

ORDINANCE NO. 05-01-2012

**AN ORDINANCE CLARIFYING THE PUBLIC NOTICING REQUIREMENTS FOR LAND USE APPLICATIONS, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, Santaquin City has adopted public notification requirements in accordance with Utah State Code, Annotated 1953, as amended, Section 10-9a; and

**WHEREAS**, a request has been made to amend Santaquin City Code, Title 10 of the Revised Ordinances of Santaquin City (the Land Development Code) by amending Section 10-19-11, Public Notification of Land Use Applications in order to be more compliant with State noticing requirements; and

**WHEREAS**, the Santaquin City Planning Commission discussed the proposal at a public meeting held on April 12, 2012 and conducted a public hearing on the amendment on May 3, 2012, after which they forwarded a positive recommendation to the City Council for the amendment; and

**WHEREAS**, the aforementioned public hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

**Section I.**

Title 10-19-11 is amended as follows: (underlined text is added, stricken text is deleted)

10-19-11: PUBLIC NOTIFICATION OF LAND USE APPLICATIONS:

A. State Requirements:

- 1. Land use applications requiring notice to the public according to state law (Utah Code 10-9a) include the following:
  - a. ~~General plan adoption and amendments,~~
  - b. ~~Adoption or modification of land use ordinances,~~
  - e. ~~Subdivisions, including plat amendments,~~
  - d. ~~Development of multi-unit residential and commercial or industrial projects,~~
  - e. ~~Street vacations or closures,~~
  - f. ~~Others as required by local authority.~~

<u>Land Use Application Type</u>	<u>Local Notice Period</u>
<u>General plan adoption and amendments</u>	<u>10 calendar days</u>
<u>Adoption or modification of land use ordinances</u>	<u>10 calendar days</u>
- <u>Rezoning or zoning map change</u>	<u>10 calendar days</u>
- <u>Code amendment of land use ordinance</u>	<u>10 calendar days</u>
<u>Subdivisions (Preliminary Plats)</u>	<u>10 calendar days</u>
<u>Plat amendments, vacation or alteration</u>	<u>10 calendar days</u>
<u>Subdivision of less than 10 lots</u>	<u>10 calendar days</u>

<u>Amendment to a subdivision</u>	<u>10 calendar days</u>
<u>Street, right of way or easement vacations or closures</u>	<u>10 calendar days</u>
<u>Development of multi-unit residential, commercial or industrial projects</u>	<u>10 calendar days</u>
<u>Others as required by local authority:</u>	<u>See 10-19-11B Local Requirements</u>

2. Noticing required by state law shall be in accordance with guidelines established by the state unless more strict requirements are established.
3. Where state law requires municipalities to provide specific public noticing based on the type of land use application to be reviewed, applicants shall compensate the city for any costs incurred due to the specific noticing of applicant's request.

B. Local Requirements:

1. In addition to the state requirements listed above, the following land use applications are to be noticed to adjacent property owners prior to the first public hearing on the application:
  - a. ~~Applications to be reviewed by the city's appeals authority,~~
  - b. ~~Applications requiring a conditional use permit or special exception,~~
  - e. ~~Subdivisions, including plat amendments, infill development or lot splits,~~
  - d. ~~Planned unit or multi-family developments,~~
  - e. ~~Others where the city determines that a compelling, countervailing public interest is present.~~

<u>Land Use Application Type</u>	<u>Local Notice Period before 1<sup>st</sup> Hearing</u>
<u>Applications to be reviewed by the city's appeals authority</u>	<u>10 calendar days</u>
<u>Conditional use permit or special exemption</u>	<u>10 calendar days</u>
<u>Home occupation permit</u>	<u>10 calendar days</u>
<u>Subdivisions, including plat amendments, infill development or lot splits</u>	<u>10 calendar days</u>
<u>Planned unit or multi-family developments</u>	<u>10 calendar days</u>
<u>Variances</u>	<u>10 calendar days</u>
<u>Others where the city determines that a compelling, countervailing public interest is present.</u>	<u>10 calendar days</u>

C. Notification To Public Utilities: Prior to final approvals of any proposed development, the subdivider shall provide the city with proof that notice of the proposed development has been provided to each public utility company having a franchise agreement with the city and including the city. It shall be the sole responsibility of the subdivider to ensure that all public utility companies have been properly notified. Such notifications shall include the information specified in subsection E of this section.

