

Chapter 13A-35 - NOTICE REQUIREMENTS

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Chapter 13A-35 - Notice Requirements

13A-35-01 Applicant Notice - Waiver of Requirements

- A. For each land use application the City shall:
1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
 2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
 3. Notify the applicant of any final action on a pending application.
- B. The applicant may waive the requirements of subsection A.1, 2, or 3 above.

13A-35-02 Third-Party Notice

- A. For those sections of these ordinances that require notice to adjacent property owners, the City shall:
1. Mail notice three business days before the public hearing or public meeting to the record owner of each parcel within 300 feet of the property that is the subject of the hearing; or
 2. Post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
- B. The mailed notice to third party property owners under Subsection A 1 above shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property.

13A-35-03 General Plan

A. Notice of General Plan Amendment

1. The Planning Commission shall provide notice of the date, time, and place of the first public hearing to consider any modification of all or any portion of the general plan recommendation.
2. The City shall provide 10 calendar days notice before the public hearing of its intent to amend the general plan by:
 - publishing in a newspaper of general circulation;
 - publishing in the Utah Public Notice website;
 - mailing to each affected entity;

posting in at least three public locations; and
publishing on the City's official website.

B. General Plan Consideration - Notice Required

1. After a proposed general plan or general plan amendment for all or part of the City has been prepared, the Planning Commission shall schedule and hold a public hearing to consider the proposed plan or plan amendment after notice is given as set forth below.
2. After the Planning Commission has forwarded the proposed general plan or amendment to the City Council, the Council shall hold a public meeting on the proposal after notice is given as set forth below.
3. The City shall provide:
Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and

Notice of each public meeting on the subject.

C. Notice for Public Hearings. Each notice of a public hearing to consider the original adoption or any modification of all or any portion of a general plan shall be at least 10 calendar days before the public hearing and shall be:

1. Published in a newspaper of general circulation in the area;
2. Mailed to each affected entity; and
3. Posted in at least three public locations within the City or on the City's official website.

D. Notice for Public Meetings. Each notice of a public meeting to consider the original adoption or any modification of all or any portion of a general plan shall be at least 24 hours before the meeting and shall be:

1. Submitted to a newspaper of general circulation in the area; and
2. Posted in at least three public locations within the City or on the City's official website.

13A-35-04 Zone District Map and Land Development Code

A. Zone District Map and Land Development Code Consideration

1. The Planning Commission shall hold a public hearing to consider and make recommendations to the City Council on a proposed Land Development Code, Zone District Map or amendment thereto after notice is given as set forth below.
2. After the Planning Commission has forwarded the proposed Zone District Map or Land Development Code or amendment and its recommendation to the City Council, the Council shall consider each proposed Land Development Code, Zone District Map or amendment thereto at a public meeting after notice is given as set forth below.

- B. **Notice Required.** The City shall provide notice of the date, time and place of the first public hearing to consider the adoption or any modification of the Land Development Code or Zone District Map and shall give notice of each public meeting on the subject.
- C. **Public Hearing Notice.** Each notice of a public hearing to consider the adoption or amendment of a land use ordinance or zone district map shall be:
1. Mailed to each affected entity at least 10 calendar days before the public hearing;
 2. Posted in at least three public locations within the City or on the City's official website; and
 3. Published or mailed:

Published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; or

Mailed at least three days before the public hearing to:
 - (1) Each property owner whose land is directly affected by the Code or Zone District Map change; and
 - (2) Each adjacent property owner within 300 feet of the land directly affected.
- D. **Public Meeting Notice.** The City shall provide notice for each public meeting on the subject at least 24 hours before the meeting and shall post the notice:
1. In at least three public locations within the City; or
 2. On the City's official website.

13A-35-05 Subdivision Regulations

- A. **Subdivision Regulations Consideration.**
1. The Planning Commission shall hold a public hearing to consider and recommend to the City Council proposed ordinances regulating the subdivision of land or amendments thereto after notice is given as set forth below.
 2. After the Planning Commission has forwarded the proposed ordinances regulating the subdivision of land or amendments thereto and its recommendation to the City Council, the Council shall consider each proposed ordinance regulating the subdivision of land or amendment thereto at a public meeting after notice is given as set forth below.
- B. **Notice Required.** The City shall give notice of the date, time and place of the first public hearing to consider the adoption or modification of subdivision ordinances and shall give notice of each public meeting on the subject.

- C. **Public Hearing Notice.** Each notice of a public hearing to consider ordinances that regulate the subdivision of land within the City or amendments shall be:
1. Mailed to each affected entity at least 10 calendar days before the public hearing;
 2. Be posted:
 - a. In at least three public locations within the City; or
 - b. On the City's official website; and
 3. Published or mailed.
 - a. Published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; or
 - b. Mailed at least three days before the public hearing to:
 - (1) Each property owner whose land is directly affected by the subdivision ordinance change; and
 - (2) The mailed notice to third party property owners under 13A-35-01(A)(1) shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property.
- D. **Public Meeting Notice.** Each notice of a public meeting to consider ordinances that regulate the subdivision of land within the City or amendments shall be at least 24 hours before the meeting and shall be posted:
1. In at least three public locations within the City; or
 2. On the City's official website.

