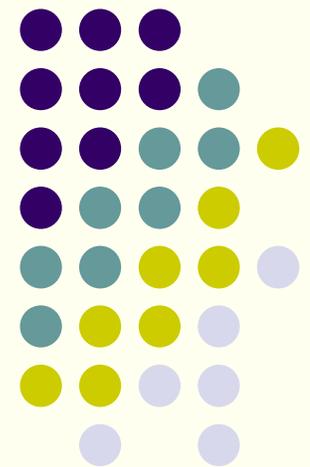


Land Use Development & Management Act

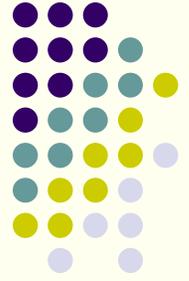
History
Purpose and Effect
Parts



I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education.

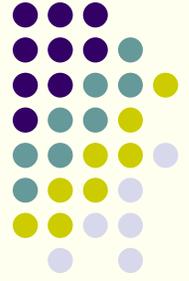
- Thomas Jefferson

Utah Zoning Enabling Legislation History



- First Enacted
 - 1925 – Municipalities
 - 1945 – Counties
- 1991 – Recodified and updated statute enacted (“LUDMA”)
- 2005 – LUDMA completely rewritten by Legislature (SB 60)
- 2006 to present – Further amendments

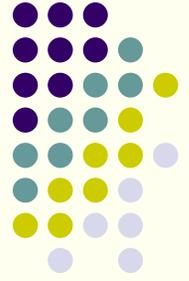
Effect of Revised LUDMA



- Incorporated existing case law into the statute
- Added provisions to make administrative land use decision processes more efficient
- Incorporates some “best practices”
- Changed nomenclature from ‘zoning’ to ‘land use’ to reflect broader land use application
- Created more flexibility in administrative appeals process

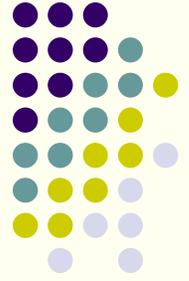
LUDMA

Purpose



- To provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses
- to protect the tax base
- to secure economy in governmental expenditures
- to foster the state's agricultural and other industries
- to protect both urban and nonurban development
- to protect and ensure access to sunlight for solar energy devices
- to provide fundamental fairness in land use regulation
- to protect property values.

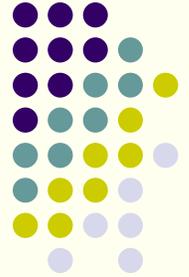
LUDMA Effect



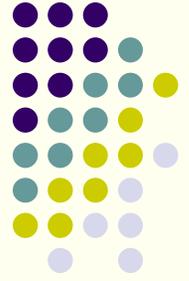
- municipalities may enact all ordinances, resolutions, and rules and
- may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality.

LUDMA

Overview of Parts



- General Provisions
- Notice
- Planning Commission
- General Plan
- Land Use Ordinances
- Subdivisions
- Appeal Authority and Variances
- District Court Review



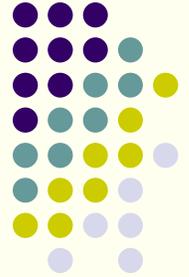
LUDMA Parts

General Provisions §10-9a-101

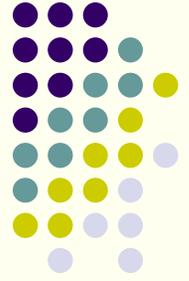
- Purpose
- Definitions
- Stricter Requirements
 - Communities may impose stricter requirements than required by State Code with the following exceptions
 - School Districts and Charter Schools
 - Manufactured Homes
 - Residential Facilities for elderly persons
 - Residences for persons with a disability

LUDMA Parts

Notice §10-9a-201



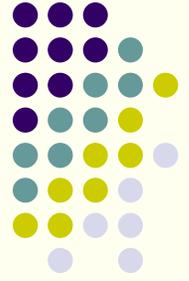
- Minimum requirements
 - Who
 - Property Owners/Developer
 - Third Party
 - General Public
 - Affected Entities
 - Where
 - A newspaper of general circulation
 - At least three (3) public locations (Utah Public Notice Website)
 - On the Municipality's official website
 - On a website established by Utah's Newspapers
 - When
 - 24 hours to 10 days depending on the type of meeting and subject
 - Appeals
 - Anyone can appeal that proper notice was not provided
 - If not appealed within 30 days the notice is considered adequate



LUDMA Parts

Planning Commission §10-9a-301

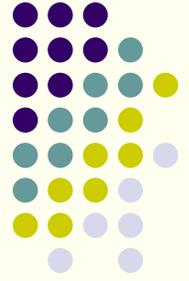
- All municipalities must have a planning commission
- Powers and Duties of the Planning Commission
 - A recommending body regarding land use ordinances, general plans, delegation of power, and application processes
- No jurisdiction over State and Federal land
- Other entities required to conform to land use ordinance
 - Except School Districts and Charter Schools



