

ORDINANCE NO. 2021-10

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE
CENTERVILLE ZONING CODE AND SUBDIVISION ORDINANCE
REGARDING NEWSPAPER NOTICING REQUIREMENTS BASED ON
STATE LAW CHANGES ADOPTED WITH SB 201 IN THE 2021
LEGISLATIVE SESSION**

WHEREAS, the City Council of Centerville City has previously adopted various provisions of the Centerville Zoning Code and Subdivision Ordinance regarding statutorily required newspaper notice; and

WHEREAS, based on changes adopted in SB 201 by the Utah Legislature in the 2021 General Session, many newspaper notice requirements have been eliminated; and

WHEREAS, the City Council desires to amend various sections of the Centerville Zoning Code and Subdivision Ordinance to eliminate statutorily required newspaper notice in accordance with the amendments set forth in SB 201; and

WHEREAS, the City Council finds that the proposed amendments to the Centerville Zoning Code and Subdivision Ordinance as more particularly set forth herein are in the best interest of the public to provide ordinances and noticing consistent with State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. Amendment. Section 12.21.050 of the Centerville Zoning Code regarding Public Hearings and Public Meetings is hereby amended to read in its entirety as follows:

12.21.050 Public Hearings and Public Meetings

Any public hearing or public meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this Section.

- (a) Scheduling a Public Hearing or Public Meeting. An application requiring a public hearing or public meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or public meeting regarding the application shall be considered in light of:
 - (1) The complexity of the application submitted;
 - (2) The number of other applications received which require a public hearing or public meeting;
 - (3) Available staff resources; and
 - (4) Applicable public notice requirements.
- (b) Notice of Public Meeting. In accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq., the applicable land use authority shall provide public notice of its public meetings in accordance with Utah Code § 52-4-202.

- (1) Annual Meeting Schedule. The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date, time, and place of such meetings.
 - (2) Individual Meeting. The applicable land use authority shall also provide not less than 24 hours public notice of the agenda, date, time, and place of each of its meetings in accordance with Utah Code § 52-4-202.
 - (3) Public Notice Required. For purposes of Subsection (1) and (2), public notice of meetings and annual schedule shall be satisfied by:
 - A. Posting written notice at City Hall (except for an electronic meeting held without an anchor location pursuant to Utah Code § 52-4-207);
 - B. Publishing notice on the Utah Public Notice Website ~~created under Utah Code § 63F-1-701~~;
 - C. Publishing notice on the City's website; and
 - D. Providing notice to at least one newspaper of general circulation within the geographic area of the City or a local media correspondent in accordance with Utah Code § 52-4-202.
 - (4) Emergency Meetings. When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq.
- (c) Notice of Public Hearing. When this Title or any Sstate statute requires a public hearing for any land use application, permit, or matter governed by this Title, notice of the public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.
- (1) Contents. Public notice of the public hearing should include the following information:
 - A. A statement summarizing the substance of the application;
 - B. The date, time, and place of the public hearing; and
 - C. The place where the application may be inspected by the public or the person to contact for further information.
 - (2) Notice for First Public Hearing. Public notice of the first public hearing on an application shall be provided at least 10 calendar days before the public hearing. Such notice shall be:
 - A. Published on the Utah Public Notice Website ~~created under Utah Code § 63F-1-701~~;
 - B. Posted on the City's ~~official~~ website;
 - C. For the first public hearing for General Plan enactment or amendment, Zoning Code enactment or amendment, and Zoning Map enactment or amendment, notice shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the area ~~and~~ mailed to each affected entity (as defined in Utah Code § 10-9a-103); and
 - D. For the first public hearing regarding a Zoning Map enactment or amendment, the City shall send a courtesy notice at least 10 calendar days prior to the hearing to each owner of private real property whose property is located entirely or partially within the proposed Zoning Map amendment in accordance with Utah Code § 10-9a-205.

