

ORDINANCE 20-12

AN ORDINANCE AMENDING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 36, “NOTICE REQUIREMENTS” TO ALIGN THE DEVELOPMENT CODE REGULATIONS WITH RECENT AMENDMENTS TO STATE REQUIREMENTS; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 21 of the Sandy City Municipal Code (formerly Title 15A of the Revised Ordinances of Sandy City), Chapter 36, “Notice Requirements” to align the development code regulations with recent amendments to State requirements. This will also allow to exceed certain minimum State mandated noticing requirements on certain types of land use applications, by requiring both mailed and physical posting of public notice of public meetings; and

WHEREAS, the Planning Commission held a public hearing on September 17, 2020 which meeting was preceded by notice by publication in the Salt Lake Tribune on September 7, 2020, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on September 3, 2020; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on October 20, 2020 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. Whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

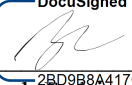
NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.


Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this 20 day of October, 2020.

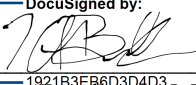
DocuSigned by:

2BD9B8A417C845C
Zach Robinson, Sandy City Council

ATTEST:


DocuSigned by:

688E7E8272014B1...
City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of
3/2/2021, 2020.

APPROVED this ____ day of 3/2/2021, 2020.

DocuSigned by:

1921B3EB6D3D4D3
Kurt Bradburn, Mayor

ATTEST:

DocuSigned by:

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City Recorder

PUBLISHED this 7 day of March, 2020.



Exhibit "A"

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

Footnotes:

--- (9) ---

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

Sec. 21-36-1. - General Public Notice Requirements.

- (a) For each land use application which requires a public hearing or public meeting, public notice shall be done as provided within this chapter, except as required by Utah State Code.
- (b) For each land use application which requires a public hearing or public meeting, and public notice is not specified by Utah State Code, the City shall provide notice (including the type of meeting, date, time, location, description of land use application, and City contact information) as follows:
 - (1) Notice of Public Hearing. The City shall provide notice of a public hearing at least three (3) days before the hearing that shall be posted in at least three public locations within the City, on the City's official website, and on the Utah Public Notice Website.
 - (2) 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, on the City's official website, and on the Utah Public Notice Website.

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

- (a) For each land use application that requires a public meeting or hearing that concerns a specific parcel of property, public third-party notice shall be done as provided within this chapter, except as required by Utah State Code. The City shall:
 - (1) Mail notice at least five (5) days before the public hearing or public meeting to the record owner of each parcel within 500 feet of the property that is the subject of the hearing, including property owners within the City boundaries and property owners within adjacent jurisdictions; or
 - (2) Post notice at least ten (10) days before the public hearing or public meeting on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby.
 - (i) The City shall take a photo verifying that the notice has been posted. The City shall inspect and verify, with another photo, at least one other time during notice period. This verification shall be included in the application packet for the public meeting/hearing.
 - (ii) This posted notice should include the following: type of meeting, date, time, location, description of land use application, and City contact information.

Exhibit "A"

(iii) If this posted notice is destroyed or disappears during the notice period, the City's ability to hold the public meeting/hearing will not be delayed, and it will not affect the validity of decisions made at the public meeting/hearing.

(b) For all rezone, residential subdivision, and commercial site plan (within 250' of a residential zone district boundary) land use applications that require a public meeting or hearing, the City shall mail notice to adjacent property owners and post notice on the property as required by State Code and this section.

Sec. 21-36-3. – State Code Required Notices

(a) General Plan.

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

(b) Zone District Map and Land Development Code.

See U.C.A. 1953, § 10-9a-205

(c) Subdivision Amendments.

See U.C.A. 1953, § 10-9a-207.

(d) Street Vacations, Alteration, Amendments or Closure).

See U.C.A. 1953, § 10-9a-207 and § 10-9a-208.

(e) Miscellaneous Notice requirements (Transportation Corridors, Higher Education Housing, Canals, etc).

See U.C.A. 1953, § 10-9a-206, § 10-9a-210, § 10-9a-211, § 10-9a-212, and § 10-9a-213.

(f) Applicant Notice – Waiver of requirements.

See U.C.A. 1953, § 10-9a-202.

(g) Notice Challenge.

See U.C.A. 1953, § 10-9a-209.

