

ORDINANCE NO. 2021 - 11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTIONS 16.04.060 AND 17.04.060 OF THE SOUTH JORDAN CITY MUNICIPAL CODE TO SIMPLIFY STATUTORILY REQUIRED NOTICE OF HEARINGS AND MEETINGS.

WHEREAS, Utah Code § 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”), including the City’s aesthetics; and

WHEREAS, the City Council has adopted Title 16 (Subdivision and Development Code) and Title 17 (Planning and Zoning Code) of the City of South Jordan Municipal Code (“City Code”); and

WHEREAS, the City Council desires to amend City Code § 16.04.060 of Title 16 (Public Notices) and § 17.04.060 of Title 17 (Public Notices) to change and simplify the process for giving statutorily required notice of public hearings or public meetings; and

WHEREAS, the South Jordan Planning Commission held a public hearing, and reviewed and made a recommendation concerning the subject text amendments; and

WHEREAS, the City Council held a public hearing and reviewed the subject text amendments; and

WHEREAS, the City Council finds that the subject text amendment will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. City Code § 16.04.060 (Public Notice) and City Code § 17.04.060 (Public Notice) is amended as shown in Exhibit A to this Ordinance.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 15 DAY OF June, 2021 BY THE FOLLOWING VOTE:

Patrick Harris
 Bradley Marlor
 Donald Shelton
 Tamara Zander
 Jason McGuire

| YES | NO | ABSTAIN | ABSENT |
|-----|-----|---------|--------|
| X | --- | --- | --- |
| X | --- | --- | --- |
| X | --- | --- | --- |
| X | --- | --- | --- |
| X | --- | --- | --- |

Mayor:

Dawn R. Ramsey
 Dawn R. Ramsey

Attest:

Anna Crookston
 City Recorder

Approved as to form:

Gregory Simonen

Office of the City Attorney



EXHIBIT A

(Deletions in ~~strikethrough~~ new language in **bold underline**)

CHAPTER 16.04 GENERAL DEVELOPMENT PROVISIONS

16.04.060: PUBLIC NOTICES:

The following regulations shall apply in providing public notices:

- A. Required Notice: **The City Council, the Planning Commission, or an Appeal and Variance Hearing Officer shall schedule and hold a**Any statutorily required public hearing **or public meetings**shall be scheduled and held by the ~~Planning Commission or City Council~~ according to provisions of this title and State law. **The City shall provide** ~~n~~Notice of the date, place, and time of statutorily required public hearings **or public meetings**shall be provided by the City at least ten (10) days before the date of the public hearing **or meeting**, or such lesser **or greater** time as provided by State Statute or City ordinance, by: 1) posting notice of the hearing on the ~~South Jordan City's~~ website and to the Utah State government notice website; and 2) by giving mailed written notice of the hearing to each affected entity. **The City shall provide a**A copy of each staff report pertaining to a land use applicant ~~shall be provided to that applicant~~ at least three (3) business days prior to the hearing. If notice given under authority of this subsection is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing for which the notice was given, the notice is considered adequate and proper. The notice ~~required by~~provided in this subsection may be referred to in this title as "required notice". **Each applicant shall pay the c**Costs of required notice **for his or hers**shall be paid by the application~~ant~~.
- B. Requirements For Notification: All applicants, ~~E~~**except in the case of**those applying for development ordinance text amendments, **the City** shall submit to the City at such time as directed by the Planning Department, two (2) sets of printed address labels and two (2) sets of postage ~~for~~**notice** all property owners of record of the subject property and properties within three hundred feet (300') of the boundary of the subject property as evidenced by the current records of the Salt Lake County Recorder's Office. ~~#~~**The City** shall be the applicant's sole responsibility to ensure that the list of property owners and the address labels are accurate and complete. Subject to the limitations set forth herein, the City shall provide notice using the address labels and postage ~~provided~~**paid for** by the applicant.

**CHAPTER 17.04
GENERAL AND SUPPLEMENTARY PROVISIONS**

17.04.060: PUBLIC NOTICES:

The following regulations shall apply in providing public notices:

