

HB0360S01 compared with HB0360

~~text~~ shows text that was in HB0360 but was deleted in HB0360S01.

text shows text that was not in HB0360 but was inserted into HB0360S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Melvin R. Brown proposes the following substitute bill:

LAND USE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends county and municipality land use provisions.

Highlighted Provisions:

This bill:

- ▶ requires counties and municipalities to publish certain land use ordinance information.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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~~{10-9a-104}~~10-9a-205, as last amended by Laws of Utah 2013, Chapter ~~{309}~~324
~~{17-27a-104}~~17-27a-205, as last amended by Laws of Utah ~~{2013}~~2014, Chapter
~~{309}~~189

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

Section 1. Section ~~{10-9a-104}~~10-9a-205 is amended to read:

~~{~~ ~~10-9a-104. Stricter requirements.~~

~~—— (1) Except as provided in Subsection (2), a municipality may enact an ordinance imposing stricter requirements or higher standards than are required by this chapter.~~

~~—— (2) A municipality may not impose stricter requirements or higher standards than are required by:~~

~~—— (a) Section 10-9a-305; and~~

~~—— (b) Section 10-9a-514.~~

~~—— (3) If a municipality enacts an ordinance that imposes a stricter requirement or a higher standard than a requirement or standard described in this chapter, the municipality shall publish the complete text of the ordinance and a citation to the applicable provision of this chapter:~~

~~—— (a) in a newspaper of general circulation in the municipality; and~~

~~—— (b) on the Utah Public Notice Website created under Section 63F-1-701.~~

~~—— (4) If there is no newspaper of general circulation in the municipality, the municipality shall place the information described in Subsection (3) in conspicuous places within the municipality that are most likely to give notice to residents of the municipality.~~

~~}~~ **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~~[;]; and~~

(c) if the proposed land use ordinance enacts stricter requirements or higher standards than are required by this chapter, notice of the stricter requirements or higher standards and a citation to the applicable provision of this chapter.

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

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- (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

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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.

Section 2. Section ~~{17-27a-104}~~; 17-27a-205 is amended to read:

~~{17-27a-104. Stricter requirements.~~

~~— (1) Except as provided in Subsection (2), a county may enact an ordinance imposing}~~ 17-27a-205. Notice of public hearings and public meetings on adoption or modification of land use ordinance.

(1) Each county shall give:

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

(b) notice of each public meeting on the subject[-]; and

(c) if the proposed land use ordinance enacts stricter requirements or higher standards than are required by this chapter{.

~~— (2) A county may not impose{, notice of the~~ stricter requirements or higher standards
~~{than are required by:~~

~~— (a) Section 17-27a-305; and~~

~~— (b) Section 17-27a-513.~~

~~— (3) If a county enacts an ordinance that imposes a stricter requirement or a higher standard than a requirement or standard described in this chapter, the county shall publish the complete text of the ordinance }and a citation to the applicable provision of this chapter{.~~

~~— (a}{.~~

(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;

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(b) posted:

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

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

(c) (i) published:

(A) in a newspaper of general circulation in the ~~{county}~~area at least 10 calendar days before the public hearing; and

~~{(b)B}~~ on the Utah Public Notice Website created ~~{under}~~in Section 63F-1-701~~;~~

~~(4) If there is no newspaper of general circulation in the county}, 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 county ordinance.

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

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

(b) on the county's official website.

(4) (a) If a county plans to hold a public hearing in accordance with Section 17-27a-502 to adopt a zoning map or map amendment, the county shall ~~{place the information}~~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

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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 county will be provided to the county legislative body; and

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

(c) If a county 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 (~~(3)~~ 2)(c)(ii) rather than sent separately. ~~in conspicuous places within the county that are most likely to give notice to residents of the county.~~

Legislative Review Note

Office of Legislative Research and General Counsel; 2)(c)(ii) rather than sent separately.