

## ORDINANCE 22-03

### AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.08, SECTIONS 10.08.030 AND 10.08.040 OF THE MORGAN CITY CODE REGARDING NOTICE AND PUBLIC HEARING PROVISIONS OF THE LAND USE CODE OF MORGAN CITY TO COMPORT WITH STATE LAW CHANGES.

WHEREAS, it is often necessary to make amendments to the City Code in order to bring that code into compliance with the provisions of State Law; and

WHEREAS, the provisions regarding notice and public hearings/meetings have changed and it is the desire of the City Council to bring Morgan City's land use code into conformity with the provision so State Law; and

WHEREAS, the Planning Commission has reviewed the changes and has recommended approval of the changes to the City Council; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the City and its citizens to adopt said changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

**SECTION 1 Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith, they are hereby repealed.

**SECTION 2. Enactment.** Title 10, Chapter 10.08, Sections 10.08.030 – Planning Commission Review, and 10.08.040 – Public Meeting; City Council Review of the Morgan City Code are hereby amended to read as follows:

#### 10.08.030 PLANNING COMMISSION REVIEW

- A. Required ~~Review; Time Limit~~: The planning commission shall review the petition and certify its recommendations to the city council ~~within thirty (30) days of the receipt of the petition.~~
- B. Conditions For Recommending Adoption: The planning commission shall recommend adoption of proposed changes or amendments only where it finds the proposed change or amendment furthers the purpose of the general plan, or that changed conditions make the proposed change or amendment necessary to fulfill the purposes of this title.
- C. ~~Notification To Property Owners: At least seven (7) days prior to the planning commission meeting during which a petition requesting action regarding identifiable parcels of property is to be considered, the city shall mail notice of zone change to property owners within three hundred feet (300') of the subject property stating the proposed or requested action, and the date, time and location of the planning commission meeting where the petition will be considered.~~
- ~~C.D.~~ Public Hearing: Prior to making recommendations to the city council regarding changes or amendments to the general plan, any section of this title or the zoning map, the planning commission shall hold a public hearing and shall give notice of said hearing. Notice of hearing shall be published in at least one newspaper of general circulation in the city at least fourteen (14) days prior to such hearing. (Ord. 040202, 4-2-2002)
- D. Notice of public hearings and public meetings to consider general plan, modifications to the general plan, changes to any section of this title or the zoning map, shall provide:
  1. a. 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, any section of this title or the zoning map; and
  - b. notice of each public meeting on the subject.

2. Each notice of a public hearing under Subsection 1.a. shall be at least 10 calendar days before the public hearing and shall be:
    - a. published on the Utah Public Notice Website created in Section 63A-16-601;
    - b. mailed to each affected entity; and
    - c. posted:
      - (1) in at least three public locations within the city; or
      - (2) on the city's official website
- E. Notice of zoning map enactment or amendment: For a public hearing before the planning commission for a zoning map change or amendment.
1. The city shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within a proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing before the planning commission.
  2. The notice shall:
    - a. identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
    - b. state the current zone in which the real property is located;
    - c. state the proposed new zone for the real property;
    - d. provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
    - e. state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
    - f. state the address where the property owner should file the protest;
    - g. notify the property owner that each written objection filed with the city will be provided to the municipal legislative body; and
    - h. state the location, date, and time of the public hearing.

**10.08.040 PUBLIC ~~MEETING~~HEARING; CITY COUNCIL ACTION**

- A. Public ~~Meeting~~Hearing Required: A public ~~meeting~~hearing shall be held by the city council before any amendment or change shall be passed.
- B. Procedure: ~~The following steps shall be taken prior to any public hearing:~~ Each notice of a public meeting shall be at least 24 hours before the meeting and shall be:
  1. published on the Utah Public Notice Website created in Section 63A-16-601 ~~Notice of such hearing shall be published in at least one newspaper of general circulation in the city at least fourteen (14) days prior to such hearing; and~~
  2. posted:
    - a. in at least three public locations within the city; or