LUDMA Parts

General Plan §10-9a-401

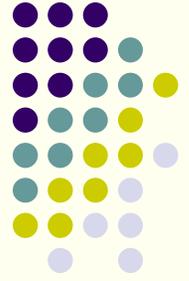
- Requires a comprehensive, long range, general plan
- Information and technical assistance provided by the State at no additional cost
- Required elements
 - Land Use
 - Transportation
 - Affordable Housing
- Optional Elements
 - Environmental
 - Public services and facilities
 - Rehabilitation, redevelopment, and conservation
 - Economic
 - Any other element the municipality considers appropriate



LUDMA Parts

General Plan continued

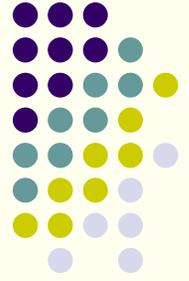
- Process for adopting or amending a general plan
- The general plan is an advisory guide whose impact is determined by ordinance
- All public uses must conform to the general plan
- May adopt official maps
- Biennial review of the moderate income housing element is required



LUDMA Parts

Land Use Ordinances §10-9a-501

- Municipalities may enact land use ordinances and a zoning map
- Process for adopting and amending land use ordinances
- Temporary Land Use Regulations
 - May not exceed six (6) months
- Zoning Districts
 - Any number, shape, or area
 - Use to regulate development in floodplains or geologic hazard areas
- Regulating Annexed Territory
- May include Conditional Uses

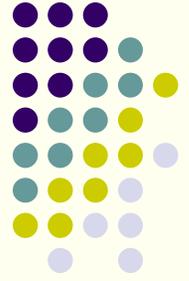


LUDMA Parts

Land Use Ordinances continued

- Exactions
 - Must be roughly proportionate to the impact of the development
- Applicant is entitled to land use application approval if requirements are met
- Timelines for determining application completeness, review, and final action
- Municipalities may adopt ordinance to allow transfer of development rights
- Limit on fees for applications, inspections, and utility hookups

LUDMA Parts



Land Use Ordinances continued

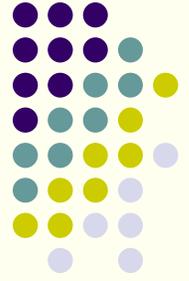
- Nonconforming Uses and Noncomplying Structures
- Conditions to allow a city to terminate a billboard
- Other billboard related regulations
- Manufactured homes must be treated as a single-family residence
- Regulation of Amateur Radio Antennas
- Residential Facilities for Elderly Persons
- Residences for Persons with a Disability
- Wetlands



LUDMA Parts

Subdivisions §10-9a-601

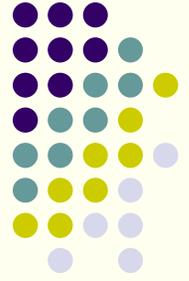
- A municipality may enact a subdivision ordinance
- Process of adopting a subdivision ordinance
- A plat is required when land is subdivided
 - Outlines items required on the plat
- Subdivision plats cannot be recorded without approval from the appropriate land use authority
- A plat may be recorded prior to completion of required improvements only upon certain conditions
- Exemptions from plat requirements
 - Only allowed if specified by the local ordinance



LUDMA Parts

Subdivisions §10-9a-601

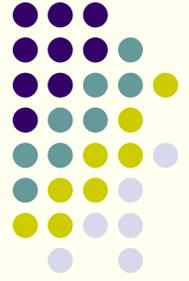
- Ownership of common or community area parcels
- Plats can operate as a dedication of streets and other public places
- Process for vacating or amending a recorded plat
- Process for vacating a street, right-of-way, or easement
- Restrictions for solar and other energy devices
- The transfer or selling of land within a subdivision prior to its approval or recording is prohibited



LUDMA Parts

Appeal Authority and Variances §10-9a-701

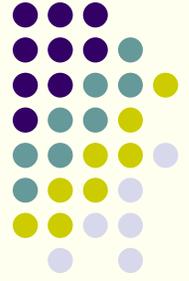
- Each municipality shall have an appeal authority
 - To hear and decide variances and appeals
- Outlines duties of the appeal authority
- Terms for granting variances
- Appeals can be made on the basis that there was an error in order, requirement, decision, or determination on the part of the land use authority
- Time to appeal
- Appellant bears the burden of proof



LUDMA Parts

Appeal Authority and Variances continued

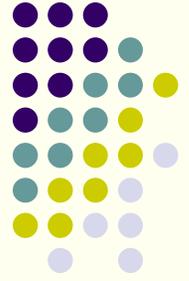
- Standard of review for appeals
 - Municipality designates the standard of review by ordinance
 - Appeal authority determines whether the land use authority is correct in its interpretation and application of the ordinance
- Decisions take effect when a written decision issued or as provided by local ordinance



LUDMA Parts

District Court Review §10-9a-801

- No district court review until administrative remedies are exhausted
- Timeline for filing a petition
- Standards of court review
- Methods allowed for enforcement of State and local land use laws
- Allows municipalities to assess penalties for ordinance violations



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