C. Notification To Adjacent Property Owners: When notice to adjacent property owners is required, applicants shall provide to the city with their application a notification packet containing the following materials and information:

1. Stamped and preaddressed envelopes for each property owner of record of each parcel located entirely or partly within five hundred feet (500') from any boundary of the property subject to the application, including any owners of such property in unincorporated Utah or

Juab County or adjacent municipalities. Home occupations, which are required to obtain a conditional use permit shall provide the above notice materials and information for property owners within three hundred feet (300') from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate;

2. A mailing list, provided by the Utah and/or Juab County recorder's office, for those property owners stipulated above;
3. A notification letter to be sent to the above property owners, which includes the information specified in subsection E of this section, with any and all maps and attachments;

E. Notice Contents: All notices shall include at least the following information:

1. The date of the notice;
2. The exact time, location and place of the review of the proposal, as determined and scheduled by the community development department;
3. That the public has the right to be present at the meeting and to express any comments or concerns regarding the proposal;
4. The exact address of the property that is the subject of the proposal;
5. A detailed description of the proposal including copies of maps, plans or graphics;
6. A description of the requirement for notification;
7. The zoning of the property that is the subject of the proposal;
8. A statement declaring one of the following as applicable:
  - a. The hearing outlined in the notice is to be the only review of the proposal; or
  - b. The hearing outlined in the notice is the first in a series of reviews of the proposal and no further direct notification will be directly mailed to the recipient. Later reviews of the proposal will be noticed only through general advertisement of agendas by the city. City meeting agendas are advertised in the "Payson Chronicle" newspaper and/or posted at Santaquin City hall, the Santaquin post office and the Zions Bank branch located on Santaquin City Main Street. It is the responsibility of the public to make themselves aware of future agendas and reviews of the proposal;
9. Contact information for the applicant and the community development department;
10. The following paragraph:

*If notice given under this Title is not challenged in written form to the City's Appeal Authority within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. Furthermore, if no challenge or protest is filed within 30 days after the meeting or action for which notice was given, any defect in the notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.*

F. Postings On Property: The city may, but is not required to, provide a courtesy notice of the first public hearing of an application by posting information on the subject property. This courtesy notice is not a legal requirement, and any defect in the courtesy notice shall not affect or invalidate any hearing or action by the planning commission or city council.

**Section II. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do no affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section III. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

**Section IV. Effective Date**

The City Recorder shall deposit a copy of this ordinance in the official records of the City on May 17, 2012, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on May 17, 2012.

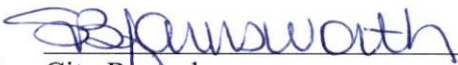
PASSED AND APPROVED this 16<sup>th</sup> day of May 2012.

  
James E. DeGraffenried, Mayor



Councilmember Keith Broadhead	Voted <u>yea</u>
Councilmember Matt Carr	Voted <u>yea</u>
Councilmember James F. Linford	Voted <u>yea</u>
Councilmember Richard Payne	Voted <u>yea</u>
Councilmember Rick Steele	Voted <u>yea</u>

ATTEST:

  
City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the - 17<sup>th</sup> day of May, 2012, entitled

**“AN ORDINANCE CLARIFYING THE PUBLIC NOTICING REQUIREMENTS FOR LAND USE APPLICATIONS, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 17 day of May, 2012.



SBFarnsworth  
SUSAN B. FARNSWORTH  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH )  
 ) ss.  
COUNTY OF UTAH )

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance which is attached hereto on the 17<sup>th</sup> day of May, 2012.

The three places are as follows:

- 1. Zions Bank
- 2. Post Office
- 3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

SBFarnsworth  
SUSAN B. FARNSWORTH  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 17 day of May, 2012 by SUSAN B. FARNSWORTH.

My Commission Expires: 10/1/13

Shannon Hoffman  
Notary Public

Residing at: Utah County

