ORDINANCE NO. 2023-09

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTION 15.01.109(1) OF THE SUBDIVISION ORDINANCE AND CHAPTER 10 OF THE ZONING ORDINANCE REGARDING NOTICING REQUIREMENTS

WHEREAS the Ivins City Council desires to simplify and become compliant with current state law regarding noticing requirements for land use public hearings and public meetings; and

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Section 15.01.109 of the Subdivision Ordinance and Chapter 10 of the Zoning Ordinance be amended as follows:

Section 1: Section 15.01.109(1) of the Ivins City Subdivision Ordinance is hereby amended to now read as follows:

15.01.109(1): PUBLIC NOTICE:

(1) ~~Any required~~ Notice of public hearings and public meetings shall be ~~scheduled~~ provided ~~and~~ in the manner set forth in Title 16, Chapter 10 of the Ivins City Code. ~~held by the applicable land use authority according to the applicable provisions of this title, the zoning ordinance or state law. Notice of required public hearings shall be provided by the city at least ten (10 days before the date of the public hearing by publishing notice of the hearing consistent with the minimum requirements of LUDMA or by giving actual notice of the hearing.~~

(Ord. 2016-02, 2016; amd. Ord. 2023-09, 2023)

* * *

Section 2: Chapter 10 of the Ivins City Zoning Ordinance is hereby amended to now read as follows:

CHAPTER 10

NOTICE REQUIREMENTS

16.10.101: PURPOSE: As provided by the act, the city is required to provide notice of all public hearings and public meetings ~~to consider both legislative and administrative matters~~. The notice requirements of the city for all public hearings and public meetings regarding land use matters are established by state law and are also provided herein. The city has a policy favoring adequate notice of all public hearings and meetings. ~~The notice requirements of this chapter, and as allowed by the act, are hereby found to provide greater notice than required by the act.~~

(Ord. 2005-13, 2005; amd. Ord. 2023-09, 2023)

16.10.102: ~~REQUIRD~~ NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER ADOPTION OF OR AMENDMENTS TO GENERAL PLAN OR LAND USE REGULATIONS, INCLUDING ZONING TEXT & MAP: ~~GENERAL PLAN AMENDMENTS: APPLICATIONS:~~

(1) Public Hearings: ~~The zoning administrator for public hearings before the commission, and the city recorder for public hearings before the city council, shall provide notice of the~~ Notice of public hearings to consider adoption of or amendments to the general plan or land use regulations, including zoning text & map, ~~general plan amendment application, as follows:~~ shall set forth ~~(a) Notice of~~ the date, time and place of each public hearing, be given

at least ten (10) calendar days before the public hearing, ~~which notice shall~~ and be provided as follows:

(a) Mail to the applicant(s).

(b) ~~Published in a newspaper of general circulation in the area.~~ Submit to a newspaper of general circulation in Ivins City.

(c) Post on the Utah Public Notice Website.

(d) Post on the city's official website.

(e) Post in at least five (5) ~~three (3)~~ public locations withing the city, including Ivins City Hall or meeting location.

(f) For adoption of or amendments to the General Plan or Zoning Text & Map, mail to each property owner whose property is located within three hundred feet (300') of the property that is the subject of the public hearing.

(g) For adoption of or amendments to the General Plan or Zoning Text & Map, post on the property that is the subject of the public hearing with a sign of sufficient size, durability, print quality and location that is reasonably calculated to give notice to passersby.

(h) For adoption of or amendments to the General Plan or Zoning Text & Map, mail to each "affected entity" as defined and identified by the act, as may be required.

~~(A) Washington County board of county commissioners.~~

~~(B) City of St. George.~~

~~(C) City of Santa Clara.~~

~~(D) Washington county school district.~~

~~(E) Washington County library district.~~

~~(F) Washington County solid waste district.~~

~~(G) Washington County mosquito abatement district.~~

~~(H) Washington County water conservancy district.~~

~~(I) Washington County metropolitan planning organization.~~

~~(J) Red Cliffs desert reserve.~~

~~(K) Santa Clara river reserve.~~

~~(L) Serenity Springs local district.~~

~~(M) Questar.~~

~~(N) Utah Power.~~

~~(O) Qwest.~~

~~(P) Bureau of land management.~~

~~(Q) Utah department of transportation.~~

~~(R) Any other agency or organization meeting the definition of an "affected entity" and established subsequent to the effective date hereof.~~

(2) Public Meetings: ~~The zoning administrator for public meetings by the commission, and the city recorder for public meetings by the city council,~~ Notice of public meetings ~~shall provide notice of the public meeting~~ to consider adoption of or amendments to the general plan or ~~a general plan amendment application~~ land use regulation, including zoning text and map, shall be provided as follows:

(a) Notice of the date, time, and place of the public meeting, at least twenty four (24) hours before the meetings, which notice shall be given to the applicant(s) and posted as follows:

(i) ~~Published in a newspaper of general circulation in the area.~~ Submit to a newspaper of general circulation in Ivins City.

