

HB0303S01 compared with HB0303

~~{deleted text}~~ shows text that was in HB0303 but was deleted in HB0303S01.

inserted text shows text that was not in HB0303 but was inserted into HB0303S01.

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 Val L. Peterson proposes the following substitute bill:

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;~~ 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:

HB0303S01 compared with HB0303

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:

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

(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 regulation; and

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

(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;

(b) posted:

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

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

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

(ii) mailed at least ~~{}~~10~~{}~~ ~~{}~~30~~{}~~ days before the public hearing to:

(A) each property owner whose land is directly affected by the ~~{proposed}~~ land use ~~{}~~ ordinance change ~~{regulation}~~; and

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

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

HB0303S01 compared with HB0303

with Subsection (2) shall:

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

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

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

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

(b) on the municipality's official website.

~~[(4)] (5)~~ (a) A municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within ~~{an area affected by }~~ a proposed ~~{ } zoning map enactment or amendment { } land use regulation }~~ at least ~~{ } 10 { } 30 }~~ days before 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 { } land use regulation }~~;

(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 { } proposed land use regulation }~~ 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 proposed ~~{ } zoning map or map amendment { } land use regulation }~~;

(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 { } proposed land use regulation }~~, the notice required in this Subsection ~~[(4)] (5)~~ may be included in or part of the

HB0303S01 compared with HB0303

notice described in Subsection (2)(c)(ii) rather than sent separately.

~~{ Section 2. Section 10-9a-307 is enacted to read:~~

~~—— 10-9a-307. Property-owner right to file a land use application after adoption of a land use regulation:~~

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

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

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

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

~~—— (b) A municipality shall apply land use regulations in place as of the date of the notice required by Section 10-9a-205 in the municipality's review of a land use application submitted under Subsection (2)(a).~~

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

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

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

~~—— (iii) is required by federal law;~~

~~—— (iv) establishes locations for utility facilities;~~

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

~~—— (vi) was adopted before May 4, 2022.~~

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

~~—— (i) has the burden of demonstrating that Subsection (2) does not apply to a land use~~

HB0303S01 compared with HB0303

regulation, and

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

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

‡