

**LAND USE, DEVELOPMENT, AND MANAGEMENT ACT**

**MODIFICATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen L. Whyte**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill amends provisions related to municipal land use, development, and management of real property.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of rural real property;
- ▶ modifies provisions relating to a municipality's annexation of unincorporated private property;
- ▶ modifies the process by which a boundary commission considers competing petitions for annexation of unincorporated private property;
- ▶ clarifies the circumstances under which a municipality may adopt temporary land use restrictions; and
- ▶ modifies the way private parties and municipalities may use development agreements.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



AMENDS:

**10-2-401**, as last amended by Laws of Utah 2021, Chapter 112

**10-2-402**, as last amended by Laws of Utah 2021, Chapter 112

**10-2-407**, as last amended by Laws of Utah 2022, Chapter 355

**10-2-408**, as last amended by Laws of Utah 2021, Chapter 112

**10-2-416**, as last amended by Laws of Utah 2015, Chapter 352

**10-9a-504**, as renumbered and amended by Laws of Utah 2005, Chapter 254

**10-9a-509**, as last amended by Laws of Utah 2022, Chapters 325, 355 and 406

**10-9a-532**, as enacted by Laws of Utah 2021, Chapter 385

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

Section 1. Section **10-2-401** is amended to read:

**10-2-401. Definitions -- Property owner provisions.**

(1) As used in this part:

(a) "Affected entity" means:

(i) a county of the first or second class in whose unincorporated area the area proposed for annexation is located;

(ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the area proposed for annexation is located, if the area includes residents or commercial or industrial development;

(iii) a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;

(iv) a school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

(v) a municipality whose boundaries are within 1/2 mile of an area proposed for annexation.

(b) "Annexation petition" means a petition under Section **10-2-403** proposing the annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality.

(c) "Commission" means a boundary commission established under Section **10-2-409**

for the county in which the property that is proposed for annexation is located.

(d) "Expansion area" means the unincorporated area that is identified in an annexation policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in the future.

(e) "Feasibility consultant" means a person or firm with expertise in the processes and economics of local government.

(f) "Mining protection area" means the same as that term is defined in Section 17-41-101.

(g) "Municipal selection committee" means a committee in each county composed of the mayor of each municipality within that county.

(h) "Planning advisory area" means the same as that term is defined in Section 17-27a-306.

(i) "Private," with respect to real property, means not owned by the United States or any agency of the federal government, the state, a county, a municipality, a school district, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a special service district under Title 17D, Chapter 1, Special Service District Act, or any other political subdivision or governmental entity of the state.

(j) "Rural real property" means ~~[the same as that term is defined in Section 17B-2a-1107:]~~ a group of contiguous tax parcels, or a single tax parcel, that:

(i) are under common ownership;

(ii) consist of no less than 1,000 total acres;

(iii) are zoned for manufacturing or agricultural purposes; and

(iv) do not have a residential unit density greater than one unit per acre.

(k) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

(l) "Unincorporated peninsula" means an unincorporated area:

(i) that is part of a larger unincorporated area;

(ii) that extends from the rest of the unincorporated area of which it is a part;

(iii) that is surrounded by land that is within a municipality, except where the area connects to and extends from the rest of the unincorporated area of which it is a part; and

(iv) whose width, at any point where a straight line may be drawn from a place where it borders a municipality to another place where it borders a municipality, is no more than 25% of

the boundary of the area where it borders a municipality.

(m) "Urban development" means:

(i) a housing development with more than 15 residential units and an average density greater than one residential unit per acre; or

(ii) a commercial or industrial development for which cost projections exceed \$750,000 for all phases.

(2) For purposes of this part:

(a) the owner of real property shall be:

(i) except as provided in Subsection (2)(a)(ii), the record title owner according to the records of the county recorder on the date of the filing of the petition or protest; or

(ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed for annexation includes military land that is within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act; and

(b) the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the petition or protest.

(3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or majority of the total private land area within an area to sign a petition or protest:

(a) a parcel of real property may not be included in the calculation of the required percentage or majority unless the petition or protest is signed by:

(i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or

(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;

(b) the signature of a person signing a petition or protest in a representative capacity on behalf of an owner is invalid unless:

(i) the person's representative capacity and the name of the owner the person represents are indicated on the petition or protest with the person's signature; and

(ii) the person provides documentation accompanying the petition or protest that substantiates the person's representative capacity; and

(c) subject to Subsection (3)(b), a duly appointed personal representative may sign a petition or protest on behalf of a deceased owner.

