

**VINEYARD
ORDINANCE 2023-01**

**AN ORDINANCE OF THE CITY OF VINEYARD, UTAH, AMENDING THE
VINEYARD ZONING ORDINANCE CHAPTER 15.18 NOTICING
REQUIREMENTS REMOVING THE NEWSPAPER REQUIREMENT AND
ADDING STATE CODE REQUIREMENTS AND REMOVING SECTION 15.30.050
REVIEW AND APPROVAL PROCEDURES - CONDITIONAL USE
APPLICATIONS TO KEEP IT CONSISTENT WITH THE REMAINDER OF THE
CONDITIONAL USE CODE; PROVIDING A REPEALER CLAUSE; PROVIDING
A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code, permits Vineyard to ensure the health, safety and welfare of the community through local land use planning and the adoption of land use ordinances; and

WHEREAS, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code 10-9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on December 7, 2022 and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on December 14, 2022; and

WHEREAS, the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public to adopt the proposed text amendments to the Zoning Ordinance.

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

SECTION 1: **AMENDMENT** “15.18.020 Required Notice Of Public Hearings And Public Meetings To Consider General Plan Or General Plan Amendment Applications” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.18.020 Required Notice Of Public Hearings And Public Meetings To Consider General Plan Or General Plan Amendment Applications

1. **Public Hearings.** The Planner for public hearings before the Commission, and the City Recorder, or designee for public hearings before the Council, shall provide notice of the public hearing to consider the General Plan or General Plan Amendment Application, as follows:
 - a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:
 - i. ~~Published in a newspaper of general circulation in the area.~~
 - ii. Mailed to each “affected entity” identified as defined by LUDMA;
 - iii. Posted in at least three (3) public locations within the city; or on the city’s official website; and
 - iv. Posted in other locations as required by Utah State Code.
 - b. Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) days before the public hearing to each Applicant for a General Plan Amendment Application, as required by VZC 15.10.030, and LUDMA.
2. **Public Meetings.** The Planner for public meetings by the Commission, and the City Recorder, or designee for public meetings by the Council, shall provide notice of the public meeting to consider the General Plan or General Plan Amendment Application, as follows:
 - a. Notice of the date, time, and place of the public meeting, at least 24 hours before the meeting, which notice shall be:
 - i. ~~Published in a newspaper of general circulation in the area, and~~
 - ii. Posted in at least three (3) public locations within the city; or on the city’s official website; and
 - iii. Posted in other locations as required by Utah State Code.
 - b. Notice of the date, time, and place of each public meeting shall be provided at least 24 hours before the meeting to each Applicant for a General Plan Amendment Application, as required by VZC 15.10.030, and LUDMA.

SECTION 2: AMENDMENT “15.18.030 Required Notice Of Public Hearings And Public Meetings On Adoption Or Amendments Of Land Use Ordinances, Including This Ordinance And Zoning Districts Map” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.18.030 Required Notice Of Public Hearings And Public Meetings On Adoption Or Amendments Of Land Use Ordinances, Including This Ordinance And Zoning Districts Map

1. **Public Hearings.** The Planner for public hearings before the Commission, and the City Recorder, or designee for public hearings before the Council, shall provide notice of the public hearing to consider the adoption or amendments of the Land Use Ordinances, including this Ordinance, and Zoning Districts Map, as follows:
 - a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

- ~~i. Published in a newspaper of general circulation in the area.~~
 - ii. Mailed to each “affected entity” identified as defined by LUDMA;
 - iii. Posted in at least three (3) public locations within the city; or on the city’s official website: and
 - iv. Posted in other locations as required by Utah State Code.
 - b. Notice of the date, time, and place of each public hearing mailed at least three (3) days prior to the public hearing to each property owner whose land is directly affected by the Land Use Ordinance, or Zoning Districts Map change.
- 2. **Public Meetings.** The Planner for public meetings by the Commission, and the City Recorder, or designee for public meetings by the Council, shall provide notice of the public meeting to consider the adoption or amendments of the Land Use Ordinances, including this Ordinance and Zoning Districts Map, as follows:
 - a. Notice of the date, time, and place of the public meeting, at least 24 hours before the meeting, which notice shall be:
 - ~~i. Published in a newspaper of general circulation in the area, and~~
 - ii. Posted in at least three (3) public locations within the city; or on the city’s official website: and
 - iii. Posted in other locations as required by Utah State Code.
 - b. Notice of the date, time, and place of each public meeting shall be provided at least 24 hours before the meeting to each Applicant for a Land Use Ordinance, or Zoning Districts Map change, as required by VZC

