

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.16 Rezoning

15.16 REZONING

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15.16.1 Purpose

The purpose of this Title is to establish responsibilities and commitments of both Huntsville Town and a zoning Petitioner at the time Huntsville Town considers rezoning property in response to a petition filed by an applicant/developer. This Title also outlines the procedure and options of Huntsville Town in considering rezoning approval.

15.16.2 Development and Rezoning

- A. It is required of a Petitioner for rezoning to gain Huntsville Town Council approval to a development concept for the property which is the subject of a zoning petition. Approval of a development concept will be in accordance with policies and guidelines outlined in the Huntsville Town General Plan respecting the needs and desires of residents in the immediate area. Spot zoning is not allowed.
- B. Therefore, in order to associate projected development with a rezoning petition, Huntsville Town requires that a Concept Development Plan (15.16.4) showing a petitioner's general development proposals be submitted as a part of a rezoning petition for all proposed developments.
- C. With this information, Huntsville Town can more readily determine whether a rezoning petition would be in conformance with the Huntsville Town General Plan and Land Use Titles, their goals and policies, and would still be compatible with surrounding land use and zoning. Huntsville Town can then better assess the impact of the proposed development on existing public infrastructure along with the attitudes of property owners and residents of the impacted area. The intent herein is to enhance flexibility and facilitate ease of acceptance in Huntsville Town's response to rezoning requests.

15.16.3 Petition Procedure

- A. The Huntsville Town procedure for processing rezoning petitions for any zone within Huntsville Town requires a petitioner to submit as part of the rezoning petition, a Concept

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Development Plan, and to specify the general land uses, the general site and building arrangements which will occupy the property, and the general time frame and phasing of development if rezoning is granted.

- B. Neighboring property owners will be notified not only of the rezoning petition, but also of the general details of what is proposed and how and when it will be located on the property. The Notice of Public Hearing before Huntsville Town Council shall also contain the same development information. A notice will be mailed or emailed to all affected entities at least fourteen (14) days prior to the first public meeting on the rezoning. At least fourteen (14) days prior to the first public hearing, a notice will be mailed or emailed to all affected entities; a notice will be published in the local paper; notices will be posted in three (3) public places and on the Huntsville Town website.
- C. The Huntsville Town Planning Commission and the Huntsville Town Council will consider whether the petition should be approved or disapproved based upon the merits and compatibility of the proposed project, with consideration to the Huntsville Town General Plan, and with consideration to surrounding land uses and its impact on the surrounding area. The Huntsville Town Planning Commission and the Huntsville Town Council will consider also whether the proposed development, and in turn the petitioned- for rezoning, is needed to provide a service or convenience brought about by changing conditions, and which therefore promotes the public welfare. They may require changes in the Concept Development Plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

15.16.4 Concept Development Plan

The Concept Development Plan to be submitted with a rezoning petition shall indicate general land use types, approximate locations and an arrangements of buildings, structures and facilities, general open space, parking, access traffic patterns, letters of feasibility from the appropriate state or county agencies wastewater provision, and, for review by the Huntsville Town Engineer, a general plan from the Petitioner's Project Engineer discussing the mitigation and treatment of storm water run-off. More specific development plans shall be reviewed by Huntsville Town at a later date as part of its site plan design review, conditional use approval, and building permit issuance process. The information shown on the Concept Development Plan may vary in detail depending on the size of projects. Small projects shall be more detailed than larger projects which may be described in broad general terms in plan and/or narrative form.

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

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Commission and after public hearing as per the procedure followed for original approval.¹

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.²

15.16.8 Reversion to Original Zoning Designation³

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

¹Amended 12-19-19 Ordinance #2019-12-19-A: Deleted last sentence "If Huntsville Town denies such changes or amendments and/or the Concept Plan is abandoned, Huntsville Town may institute steps to revert the zoning to its former or other appropriate zone as herein outlined."

²Amended 12-19-19 Ordinance #2019-12-19-A: Deleted last sentence "Within thirty (30) days of approval of the rezoning, the Weber County Planning Commission will be notified of the decision."

³Amended 12-19-19 Ordinance #2019-12-19-A: Entire section rewritten. Previous expiration of CDP required following the rezone procedure in its entirety. Current requirements allow for automatic reversion to previously designated zone.

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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.

15.16.9 Huntsville Town Zoning Alternative Actions

- A. In all rezoning petition considerations, the Huntsville Town Council, after considering the recommendations of the Huntsville Town Planning Commission, and after holding the required public hearing(s), may take any of the following final alternative actions:
 1. Where a Concept Development Plan is required as provided for in this Title, the Huntsville Town Council may approve rezoning and concurrently approve a Final Development Plan for the development of the petitioned- for property, in whole or in part, with or without changes or conditions, and adopt an ordinance rezoning the property. The petitioner will be required to have said plan recorded in the Weber County Recorder's Office as a covenant running with the land, as described above.
 2. The Huntsville Town Council may grant or deny a rezoning petition outright in whole or in part.
 3. The Huntsville Town Council may rezone the subject land to any other zone or zones deemed more appropriate when considering the Huntsville Town General Plan, citizen's comments and other factors and which may allow some or all of the petitioner's requested uses.
- B. The Huntsville Town Council, upon its own initiative, or after receiving the recommendations of the Huntsville Town Planning Commission, may zone or rezone land:
 1. Where it is determined to be in the best interests of the general public, or
 2. As a result of amendments to the Huntsville Town General Plan, in order to achieve consistency, or
 3. Where changed conditions, public attitudes or lifestyles so indicate a need.

15.16.10 Petition Fees and Meeting Agenda

The Huntsville Town Clerk, upon receipt of a properly prepared Rezoning Petition shall collect such fees to recover the costs of processing said petition, as have been established by resolution by the Huntsville Town Council; and at that time shall place the petition on the Meeting Agenda for consideration at a regular Huntsville Town Planning Commission meeting within fourteen (14) days of its receipt.

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15.16.11^{4, 5}

⁴Amended 2-3-2011: Section 15.16.11 was added to include Transfer Development Rights.

⁵ Deleted 1-07-20 16: Section 15.16.11 Transfer Development Rights was deleted.