

Ordinance 2017-36

SHORT TITLE:

An ordinance amending Provo City Code to make city noticing requirements consistent with State law. Citywide impact. (17-0014OA)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	GEORGE STEWART	✓		
CD 1	GARY WINTERTON	✓		
CD 2	KIM SANTIAGO	✓		
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN			Excused
CD 5	DAVID HARDING	✓		
TOTALS		6	0	

This ordinance was passed by the Municipal Council of Provo City, on the 29th day of August 2017, on a roll call vote as described above. Signed this 30th day of August 2017.

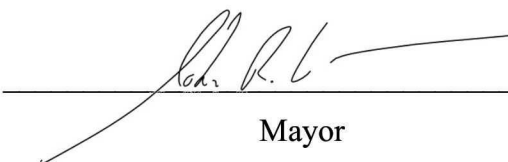


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 5 September 2017.



Mayor

Ordinance 2017-36

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 06th day of September 2017, with a short summary being published on the 2nd day of September 2017, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2017-36.




City Recorder

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ORDINANCE 2017-36.

AN ORDINANCE AMENDING PROVO CITY CODE TO MAKE CITY NOTICING REQUIREMENTS CONSISTENT WITH STATE LAW. CITY-WIDE IMPACT. (17-0014OA)

WHEREAS, it is proposed to amend Provo City Code Section 14.02.010 to make City noticing requirements consistent with state law; and

WHEREAS, the amendment would also further facilitate overall changes to the City's noticing process to make the process more consistent and comprehensive; and

WHEREAS, on July 12, 2017, the Planning Commission held a duly noticed public hearing to consider this proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 4:0; and

WHEREAS, on August 8, 2017 and August 29, 2017, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the Planning Commission recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section 14.02.010 should be amended as set forth in Exhibit A, and (ii) this action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Section 14.02.010 is hereby amended as set forth in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

45 D. This ordinance shall take effect immediately after it has been posted or published in
46 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
47 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

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49 END OF ORDINANCE.

Exhibit A

14.02.010. Hearings - Notice and Procedure.

(1) The first public hearing before the Planning Commission to consider the adoption or modification of a land use ordinance or Notice of a public hearing specifically required by this Title before the Board of Adjustment, the Planning Commission, or the Provo Municipal Council shall be noticed in accordance with Utah Code §10-9a-205(2). Unless a public hearing is specifically required by this Title, meetings of the Municipal Council under this title or to consider the adoption or modification of a land use ordinance shall be a public meeting, as provided in Utah Code § 10-9a-502(2), and shall be noticed in accordance with Utah Code §10-9a-205(3), ~~given at least fourteen (14) calendar days before the hearing in the manner hereinafter set forth. Such notice shall:~~

~~(a) state the time and place of the hearing;~~

~~(b) include a general explanation of the matter to be considered and general description of the area affected;~~

~~(c) be posted in at least three (3) public places within Provo City; and~~

~~(d) be published at least once in a newspaper of general circulation within Provo City.~~

(2) If the City mails notice of a proposed zoning change to property owners within the City within a specified distance of the property on which the zoning change is being proposed, it shall also mail equivalent notice to property owners of an adjacent municipality within the same distance of the property on which the zoning change is being proposed.

(3) This Section is not intended to preclude the giving of additional notice that may be deemed necessary by the Planning Commission, Board of Adjustment or Municipal Council.

(4) If notice given under authority of this Section is not challenged as provided in ~~Section 10-9-101, Utah Code Annotated,~~ Utah Code §10-9a-801 within thirty (30) days from the date of the meeting for which notice was given, the notice shall be considered adequate and proper.

(5) Hearing procedure shall be as set forth in the bylaws of the Municipal Council, Planning Commission and Board of Adjustment.

(a) All written documents and evidence from the applicant shall be received by the Community Development Department at least fourteen (14) days in advance of the public hearing.

(b) An issue which may be a basis for appeal shall be raised in person or by

letter before the close of the public hearing. Failure to raise an issue during the hearing precludes appeal on that issue.

END