Section 2. Section **10-2-402** is amended to read:

**10-2-402. Annexation -- Limitations.**

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) Except as provided in Subsection (1)(c), an unincorporated area may not be annexed to a municipality unless:

(i) the unincorporated area is a contiguous area;

(ii) the unincorporated area is contiguous to the municipality;

(iii) annexation will not leave or create an unincorporated island or unincorporated peninsula:

(A) except as provided in Subsection 10-2-418(3);

(B) except where an unincorporated island or peninsula existed before the annexation, and the annexation will reduce the size of the unincorporated island or peninsula; or

~~[(B)]~~ (C) unless the county and municipality have otherwise agreed; and

(iv) for an area located in a specified county, the area is within the proposed annexing municipality's expansion area.

(c) A municipality may annex an unincorporated area within a specified county that does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated island or unincorporated peninsula, if:

(i) the area is within the annexing municipality's expansion area;

(ii) the specified county in which the area is located and the annexing municipality agree to the annexation;

(iii) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and

(iv) the annexation is for the purpose of providing municipal services to the area.

(2) Except as provided in Section 10-2-418, a municipality may not annex an unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

(3) (a) An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation

petition under Section 10-2-403.

(b) A piece of real property that has more than one parcel number is considered to be a single parcel for purposes of Subsection (3)(a) if owned by the same owner.

(4) A municipality may not annex an unincorporated area in a specified county for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.

(5) (a) As used in this subsection, "expansion area urban development" means:

(i) for a specified county, urban development within a city or town's expansion area; or

(ii) for a county of the first class, urban development within a city or town's expansion area that:

(A) consists of 50 or more acres;

(B) requires the county to change the zoning designation of the land on which the urban development is located; and

(C) does not include commercial or industrial development that is located within a mining protection area as defined in Section 17-41-101, regardless of whether the commercial or industrial development is for a mining use as defined in Section 17-41-101.

(b) A county legislative body may not approve expansion area urban development unless:

(i) the county notifies the city or town of the proposed development; and

(ii) (A) the city or town consents in writing to the development;

(B) within 90 days after the county's notification of the proposed development, the city or town submits to the county a written objection to the county's approval of the proposed development and the county responds in writing to the city or town's objection; or

(C) the city or town fails to respond to the county's notification of the proposed development within 90 days after the day on which the county provides the notice.

(6) (a) As used in this Subsection (6), "airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction or operation of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139.

(b) A municipality may not annex an unincorporated area within 5,000 feet of the

center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation.

(c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection (6)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality.

(7) (a) As used in this Subsection (7), "project area" means a project area as defined in Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act.

(b) A municipality may not annex an unincorporated area located within a project area without the authority's approval.

(c) (i) Except as provided in Subsection (7)(c)(ii), the Military Installation Development Authority may petition for annexation of the following areas to a municipality as if the Military Installation Development Authority was the sole private property owner within the area:

(A) an area within a project area;

(B) an area that is contiguous to a project area and within the boundaries of a military installation;

(C) an area owned by the Military Installation Development Authority; and

(D) an area that is contiguous to an area owned by the Military Installation Development Authority that the Military Installation Development Authority plans to add to an existing project area.

(ii) If any portion of an area annexed under a petition for annexation filed by the Military Installation Development Authority is located in a specified county:

(A) the annexation process shall follow the requirements for a specified county; and

(B) the provisions of Section 10-2-402.5 do not apply.

(8) A municipality may not annex an unincorporated area if:

(a) the area is proposed for incorporation in:

(i) a feasibility study conducted under Section 10-2a-205; or

- 214 (ii) a supplemental feasibility study conducted under Section 10-2a-206;  
215 (b) the lieutenant governor completes the first public hearing on the proposed  
216 incorporation under Subsection 10-2a-207(4); and  
217 (c) the time period for a specified landowner, as defined in Section 10-2a-203, to  
218 request that the lieutenant governor exclude the specified landowner's property from the  
219 proposed incorporation under Subsection 10-2a-207(5)(a) has expired.

