an area that:

695 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
696 relevant map or report as needing further study to determine the area's potential for geologic  
697 hazard; or

698 (b) has not been studied by the Utah Geological Survey or a county geologist but  
699 presents the potential of geologic hazard because the area has characteristics similar to those of  
700 a designated geologic hazard area.

701 [~~42~~] (43) "Public agency" means:

702 (a) the federal government;

703 (b) the state;

704 (c) a county, municipality, school district, local district, special service district, or other  
705 political subdivision of the state; or

706 (d) a charter school.

707 [~~43~~] (44) "Public hearing" means a hearing at which members of the public are

708 provided a reasonable opportunity to comment on the subject of the hearing.

709 [~~(44)~~] (45) "Public meeting" means a meeting that is required to be open to the public  
710 under Title 52, Chapter 4, Open and Public Meetings Act.

711 [~~(45)~~] (46) "Receiving zone" means an unincorporated area of a county that the county  
712 designates, by ordinance, as an area in which an owner of land may receive a transferable  
713 development right.

714 [~~(46)~~] (47) "Record of survey map" means a map of a survey of land prepared in  
715 accordance with Section 17-23-17.

716 [~~(47)~~] (48) "Residential facility for elderly persons" means a single-family or  
717 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not  
718 include a health care facility as defined by Section 26-21-2.

719 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

720 (a) in which more than one person with a disability resides; and

721 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
722 Chapter 2, Licensure of Programs and Facilities; or

723 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
724 Health Care Facility Licensing and Inspection Act.

725 [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and  
726 prescribe in a public meeting:

727 (a) parliamentary order and procedure;

728 (b) ethical behavior; and

729 (c) civil discourse.

730 [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity  
731 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
732 wastewater systems.

733 [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county  
734 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
735 development right.

736 [~~(52)~~] (53) "Specified public agency" means:

737 (a) the state;

738 (b) a school district; or

739 (c) a charter school.

740 [~~(53)~~] (54) "Specified public utility" means an electrical corporation, gas corporation,  
741 or telephone corporation, as those terms are defined in Section 54-2-1.

742 [~~(54)~~] (55) "State" includes any department, division, or agency of the state.

743 [~~(55)~~] (45) "Street" means a public right-of-way, including a highway, avenue,  
744 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
745 or other way.

746 [~~(56)~~] (57) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
747 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
748 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
749 installment plan or upon any and all other plans, terms, and conditions.

750 (b) "Subdivision" includes:

751 (i) the division or development of land whether by deed, metes and bounds description,  
752 devise and testacy, map, plat, or other recorded instrument; and

753 (ii) except as provided in Subsection [~~(56)~~] (57)(c), divisions of land for residential and  
754 nonresidential uses, including land used or to be used for commercial, agricultural, and  
755 industrial purposes.

756 (c) "Subdivision" does not include:

757 (i) a bona fide division or partition of agricultural land for agricultural purposes;

758 (ii) a recorded agreement between owners of adjoining properties adjusting their  
759 mutual boundary if:

760 (A) no new lot is created; and

761 (B) the adjustment does not violate applicable land use ordinances;

762 (iii) a recorded document, executed by the owner of record:

763 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
764 property into one legal description encompassing all such parcels of property; or

765 (B) joining a subdivided parcel of property to another parcel of property that has not  
766 been subdivided, if the joinder does not violate applicable land use ordinances;

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

769 (A) an electrical transmission line or a substation;

770 (B) a natural gas pipeline or a regulation station; or

771 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
772 utility service regeneration, transformation, retransmission, or amplification facility;

773 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
774 their mutual boundary if:

775 (A) no new dwelling lot or housing unit will result from the adjustment; and

776 (B) the adjustment will not violate any applicable land use ordinance; or

777 (vi) a bona fide division or partition of land by deed or other instrument where the land  
778 use authority expressly approves in writing the division in anticipation of further land use  
779 approvals on the parcel or parcels.

780 (d) The joining of a subdivided parcel of property to another parcel of property that has  
781 not been subdivided does not constitute a subdivision under this Subsection (56) as to the  
782 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision  
783 ordinance.

784 [~~57~~] (58) "Therapeutic school" means a residential group living facility:

785 (a) for four or more individuals who are not related to:

786 (i) the owner of the facility; or

787 (ii) the primary service provider of the facility;

788 (b) that serves students who have a history of failing to function:

789 (i) at home;

790 (ii) in a public school; or

791 (iii) in a nonresidential private school; and

792 (c) that offers:

793 (i) room and board; and

794 (ii) an academic education integrated with:

795 (A) specialized structure and supervision; or

796 (B) services or treatment related to a disability, an emotional development, a  
797 behavioral development, a familial development, or a social development.

798 [~~58~~] (59) "Township" means a contiguous, geographically defined portion of the  
799 unincorporated area of a county, established under this part or reconstituted or reinstated under  
800 Section 17-27a-306, with planning and zoning functions as exercised through the township

801 planning commission, as provided in this chapter, but with no legal or political identity  
 802 separate from the county and no taxing authority, except that "township" means a former  
 803 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

804 ~~[(59)]~~ (60) "Transferable development right" means a right to develop and use land that  
 805 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
 806 land use rights from a designated sending zone to a designated receiving zone.

807 ~~[(60)]~~ (61) "Unincorporated" means the area outside of the incorporated area of a  
 808 municipality.

