

## **ORDINANCE NO 2023-11-O**

**AN ORDINANCE AMENDING CHAPTER 17.14 OF THE LINDON CITY CODE, SO AS TO BRING THIS SECTION INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE AS IT RELATES TO PUBLIC NOTICES.**

**WHEREAS**, during the 2023 legislative session, the Utah legislature passed Senate Bill 43; and

**WHEREAS**, Senate Bill 43 modifies Public Notice requirements under Title 63G of the Utah Code so as to allow municipalities to set the parameters of what constitutes the “Affected Area” of a land use application, but also defaults to that area being the entire municipality if a city has failed to adopt a specific definition for that term; and

**WHEREAS**, under the Utah Code, notices for certain land use applications must be provided by first class mail to an Affected Area; and

**WHEREAS**, the Lindon City Council finds that in addition to being cost prohibitive, sending notice through first class mail to every property owner in the City, for every land use application, would in fact diminish the effect and impact of using mailed notices because regularly receiving notices of land use applications which have little to no impact on their properties, would soon lead to citizens paying little to no attention to such notices; and

**WHEREAS**, the Lindon City Council desires to establish a specific definition of “Affected Area” to ensure that mailed notification provides the most effective notices, in the most cost-efficient manner.

**WHEREAS**, on July 11, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

**WHEREAS**, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopt the attached ordinance;

**WHEREAS**, the Council held a public hearing on July 17, 2023, to consider the recommendation and the Council received and considered all public comments that were made therein.

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

### **PART ONE:        AMENDMENT OF CHAPTER 17.14 OF THE LINDON CITY CODE.**

Chapter 17.14 of the Lindon City Code, is hereby amended as follows:

#### **Chapter 17.14**

#### **NOTICING**

**17.14.010    Notice of public meeting.**

**17.14.013    Affected Area.**

- 17.14.015 Applicant notice – Waiver of requirements.**
- 17.14.020 Notice of intent to prepare a general plan or comprehensive plan amendment.**
- 17.14.030 Notice of public hearing and public meetings to consider general plan or modifications.**
- 17.14.040 Notice of public hearing and public meetings on adoption or modification of land use ordinance.**
- 17.14.050 Third party notice.**
- 17.14.060 Notice for an amendment to a subdivision.**
- 17.14.070 Hearing and notice for proposal to vacate a public street, right-of-way, or easement.**
- 17.14.080 Notice challenge.**
- 17.14.090 Special notice requirements.**

**17.14.010 Notice of public meeting.**

1. Notice of meetings for a public body shall be in conformance with the “Open and Public Meetings Act” as found in Title 54, Chapter 4 of the Utah Code 52-4. For use in this eChapter of the Lindon City Code, definitions as found in Utah Code 10-9a-103 and 52-4-103 are adopted by reference.
2. Unless otherwise specified in this eChapter, for all meetings of a public body, an agenda of the meeting shall be posted not less than twenty-four (24) hours before the meeting.
3. The agenda shall be posted pursuant to Section 52-4-202 of the Utah Code, as may be amended.
4. The city may establish additional means of informing the public about city activities and events through citizen enrolled electronic communication or other methods of information distribution.

**17.14.013 Affected Area**

For purposes of this Chapter, “Affected Area” shall mean all parcels of real property which have at least one boundary line that lies within five hundred feet (500’) of at least one boundary line of a property that is the subject of a land use decision by Lindon City, if the subject property is within a residential or commercial farm zone or within eight hundred feet (800’) of a subject property that is within a non-residential zone.

**17.14.015 Applicant notice – Waiver of requirements.**

1. For each land use application, Lindon City shall:

- a. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider an application;
- b. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
- c. Notify the applicant of any final action on a pending application.

2. If Lindon City fails to comply with the requirements of subsection (1)(a) or (1)(b) of this Section or both, an applicant can 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.

**17.14.020 Notice of intent to prepare a general plan or comprehensive plan amendment.**

1. Before preparing a proposed general plan or comprehensive general plan amendment, the city shall provide ten (10) calendar days' notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment to: each affected entity within the city, Mountainland Association of Governments, the Utah State Automated Geographic Reference Center, and the State Planning Coordinator.

2. Each notice shall:

- a. Indicate that the city intends to prepare a general plan or a comprehensive plan amendment, as the case may be;
- b. Describe or provide a map of the geographic area that will be affected by the general plan or amendment;
- c. Be sent by mail or e-mail;
- d. 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:
  - i. Impacts that the use of land proposed in the proposed general plan or amendment may have; and



- ii. Uses of the land within the city that the affected entity is considering that may conflict with the proposed general plan or amendment; and
- e. Include the city website address and a name and telephone number of a person where more information can be obtained concerning the city's proposed general plan or amendment.