220 Section 3. Section 10-2-407 is amended to read:

221 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
222 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
223 **protest filed.**

- 224 (1) A protest to an annexation petition under Section 10-2-403 may only be filed by:  
225 (a) the legislative body or governing board of an affected entity;  
226 (b) an owner of rural real property located within the area proposed for annexation;  
227 (c) for a proposed annexation of an area within a county of the first class, an owner of  
228 private real property that:

229 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
230 annexation;

231 (ii) covers at least 25% of the private land area located in the unincorporated area  
232 within 1/2 mile of the area proposed for annexation; and

233 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
234 area within 1/2 mile of the area proposed for annexation; or

235 (d) an owner of private real property located in a mining protection area.

236 (2) Each protest under Subsection (1) shall:

237 (a) be filed:

238 (i) no later than 30 days after the municipal legislative body's receipt of the notice of  
239 certification under Subsection 10-2-405(2)(c)(i); and

240 (ii) (A) in a county that has already created a commission under Section 10-2-409, with  
241 the commission; or

242 (B) in a county that has not yet created a commission under Section 10-2-409, with the  
243 clerk of the county in which the area proposed for annexation is located;

244 (b) state each reason for the protest of the annexation petition and, if the area proposed

to be annexed is located in a specified county, justification for the protest under the standards established in this chapter;

(c) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and

(d) contain the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.

(3) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

(4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:

(a) immediately notify the county legislative body of the protest; and

(b) deliver the protest to the boundary commission within five days after:

(i) receipt of the protest, if the boundary commission has previously been created; or

(ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the boundary commission has not previously been created.

(5) (a) If a protest is filed under this section:

(i) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i), deny the annexation petition; or

(ii) if the municipal legislative body does not deny the annexation petition under Subsection (5)(a)(i), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.

(b) If a municipal legislative body denies an annexation petition under Subsection (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of the denial in writing to:

(i) the contact sponsor of the annexation petition;

(ii) the commission; and

(iii) each entity that filed a protest.

(6) If no timely protest is filed under this section, the municipal legislative body may, subject to Subsection (7), approve the petition.

(7) Before approving an annexation petition under Subsection (6), the municipal

legislative body shall hold a public hearing and provide notice of the public hearing:

(a) (i) at least seven days before the day of the public hearing, by posting one notice, and at least one additional notice per 2,000 population within the municipality and the area proposed for annexation, in places within that combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices; or

(ii) at least 10 days before the day of the public hearing, by mailing the notice to each residence within, and to each owner of real property located within, the combined area described in Subsection (7)(a)(i);

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for seven days before the day of the public hearing; and

(c) if the municipality has a website, by posting notice on the municipality's website for seven days before the day of the public hearing.

(8) (a) Subject to Subsection (8)(b), only a person or entity that is described in Subsection (1) has standing to challenge an annexation in district court.

(b) A person or entity described in Subsection (1) may only bring an action in district court to challenge an annexation if the person or entity has timely filed a protest as described in Subsection (2) and exhausted the administrative remedies described in this section.

Section 4. Section 10-2-408 is amended to read:

**10-2-408. Denying or approving the annexation petition -- Notice of approval.**

(1) After receipt of the commission's decision on a protest under Subsection 10-2-416(2), a municipal legislative body may:

(a) deny the annexation petition; or

(b) subject to Subsection (2), if the commission approves the annexation, approve the annexation petition consistent with the commission's decision.

(2) A municipal legislative body shall exclude from the annexed area:

(a) rural real property, unless the owner of the rural real property has signed the petition for annexation or gives written consent to include the rural real property; and

(b) private real property located in a mining protection area, unless the owner of the private real property gives written consent to include the private real property.

Section 5. Section 10-2-416 is amended to read:

**10-2-416. Commission decision -- Time limit -- Limitation on approval of annexation.**

(1) ~~(a)~~ Subject to ~~[Subsection (3)]~~ Subsections (1)(b) and (3), after the public hearing under Subsection 10-2-415(1) the boundary commission may:

~~[(a)]~~ (i) approve the proposed annexation, either with or without conditions;

~~[(b)]~~ (ii) make minor modifications to the proposed annexation and approve it, either with or without conditions; or

~~[(c)]~~ (iii) disapprove the proposed annexation.

(b) If two or more municipalities have pending annexation petitions regarding the same property, the boundary commission shall, in making a decision under Subsection (1)(a), give significant consideration and weight to the preferences of the owner of the property that is the subject of the proposed annexation.