- (3) Notice for Subsequent Public Hearings. Public notice of any additional or subsequent public hearing on an application shall be provided at least three ~~10~~ calendar days before the public hearing by:
- A. Publishing notice on the Utah Public Notice Website ~~created under Utah Code § 63F-1-701~~; and
 - B. Posting notice on the City website.
- (d) Applicant Notice. For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide 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, subject to the waiver provisions of Utah Code § 10-9a-202. Such notice may be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant in accordance with CZC 12.21.040. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (d).
- (e) Notice of Intent to Prepare General Plan Amendment. Before preparing a proposed General Plan enactment or amendment, the City shall provide 10 calendar days notice of its intent to prepare a proposed General Plan enactment or amendment to the following listed entities or persons. Such notice shall comply with the requirements of Utah Code § 10-9a-203. Notice of intent shall be provided to:
- (1) Each affected entity (as defined in Utah Code § 10-9a-103);
 - (2) The Automated Geographic Reference Center (as defined in Utah Code § 63F-1-506);
 - (3) The Wasatch Front Regional Council (as the association of governments of which the City is a member); and
 - (4) The Utah Public Notice Website ~~created under Utah Code § 63F-1-701~~.
- (f) Posting Notice On-Site. In addition to public notice of a public hearing as provided in this Section, the City shall post on-site notice of the first public hearing regarding a proposed Zoning Map amendment, conditional use permit, or conceptual site plan application at least 10 calendar days before the public hearing. Such notice should include the information set forth in Subsection (c)(1). Applications that involve multiple parcels need not have notice posted on each individual parcel, but shall be posted in a location or locations representative of the proposed project area.
- (1) The Zoning Administrator may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners.
 - (2) Any on-site posting, direct mailing, or other notice provided under this Subsection (f) is intended as a courtesy only.
 - (3) Any error or failure on the part of the City to provide on-site posting or other courtesy notice shall not affect the adequacy or sufficiency of published and/or posted notice of the meeting or hearing as required by law.

(g) High Priority Transportation Corridors Notice. When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide the Utah Department of Transportation with electronic notice of any land use application received by the City that may adversely impact the

development of any designated high priority transportation corridor within the City. When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide a large public transit district with electronic notice of any land use application received by the City that may impact the development of a major transit investment corridor.

(h) Illuminated Sign Regulation Notice. Prior to any public hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within a unified commercial development or a planned unit development, the City shall provide written notice in accordance with Utah Code § 10-9a-213.

(i) Standards and Specifications Notice. Prior to implementing an amendment to adopted standards and specifications for public improvements that apply to subdivisions or development within the City, the City shall give 30 days mailed notice and an opportunity to comment to anyone who has requested such notice in writing pursuant to Utah Code § 10-9a-212.

~~(g)~~(j) Challenge of Notice. Pursuant to Utah Code § 10-9a-209, if notice required by this Section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within 30 days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

~~(h)~~(k) Examination of Application. Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Utah Government Records Access Management Act, as set forth in Utah Code §§ 63G-2-101, et seq. Copies of such materials shall be made available at reasonable cost in accordance with the City Fee Schedule.

~~(i)~~(l) Public Hearing and **Public** Meeting Procedures. An application shall be considered pursuant to policies and procedures established by the decision-making body or official for the conduct of its meetings.

~~(j)~~(m) Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:

- (1) A staff review of the application has been undertaken; or
- (2) Notice for a public hearing or meeting on the application has been mailed, posted, or published.

~~(k)~~(n) Record of Public Hearing or **Public** Meeting.

- (1) Except as provided by law, written minutes and a recording shall be kept of all open meetings. Written minutes of an open meeting shall include:
 - A. The date, time, and place of the meeting;
 - B. The names of members present and absent;
 - C. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - D. The names of each person who provides testimony or comments to the public body and the substance in brief of their testimony or comments; and
 - E. Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
- (2) The minutes, recordings, all applications, exhibits, papers, and reports submitted in any proceeding before the decision-making body or official,

and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Subsection (k~~h~~).

~~(h)~~(o) Final Action Notification. Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to ~~the an~~ applicant within a reasonable time. Such notice shall be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant in accordance with CZC 12.21.040.