SECTION 3: AMENDMENT “15.18.040 Required Notice For Other Public Hearings” of the Vineyard Zoning Code is hereby *amended* as follows:

A M E N D M E N T

15.18.040 Required Notice For Other Public Hearings

When required by the provisions of this Ordinance, the Planner for public hearings before the Commission, and the City Recorder, or Designee for public hearings before the Council, shall provide notice of the public hearing as follows:

- 1. Notice of the date, time, and place of each public hearing shall be 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.~~
 - b. Posted in at least three (3) public locations within the city; or on the city’s official website.
 - c. Posted in other locations as required by Utah State Code.
- 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 subject of the public hearing, as required by VZC 15.10.070, and LUDMA.

SECTION 4: AMENDMENT “15.18.050 Required Notice For Other Public Meetings” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.18.050 Required Notice For Other Public Meetings

When required by the provisions of this Ordinance, the City Planner for public meetings by the Commission or BOA, and the City Recorder, or designee for public meetings by the Council, shall provide notice of the public meeting as follows:

1. Notice of the date, time, and place of each public meeting, at least 24 hours before the public meeting, which notice shall be:
 - a. ~~Published in a newspaper of general circulation in the area, and~~
 - b. Posted in at least three (3) public locations within the city; or on the city’s official website; and
 - c. Posted in other locations as required by Utah State Code.
2. Notice of the date, time, and place of each public meeting shall be provided at least 24 hours before the meeting to each Applicant for a Land Use Application that is the subject of the public meeting, as required by VZC 15.10.070, and LUDMA.

SECTION 5: AMENDMENT “15.18.090 Courtesy Notice” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.18.090 Courtesy Notice

In addition to the public hearing notice required by this Chapter, and in the interests of favoring an awareness of all public hearings and participation in the public processes, the city may also provide courtesy notice, in addition to the mandatory public hearing notice required by VZC 15.18.020 and VZC 15.18.030. Public Hearing courtesy notice may be provided as follows:

1. **Public Hearings.** The Planner for public hearings before the Commission, and the City Recorder, or Designee for public hearings before the Council, may provide notice of the public hearing, as follows:
 - a. Notice of the date, time, and place of each public hearing mailed at least ten (10) days before the public hearing to each property owner whose property is located within three hundred (300) feet of the property that is the subject of the public hearing. Notice provided under this part shall include the properties located within the boundaries of Vineyard and located within the boundaries of an adjacent jurisdiction, including the unincorporated areas of Utah County.

- b. Post notice 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 passers-by.
 - c. Publish in a newspaper of general circulation in the area.
2. **Notice Challenge.** Courtesy notice given under authority of this Section shall not be a basis for a challenge of notice, provided by Section 200 of LUDMA.

