

Exhibit "D"

CHAPTER 21-36. - NOTICE REQUIREMENTS^[9]

Footnotes:

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State Law reference— Notice requirements, U.C.A. 1953, § 10-9a-201 et seq.

Sec. 21-36-1. - Applicant Notice; Waiver of Requirements.

- (a) For each land use application the City shall:
 - (1) Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
 - (2) Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
 - (3) Notify the applicant of any final action on a pending application.
- (b) If the City fails to comply with the requirements of Subsection (a)(1) or (2) of this section, or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

(LDC 2008, § 15A-36-01)

State Law reference— Similar provisions, U.C.A. 1953, § 10-9a-202.

Sec. 21-36-2. - Third-Party Notice.

- (a) For those sections of these ordinances that require notice to adjacent property owners, the City shall:
 - (1) Mail notice three days before the public hearing or public meeting to the record owner of each parcel within 300 feet of the property that is subject of the hearing; 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) The mailed notice to third party property owners under Subsection (a)(1) of this section shall include both property owners within the City boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property.

(LDC 2008, § 15A-36-02)

State Law reference— Third party notice, U.C.A. 1953, § 10-9a-203.

Sec. 21-36-3. - General Plan.

See U.C.A. 1953, §§ 10-9a-203 and 10-9a-204.

Sec. 21-36-4. - Zone District Map and Land Development Code.

See U.C.A. 1953, § 10-9a-205.

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Sec. 21-36-5. - Subdivision Regulations.

(a) *Subdivision Regulations Consideration.*

- (1) The Planning Commission shall hold a public hearing to consider and recommend to the City Council proposed ordinances regulating the subdivision of land or amendments thereto after notice is given as set forth below.
- (2) After the Planning Commission has forwarded the proposed ordinances regulating the subdivision of land or amendments thereto and its recommendation to the City Council, the Council shall consider each proposed ordinance regulating the subdivision of land or amendment thereto at a public meeting after notice is given as set forth below.

(b) *Notice Required.* The City shall give notice of the date, time and place of the first public hearing to consider the adoption or modification of subdivision ordinances and shall give each notice of each public meeting on the subject.

(c) *Public Hearing Notice.* Each notice of a public hearing to consider ordinances that regulate the subdivision of land within the City or amendments shall be:

- (1) Mailed to each affected entity at least ten calendar days before the public hearing;
- (2) Posted:
 - a. Published in a newspaper of general circulation in the area at least ten calendar days before the public hearing; or
 - b. Mailed at least three days before the public hearing to:
 1. Each property owner whose land is directly affected by the subdivision ordinance change; and
 2. Each adjacent property owner within 300 feet of the land that is directly affected by the subdivision ordinance change.

(d) *Public Meeting Notice.* Each notice of a public meeting to consider ordinances that regulate the subdivision of land within the City or amendments shall be at least 24 hours before the meeting and shall be posted:

- (1) In at least three public locations within the City; or
- (2) On the City's official website.

(LDC 2008, § 15A-36-05)

Sec. 21-36-6. - Subdivision Plats and Amendments.

See U.C.A. 1953, § 10-9a-207.

Sec. 21-36-7. - Condominium Plats and Amendments.

If required by other provisions of this title or state law, the Planning Commission shall consider a condominium plat at a public hearing and comply with the noticing requirements therein. If a public hearing is not required, the Planning Commission shall consider the condominium plat at a public meeting.

(LDC 2008, § 15A-36-07)

Sec. 21-36-8. - Street Vacations, Alteration, Amendments or Closure (not within a subdivision plat).

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See U.C.A. 1953, § 10-9a-208.

Sec. 21-36-9. - General Notice Requirements.

For those sections of these ordinances which require public hearings or public meetings for which the notice requirements are not specified, notice shall be as follows:

- (1) *Application Concerning Specific Parcel of Property; Notice of Public Hearing.* For an application that concerns a specific parcel of property, the City shall provide notice of the date, time and place of a public hearing that is:
 - a. Posted not less than three calendar days before the public hearing in at least three public locations within the City or on the City's official website;
 - b. Mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel directly affected by the application and of each parcel within 300 feet of that property; or
 - c. Posted not less than three calendar days before the public hearing, on the property to which the application pertains, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (2) *Application Not Concerning Specific Parcel of Property; Notice of Public Hearing.* For an application that does not concern a specific parcel of property, the City shall provide notice of the date, time and place of a public hearing that is posted not less than three calendar days before the public hearing in at least three public locations within the City or on the City's official website.
- (3) *Notice for Public Meetings.* The City shall provide notice of a public meeting at least 24 hours before the meeting that shall be posted in at least three public locations within the City or on the City's official website.

(LDC 2008, § 15A-36-09)

Sec. 21-36-10. - Notice Challenge.

See U.C.A. 1953, § 10-9a-209.

(LDC 2008, § 15A-36-10)