

ORDINANCE NO: O-2022-12

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO NEWSPAPER NOTICING REQUIREMENTS AS SHOWN IN FILENAME TA-22-11.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 26, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on August 2, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: ADOPTION Several sections of the Development Code are hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from August 2, 2022 and after the required approval and publication according to law.

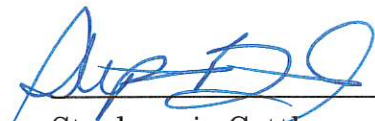
PASSED AND ADOPTED by the Highland City Council, August 2, 2022

HIGHLAND CITY, UTAH



Kurt Ostler
Highland City Mayor

ATTEST:



Stephannie Cottle
Highland City Recorder



COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Exhibit A

3-617 (Reserved)

3-617 Amendments To Zoning Code

~~The Zoning Code, including the Zoning Map, may be amended, but all proposed amendments shall be submitted first to the Planning Commission for its recommendations, which recommendations will be considered by the Planning Commission within thirty (30) days. For the Purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be public policy that amendments shall not be made to the Zoning Code and Map except to promote more fully the objectives and purposes of the General Plan, this code or to correct manifest errors. Any person seeking an amendment to this Zoning Code or Map shall submit to the Zoning Administrator a written petition designating a change desired, the reasons therefore, and wherein the proposed amendment would further promote the objectives and purposes of this Zoning Code, together with a fee. The Zoning Administrator shall, in turn, transmit the said petition to the Planning Commission as established by this Code, and the Planning Commission may call a hearing prior to submitting the matter to deliberation by the City Council. The amendments to this Code may be adopted only after a public hearing in relation thereto, before the City Council of the City of Highland, in which the parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given as provided by Section 9-102(3) placed in no less than three (3) public places within the corporate limits of the City, and shall in a newspaper having general circulation within the City, at least fourteen (14) days before the date of such hearing.~~

~~(Amended: April 11, 1995)~~

7-102 Procedure For Annexation Of Territory

1. Annexation Application and Petition. The owners of a majority of the private property as shown in the records of the County Recorder's office and the owners of at least one-third in value of the real property as shown by the last assessment rolls, in property contiguous to the corporate boundaries of the City may file with the City Recorder a written annexation application, together with the following:
 - a. An applicant shall follow the process for submitting a petition for annexation as set forth in Utah State Code
 - b. The City may require an applicant to submit such forms, documentation, and information as is necessary for the City to review and evaluate the request.
 - a. ~~An original and copy of an accurate plat or map of the territory proposed to be annexed made under the supervision of and certified by the municipal engineer or a registered land surveyor licensed to do such work in the State of Utah, which plat or map shall be suitable for recording.~~
 - b. ~~A written petition for the proposed annexation signed by the owners of the majority of private real property and of at least one third in value as shown in the latest assessment rolls.~~
 - c. The Application Review Fee, Plat Review and other required fees as may be set by the Highland City Council by resolution.
 - d. The name, address, and telephone numbers of up to five sponsors of the annexation one of whom shall be designated the contact sponsor for the City to work with.
 - e. The sponsors shall also deliver or mail a copy of the petition to the Utah County Clerk.

2. City Council Review and Action. The City Council shall review the application/petition for annexation and may send the application to the Planning Commission, Staff, and/or Consultants for recommendations. The City Council may request the application/petition be reviewed according to the following review criteria:
 - a. Whether or not it is in the interest of the City to annex additional land at that time.
 - b. The capability of Highland City to supply adequate municipal services to the area proposed for annexation, such as public streets, water, sewer, police and fire protection including what necessary improvements will be a requirement of the petitioners/owners of the property.
 - c. Whether or not the proposed annexation is consistent with the City's General Plan.
 - d. What conditions, if any, should be attached to proposed annexations in order to provide adequate services, protect health or safety, or are necessary for proper implementation of the General Plan such as dedications for parks, trails, open space, road, of other public facilities.
 - e. Whether as a condition and requirement of annexation, an annexation fee will be negotiated between the City and the petitioners. This fee may be separate and distinct from, and in addition to, any development impact fee assessed pursuant to the terms of the City's impact fee ordinance. The purpose of these fees shall be to reimburse the city for any extraordinary impacts on the City and infrastructure which may be created by the annexation.
 - f. Such other information as may be required or necessary to understand and evaluate the application/petition.
3. Annexations Not To Create Unincorporated Islands or Peninsulas. In no event shall the City Council approve annexations which would result in unincorporated islands or peninsulas being left within the boundaries of the City except pursuant to State Law existing islands or peninsulas within the City may ~~h~~be annexed, if they are already developed and require the delivery of municipal type service.
4. Acceptance or Rejection by City Council. After reviewing the annexation request and recommendations from the Planning Commission, Staff or Consultants, if any were requested, the City Council shall vote to either accept or reject the annexation petitions. If the annexation request is rejected the City Recorder shall notify the contact sponsor and the County Clerk of the rejection within five (5) days of the decision to reject the annexation application.
5. Certification of Petitions. If the annexation application is accepted the City Recorder shall within thirty (30) days review the annexation petitions to determine if they comply with all applicable law. If the City Recorder certifies that the petitions are valid and sufficient the Recorder shall notify the City Council and the sponsors in writing. If the City Recorder determines that the petitions are insufficient, the Recorder shall notify the City Council and the sponsors of the deficiencies in the petitions and the sponsors may modify the petitions and re file the annexation with the City.
6. Notice of Intent Annex. The City Council shall cause a public notice to be published and mailed as required by Utah State Code. ~~law. The notice shall be published within ten days from the date the petitions are certified as valid and sufficient and shall be published once a week for three successive weeks.~~ The notice shall state:
 - ~~a. That a petition has been filed, accepted and certified by the City.~~
 - ~~b. That the complete petition is available for inspection and copying at the office of the City Recorder.~~
 - ~~c. That the City may grant the petition unless a written protest to the annexation is filed with the County Boundary Commission and filed with the City Recorder;~~
 - ~~d. The address of the Boundary Commission;~~
 - ~~e. The date before which a protest must be filed;~~

