

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: Kevin T. Van Tassell

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:

10-9a-205, as last amended by Laws of Utah 2013, Chapter 324

17-27a-205, as last amended by Laws of Utah 2014, Chapter 189

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

Section 1. Section **10-9a-205** is amended to read:

10-9a-205. Notice of public hearings and public meetings on adoption or



26 **modification of land use ordinance.**

27 (1) Each municipality shall give:

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

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

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

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

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

36 (b) posted:

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

38 (ii) on the municipality's official website; and

39 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
40 calendar days before the public hearing; and

41 (B) published on the Utah Public Notice Website created in Section 63F-1-701, at least
42 10 calendar days before the public hearing; or

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

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

46 (B) each adjacent property owner within the parameters specified by municipal
47 ordinance.

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

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

51 (b) on the municipality's official website.

52 (4) (a) If a municipality plans to hold a public hearing in accordance with Section
53 10-9a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy
54 notice to each owner of private real property whose property is located entirely or partially
55 within the proposed map at least 10 days prior to the scheduled day of the public hearing.

56 (b) The notice shall:

57 (i) identify with specificity each owner of record of real property that will be affected
58 by the proposed zoning map or map amendments;

59 (ii) state the current zone in which the real property is located;

60 (iii) state the proposed new zone for the real property;

61 (iv) provide information regarding or a reference to the proposed regulations,
62 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
63 amendment is adopted;

64 (v) state that the owner of real property may no later than 10 days after the day of the
65 first public hearing file a written objection to the inclusion of the owner's property in the
66 proposed zoning map or map amendment;

67 (vi) state the address where the property owner should file the protest;

68 (vii) notify the property owner that each written objection filed with the municipality
69 will be provided to the municipal legislative body; and

70 (viii) state the location, date, and time of the public hearing described in Section
71 [10-9a-502](#).

72 (c) If a municipality mails notice to a property owner in accordance with Subsection
73 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
74 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather
75 than sent separately.

76 Section 2. Section **17-27a-205** is amended to read:

77 **17-27a-205. Notice of public hearings and public meetings on adoption or**
78 **modification of land use ordinance.**

79 (1) Each county shall give:

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

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

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

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

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

- 88 (b) posted:
- 89 (i) in at least three public locations within the county; or
- 90 (ii) on the county's official website; and
- 91 (c) (i) published:
- 92 (A) in a newspaper of general circulation in the area at least 10 calendar days before
- 93 the public hearing; and
- 94 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), at least 10
- 95 calendar days before the public hearing; or
- 96 (ii) mailed at least 10 days before the public hearing to:
- 97 (A) each property owner whose land is directly affected by the land use ordinance
- 98 change; and
- 99 (B) each adjacent property owner within the parameters specified by county ordinance.
- 100 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 101 before the hearing and shall be posted:
- 102 (a) in at least three public locations within the county; or
- 103 (b) on the county's official website.
- 104 (4) (a) If a county plans to hold a public hearing in accordance with Section
- 105 [17-27a-502](#) to adopt a zoning map or map amendment, the county shall send a courtesy notice
- 106 to each owner of private real property whose property is located entirely or partially within the
- 107 proposed map at least 10 days prior to the scheduled day of the public hearing.
- 108 (b) The notice shall:
- 109 (i) identify with specificity each owner of record of real property that will be affected
- 110 by the proposed zoning map or map amendments;
- 111 (ii) state the current zone in which the real property is located;
- 112 (iii) state the proposed new zone for the real property;
- 113 (iv) provide information regarding or a reference to the proposed regulations,
- 114 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
- 115 amendment is adopted;
- 116 (v) state that the owner of real property may no later than 10 days after the day of the
- 117 first public hearing file a written objection to the inclusion of the owner's property in the
- 118 proposed zoning map or map amendment;

- 119 (vi) state the address where the property owner should file the protest;
- 120 (vii) notify the property owner that each written objection filed with the county will be
- 121 provided to the county legislative body; and
- 122 (viii) state the location, date, and time of the public hearing described in Section
- 123 [17-27a-502](#).
- 124 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
- 125 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
- 126 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
- 127 separately.