

**HILDALE CITY
ORDINANCE 2021-008**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF HILDALE CITY, UTAH
AMENDING THE TEXT OF THE HILDALE LAND USE ORDINANCE WITH
REGARD TO PUBLIC NOTICE**

WHEREAS, the City of Hildale is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah Law, and is authorized pursuant to the Municipal Land Use Development and Management Act, Utah Code Annotated, Title 10, Chapter 9a to enact and amend land use regulations;

WHEREAS, the Planning & Zoning Administrator has proposed certain changes to the public notice requirements for public meetings and hearings under the Hildale Land Use Ordinance;

WHEREAS, on August 19, 2021, the Hildale City Planning Commission held a duly convened public hearing for the purpose of obtaining public input on a proposed amendment to the Land Use Ordinance of Hildale City, and considered each written objection filed prior to the public hearing;

WHEREAS, the Planning Commission has prepared and recommended this proposed amendment for adoption by the City Council, and has forwarded to the City Council all objections that the Commission received; and

WHEREAS, the City Council has considered the Planning Commission's recommendations, has provided notice and held a public meeting on the date set forth below, and hereby adopts the recommended land use regulation after making revisions, if any, that the Council considers appropriate.

NOW THEREFORE, be it ordained by the Council of the Hildale City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Sec 152-7-4 Public Hearings And Meetings” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-7-4 Public Hearings And Meetings

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

(a) Scheduling A Public Hearing Or Meeting:

An application requiring a public hearing or 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 meeting 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 meeting;
- (3) Available staff resources; and
- (4) Applicable public notice requirements.

(b) Notice Requirements:

The notice required by this land use ordinance shall be satisfied by actual notice or the notice specified as follows:

- (1) Applicant Notice: For each land use application or appeal, the city shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application or appeal and of any final action thereon. In an appeal, the same notice shall be given to each party in interest to the action appealed from.

- (2) ~~Re-Zone Applications: In addition to all other noticing requirements of this chapter and of Utah Code 10-9a-101, all adjacent property owners will be notified by mail post marked ten (10) days before the approval of any re-zone application.~~ Notice Of Public Hearings And Public Meetings To Consider General Plan ~~Or Modifications:~~

a. The city shall ~~give~~provide:

1. 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
2. Notice of each public meeting on the subject.

b. Each notice of a public ~~meeting~~hearing under subsection B23a(21) of this section shall be at least ten (10) calendar days before the public hearing and shall be:

1. ~~Published in a newspaper of general circulation in the area;~~Published on the Utah Public Notice Website;
2. Mailed to each affected entity; and
3. Posted in at least three (3) public locations within the city or on the city's official website.

c. Each notice of a public meeting under subsection B23a(2) of this section shall be ~~posted~~at least twenty four (24) hours before the meeting and shall be:

1. Published on the Utah Public Notice Website; and
2. ~~p~~Posted in at least three (3) public locations within the city or on the city's official website.

- (3) Notice Of Public Hearing and Public Meetings to Consider Land Use Regulations On Adoption Of Modification:

~~Notice of public hearings and public meetings on adoption of modification of the land~~

~~use ordinance:~~

- (+) a. The city shall give:
1. Notice of the date, time, and place of the first public hearing to consider the adoption ~~of~~ or any modification of a land use ordinance or regulation, or of the zoning map; and
 2. Notice of each public meeting on the subject.
- b. Each notice of a public hearing under subsection B~~34~~a(~~21~~) of this section shall be at least ten (10) calendar days before the public hearing and shall be:
1. Published on the Utah Public Notice Website;
 - ~~2. Mailed to each affected entity at least ten (10) calendar days before the public hearing;~~
 3. Posted in at least three (3) public locations within the city or on the city's official website; and
 4. Mailed to:
 - ~~5. Published in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; or mailed at least three (3) days before the public hearing to:~~
 - i. Each property owner whose land is directly affected by the land use ordinance change; and
 - ii. Each adjacent property owner ~~within the parameters specified by this chapter.~~
- c. Each notice of a public meeting under subsection B~~34~~a(2) of this section shall be at least twenty four (24) hours before the meeting and shall be:
1. Published on the Utah Public Notice Website; and
 2. ~~P~~Posted in at least three (3) public locations within the city or on the city's official website.

(c) Challenge Of Notice:

If notice required by this section is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

(d) Examination And Copying Of Application And Other Documents:

Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate city office. Copies of such materials shall be made available at reasonable cost.

(e) Public Hearing And 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.

(f) 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.

(g) Record Of Public Hearing Or Meeting:

(1) Written minutes or a digital or tape recording shall be kept of all public hearings or meetings. Such minutes or a 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 all citizens who appeared and the substance in brief of their testimony; and
- e. Any other information that any member requests be entered in the minutes.

(2) The minutes, tape 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 D of this section.

(h) Notification:

Notice of a decision by the decision making body or official shall be provided to an applicant within a reasonable time.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember JVar Dutson	_____	_____	_____	_____
Councilmember Maha Layton	_____	_____	_____	_____
Councilmember Stacy Seay	_____	_____	_____	_____
Councilmember Jared Nicol	_____	_____	_____	_____
Councilmember Lawrence Barlow	_____	_____	_____	_____

Presiding Officer

Attest

Donia Jessop, Mayor, Hildale City

Athena Cawley, City Recorder
Hildale City