Section 2. Amendment. Section 15.01.130 of the Centerville Municipal Code regarding Public Hearings and Meetings for subdivision applications is hereby amended to read in its entirety as follows:

15.01.130 Public Hearings and Public Meetings

Any public hearing or public meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this Ssection.

- (a) Scheduling a Public Hearing or Public Meeting. An application requiring a public hearing or public meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or public meeting regarding the application shall be considered in light of:
 - (1) The complexity of the application submitted;
 - (2) The number of other applications received which require a public hearing or public meeting;
 - (3) Available staff resources; and
 - (4) Applicable public notice requirements.
- (b) Notice of Public Meeting. In accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq., the applicable land use authority designated to act upon a subdivision application shall provide public notice of its meetings.
 - (1) Annual Meeting Schedule. The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date, time, and place of such meetings.
 - ~~(2)~~ Individual Meeting. The applicable land use authority shall also provide not less than 24 hours public notice of the agenda, date, time, and place of each of its meetings in accordance with Utah Code § 52-4-202.
 - ~~(2)~~~~(3)~~ Public Notice Required. For purposes of Subsection (1) and (2), public notice of meetings and annual schedule shall be satisfied by:
 - A. Posting written notice at City Hall (except for an electronic meeting held without an anchor location pursuant to Utah Code § 52-4-207) notice in at least three public locations within the City, including City Hall;
 - A.B. Publishing notice on the Utah Public Notice Website; and
 - B.C. Providing notice to at least one newspaper of general circulation within the geographic area of the City or a local media correspondent.
 - ~~(3)~~~~(4)~~ Emergency Meetings. When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing

requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq.

- (c) Notice of Public Hearing. When this Title or any State statute requires a public hearing for any proposed subdivision, amendment to a subdivision, or any other land use application governed by this Title, notice of the first public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.
- (1) Contents. Public notice of the public hearing should include the following information:
- A. A statement summarizing the substance of the application;
 - B. The date, time, and place of the public hearing; and
 - C. The place where the application may be inspected by the public or the person to contact for further information.
- (2) Notice for First Public Hearing. Public notice of the first public hearing on an application shall be provided at least three calendar days before the public hearing. Such notice shall be:
- A. Published on the Utah Public Notice Website;
 - B. Posted on the City website;
 - C. Mailed to each affected entity (as defined in Utah Code § 10-9a-103);
and
 - D. Posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (3) Notice for Subsequent Public Hearings. Public notice of any additional or subsequent public hearings on an application shall be provided at least three calendar days before the public hearing by:
- A. Publishing notice on the Utah Public Notice Website; and
 - D.B. Posting on the City website.
- (2)(4) Multi-Unit Residential, Commercial or Industrial Project Notice. Notice of the first public hearing to consider a preliminary plat describing a multi-unit residential development or a commercial or industrial development shall be mailed to each affected entity (as defined in Utah Code § 10-9a-103 ~~CMC 15.01.040~~).
- (3)(5) Vacation of Public Street Notice. Notice of any subdivision or plat amendment that involves a vacation, alteration, or amendment of a street shall be provided in accordance with Utah Code § 10-9a-208.
- (d) Applicant Notice. For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide each applicant a copy of each staff report regarding the application at least three business days before the public hearing or public meeting, subject to the waiver provisions of Utah Code § 10-9a-202. Such notice may be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (mk).
- (e) Additional Notice. In addition to public notice of a public hearing as provided in this Section, the Zoning Administrator, in his or her sole discretion, may provide additional notice of any application, including, but not limited to, direct mailings

to neighboring property owners. Any direct mailing, or other notice provided under this Subsection is intended as a courtesy only. Any error or failure on the part of the City to provide such courtesy notice shall not affect the adequacy or sufficiency of posted notice of the meeting or public hearing as required by law.

