

DOWNZONING NOTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies requirements related to a municipality adopting a land use regulation.

Highlighted Provisions:

This bill:

▶ modifies the requirements for a municipality to provide notice to a property owner of a proposed change to a land use regulation; and

▶ establishes a process for an owner of real property directly affected by a change to a land use regulation to submit a land use application under certain circumstances.

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 2021, Chapters 84, 345, and 355

ENACTS:

10-9a-307, Utah Code Annotated 1953

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

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



28 **10-9a-205. Notice of public hearings and public meetings on adoption or**
29 **modification of land use regulation.**

30 (1) Each municipality shall give:

31 (a) notice of the date, time, and place of the first public hearing to consider the
32 adoption or any modification of a land use regulation; 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) posted on the Utah Public Notice Website created in Section [63A-16-601](#), at
40 least 10 calendar days before the public hearing; or

41 (ii) mailed at least [~~10~~] 30 days before the public hearing to:

42 (A) each property owner whose land is directly affected by the proposed land use
43 [~~ordinance change~~] regulation; and

44 (B) each adjacent property owner within the parameters specified by municipal
45 ordinance.

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

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

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

50 (4) (a) A municipality shall send a courtesy notice to each owner of private real
51 property whose property is located entirely or partially within an area affected by a proposed
52 [~~zoning map enactment or amendment~~] land use regulation at least [~~10~~] 30 days before the
53 scheduled day of the public hearing.

54 (b) The notice shall:

55 (i) identify with specificity each owner of record of real property that will be affected
56 by the proposed [~~zoning map or map amendments~~] land use regulation;

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

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

59 (iv) provide information regarding or a reference to the proposed regulations,
60 prohibitions, and permitted uses that the property will be subject to if the [~~zoning map or map~~
61 ~~amendment~~] proposed land use regulation is adopted;

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

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

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

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

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

74 Section 2. Section **10-9a-307** is enacted to read:

75 **10-9a-307. Property-owner right to file a land use application after adoption of a**
76 **land use regulation.**

77 (1) If, as provided in Section [10-9a-205](#), a property owner receives notice of a public
78 hearing from a municipality that the property owner's private real property will be directly
79 affected by a land use regulation, the property owner may file a notice of intent to submit a land
80 use application with the municipality but only if the property owner:

81 (a) files the notice of intent before the public hearing in which the legislative body will
82 consider the land use regulation that affects the property owner's private real property; and

83 (b) includes the property owner's name and address in the notice of intent.

84 (2) (a) A property owner who files a notice of intent to submit a land use application in
85 accordance with Subsection (1), shall submit a land use application no later than 90 days after
86 the day on which a legislative body adopts a land use regulation described in the notice
87 provided to the property owner in accordance with Section [10-9a-205](#).

88 (b) A municipality shall apply land use regulations in place as of the date of the notice
89 required by Section [10-9a-205](#) in the municipality's review of a land use application submitted

90 under Subsection (2)(a).

91 (3) (a) Subsection (2) does not apply to a land use regulation that:

92 (i) limits or prohibits a use or division of real property for the protection of the public's
93 health and safety, including rules and regulations related to fire codes and building codes,
94 health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution
95 control;

96 (ii) limits or prohibits the use of division of real property commonly and historically
97 recognized as a public nuisance;

98 (iii) is required by federal law;

99 (iv) establishes locations for utility facilities;

100 (v) does not directly regulate a property owner's land; or

101 (vi) was adopted before May 4, 2022.

102 (b) If relying on Subsection (3)(a), a municipality:

103 (i) has the burden of demonstrating that Subsection (2) does not apply to a land use
104 regulation; and

105 (ii) shall describe why Subsection (2) does not apply in the municipality's response to
106 an owner's notice of intent to file a land use application.

107 (4) An action by a property owner related to this section may only be brought in
108 accordance with the provisions of Chapter 9a, Part 8, District Court Review.