

**LAND USE NOTICE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Margaret Dayton**

House Sponsor: Mike Schultz

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**LONG TITLE**

**General Description:**

This bill amends certain 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 2017, Chapter 84

**17-27a-205**, as last amended by Laws of Utah 2017, Chapter 84

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*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 modification of land use regulation.**

(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 regulation; and

30 (ii) if the proposed land use ordinance enacts stricter requirements or higher standards  
31 than this chapter requires, notice of the stricter requirements or higher standards and a citation  
32 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) A municipality shall send a courtesy notice to each owner of private real  
53 property whose property is located entirely or partially within a proposed zoning map  
54 enactment or amendment at least 10 days before the scheduled day of the public hearing.

55 (b) The notice shall:

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

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

59 (iii) state the proposed new zone for the real property;  
 60 (iv) provide information regarding or a reference to the proposed regulations,  
 61 prohibitions, and permitted uses that the property will be subject to if the zoning map or map  
 62 amendment is adopted;

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

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

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

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

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

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

76 **17-27a-205. Notice of public hearings and public meetings on adoption or**  
 77 **modification of land use regulation.**

78 (1) Each county shall give:

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

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

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

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

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

87 (b) posted:

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

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

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

121 [17-27a-502](#).

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

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**