(2) The commission shall issue a written decision on the proposed annexation within 30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the decision to:

(a) the legislative body of the county in which the area proposed for annexation is located;

(b) the legislative body of the proposed annexing municipality;

(c) the contact person on the annexation petition;

(d) the contact person of each entity that filed a protest; and

(e) if a protest was filed under Subsection 10-2-407(1)(c) with respect to a proposed annexation of an area located in a county of the first class, the contact person designated in the protest.

(3) Except for an annexation for which a feasibility study may not be required under Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area located within a county of the first class unless the results of the feasibility study under Section 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

Section 6. Section 10-9a-504 is amended to read:

**10-9a-504. Temporary land use regulations.**

(1) (a) ~~[A]~~ Except as set forth in Subsection (2)(b), a municipal legislative body may,

without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

(i) the legislative body makes a finding of compelling, countervailing public interest;

or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) (a) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed ~~[six months]~~ 180 days.

(b) A municipal legislative body may not enact a temporary land use regulation if:

(i) the temporary land use regulation would prohibit approval of a land use application that is impaired or prohibited by proceedings initiated under Subsection [10-9a-509\(1\)\(a\)\(ii\)\(B\)](#); and

(ii) the proceedings initiated under Subsection [10-9a-509\(1\)\(a\)\(ii\)\(B\)](#) were initiated within the 12 months before the filing of the land use application.

(3) (a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed ~~[six months]~~ 180 days in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section [72-1-301](#), for up to two additional ~~[six-month]~~ 180 day periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Section 7. Section **10-9a-509** is amended to read:

**10-9a-509. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.**

(1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the municipality initiated the proceedings; and

(ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted[-]; or

(B) during the 12 months prior to the municipality processing the application or applications of the same type, the application has, or applications of the same type have, been impaired or prohibited under the terms of a temporary land use regulation adopted under Section [10-9a-504](#).

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances

and pays all applicable fees.

(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.

(e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(f) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a municipal ordinance; or

(iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter; or

(vi) in a municipal ordinance.

(h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

(ii) in this chapter or the municipality's ordinances.

(i) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

431 (i) the applicant and the municipality have agreed in a written document to the  
432 withholding of a certificate of occupancy; or

433 (ii) the applicant has not provided a financial assurance for required and uncompleted  
434 landscaping or infrastructure improvements in accordance with an applicable ordinance that the  
435 legislative body adopts under this chapter.

436 (2) A municipality is bound by the terms and standards of applicable land use  
437 regulations and shall comply with mandatory provisions of those regulations.

438 (3) A municipality may not, as a condition of land use application approval, require a  
439 person filing a land use application to obtain documentation regarding a school district's  
440 willingness, capacity, or ability to serve the development proposed in the land use application.

441 (4) Upon a specified public agency's submission of a development plan and schedule as  
442 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
443 specified public agency vests in the municipality's applicable land use maps, zoning map,  
444 hookup fees, impact fees, other applicable development fees, and land use regulations in effect  
445 on the date of submission.

446 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
447 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use  
448 approval by delivering a written notice:

449 (i) to the local clerk as defined in Section 20A-7-101; and

450 (ii) no later than seven days after the day on which a petition for a referendum is  
451 determined sufficient under Subsection 20A-7-607(5).

452 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
453 rescinded and are of no further force or effect:

454 (i) the relevant land use approval; and

455 (ii) any land use regulation enacted specifically in relation to the land use approval.

456 Section 8. Section 10-9a-532 is amended to read:

457 **10-9a-532. Development agreements.**

458 (1) Subject to Subsection (2), a municipality may enter into a development agreement  
459 containing any term that the municipality considers necessary or appropriate to accomplish the  
460 purposes of this chapter.

461 (2) (a) A development agreement may not:

(i) limit a municipality's authority in the future to:

(A) enact a land use regulation; or

(B) take any action allowed under Section 10-8-84;

(ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or

(iii) contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.

(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 10-9a-502.

(c) (i) If a development agreement restricts an applicant's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.

(ii) A municipality's failure to disclose in accordance with Subsection (2)(c)(i) voids any provision in the development agreement pertaining to the undisclosed rights.

~~[(c)] (d) [A municipality may not require a development agreement as the only option for developing land within the municipality]~~ A municipality may not require a development agreement as a condition for developing land if the municipality's land use regulations establish all applicable standards for development on the land.

~~[(d)] (e)~~ (e) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:

(i) this chapter; and

(ii) any applicable land use regulations.