13A-35-06 Subdivision Plats and Amendments

A. **Subdivision Plat Consideration.**

1. The Planning Commission shall hold a public hearing to consider a preliminary subdivision plat or an amendment to a preliminary subdivision plat after notice is given as set forth below.
2. If an entire subdivision is vacated, the City Council shall consider the matter at a public meeting and pass a resolution containing a legal description of the entire vacated subdivision to be recorded in the County Recorder's Office.

B. **Public Hearing Notice.** The City shall give notice of the date, time, and place of a public hearing as follows:

1. Mailed not less than 10 calendar days before the public hearing and addressed to the record owner of each parcel within the subdivision plat and the record owner of each parcel within 300 feet of the property proposed for subdivision or an amendment to a subdivision; or

2. Posted not less than 10 calendar days before the public hearing on the property proposed for subdivision or amendment, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by; and
3. If a proposed amendment involves the vacation, alteration, amendment, or closure of a street, the City shall:

Publish the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation; and

Mail notice to each affected entity.

4. If a preliminary plat is being considered that describes a multiple-unit residential development or a commercial or industrial development, notice shall be mailed not less than three calendar days before the public hearing to each affected entity.

C. By Petition. If a petition has been filed to amend a subdivision pursuant to 10-9a-608 Utah Code Ann., the public hearing shall be within 45 days after the petition has been filed if:

1. An owner within the plat notifies the City of their objection to a proposed vacation, alteration, or amendment of a subdivision plat, in writing, within 10 calendar days of mailed notification; or
2. All the owners in the subdivision have not signed the revised plat.

D. Public Meeting Notice. Each notice of a public meeting to consider the vacation of an entire subdivision shall be at least 24 hours before the meeting and shall be posted:

1. In at least three public locations within the City; and
2. On the City's official website.

13A-35-07 Condominium Plats and Amendments

If required by other provisions of this Code or state law, the Planning Commission shall consider a condominium plat at a public hearing and comply with the noticing requirements therein. If a public hearing is not required, the Planning Commission shall consider the condominium plat at a public meeting.

13A-35-08 Street Vacations, Alterations, Amendments or Closure (not within a subdivision plat)

A. Consideration of Public Street Vacations, Alterations, Amendments, or Closures.

1. Consideration of vacation, alteration, amendment or closure of public streets that are within a subdivision plat shall comply with the hearing and notice provisions set forth for subdivision plat amendments above.

2. For consideration of the vacation, alteration, amendment, or closure of public streets that are not within a subdivision plat, the Planning Commission shall hold a public hearing to consider the vacation, alteration, amendment, or closure.
- B. **Public Hearing Notice.** The Planning Commission shall give notice of the date, place, and time of a public hearing before it to consider a vacation, alteration, amendment, or closure of a public street as follows:
1. Mailing notice not less than 10 calendar days before the hearing addressed to the record owner of each parcel adjacent to the portion of the public street proposed to be vacated, altered, amended or closed and the record owner of each parcel within 300 feet of the portion of the public street which is proposed to be vacated, altered, amended, or closed and to each affected entity; The mailed notice to third party property owners under 13A-35-01(A)(1) shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property. and
 2. Publish notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the proposal is located.

13A-35-09 General Notice Requirements

For those sections of these ordinances which require public hearings or public meetings for which the notice requirements are not specified, notice shall be as follows:

- A. **Application Concerning Specific Parcel of Property - Notice of Public Hearing.** For an application that concerns a specific parcel of property, the City shall provide notice of the date, time, and place of a public hearing that is:
1. Posted not less that 10 calendar days before the public hearing in at least three public locations within the City or on the City's official website;
 2. Mailed not less than 10 calendar days before the public hearing and addressed to the record owner of each parcel directly affected by the application and of each parcel within 300 feet of that property; The mailed notice to third party property owners under 13A-35-01(A)(1) shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property. or
 3. Posted not less than 10 calendar days before the public hearing, on the property to which the application pertains, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- B. **Application Not Concerning Specific Parcel of Property - Notice of Public Hearing.** For an application that does not concern a specific parcel of property (*i.e.*, text change), the City shall provide notice of the date, time, and place of a public hearing that is posted not less that 10 calendar days before the public hearing in at least three public locations within the City or on the City's official website.

- C. **Notice for Public Meetings.** The City shall provide notice of a public meeting at least 24 hours before the meeting that shall be posted in at least three public locations within the City or on the City's official website.

13A-35-10 Notice Challenge

If notice given under authority of this Chapter is not challenged pursuant to the provisions of this Code within 30 calendar days after the meeting or action for which notice is given, then notice is considered adequate and proper.