(f) High Priority Transportation Corridors Notice. When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide the Utah Department of Transportation with electronic notice of any land use application received by the City that may adversely impact the development of any designated high priority transportation corridor within the City. When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide a large public transit district with electronic notice of any land use application received by the City that may impact the development of a major transit investment corridor.

(g) Standards and Specifications Notice. Prior to implementing an amendment to adopted standards and specifications for public improvements that apply to subdivisions or development within the City, the City shall give 30 days mailed notice and an opportunity to comment to anyone who has requested such notice in writing pursuant to Utah Code § 10-9a-212.

(h) Challenge of Notice. If notice required by this Section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within 30 days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

(i) Examination of Application. Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq., as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City Fee Schedule.

(j) Public Hearing and Public Meeting Procedures. An application shall be considered pursuant to the provisions of this Title and any policies and procedures established by the decision-making body or official for the conduct of its meetings.

(k) Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:

- (1) A staff review of the application has been undertaken; or
- (2) Notice for a public hearing or public meeting on the application has been mailed, posted, or published.

(l) Record of Public Hearing or Public Meeting.

- (1) Written minutes and a recording shall be kept of all public hearings and public meetings. ~~Written Such~~ minutes and ~~digital or tape recording~~ shall include:
 - A. The date, time, and place of the meeting;
 - B. The names of members present and absent;
 - C. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - D. The names of each person all citizens who provides testimony or comments to the public body ~~appeared~~ and the substance in brief of their testimony or comments; and
 - E. Any other information that is a record of the proceedings of the

meeting that any member requests be entered in the minutes or recording.

- (2) The minutes, recordings, ~~all~~ applications, exhibits, papers, and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Subsection (ig).

~~(k)~~(m) Notification of Final Action. Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to ~~the an~~ applicant within a reasonable time. Such notice shall be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant.

Section 3. Amendment. Section 15.09.040 of the Centerville Municipal Code regarding Plat Amendments is hereby amended to read in its entirety as follows:

15.09.040 Notice Requirements

- (a) The City shall provide notice of public meetings and public hearings regarding a petition for plat amendment in accordance with the provisions of CMC 15.01.130 regarding public hearings and public meetings.
- (b) In addition to the notice requirements set forth in CMC 15.01.130, notice of all plat amendments shall be provided in accordance with Utah Code § 10-9a-207. Pursuant to Section 10-9a-207, the City is required to provide notice of the date, time, and place of at least one public meeting regarding the proposed plat amendment, which notice shall be provided at least 10 calendar days before the public meeting and shall be:
- (1) Mailed and addressed to the record owner of each parcel within 300 feet of the property proposed for subdivision plat amendment; or
 - (2) Posted on the property proposed for subdivision plat 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.
- (c) In addition to the notice requirements set forth in this Section, notice of all plat amendments involving a vacation or amendment to a public street, right-of-way, or easement shall be provided in accordance with Utah Code § 10-9a-208. Pursuant to Section 10-9a-208, the City is required to provide notice of the date, time, and place of the public hearing regarding a plat amendment involving the vacation or amendment to a public street, right-of-way, or easement at least 10 days before the public hearing, which notice shall be:
- (1) Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
 - (2) Mailed to each affected entity;
 - (3) Posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public;
 - (4) Published on the City website until the public hearing concludes; in a newspaper of general circulation in the City; and
 - (5) Published on the Utah Public Notice Website ~~created pursuant to Utah Code § 63F-1-701.~~
- (d) Pursuant to Utah Code § 10-9a-608, the City shall provide notice of all plat amendment petitions by mail, email, or other effective means 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 at least 10 calendar days before the City Council may approve the vacation or amendment of the plat.

Section 4. 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 and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective on May 5, 2021, subject to posting requirements under State law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 1st DAY OF JUNE, 2021.

CENTERVILLE CITY

ATTEST:

Jennifer Hansen
Jennifer Hansen, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Fillmore	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember Ivie	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

Jennifer Hansen
JENNIFER HANSEN, City Recorder

DATE: 6/3/2021

RECORDED this 3 day of June, 2021.

PUBLISHED OR POSTED this 3 of June, 2021.