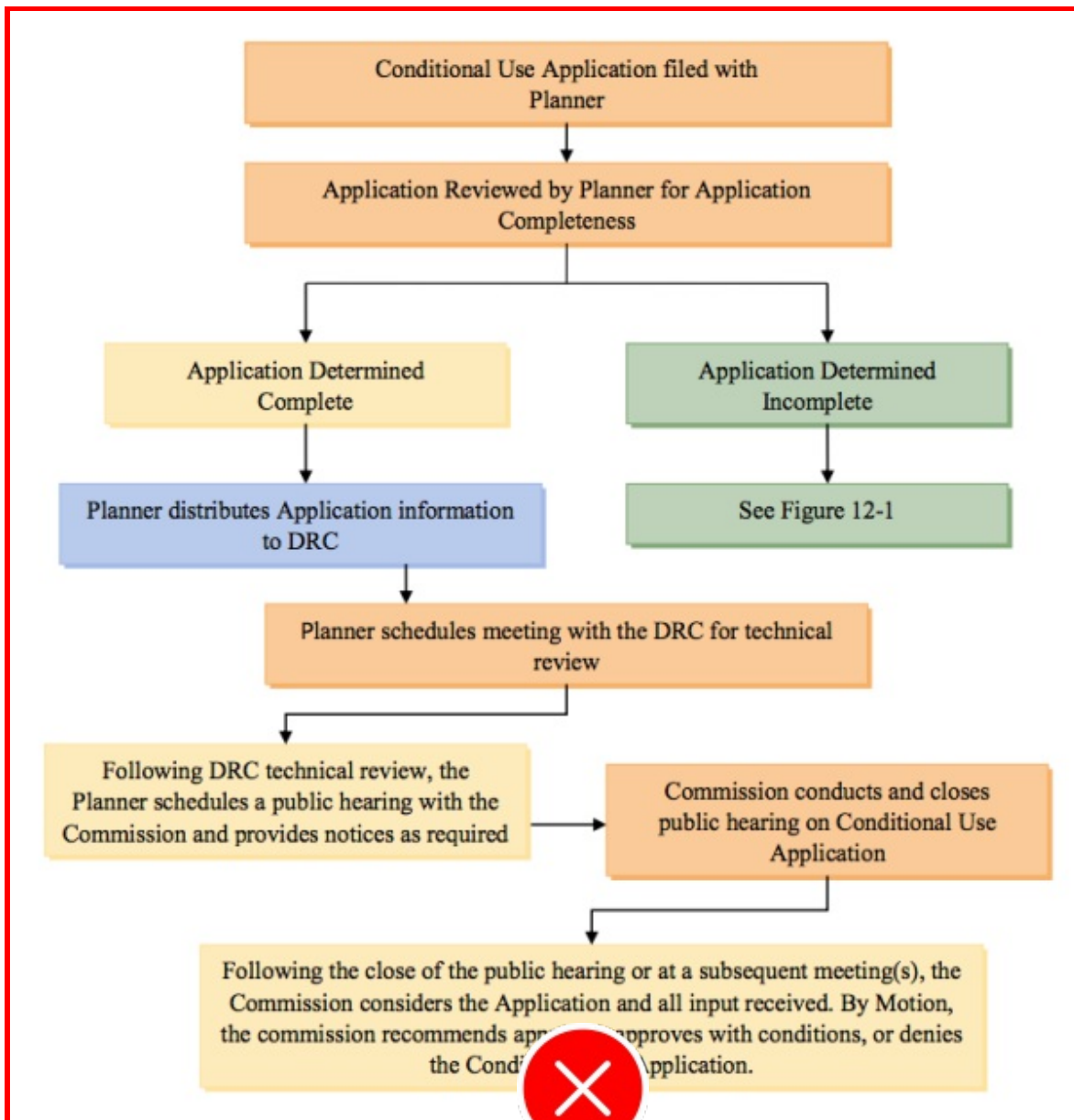
SECTION 6: AMENDMENT “15.30.050 Review And Approval Procedures - Conditional Use Applications” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.30.050 Review And Approval Procedures - Conditional Use Applications

~~The procedures for the review of a Conditional Use Application are identified by Figure 15-1 herein.~~

~~FIGURE 15-1 Conditional Use Application Procedures~~



SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: 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 9: EFFECTIVE DATE This Ordinance shall be in full force and

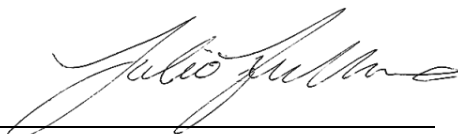
effect from January 11, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL JANUARY 11, 2023.

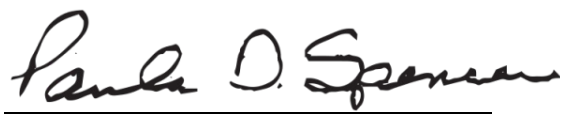
| | AYE | NAY | ABSENT | ABSTAIN |
|---------------------|--------------|------------|---------------|----------------|
| Mayor Julie Fullmer | _____ | _____ | <u> X </u> | _____ |
| Tyce Flake | <u> X </u> | _____ | _____ | _____ |
| Amber Rasmussen | <u> X </u> | _____ | _____ | _____ |
| Mardi Sifuentes | _____ | _____ | <u> X </u> | _____ |
| Cristy Welsh | <u> X </u> | _____ | _____ | _____ |

Presiding Officer

Attest



Julie Fullmer, Mayor, Vineyard



Pamela Spencer, City Recorder,
Vineyard