809 ~~[(61)]~~ (62) "Water interest" means any right to the beneficial use of water, including:

810 (a) each of the rights listed in Section 73-1-11; and

811 (b) an ownership interest in the right to the beneficial use of water represented by:

812 (i) a contract; or

813 (ii) a share in a water company, as defined in Section 73-3-3.5.

814 ~~[(62)]~~ (63) "Zoning map" means a map, adopted as part of a land use ordinance, that  
 815 depicts land use zones, overlays, or districts.

816 Section 8. Section **17-27a-205** is amended to read:

817 **17-27a-205. Notice of public hearings and public meetings on adoption or**  
 818 **modification of land use ordinance.**

819 (1) Each county shall give:

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

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

823 (2) ~~[Each]~~ Except as provided in Section 17-27a-213, each notice of a public hearing  
 824 under Subsection (1)(a) shall be:

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

826 (b) posted:

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

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

829 (c) (i) published:

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

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

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

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

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

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

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

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

842 Section 9. Section **17-27a-213** is enacted to read:

843 **17-27a-213. Notice and hearing for proposed zoning change.**

844 (1) (a) Subject to Subsection (1)(b), if a planning commission prepares a zoning map or  
845 map amendment, and before recommending the zoning map or map amendment to the  
846 legislative body in accordance with Sections 17-27a-302 and 17-27a-502, the planning  
847 commission shall send written notice to each owner of private real property whose property is  
848 located entirely or partially within the proposed map or amendment.

849 (b) (i) This section applies if the zoning map or map amendment is proposed by the  
850 county.

851 (ii) If the zoning map or map amendment is proposed by a person or entity other than  
852 the county, the notice requirements for a land use ordinance in Section 17-27a-205 shall apply.

853 (2) The written notice shall:

854 (a) identify, with specificity, the owner's real property that will be affected by the  
855 proposed zoning map or map amendment;

856 (b) state the current zone in which the real property is located;

857 (c) state the proposed new zone for the real property, including proposed regulations,  
858 prohibitions, and permitted uses, that the property will be subject to if the zoning map or map  
859 amendment is adopted;

860 (d) (i) state that the owner of real property may no later than 60 days after the day of  
861 the public hearing described in Section 17-27a-502 file a protest to the inclusion of the owner's  
862 property in the proposed zoning map or map amendment; and

- 863 (ii) state the date of the protest filing deadline;
- 864 (e) state the address of where the protest should be filed with the planning commission;
- 865 (f) notify the property owner that if adequate protests are filed with the planning
- 866 commission, the commission may not recommend and the legislative may not adopt the zoning
- 867 map or map amendment; and
- 868 (g) state the location, date, and time of the public hearing described in Section
- 869 17-27a-502.

870 (3) The planning commission shall mail the notice at least 10 calendar days before the

871 public hearing, first class, postage prepaid, to each owner of record according to the records of

872 the county recorder of private real property located within the proposed zoning map or map

873 amendment.

874 (4) In addition to the written notice required in Subsection (2), the planning

875 commission shall give notice in accordance with Subsections 17-27a-205(2)(b) and (c)(i).

876 Section 10. Section **17-27a-502** is amended to read:

877 **17-27a-502. Preparation and adoption of land use ordinance or zoning map.**

878 (1) The planning commission shall:

879 (a) provide notice as required by Subsection 17-27a-205(1)(a) for a proposed land use

880 ordinance other than a zoning map or map amendment or Section 17-27a-213 for a proposed

881 zoning map or map amendment;

882 (b) hold a public hearing on a proposed land use ordinance or zoning map; and

883 (c) except as provided in Subsection (2), prepare and recommend to the legislative

884 body a proposed land use ordinance or ordinances and zoning map that represent the planning

885 commission's recommendation for regulating the use and development of land within all or any

886 part of the unincorporated area of the county.

887 (2) If adequate protests are filed in accordance with Section 17-27a-502.5 to a zoning

888 map or map amendment proposed by the county:

889 (a) the planning commission may not recommend to the legislative body the zoning

890 map or map amendment; and

891 (b) the legislative body may not consider or adopt the proposed zoning map or map

892 amendment under Subsection (3).

893 [~~2~~] (3) The county legislative body shall consider each proposed land use ordinance

894 and zoning map recommended to it by the planning commission, and, after providing notice as  
895 required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body  
896 may adopt or reject the proposed ordinance or map either as proposed by the planning  
897 commission or after making any revision the county legislative body considers appropriate.

898 Section 11. Section **17-27a-502.5** is enacted to read:

899 **17-27a-502.5. Zoning protests.**

900 (1) (a) An owner of property that is included in a zoning map or map amendment  
901 proposed by the county may, within the time specified in the notice under Section 17-27a-213,  
902 file a written protest against the inclusion of all or a part of the owner's property in the zoning  
903 map or map amendment.

904 (b) A property owner may not protest a zoning map or map amendment if:

905 (i) the map or amendment is proposed by a person or entity other than the county; and

906 (ii) the owner's property is not included in the zoning map or map amendment.

907 (2) A protest under Subsection (2) shall describe or otherwise identify the property  
908 owned by the person filing the protest.

909 (3) An owner may withdraw a protest at any time before the expiration of the 60-day  
910 period.

911 (4) The failure of an owner of property within the proposed zoning map or map  
912 amendment to file a timely written protest constitutes a waiver of any objection to:

913 (a) adoption of the zoning map or map amendment; or

914 (b) the inclusion on the owner's property within the zone.