**17.14.030 Notice of public hearing and public meetings to consider general plan or modifications.**

The city shall provide notice of public hearings and public meetings to consider the original adoption or any modification of the general plan pursuant to Section 10-9a-204 of the Utah Code, as may be amended.

**17.14.040 Notice of public hearing and public meetings on adoption or modification of land use ordinance.**

The city shall provide notice of public hearings and public meetings to consider the adoption or any modification of a land use regulation pursuant to Section 10-9a-205 of the Utah Code, as may be amended.

**17.14.050 Third party notice.**

1. Third party notice shall be required by the city for all new site plan, conditional uses, subdivisions, variances, alteration of nonconforming uses, zone map and general plan map changes, appeals heard by the board of adjustments, and for other land use applications that the planning director determines to have more than routine significance and for which the surrounding property owners should be notified in order to protect the public interest.
2. Not less than ten (10) calendar days before the first public meeting or public hearing required for land use applications listed in subsection (1) of this ~~S~~section, each notice shall:
  - a. Be mailed and addressed to the record owner of each parcel within an Affected Area ~~five hundred feet (500') of the subject property if said property is residential or eight hundred feet (800') if said property is nonresidential~~; or
  - b. Be posted on the subject property with a sign of sufficient size, durability, print quality, and location that it is reasonably calculated to give notice to passers-by.

3. If the city mails notice to third party property owners within subsection (2)(a) of this Section, it shall mail equivalent notice to property owners within an adjacent jurisdiction.

**17.14.060 Notice for an amendment to a subdivision.**

1. For an amendment to a subdivision, the city shall provide notice of the date, time, and place of at least one (1) public meeting that is:

- a. Mailed not less than ten (10) calendar days before the public meeting and addressed to the record owner of each parcel within five hundred feet (500') of that property if said property is residential or eight hundred feet (800') if said property is nonresidential; or
- b. Posted not less than ten (10) calendar days before the public meeting on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that it is reasonably calculated to give notice to passers-by.

2. The city shall provide notice as required by Section 17.14.070 for a subdivision that involves a vacation of a street, right-of-way or easement.

**17.14.070 Hearing and notice for proposal to vacate a public street, right-of-way, or easement.**

For any proposal to vacate, alter, or amend a public street, right-of-way, or easement, the city council shall hold a public hearing in accordance with Section 10-9a-208 of the Utah Code, as may be amended.

**17.14.080 Notice challenge.**

If notice given under authority of this eChapter is not challenged under Utah Code 10-9a-801 within thirty (30) days after the meeting or action for which notice is given, the notice is considered adequate and proper.

**17.14.090 Special notice requirements.**

Group homes and care facilities have special notice requirements found in Chapters 17.70 and 17.72. Reimbursement Agreements have special notice requirements found in Sections 17.68.050 and 17.68.070.

**PART TWO: Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of

competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.


**PART THREE:**      **Effective Date.**

Ordinance No. 2023-11-0 shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,  
Utah, this 17 day of July 2023.

  
CAROLYN LUNDBERG  
Lindon City Mayor

ATTEST:

  
Kathryn Moosman  
City Recorder





# AFFIDAVIT OF POSTING

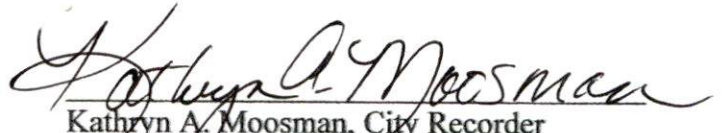
STATE OF UTAH                }  
  }ss.  
COUNTY OF UTAH         }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 18<sup>th</sup> day of July 2023.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center


I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.

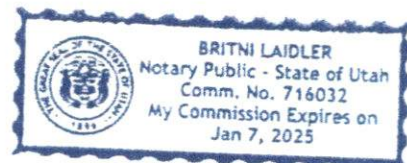
  
Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July, 2023 by Kathryn A. Moosman.

My Commission expires: January 7, 2025

Residing at: Utah County

  
Notary Public




# CERTIFICATE OF PASSAGE

STATE OF UTAH               }  
  }ss.  
COUNTY OF UTAH        }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 17<sup>th</sup> day of July 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH AMENDING CHAPTER 17.14 OF THE LINDON CITY CODE SO AS TO BRING THIS SECTION INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE AS IT RELATES TO PUBLIC NOTICES AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 17<sup>th</sup> day of July, 2023.

  
Kathryn A. Moosman, City Recorder

