

ORDINANCE 2024-18

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11, CHAPTER 3 TO UPDATE THE NOTICE AND PUBLIC HEARING REQUIREMENTS FOR MUNICIPALITIES

WHEREAS; The current City ordinance relating to hearing and publication notices is outdated; and

WHEREAS; It is in the best interest of the City to update these provisions to enhance public awareness and engagement; and

WHEREAS; North Ogden City desires to amend the Code to reflect the best practices and standards for public notices and hearings; and

WHEREAS; This amendment seeks to reflect these best practices and ensure compliance with state laws;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Codes 11-3 Hearing and Publication Notice Provisions be amended as follows:

SECTION 1: Text to be updated in 11-3: Hearing and Publication Notice Provisions.

11-3-2: PUBLIC HEARING AND PUBLIC MEETING NOTICES FOR GENERAL PLAN

- A. Notice of Intent to Prepare a General Plan or to Amend a General Plan. In addition to the public meeting notice requirement above, notice of intent to prepare or adopt a General Plan or to make a General Plan amendment needs to be given to each affected entity 10 days before the scheduled hearing. Notice must be sent to the following: each affected entity, the Utah Geospatial Resource Center, Weber County, the City website, local districts, special service districts under Utah Code Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Utah Code Title 11, Chapter 13, Interlocal Cooperation Act, specified public utilities, property owner (for specific amendments), property owners association (for specific amendments), or the Utah Department of Transportation, Automated Geographic Reference Center; Weber Area Council of Governments (WACOG), and the Utah Public Meeting Notice website (<http://www.utah.gov/pmn/index.html>).
- B. General Plan Public Hearings with the Planning Commission or City Council. A public hearing before the Planning Commission or City Council for General Plan adoption or amendments to the General Plan requires the same intent notice requirements listed above.

- C. Public Meeting Notices for General Plan Discussions. For a General Plan related public meeting, for example, a workshop, the same general public meeting notice (Utah Public Notice website and the City website) is required.
- D. Each notice under Subsection (1) shall:
 - 1. indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
 - 2. describe or provide a map of the geographic area that will be affected by the general plan or amendment;
 - 3. be sent by mail, e-mail, or other effective means;
 - 4. invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
 - a. impacts that the use of land proposed in the proposed general plan or amendment may have; and
 - b. uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and
 - 5. include the address of an Internet website, if the municipality has one, and the name and telephone number of an individual where more information can be obtained concerning the municipality's proposed general plan or amendment.
- E. A municipality shall send the newly adopted general plan and comprehensive general plan amendments to the relevant association of governments within 45 days of the date of adoption.

11-3-3: GENERAL PUBLIC HEARINGS

- 1. Most public hearings the Planning Department sets are with the Planning Commission and City Council. The City Council is the legislative body, and is the only land use authority that can impose land use ordinances and regulations, after a recommendation from the Planning Commission, see 11-1-5. Public hearings have the same requirements as General Public Meeting Notices, except the listing will be for a public hearing and needs to be posted (Utah Public Notice website and the City website) 10 days ahead of the public hearing, notice sent to affected entities, and provided for the area directly affected by the land use ordinance change, as a class B notice under Utah State Code Section 63G-30-102, for at least 10 calendar days before the day of the public hearing. When the Planning Department sets a date for a public hearing, 17 days is allotted for this process; 14 days is the 'ten business days with the weekend', and then three business days are added for the time it takes the paper or Utah Public meeting


notice website to publish the hearing. There are some exceptions as discussed below that will require setting a date for a public hearing, because of time requirements in State Code.

2. Under State Code, there are no requirements for notice to adjacent property owners except for amendments to or vacating a subdivision: “For an amendment to a subdivision, each city shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting.” However, North Ogden City policy is that Subdivisions, Rezoning (map changes and text), and Conditional Use applications provide for courtesy notices to be mailed to the address of owner(s) of record within the area suggested for rezoning or a map change and to each property owner within 300 feet of the subject property.
3. Courtesy notice is not given for administrative applications that are approved by the Planning Director.
4. Special Provisions for Amending Subdivisions. The courtesy notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.
5. Public hearings for vacating subdivisions, easements, roads, road rights of way, ordinances, or map amendments, have state code standards that require public hearing notice be given at least 10 business days in advance.
6. If the legal notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

SECTION 2: This ordinance shall take immediate effect upon the adoption of this ordinance.

PASSED and ADOPTED this 10th day of September 2024.

North Ogden City:


S. Neal Berube (Sep 11, 2024 09:03 MDT)

S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	<u> X </u>	___
Council Member Cevering:	<u> X </u>	___
Council Member Dalpiaz:	<u> X </u>	___
Council Member Pulver:	<u> X </u>	___
Council Member Watson:	<u> X </u>	___
(In event of a tie vote of the Council):		
Mayor Berube	___	___

ATTEST:



Rian Santoro
Rian Santoro (Sep 11, 2024 11:00 MDT)
Rian Santoro
City Recorder