

**HUNTSVILLE TOWN
ORDINANCE 2019-12-19-A**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.16,
REGULATING THE PROCEDURES FOR REZONING.**

- A. **WHEREAS**, Huntsville Town (hereafter referred to as “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. **WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the Town to regulate land use and development;
- C. **WHEREAS**, Huntsville Town desires to revise the ordinance governing the reversion of zoning designations within Town;
- D. **WHEREAS**, the proposed change in the ordinance would automatically revert the zoning designation of a parcel to its former zone upon failure of the applicant to commence the approved concept development plan within the prescribed time frame unless otherwise extended;
- E. **WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on December 16, 2019, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on December 16, 2019;
- F. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on December 19, 2019 and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the Huntsville Town Council as follows:

- Section 1: Repealer.** Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2: Amendment.** The *Huntsville Municipal Code* is hereby amended to read as follows:

15.16.5 Concept Development Plan Attached to Rezoning

At the time of rezoning approval by the Huntsville Town Council, the Concept Development Plan is also approved and becomes attached to the rezoning and the rezoned land. The petitioner/owner and any assigns or successors in interest, becomes committed to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use,

building arrangement, etc., will not be approved nor will building permits be issued by Huntsville Town until and unless such plan is amended by Huntsville Town Council after recommendations of the Huntsville Town Planning Commission and after public hearing as per the procedure followed for original approval.

15.16.6 Procedure for Processing Development Plan

After rezoning is completed, a Final Development Plan shall be processed and specific plans for all or a phase of the development on the rezoned land shall be reviewed as required by the appropriate zoning titles and other applicable regulations and codes in effect. The Final Development Plan shall be in accordance with the approved Concept Development Plan and any conditions attached thereto.

15.16.7 Development To Take Place Only in Accordance with Approved Plans

Where a Concept Development Plan has been approved in conjunction with the rezoning of land, and where more specific plans, such as a Final Development Plan, which includes engineered site plans, and detailed architectural plans, among other items, have been approved as part of the zoning process for obtaining building permits, such Building Permits shall be issued only for uses, buildings, structures, and site designs approved on the plan. Permits shall be issued and development shall only proceed in such a manner as to assure that all amenities and features of the plan are constructed and all conditions are complied with as development proceeds.

15.16.8 Reversion to Original Zoning Designation

If construction of the development, in accordance with the approved Concept Development Plan and Final Development Plan, has not commenced within two (2) years from the date of zoning, the respective property automatically reverts to its previously designated zone subject to the following provisions:

- A. Upon petition and due cause shown, the Town Council may extend the time-period by one (1) additional year. Said petitioner, or authorized agent, must appear before the Town Council prior to the expiration of the period of time in order to seek an extension of time.
- B. The Town shall provide written notice, by regular mail or hand delivery to the address on file, of the pending reversion of the respective property to its previously designated zone no less than sixty (60) calendar days prior to the expiration of the period of time allowed under 15.16.8, or as extended pursuant to 15.16.8.A.
 1. If the period of time allowed under 15.16.8, or as extended pursuant to 15.16.8.A., concludes prior to the service of the written notice by the Town, the property shall not revert to its previously designated zone until sixty (60) calendar days have elapsed from the date upon which written notice was served.
 2. Written notice is considered served the date of mailing or hand delivery.

C. The expiration of the period of time allowed under 15.16.8, or as extended pursuant to 15.16.8.A. or 15.16.8.B.1., shall constitute a final decision for the reversion of the property to its previously designated zone.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	✗			
CM Max Ferre'	✗			
CM McKay	✗			
CM Bill Wangsgard	✗			
CM Blake Bingham	✗			

ADOPTED AND APPROVED on this 19th day of December.



JIM TRUETT, Mayor

ATTEST:



BECKKI ENDICOTT, Recorder



RECORDED this 19th day of December.