

## ARTICLE A. PUBLIC NOTIFICATION PROCEDURES

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#### 10-1A-1: SHORT TITLE:

This article shall be known as the PUBLIC NOTIFICATION ~~PROCEDURES~~ ORDINANCE OF NIBLEY, UTAH.  
(~~Ord. 07-19, 11-29-2007~~)

#### 10-1A-2: PURPOSE:

This article is enacted for the purpose of ensuring that the residents of Nibley City and surrounding areas receive timely, adequate and proper notice of public hearings and meetings regarding those decisions which affect business licensing, land use, commercial and residential zoning and development, and the development and implementation of the Nibley City general plan. (~~Ord. 07-19, 11-29-2007~~)

#### 10-1A-3: CONFLICTS:

Wherever the notification requirements of this article are in conflict with any other legally adopted rules, this article shall prevail. (~~Ord. 07-19, 11-29-2007~~)

#### 10-1A-4: CHANGES AND AMENDMENTS:

If, at any point, it is determined that this article needs to be changed or amended, such changes may be made by following the notification procedures outlined in this article. (Ord. 07-19, 11-29-2007)

#### 10-1A-5: DEFINITIONS:

AFFECTED ENTITY: Any municipality, school district, property owner, property owners' association, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of the proposed land use;
- B. The entity has filed with Nibley City a copy of their general or long range plan; or
- C. The entity has requested notice of such public hearings.

GENERAL PLAN: The document adopted by Nibley City setting forth guidelines governing future development and land use within Nibley City.

LAND USE: Planning, zoning and development of land within Nibley City that falls within the normal course of development and within the general plan.

LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the Nibley

City council or Nibley City planning commission to act upon a land use application.

NOTICE: A document of such size and wording as to give the time, date, place and agenda of the meeting or hearing.

~~SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. (Ord. 07-19, 11-29-2007)~~

10-1A-6: LAND USE AUTHORITY FOR PUBLIC HEARING:

~~Unless otherwise specified, the governing land use authority for Public~~ hearings required by this ~~section~~ chapter shall be ~~as follows~~ held by the following public bodies:

Land Use Application	Land Use Authority		
	City Council	Planning Commission	City Staff
Annexation petition	<del>X<sup>1</sup></del>	<u>X</u>	
Annexation policy plan	X	<del>XX</del>	
Conditional use permit		<del>X<sup>12</sup></del>	<del>X<sup>3</sup></del>
General plan	X	X	
<u>Land Use</u> <del>Ordinance</del> change (new or existing)	X	X	
Plat amendment	<u>X</u>	<del>X<sup>1</sup></del>	
Proposal to vacate, alter or amend a public street or right of way	X	<del>XX</del>	
Subdivision ordinance	X	X	
Subdivision; preliminary approval	X	<u>X</u>	
Zone changes	<u>X</u>	<del>X<sup>1</sup></del>	

Notes:

~~1. The city council shall hear this matter after recommendation of the planning commission.~~

1. 2. When required by the planning commission.

~~3. The planning commission may designate to city staff, its land use authority for those conditional use permit applications outlined in section 2-1-4 of this code.~~

~~(Ord. 07-19, 11-29-2007)~~

10-1A-7: PUBLIC HEARING NOTIFICATION:

- A. General Plan/Land Use Ordinance Hearings: For all public hearings regarding the adoption of or modification to any portion of the Nibley City general plan, or regarding the adoption or modification of a land use ordinance, notice is required as outlined below:
1. Notice shall be published in a newspaper circulated throughout Nibley City ten (10) days from the time of the hearing.
  2. Notice shall be mailed ten (10) days prior to each affected entity.
  - ~~3. Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.~~
  - ~~4.~~3. Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
- B. ~~Land Use Ordinance Hearing~~Zone Change Hearing: For all public hearings regarding the ~~adoption of or modification to any land use ordinance of Nibley City~~a change of zoning for any parcel located within Nibley City boundaries, notice is required as outlined below:
1. Notice shall be published in a newspaper circulated throughout Nibley City ten (10) days from the time of the hearing.
  2. Notice shall be mailed at least ten (10) days prior to the hearing to all property owners directly impacted by a change in zone of their property or located within three hundred feet (300') in any direction of the property at issue.
  - ~~3. Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.~~
  - ~~4.~~3. Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
- C. Subdivision/Road Vacation or Alteration Hearing: For all public hearings regarding a proposed subdivision of property, ~~an~~ amendment to an existing subdivision, or ~~pending approval of a preliminary subdivision plat~~proposal to vacate, alter or amend a public street or right of way, notice is required as outlined below:
1. Notice shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue at least ten (10) days prior to the hearing.
  - ~~2. Notice shall be posted on the property proposed for subdivision, in a visible location, and of such a size and quality as to be readable by passers-by at least ten (10) days prior to the hearing.~~
    - ~~a. The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another city manager approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.~~
    - ~~b. Centered at the top of the four foot by four foot (4' x 4') signboard(s) in six inch (6") letters shall be the words "City Of Nibley Public Hearing Notice". In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and, if applicable, the proposed development.~~

~~Each sign shall be painted white, and the letters shall be painted black and shall appear on both sides.~~

~~3.—Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.~~

~~4.2.~~ Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.

~~5.3.~~ All costs incurred in the process of notifying those identified in ~~subsection C1 of~~ this section shall be paid by the person or persons seeking the subdivision or road vacation/alteration.

~~D.—Hearing On Proposal To Vacate, Alter Or Amend A Public Street Or Right Of Way: For all public hearings regarding a proposal to vacate, alter or amend a public street or right of way, notice is required as outlined below:~~

~~1.—Notice shall be published in a newspaper circulated throughout Nibley City once a week for four (4) consecutive weeks prior to the hearing.~~

~~2.—Notice shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue at least ten (10) days prior to the hearing.~~

~~3.—Notice shall be posted on the property proposed for vacation, alteration or amendment, in a visible location, and of such a size and quality as to be readable by passers-by at least ten (10) days prior to the hearing.~~

~~a.—The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another city manager approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.~~

~~b.—Centered at the top of the four foot by four foot (4' x 4') signboard(s) in six inch (6") letters shall be the words "City Of Nibley Public Hearing Notice". In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and, if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black and shall appear on both sides.~~

~~4.—Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.~~

~~5.—Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.~~

~~E.D.~~ Conditional Use Permit Hearing: If it is determined by the Nibley City planning and zoning commission, or their designee, that a public hearing is warranted to aid in the issuance or denial of a conditional use permit, notice is required as outlined below:

1. Notice shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue not less than ten (10) days prior to the hearing.

2. Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.

3. Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.

4. All costs incurred in the process of notifying those identified in subsection E1 of this section shall be paid by the person or persons seeking the conditional use permit.

F.E. Other Public Hearings: For all other public hearings required by state or local ordinance and not mentioned above, notice is required as outlined below:

1. Notice shall be published in a newspaper circulated throughout Nibley City ten (10) days from the time of the hearing.
2. Notice shall be mailed at least ten (10) days prior to the hearing to all property owners directly impacted by and located within three hundred feet (300') in any direction of the property at issue.

~~3. Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.~~

~~4.3.~~ Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing. ~~(Ord. 07-19, 11-29-2007)~~

#### 10-1A-8: CHALLENGE TO NOTICE:

Any notice under this article not challenged within thirty (30) days after the hearing or meeting for which the notice was given, shall be deemed as proper. ~~(Ord. 07-19, 11-29-2007)~~