

Elwood Town, Utah
Title 10 – Zoning Ordinance

CHAPTER 10.03
NOTICING REQUIREMENTS

Sections:

- 10.03.010 Notice Required
- 10.03.020 Applicant notice
- 10.03.030 Notice of intent to prepare a general plan or comprehensive general plan amendments
- 10.03.040 Notice of public hearings and public meetings to consider general plan or modifications
- 10.03.050 Notice of public hearings and public meetings on adoption or modification of land use ordinance.
- 10.03.060 Third party notice
- 10.03.070 Notice for a proposed a multiple-unit residential or commercial or industrial development
- 10.03.080 Hearing and notice for proposal to vacate, alter, or amend a public street or right-of-way
- 10.03.090 Notice challenge

10.03.010 Required Notice.

Elwood Town shall provide actual notice or the notice required Utah State Code 10-9a-201.

10.03.020 Applicant notice

A. For each land use application, Elwood Town 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 Town fails to comply with the requirements of Subsection (A)(1) or (2) 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.

10.03.030 Notice of intent to prepare a general plan or comprehensive general plan amendments

A. Before preparing a proposed general plan or a comprehensive general plan amendment, each municipality within a county of the first or second class shall provide ten calendar days notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment to:

1. Each affected entity;
2. The Automated Geographic Reference Center created in Section **63F-1-506**;
3. The association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and
4. The state planning coordinator appointed under Section **63-38d-202**.

B. Each notice under Subsection (1) shall:

1. Indicate that the municipality 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 municipality 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 municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and

Elwood Town, Utah
Title 10 – Zoning Ordinance

5. Include the address of an Internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendment.

10.03.040 Notice of public hearings and public meetings to consider general plan or modifications.

- A. Elwood Town 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 (A)(1) shall be at least ten (10) calendar days before the public hearing and shall be:
 1. Published in a newspaper of general circulation in the area;
 2. Mailed to each affected entity; and
 3. Posted:
 - a. In at least three public locations within the municipality; and
 - b. On the Town's official website.
- C. Each notice of a public meeting under Subsection (A)(2) shall be at least twenty four (24) hours before the meeting and shall be:
 1. submitted to a newspaper of general circulation in the area; and
 2. Posted:
 - a. In at least three public locations within the municipality; and
 - b. On the Town's official website.

10.03.050 Notice of public hearings and public meetings on adoption or modification of land use ordinance.

- A. Elwood Town 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 (A)(1) shall be
 1. Mailed to each affected entity at least ten (10) calendar days before the public hearing;
 2. Posted:
 - a. in at least three public locations within the municipality; and
 - b. on the municipality's official website; and
 3. Published in a newspaper of general circulation in the area at least ten calendar days before the public hearing; and
 4. Mailed at least three (3) days before the public hearing to:
 - a. Each property owner whose land is directly affected by the land use ordinance change; and
 - b. Each adjacent property owner within three hundred (300) feet of the property line of the project.
- C. Each notice of a public meeting under Subsection (A)(2) shall be at least twenty four (24) hours before the meeting and shall be posted:
 1. In at least three public locations within the municipality; and
 2. On the Town's official website.

10.03.060 Third party notice

- A. Elwood Town requires notice to adjacent property owners, the municipality shall:
 1. Mail notice to the record owner of each parcel within three hundred (300) feet; and

Elwood Town, Utah
Title 10 – Zoning Ordinance

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 passers-by.

- B. Elwood Town will mails notice to third party property owners under Subsection (A), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

10.03.070 Notice for a proposed a multiple-unit residential or commercial or industrial development

- A. Elwood Town shall provide notice of the date, time, and place of a public hearing that is:

1. Mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; and
2. Posted not less than three calendar days before the public hearing, 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.

- B. Elwood Town shall mail notice to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.

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

10.03.080 Hearing and notice for proposal to vacate, alter, or amend a public street or right-of-way.

For any proposal to vacate, alter, or amend a public street or right-of-way, the land use authority shall hold a public hearing and shall give notice of the date, place, and time of the hearing by:

- A. Mailing notice as required in Section 11.08.060;
- B. Mailing notice to each affected entity; and
- C. Publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the petition is located; or
- D. If there is no newspaper of general circulation in the municipality, posting the property and posting notice in three public places for four consecutive weeks before the hearing.

10.03.090 Notice Challenge

If notice given under authority of this part is not challenged under Section **10-9a-801** within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

**Elwood Town, Utah
Title 10 – Zoning Ordinance**