- ~~f. That a protest may be filed by property owners if it contains the signatures of the owners of private real property that is located in the unincorporated county within 2 mile of the area proposed for annexation and covers at least 25% of the private land area located in the unincorporated area within 2 mile of the proposed annexation and is equal in value to at least 15% percent of all real property located in the unincorporated area within 2 mile of the area proposed for annexation.~~
 - ~~g. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing.~~
7. Public Hearing. If no protest is filed within the protest period or if the Boundary Commission approves the annexation after the protest is heard, the City Council may proceed to annex the property. Before acting on the annexation, the City Council shall hold a public hearing and provide notice as required in Utah State Code. ~~At least seven (7) days prior to such hearing notice of the time and place of the hearing and the location(s) shall be published in a newspaper of general circulation within the City and the area proposed for annexation.~~
8. Ordinance of Annexation. Following the public hearing, the City Council may adopt an an Annexation Ordinance which is consistent with the decision of the Boundary Commission, if any.
9. Recording of Annexation Plat and Documents. Upon passage of the ordinance of annexation, the territory shall be deemed to be annexed. The recording of the plat and noticing requirements shall be completed as required in Utah State Code. ~~Thereafter, the final duly executed annexation plat, and the ordinance of annexation, shall be recorded within thirty days with the office of the County Recorder.~~

9-102 Procedure For Amendments

1. All proposed amendments to this Code shall be submitted first to the Planning Commission for its recommendations, which recommendations shall be submitted to the City Council for its consideration within thirty (30) days.
2. Any person seeking an amendment to those Chapters or to the Official Zone Map shall submit to the Planning Commission a written petition designating the change desired and the reasons therefore and shall pay a filing fee in the amount set forth by a resolution of the City Council and provide other information as may be required by the Zoning Administrator. ~~All petitions for a Zoning change shall include a vicinity map, drawn to scale and showing the names and addresses of the owners of adjacent property, and a legal description of the property for which the change is sought. The Planning Commission shall then consider the request and shall certify its recommendations to the City Council with respect thereto within thirty (30) days from receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the City Council within said thirty day period, shall be deemed to constitute a recommendation of approval, unless a longer period is granted by the City Council. The fee required herein shall not be returned to the applicant. The Planning Commission may also initiate amendments to this Title by recommendation of such amendments to the City Council.~~
3. Amendments to the Development Code, the Zoning Map, or other land use regulation Chapters 3, 4, 5 and 10 of this Code may be adopted only with the following procedure:
 - a. The City Council shall hold a public hearing on the proposed amendment recommended to it by the Planning Commission and provide reasonable notice of the public hearing at least 14 ten (10) days before the date of the public hearing.
 - b. After the public hearing, the City Council may adopt the amendment as proposed, amend the proposed amendment, or reject the amendment.

- c. Reasonable notice shall be given by posting notice of the hearing in at least three public places within the city, [the Utah Public Notice website](#), and [the city website](#), ~~and publishing notice of the hearing in a newspaper of general circulation in the city.~~
 - e.i. [For rezones, notices shall also be sent by mail to owners of real property located within 750 feet of the subject property.](#)
- d. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing.

(Amended: 5/2/06)