(ii) Post on the Utah Public Notice Website.

(iii) Post on the city's official website.

(iii) Post in at least five (5) ~~three (3)~~ public locations withing the city, including Ivins City Hall or meeting location.

~~(b) Notice of the date, time, and place of each public meeting shall be provided at least twenty four hours before the meting to each applicant for a general plan amendment application, as required by section 16.10.106 of this chapter and the act.~~

(Ord. 2005-13, 2005; amd. Ord. 2023-09, 2023)

16.10.103 (~~REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS ON ADOPTION OR MODIFICATION [AMENDMENTS] OF LAND USE ORDINANCERS, INCLUDING ZONING DISTRICTS MAP~~) REPEALED (Ord. 2023-09, 2023)

16.10.104 REQUIRED NOTICE FOR OTHER PUBLIC HEARINGS: When required by ~~the provisions of this title~~ state law, ~~the zoning administrator for public hearings before the commission, and the city recorder for public hearings before the city council,~~ notice for other public hearings shall be provided ~~shall provide notice of the public hearing~~ as follows:

(1) Notice of the date, time and place of each public hearing shall be given at least ten (10) calendar days before the public hearing provided by the following means:

~~(a) Published in a newspaper of general circulation in the area;~~

(a) Mail to the applicant(s)

(b) Submit to a newspaper of general circulation in Ivins City.

(c) Post on the Utah Public Notice Website;

(d) Post on the city's official website;

(e) Post in at least five (5) ~~three (3)~~ public locations within the city, including Ivins City Hall or meeting location.

~~(2) Notice of the date, time and place of each public hearing mailed at least ten (10) days prior to the public hearing to each applicant for a land use application that is the subjseet of the public hearing, as required by Section 16.10.106 of this chapter, and the act.~~

(Ord. 2005-13, 2005; amd. Ord. 2023-09, 2023)

16.10.105: REQUIRED NOTICE FOR OTHER PUBLIC MEETINGS: When required by the provisions of this title, ~~the zoning administrator for public meetings by the commission, or~~

~~sensitive lands commit, and the city recorder for public meetings by the council,~~ notice of the public meeting shall provide notice of the public meeting as follows:

(1) Notice of the date, time and place of each public meeting, at least twenty four (24) hours before the public meeting, which notice shall be:

(a) Mail to the applicant(s).

(b) Submit to a newspaper of general circulation in Ivins City.

(c) Post on the Utah Public Notice Website;

(d) Post on the city's official website;

() Post in at least five (5) ~~three (3)~~ public locations within the city, including Ivins City Hall or meeting location.

~~(2) Notice of the date, time and place of each public meeting shall be provided at least twenty four (24) hours before the meeting to each applicant for a land use application that is the subject of the public meeting, as required by section 16.10.106 of this chapter and the act.~~

(Ord. 2005-13, 2005; amd. Ord. 2023-09, 2023)

16.10.106: ~~(REQUIRED APPLICANT NOTICE; HEARINGS AND MEETINGS)~~ REPEALED (Ord. 2023-09, 2023)

16.10.107: REQUIRED APPLICANT NOTICE; DECISION: ~~in addition to the applicant notice required by section 16.10.106 of this chapter, the zoning administrator/recording secretary for the commission, and sensitive lands committee, and the city recorder for the council, shall notify~~ The applicant for a land use application shall be notified of any decision on the application as required by the act.

(Ord. 2007-35, 2008; amd. Ord. 2023-09, 2023)

16.10.108: NOTICE CHALLENGE: If notice given under authority of this chapter, and authority of the act, is not challenged under Utah Code Annotated section 10-9a-801, within thirty (30) days after the meeting or action for which notice is given, the notice is considered adequate and proper. (Ord.2005-13, 2005)

16.10.109: ~~(COURTESY NOTICE)~~ REPEALED (Ord. 2023-09, 2023)

Effective Date: This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF JUNE, 2023 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Mike Scott	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Adel Murphy	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____

Chris Hart, Mayor

ATTEST:

_____

Kari Jimenez, City Recorder

DRAFT