

TOQUERVILLE CITY
ORDINANCE 2023-XX



AN ORDINANCE AMENDING AND RESTATING SECTIONS 8-2 THRU 8-7 OF TITLE 10, CHAPTER 1 OF THE TOQUERVILLE CITY CODE REGARDING THE NOTICING REQUIREMENTS OF THE CITY WHEN CONSIDERING VARIOUS TYPES OF LAND USE ACTIONS INCLUDING GENERAL PLAN AMENDMENTS, ZONE CHANGES, LAND USE CODE AMENDMENTS, THE CREATION OR MODIFICATION OF A SUBDIVISION AND THE VACATING OF ROADS AND STREETS.

RECITALS

WHEREAS Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 103 and Title 10, Chapter 3b, Section 301, the Toquerville City Council (“City Council”) is designated as the governing body of the City and the City’s Land Use Authority;

WHEREAS as the Land Use Authority the City Council has the ability to enact land use regulations, adopt a General Plan for the City, approve and modify zone changes and subdivisions as well as vacate streets and roads.

WHEREAS after careful consideration, the City Council has determined it to be in the best interest of the City to amend and restate Sections 8-2 thru 8-7 of Title 10, Chapter 1 of the Toquerville City Code to make the noticing requirements for the above-mentioned land use actions or legislative actions related to land use, comply with the current noticing requirements of the Land Use, Development and Management Act found in Title 10, Chapter 9a of the Utah Code Annotated.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

1. AMENDMENT AND RESTATEMENT OF TITLE 10, CHAPTER 1, SECTIONS 8-2 THRU 8-7. Sections 8-2 thru 8-7 of Chapter 1, Title 10 of the Toquerville City Code is hereby amended and restated in their entirety as follows:

10-1-8-2: NOTICE OF INTENT TO PREPARE GENERAL PLAN OR COMPREHENSIVE GENERAL PLAN AMENDMENTS:

A. Before preparing a proposed general plan or a comprehensive general plan amendment, the city shall provide ten (10) calendar days' notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment:

1. To each affected entity;

2. *To the Utah Geospatial Resource Center created in Utah Code Annotated section 63A-16-505; and*
 3. *To the association of governments, established pursuant to an interlocal agreement under Utah Code Annotated title 11, chapter 13, the interlocal cooperation act, of which the city is a member.*
- B. Each notice under subsection A of this section shall:*
1. *Indicate that the city 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 city 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 city that the affected entity is considering that may conflict with the proposed general plan or amendment; and*
 5. *Include the address of the city's website and the name and telephone number of a person where more information can be obtained concerning the city's proposed general plan or amendment.*
 6. *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.*

10-1-8-3: NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER GENERAL PLAN OR MODIFICATIONS:

- A. The city shall provide:*
1. *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; and*
 2. *Notice of each public meeting on the subject.*
- B. Each notice of a public hearing under subsection A1 of this section shall be at least ten (10) calendar days before the public hearing and shall be:*
1. *Published as a Class A notice under Utah Code Annotated Section 63G-30-102, for at least 10 days; and*
 2. *Mailed to each affected entity.*

C. Each notice of a public meeting under subsection A2 of this section shall be at least twenty four (24) hours before the meeting and shall be published for the municipality, as a Class A notice under Utah Code Annotated Section 63G-30-102, for at least 24 hours.

10-1-8-4: NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS ON ADOPTION OR MODIFICATION OF LAND USE ORDINANCE:

A. The city shall give:

- 1. Notice of the date, time and place of the first public hearing to consider the adoption or any modification of a land use ordinance; and*
- 2. Notice of each public meeting on the subject.*

B. Each notice of a public hearing under subsection A1 of this section shall be:

- 1. Mailed to each affected entity at least ten (10) calendar days before the public hearing;*
- 2. Provided for the area directly affected by the land use ordinance change, as a class B notice under Utah Code Annotated Section 63G-30-102, for at least 10 calendar days before the day of the public hearing.*
- 3. In addition to the notice requirements described in Subsections (A) and (B), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (B) shall:
 - a. include a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and*
 - b. be provided to any person upon written request.**

C. Each notice of a public meeting under subsection A2 of this section shall be provided for the municipality, as a Class A notice under Utah Code Annotated Section 63G-30-102, for at least twenty four (24) hours before the meeting.

D. If the city plans to hold a public hearing in accordance with Utah Code Annotated section 10-9a-502 to adopt a zoning map or map amendment, the city shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least ten (10) days prior to the scheduled day of the public hearing.

E. The notice shall:

- 1. Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;*
- 2. State the current zone in which the real property is located;*
- 3. State the proposed new zone for the real property;*

4. 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;

5. State that the owner of real property may, no later than ten (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;

6. State the address where the property owner should file the protest;

7. Notify the property owner that each written objection filed with the city will be provided to the city council; and

8. State the location, date and time of the public hearing described in Utah Code Annotated section 10-9a-502.

F. If the city mails notice to a property owner in accordance with subsection (B)(2) of this section for a public hearing on a zoning map or map amendment, the notice required in this subsection D may be included in or part of the notice described in subsection (B)(2) of this section rather than sent separately.

10-1-8-5: NOTICE FOR AMENDMENT TO SUBDIVISION; NOTICE FOR VACATION OF OR CHANGE TO STREET:

A. For an amendment to a subdivision, the city shall provide notice of the date, time and place of at least one public meeting, as provided in subsection (A)(2) of this section.

B. At least ten (10) calendar days before the public meeting, the notice required under subsection (A)(1) of this section shall be:

1. Mailed and addressed to the record owner of each parcel within specified parameters of that property; or

2. Posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability and print quality that is reasonably calculated to give notice to passersby.

3. The city shall provide notice as required under section 10-1-8-7 of this chapter for a subdivision that involves a vacation, alteration or amendment of a street.

10-1-8-6: THIRD PARTY NOTICE:

A. If city ordinance requires notice to adjacent property owners, the city shall:

1. Mail notice to the record owner of each parcel within parameters specified by city ordinance; or

2. Post notice on the property with a sign of sufficient size, durability, print quality and location that is reasonably calculated to give notice to passersby.

B. If the city mails notice to third party property owners under subsection A of this section, it shall mail equivalent notice to property owners within an adjacent jurisdiction.

10-1-8-7: HEARING AND NOTICE FOR PROPOSAL TO VACATE PUBLIC STREET, RIGHT OF WAY OR EASEMENT:

A. For any proposal to vacate some or all of a public street, right of way or easement, the city council shall:

- 1. Hold a public hearing; and*
- 2. Give notice of the date, place and time of the hearing, as provided in subsection (B) of this section.*
- 3. At least ten (10) days before the public hearing under subsection (A)(1) of this section, the notice required under subsection (A)(2) of this section shall be:*
 - a. Mailed to the record owner of each parcel that is accessed by the public street, right of way or easement;*
 - b. Mailed to each affected entity; and*
 - c. Posted on or near the street, right of way or easement as a class A notice under Utah Code Annotated Section 63G-30-102, for at least 10 days.*

2. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

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4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 6th day of September, 2023, based upon the following vote:

Councilmember:

Ty Bringhurst	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder