

**Elwood Town, Utah
Title 11—Subdivisions**

**Chapter 11.08
Noticing Requirements**

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11.08.010 Purpose:

As required by Utah State Code 10-9a-207, and in accordance with Elwood Town Ordinance 10.03, the Town shall provide notice of all public hearings and public meetings for adoption or modification of a land use regulation; a proposed multiple-unit residential or commercial or industrial development; an amendment to a subdivision; a petition to vacate a public street; and an amendment to public improvements in a subdivision or development.

11.08.020 Adoption or Modification of Any Land Use Regulation:

Notice is required for public hearings and public meetings to consider the adoption or modification of land use regulations, in accordance with Utah State Code section 10-9a-205. A public hearing is required to consider the adoption or modification of a land use regulation and notice shall be provided.

A. The Town shall give:

- (1) notice of the date, time, and place of the public hearing to consider the adoption or any modification of a land use regulation; and
- (2) notice of each public meeting on the subject.

B. Each notice of a public hearing under 11.08.020(A)(1) shall be:

- (1) mailed to each affected entity at least 10 (ten) calendar days before the public hearing;
- (2) posted in at least 3 (three) public locations within the Town or on the Town's official website; and
- (3) published:

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- (a) in a newspaper of general circulation in the area at least 10 (ten) calendar days before the public hearing and on the Utah Public Notice Website at least 10 (ten) calendar days before the public hearing; or
 - (b) mailed at least 10 (ten) calendar days before the public hearing to:
 - (i) each property owner whose land is directly affected by the land use ordinance change; and
 - (ii) each adjacent property owner within the parameters specified by the Town's proposed ordinance.
- C. Each notice of a public meeting under Section 11.08.020(A)(2) shall be at least 24 (twenty-four) hours before the meeting and shall be posted:
- 1. in at least three public locations within the town; or
 - 2. on the Town's official website.
- D. The Town shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within a proposed zoning map enactment or amendment at least 10 (ten) days before the scheduled day of the public hearing.
- 1. The notice shall:
 - a. identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
 - b. state the current zone in which the real property is located;
 - c. state the proposed new zone for the real property;
 - d. 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;
 - e. state that the owner of real property may no later than 10 (ten) 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;
 - f. state the address where the property owner should file the protest;

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- g. notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body; and
 - h. state the location, date, and time of the public hearing.
2. If the Town mails notice to a property owner in accordance with 11.08.020(B)(3)(b) for a public hearing on a zoning map or map amendment, the notice required in this subsection may be included in or part of the notice described in 11.08.020(B)(3)(b) rather than sent separately.

11.08.030 Multiple-Unit Residential, Commercial, or Industrial Development:

A public hearing is required for a proposed multiple-unit residential, commercial, or industrial development. Notice shall be provided in accordance with Elwood Town Code 10.03.070.

- A. The Town shall provide notice of the date, time, and place of a public hearing that is:
 - 1. Mailed not less than 3 (three) calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; and
- B. The Town shall mail notice to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development.

11.08.040 Amendment to a Subdivision:

A public meeting is required to amend a subdivision in accordance with Utah State Code 10-9a-207(1) and regarding any vacation of or change to a street.

- A. For an amendment to a subdivision, the Town shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (B) below.
- B. At least 10 (ten) calendar days before the public meeting, the notice required under 11.08.040(A) shall be:
 - 1. mailed and addressed to the record owner of each parcel within specified parameters of that property; or

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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 passers-by.

- C. The Town shall provide notice as required by Section 11.08.060 for a subdivision that involves a vacation, alteration, or amendment of a street.

11.08.050 Amendment to Public Improvements in a Subdivision or Development:

Prior to implementing an amendment to adopt specifications for public improvements that apply to a subdivision or development, Elwood Town shall give 30 (thirty) days' mailed notice and an opportunity to comment to anyone who has requested the notice in writing, as specified in Utah State Code 10-9a-212.

11.08.060 Petition to Vacate a Public Street:

- A. For any petition to vacate some or all of a public street or municipal utility easement the Town 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) below.
- B. At least 10 (ten) days before the public hearing under Subsection 11.080.060(A)(1), the Town Council shall ensure that the notice required under 11.080.060(A)(2) is:
 1. mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
 2. mailed to each affected entity;
 3. posted on or near the public street or municipal utility easement in a manner that is calculated to alert the public; and
 4. published:
 - a. on the website of Elwood Town in which the land subject to the petition is located until the public hearing concludes; and
 - b. on the Utah Public Notice Website.

11.08.070 Notice Challenge:

If notice given under authority of this Chapter and the authority of Utah State Code 10-9a-209 is not challenged, as provided by Utah State Code 10-9a-209, within thirty (30)

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calendar days after the hearing(s) or meeting(s) or action, for which notice is given, the notice is considered adequate and proper.