

Representative Val L. Peterson proposes the following substitute bill:

DOWNZONING NOTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides specific notice requirements related to a municipality's proposed modification to the text of the municipality's zoning code; and
- ▶ makes technical changes.

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

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 regulation.**

27 (1) Each municipality shall give:

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

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

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

33 (b) posted:

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

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

36 (c) (i) posted on the Utah Public Notice Website created in Section [63A-16-601](#), at
37 least 10 calendar days before the public hearing; or

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

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

41 (B) each adjacent property owner within the parameters specified by municipal
42 ordinance.

43 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
44 proposed modification to the text of a zoning code, the notice mailed and posted in accordance
45 with Subsection (2) shall:

46 (a) include a summary of the effect of the proposed modifications to the text of the
47 zoning code designed to be understood by a lay person; and

48 (b) be provided to any person upon written request.

49 [~~3~~] (4) Each notice of a public meeting under Subsection (1)(b) shall be posted at
50 least 24 hours before the meeting:

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

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

53 [~~4~~] (5) (a) A municipality shall send a courtesy notice to each owner of private real
54 property whose property is located entirely or partially within a proposed zoning map
55 enactment or amendment at least 10 days before 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)~~] (5) may be included in or part of the notice described in Subsection (2)(c)(ii)
75 rather than sent separately.