

CHAPTER 12-36 AMENDMENTS

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12-36-101. Amendments.

The City Council may, from time to time, amend the regulations of this Ordinance or the Official Zoning Map; but all proposed amendments shall be first considered and recommended by the Planning Commission; upon its recommendation the proposed amendment shall be transmitted to the City Council. All such amendments must also be preceded by duly noticed public hearings as required below.

12-36-102. Initiation of Amendment.

An amendment to this Ordinance or Official Zoning Map may be initiated by the City Council, Planning Commission, the owner or duly authorized agent of the property to be rezoned or by any other interested person. An application for amendment shall be submitted to the Director for consideration by the Planning Commission. The Director shall review the application to verify that all of the information required by this Ordinance is included and shall prepare a staff recommendation to be given to the Planning Commission.

12-36-103. Content of Application.

Without in any way limiting the right to file additional material, all applications for amendments to this Ordinance shall be made on forms provided by the City and shall contain, at minimum, the following information:

(a) Name and address of the applicant and the name and address of every person or company that the applicant represents. If an application is submitted by an agent of the property owner, written proof of the owner's authorization shall be included with the application.

(b) If the proposed amendment would require a change in the zoning map, the application shall include an accurate property map showing all areas which would be affected by the proposed amendment, all abutting properties, and the present and proposed zoning classifications; and the application shall also include an accurate legal description of the area to be rezoned and the actual or approximate street address of each parcel affected by the proposed amendment. The application shall also include the street address of all owners of property subject to the application as shown on the then-current records of the Davis County Recorder.

(c) If the proposed amendment would require a change in the text of the Ordinance, the application shall include the chapter and section, and a draft of the proposed language that is desired. If the proposed amendment contemplates a modification of an existing ordinance, the proposed

language shall be submitted in “red-line” format showing the existing language to be deleted and proposed language to be added. An electronic copy of the proposed language shall be provided to the City.

- (d) A detailed statement of the reasons and justification for the amendment.

12-36-104. Fees.

The application for amendment shall be accompanied by the appropriate fee, as specified in the City's current Consolidated Fee Schedule; provided however that any application initiated by the City shall not require a fee to be paid.

12-36-105. Initial Review by Director – Planning Commission Review.

Applications for amendments to this Ordinance, regardless of how or by whom initiated, shall first be reviewed by the Director, who shall ensure the application is complete, and shall prepare a staff recommendation for consideration by the Planning Commission. After a duly noticed public hearing, the Planning Commission shall review the application and may make recommendations to the application for amendments, may make its own recommended changes and may submit its recommendations to the City Council for public hearing and final review and decision.

The Planning Commission shall recommend adoption of the amendment only where it finds that the proposed amendment is in accord with the City's General Plan, or that changed conditions make the proposed amendment necessary to fulfill the purposes of this Ordinance and the General Plan.

12-36-106. Public Hearing.

No amendment to this Ordinance or to the Zoning Map shall become effective until after all required public hearings have been held. Notice of the time and place of such hearing shall follow applicable state law.

12-36-107. City Council Action.

The City Council shall examine the application, the recommendation of the Planning Commission and any other relevant information presented, after which it shall either approve the proposed amendment, approve the proposed amendment with modifications, deny the proposed amendment, or refer the proposed amendment to the Planning Commission for further review and recommendation.

12-36-108. Compliance and Expiration.

Any real property located within the boundaries of Woods Cross City may be rezoned upon majority approval of the members of the Woods Cross City Council upon such conditions as the City Council shall impose with respect to timing for commencement of actual construction or the actual occupancy and utilization for the use of the proposed development (excluding single-family residential development) or establishment upon said rezoned real property.

If, however, the conditions imposed by the City Council regarding the timing for commencement of actual construction of the actual occupancy and utilization of the proposed development (excluding single-family residential development) or establishment are not completely

fulfilled, effected and satisfied within 18 months from the date of City Council approval, then the property's zoning classification and zone district shall automatically, and without further notice or hearings thereon, revert to its prior zoning classification and zone district.

In all instances of such rezoning, all documents required to effect the rezoning shall be prepared, executed and filed as directed by the City Council, but in all instances, the recorded documents concerning said rezoned real property shall contain a recitation of all conditions imposed by the City Council with respect to timing for commencement of actual construction or the actual occupancy and utilization for the proposed development or establishment, including notice that if all of said conditions are not completely fulfilled, effected and satisfied within 18 months from the date of City Council approval, then said real property's zoning classification and zone district shall automatically, and without further notice or hearings thereon, revert to its prior zoning classification and zone district.

For the purposes of this Section, "Commencement of Actual Construction" is defined as either the City inspected and approved completion of all off-site improvements, or the City inspected and approved completion of construction of all footings of the proposed development or establishment upon the rezoned real property.

12-36-109. Disapproval of Zoning Amendment Application.

Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one year of the date of the final disapproval of the application unless the Planning Commission finds that there has been a substantial change in the circumstances to merit consideration of a second application prior to the expiration of one year.