- A. Required Notice: The City Council, the Planning Commission, or an Appeal and Variance Hearing Officer shall schedule and hold any statutorily required public hearing or public meeting according to the provisions of this title and State law. The City shall provide notice of the date, place, and time of public hearings or public meetings at least ten (10) days before the date of the public hearing or public meeting, or such lesser or greater time as provided by State Statute or City ordinance, by: 1) posting notice of the hearing or meeting on the City's website and to the Utah State government notice website publishing notice of the hearing or meeting in a newspaper of general circulation in the City, if one is available; and 2) by giving mailed written notice of the hearing to each affected entity. The City shall provide a copy of each staff report pertaining to a land use applicant to that applicant at least three (3) business days prior to the public hearing or public meeting. If notice given under authority of this subsection is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the public hearing or public meeting for which the notice was given, the notice is considered adequate and proper. The notice required by this subsection may be referred to in this title as "required notice". Each applicant shall pay the costs of required notice for his or her application.
- B. Requirements For Notification: ~~All applicants, Except in the case of those applying for development ordinance text amendments, the City shall submit to the City at such time as directed by the Planning Department, a VAST list, two (2) sets of printed address labels, and two (2) sets of postage for notice~~ all property owners of record of the subject property and properties within three hundred feet (300') of the boundary of the subject property as evidenced by the current records of the Salt Lake County Recorder's Office. ~~#The City shall be the applicant's sole responsibility to ensure that the list of property owners and the address labels are accurate and complete. Subject to the limitations set forth herein, the City shall provide notice using the address labels and postage provided~~ paid for by the applicant.
- C. Posting On Site: Applicants applying for future land use map amendments and rezoning of property shall, in addition to the above requirements, post notification of the proposed land use change and/or rezoning on the site as directed by the City of South Jordan.

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 06/15/2021

Application: TEXT AMENDMENT - AMENDING CITY CODE SECTIONS
16.04.060 AND 17.04.060 CONCERNING PUBLIC NOTICING

Ordinance No.: 2021-11
Applicant: South Jordan City

Submitted By: Meadow Wedekind, Long Range Planning Intern

Staff Recommendation (Motion Ready):

I move that the City Council **approve** Ordinance No. 2021-11 amending Sections 16.04.060 and 17.04.060 of the South Jordan City Municipal Code concerning public noticing requirements.

BACKGROUND:

The Utah State Legislature recently passed Senate Bill 201 “Public Notice Amendments,” which eliminated the State’s requirement that cities publish notice of certain land use related public hearings and meetings in a public newspaper. The meetings no longer required to publish notice in the public newspaper include public hearings and public meetings to consider general plan modifications and/or adoption or modification of land use regulations. Only the newspaper publishing requirement has been eliminated. Other public noticing requirements for mailing notices to affected properties and City and State website postings about public hearings and meetings concerning general plan modifications, adoption or modification of land use regulation, rezones, subdivisions, and site plans have not changed.

Newspaper publication of public notices is generally an outdated and ineffective method of noticing. Circulation of newspapers has decreased significantly and more people are using methods like the City and State website’s to gather their information. Additionally, the City pays about \$90 per public notice published in the newspaper, so eliminating newspaper noticing will result in a small cost savings for the City and a more efficient use of funds. This change simplifies the City’s public noticing requirements and makes them consistent with State requirements for public noticing. Other minor language changes are included in this amendment to bring consistency to sections 16.04.060 “Public Notices” and 17.04.060 “Public Notices” of the City Code.

ANALYSIS:

If approved, the proposed text amendment would eliminate the City’s requirement for newspaper publication of land use related public hearings and meetings. This simplifies and updates the City’s public noticing requirements to make them more effective. It also makes the City’s requirements consistent with State requirements for public noticing. The City would still require that public notice of land use related public hearings and meetings be mailed to affected property owners, posted on the City’s website, and posted on the Utah Public Notice website in accordance with State law.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- Utah Code § 10-9a-102 grants the City Council a general land use authority to enact regulations that it considers necessary or appropriate for the use and development of land in the City, including maintaining the aesthetics of the City and protecting the tax base, and the City Council has the power to amend its land use regulations. (See Utah Code § 10-9a-501 *et seq.*)
- The proposed text amendment is consistent with the City’s Strategic Priority to promote a balanced regulatory environment by “establishing and implementing clear, effective, and necessary regulations to protect the health, safety and welfare of the community.”
- City Staff presented the proposed text amendment to the Planning Commission at a public hearing on June 8, 2021. The Planning Commission unanimously recommended that the City Council adopt Ordinance 2021-11.

Conclusions:

- The proposed text amendment will reduce unnecessary, ineffective, and outdated regulation and make public noticing requirements in the City consistent with current State public noticing requirements.

Recommendation:

- Staff recommends that the City Council **approve** Ordinance No. 2021-11 amending Sections 16.04.060 and 17.04.060 of the South Jordan Municipal Code concerning public noticing requirements.

ALTERNATIVES:

- Approve Ordinance No. 2021-11 with changes.
- Deny Ordinance No. 2021-11.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Ordinance No. 2021-11
 - Exhibit “A” – Proposed Text Amendment

City Council Action Requested: Steven Schaefermeyer Jun 9, 2021
Steven Schaefermeyer (Jun 9, 2021 12:31 MDT)
Director of Planning _____ Date