Exhibit "B"CHAPTER 21-36. ~~---~~ PUBLIC NOTICE REQUIREMENTS^[9]

Footnotes:

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

Sec. 21-36-1. - General Public Notice Requirements.

- (a) For each land use application which requires a public hearing or public meeting, public notice shall be done as provided within this chapter, except as required by Utah State Code.
- (b) For each land use application which requires a public hearing or public meeting, and public notice is not specified by Utah State Code, the City shall provide notice (including the type of meeting, date, time, location, description of land use application, and City contact information) as follows:
 - (1) Notice of Public Hearing. The City shall provide notice of a public hearing at least three (3) days before the hearing that shall be posted in at least three public locations within the City, on the City's official website, and on the Utah Public Notice Website.
 - (2) 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, on the City's official website, and on the Utah Public Notice Website.

~~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)~~

Exhibit "B"

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

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

- (a) For each land use application that requires a public meeting or hearing that concerns a specific parcel of property, public third-party notice shall be done as provided within this chapter, except as required by Utah State Code. Those sections of these ordinances that require notice to adjacent property owners, the City shall:

- (1) (1)—Mail notice at least threefive (5) days before the public hearing or public meeting to the record owner of each parcel within 500 300-feet of the property that is is-the subject of the hearing, including property owners within the City boundaries and property owners within adjacent jurisdictions; or
- (1)—Post notice at least ten (10) days before the public hearing or public meeting on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passersby.
- (2) (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.
 - (i) The City shall take a photo verifying that the notice has been posted. The City shall inspect and verify, with another photo, at least one other time during the 10-day postingnotice period. This verification shall be included in the application packet for the public meeting/hearing.
 - (ii) This posted notice should include the following: type of meeting, date, time, location, description of land use application, and City contact information for the City staff.
 - (iii) If this posted notice is destroyed or disappears during the posting_notice period, the City's ability to hold the public meeting/hearing will not be delayed, and it will not affect the validity of decisions made at the public meeting/hearing.

- (b) For all rezone, residential subdivision, and commercial site plan (within 250' of a residential zone district boundary) land use applications that require a public meeting or hearing, the City shall mail notice to adjacent property owners and post notice on the property as required by State Code and this section.

- (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. — State Code Required Notices

- (a) General Plan.

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

Exhibit "B"

(b) ~~Zone District Map and Land Development Code.~~

See U.C.A. 1953, § 10-9a-205

(c) ~~Subdivision Amendments.~~

See U.C.A. 1953, § 10-9a-207.

(d) ~~Street Vacations, Alteration, Amendments or Closure).~~

See U.C.A. 1953, § 10-9a-207 and § 10-9a-208.

(e) ~~Miscellaneous Notice requirements (Transportation Corridors, Higher Education Housing, Canals, etc).~~

See U.C.A. 1953, § 10-9a-206, § 10-9a-210, § 10-9a-211, § 10-9a-212, and § 10-9a-213.

(f) ~~Applicant Notice – Waiver of requirements.~~

See U.C.A. 1953, § 10-9a-202.

(g) ~~Notice Challenge.~~

See U.C.A. 1953, § 10-9a-209.

~~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.~~

~~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;~~

Exhibit "B"

~~(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).~~

~~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.~~

Exhibit "B"

~~(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)~~

Exhibit "C"

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 **500** 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.
 - (i) The City shall take a photo verifying that the notice has been posted. The City shall inspect and verify, with another photo, at least one other time during the 10 day posting. This verification shall be included in the application packet for the public meeting/hearing.
 - (ii) This posted notice should include the following: type of meeting, date, time, **description of land use application**, and contact information for the City staff.
 - (iii) If this posted notice is destroyed or disappears during the posting period, the City's ability to hold the public meeting/hearing will not be delayed, and it will not affect the validity of decisions made at the public meeting/hearing.
- b. For all rezone, subdivision, commercial site plan, and variance applications the City shall mail notice in accordance with (a)(1) and post a notice in accordance with subsection (a)(2) not less than 10 days prior to the public meeting/hearing.
- ~~(b)~~c) 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 **500** feet of the subject property.

Exhibit "D"

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

Footnotes:

--- (9) ---

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.

Exhibit "D"

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).

Exhibit "D"

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)