

**ORDINANCE NO. 21-09**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLES 10 AND 11 OF THE CITY CODE HAVING TO DO WITH NOTICING REQUIREMENTS FOR PUBLIC HEARINGS AND RELATED REGULATIONS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**SECTION I - RECITALS:**

**WHEREAS**, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

**WHEREAS**, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

**WHEREAS**, the City Council finds that the Legislature of the State of Utah recently made changes to many noticing requirements by removing the requirement to publish notices in a paper of local circulation ; and,

**WHEREAS**, the City Council finds, in concert with recommendations from the Planning Commission, that requirements to publish notices in a newspaper of local circulation should be removed from various sections of the City Code in response thereto; and,

**WHEREAS**, the City Council finds that South Ogden City Code, at Titles 10 and 11 and various of its subsections should be amended by adding new language governing these changes and related regulations for the city; and,

**WHEREAS**, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**Amended Section:**

Upon the adoption of this Ordinance, Titles 10 and 11 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

**SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**SECTION IV - SAVINGS CLAUSE:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**SECTION V - DATE OF EFFECT**

This Ordinance shall be effective on the 3<sup>rd</sup> day of August 2021, and after publication or posting as required by law.

DATED this 3<sup>rd</sup> day of August, 2021.



SOUTH OGDEN, a municipal corporation

by: *Russell L. Porter*  
Mayor Russell Porter

Attested and recorded

*Leesa Kapetanov*  
Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 21-09**

An Ordinance Of South Ogden City, Utah, Revising And Amending Titles 10 And 11 Of The City Code Having To Do With Noticing Requirements For Public Hearings; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

03 Aug 21

## CITY CODE CHANGES BASED ON STATE CHANGES TO NOTICING REQUIREMENTS

### 10-1-4: CHANGES AND AMENDMENTS:

This title, including the maps, may be amended from time to time by the City Council after holding a public hearing. ~~At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the area.~~ Notice for the public hearing shall follow the requirements of UCA 10-9a-205 and its subsequent amendments. In addition to the requirements of UCA 10-9a-205, For notice of -any amendment to the zoning map, ~~the notice for a public hearing~~ -will be sent at least ten (10) calendar days before the public hearing to the record owner of each parcel to be rezoned and the record owner of each parcel within five hundred feet (500') of the property to be rezoned regardless of whether such property is within the jurisdictional boundaries of the City. All proposed amendments shall be proposed by the Planning Commission or may be submitted by the City Council to the Planning Commission for consideration and recommendation which recommendation shall be returned to the City Council for consideration within sixty (60) days of receipt by the Planning Commission. Failure of the Planning Commission to take action on any City Council proposed amendment within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The City Council may overrule any Planning Commission recommendation by a majority vote of its members.

The following definitions will be added to 10-2-1:

### 10-2-1 DEFINITIONS:

PUBLIC HEARING: A meeting to hear public opinions on a stated issue ; a meeting where members of the public hear the facts about a stated issue and give their opinions about it.

PUBLIC HEARING NOTICE: Unless otherwise stated, notice for any public hearing within this title shall be given as stated in the corresponding State of Utah noticing requirements. If there are no corresponding State of Utah noticing requirements for the type of public hearing required by this title, the following requirements shall apply: Notice of the date, time, place, and reason for the public hearing shall be posted on the city's website and the public notice website at least ten (10) calendar days before the date of the public hearing.

#### 10-11-10: SUBMISSION AND APPROVAL PROCESS:

D. Preliminary Development Plan Review Process: The planning commission, subject to the requirements of this chapter, may approve or deny the preliminary development plan for the proposed PRUD. ~~During the preliminary review process, a public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) days notice before the planning commission.~~

#### 11-1-3: DEFINITIONS:

PUBLIC HEARING: A meeting to hear public opinions on a stated issue ; a meeting where members of the public hear the facts about a stated issue and give their opinions about it.

PUBLIC HEARING NOTICE: Unless otherwise stated, notice for any public hearing within this title shall be given as stated in the corresponding State of Utah noticing requirements. If there are no corresponding State of Utah noticing requirements for the type of public hearing required by this title, the following requirements shall apply: Notice of the date, time, place, and reason for the public hearing shall be posted on the city's website and the public notice website at least ten (10) calendar days before the date of the public hearing.

#### 11-2-1: PRELIMINARY PLAT:

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the "Public Works Standard Drawings, Details <sup>a</sup>And Technical Specifications" and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, gas company, telephone company, and other public service utility providers, school district, service district, UDOT, etc., for their information and recommendations. ~~A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission.~~

11-5-1 : PLAT AMENDMENTS, ALTERATIONS AND VACATIONS; CITY COUNCIL AUTHORITY:

A. The land use authority may consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under this chapter and Utah Code Annotated section 10-9a-608 as amended.

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in this chapter and Utah Code Annotated section ~~10-9a-609.5~~10-9a-208 or future amended section.

11-5-5 : NOTICE:

A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended and each owner of record ~~owner~~ of property within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting ~~or public hearing~~ where the matter will be considered. The notice shall include:

a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the notice;

b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and

c. The date, place, and time when a public meeting ~~or public hearing, if one is required,~~ will be held to consider a vacation, alteration, or amendment ~~without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.~~

d. the planning commission shall hold a public hearing within 45 days after the day on which the petition is filed if:

(i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or

(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(iii) Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of the date of the notice.

~~2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passersby, or as may otherwise be required by law.~~

~~B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:~~

~~1. Any owner within the plat notifies the city of the owner's objection in writing within ten~~

(10) days of the date of the notice;

~~—2. All of the owners in the subdivision have not signed the revised plat; or~~

~~—3. Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of the date of the notice.~~

#### 11-5-8 : PROPERTY LINE ADJUSTMENTS:

A. A property line adjustment or combination of lots may be approved by staff if: ~~the city council after the required notice and public hearing, that:~~

1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;
2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
3. The adjustment does not result in violation of applicable zoning requirements.

B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.

C. If ~~the city council~~staff approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.

~~—D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.—~~