



## AMENDMENTS TO GENERAL PLAN AND ZONING ORDINANCE

The Roy City General Plan, with accompanying Maps, shall be considered an advisory policy document for the purposes of this Ordinance, as provided herein, and the management and guidance of growth and development occurring in the City and the provision of required infrastructure and services provided by the City.

**Section 501—Public Uses to Conform to General Plan:**

After the Council has adopted the Roy City General Plan, with accompanying Land Use Maps, and any amendments thereto; no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless:

- 1) It conforms to the General Plan, including consistency with the accompanying Maps, or;
- 2) It has been considered by the Commission and, after receiving the advice of the Commission, approved by the Council as an amendment to the General Plan.

**Section 502—Effect of Official Maps:**

- 1) The City may adopt official maps.
- 2) An official map does not:
  - a) Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Section xxx herein, or,
  - b) Require the City to immediately acquire property it has designated.

**Section 503—Amendments to Roy City General Plan:**

A proposed amendment to the Roy City General Plan, or Maps, may be initiated by any property owner, any resident, any business owner, the Council, Commission, or BOA by filing a General Plan Amendment Application. An application for an amendment to the Roy City General Plan shall be filed with the City by presenting a General Plan Amendment Application to the Zoning Administrator.

**Section 504—Procedures for Amending the Roy City General Plan:**

- 1) The procedures for the review and consideration of a General Plan Amendment Application are identified by Figure 5-1, herein.
- 2) Determination of Application Completeness. A General Plan Amendment Application shall be considered by the Zoning Administrator for application completeness, as provided by Section 1207, herein.
- 3) Commission Public Hearing Required. Prior to recommending the adoption, rejection or revision of any General Plan Amendment Application, the Commission shall hold a public hearing in accordance with the procedures of this Ordinance and the Utah Code.
- 4) Required Commission Public Hearing Notice. The minimum notice required for the Commission public hearing shall be as required by Chapter 9, herein.
- 5) Commission Recommendation Transmitted to Council. After the Commission has reviewed the Application and made its recommendation, the Commission shall transmit to the Council a copy of the Commission's recommendation and the meeting minutes, all public comments, and all other relevant materials of the proceedings before the Commission. The Zoning Administrator/City Recorder shall place the General Plan

Amendment Application on the agenda of a regularly scheduled public meeting for the Council to consider the Commission's recommendation for the General Plan Amendment Application.

- 6) Council Action. At a regularly scheduled public meeting following a recommendation by the Planning Commission, the Council shall consider and may approve the General Plan Amendment Application, as presented to the City, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed General Plan Amendment. If the Council approves the proposed amendment as submitted or as revised, the Council shall adopt the General Plan Amendment by ordinance.

#### Section 505—Criteria for Approval of General Plan Amendments:

In considering a proposed amendment to the Roy City General Plan, the application shall identify, and the Commission and Council shall consider the following factors, among others:

- 1) The effect of the proposed amendment on the character of the surrounding area.
- 2) The effect of the proposed amendment on the public health, welfare, and safety of City residents.
- 3) The effect of the proposed amendment on the interests of the City and its residents.
- 4) The location of the proposed amendment is determined to be suitable for the uses and activities allowed by the proposed amendment, and the City, and all other service providers, as applicable, are capable of providing all services required by the proposed uses and activities in a cost effective and efficient way.
- 5) Compatibility of the proposed uses with nearby and adjoining properties.
- 6) The suitability of the properties for the uses requested.
- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the City's Land Use Ordinances, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
- 8) The community benefit of the proposed amendment.

#### Section 506—Effect of General Plan Amendment:

The approval of a General Plan Amendment Application shall not authorize the development of land. After a General Plan Amendment Application has been approved by the Council, no development shall occur until the required permits and licenses have been issued by the City consistent with the applicable provisions of this Ordinance, the Subdivision Ordinance, the Building Codes, as adopted by the City, and all other Ordinances and requirements.

#### Section 507—Amendments to the Zoning Ordinance, including the Zoning Districts Map:

A proposed amendment to this Ordinance, including the Zoning Districts Map, may be initiated by any property owner, any resident, any business owner, the Council, Commission, or BOA by filing a Zoning Ordinance or Zoning Districts Map Amendment Application. An application for an amendment to the Zoning Ordinance or amendment to the Zoning Districts Map (rezone) shall be filed with the City by presenting a Zoning Ordinance Amendment Application or a Zoning Ordinance Districts Map Amendment Application to the Zoning Administrator.

A Zoning Districts Map (rezone) Amendment Application to change a Zoning District designation shall be found to be consistent with the General Plan, including the Land Use Maps, as adopted. If the Zoning Districts Map Amendment Application is found to be inconsistent with the General Plan or the Land Use Maps, a General Plan Amendment Application shall be filed, reviewed, and approved in accordance to the requirements of this Ordinance, prior to any Zoning Districts Map (rezone) Amendment Application being filed with the City.

#### Section 508—Procedures for Amending the Zoning Ordinance and Zoning Districts Map Amendments (Rezoning):

- 1) The procedures for the review and consideration of a Zoning Ordinance Amendment Application and Zoning Districts Map Amendment Application are identified by Figure 5-1, herein.

- 2) **Determination of Application Completeness.** An application for a Zoning Ordinance Amendment or a Zoning Districts Map Amendment shall be considered by the Zoning Administrator for application completeness, as provided by Section 1207, herein.
- 3) **Commission Public Hearing Required.** Prior to recommending the adoption, rejection or revision of any Zoning Ordinance Amendment Application or a Zoning Districts Map Amendment Application to the Council, the Commission shall hold a public hearing in accordance with the procedures of this Ordinance and the Utah Code.
- 4) **Required Commission Public Hearing Notice.** The minimum notice required for the Commission public hearing shall be as required by Chapter 9, herein.
- 5) **Commission Recommendation Transmitted to Council.** After the Commission has conducted a public hearing, reviewed the application, and formulated a recommendation, the Commission shall transmit to the Council a copy of the Commission's recommendation, all public comments, and all other relevant materials of the proceedings before the Commission. Following receipt of a copy of the Zoning Ordinance Amendment Application or Zoning Districts Map Amendment recommendation from the Commission, and all other materials, the Zoning Administrator/City Recorder shall place the Zoning Ordinance or Zoning Districts Map Amendment Application on the agenda of a regularly scheduled public meeting for the Council to consider the Commission recommendation for the proposed amendment.
- 6) **Council Action.** At a regularly scheduled public meeting, the Council shall consider and may approve the Zoning Ordinance Amendment or Zoning Districts Map Amendment Application, as presented to the City, revise the proposed Amendment and approve the proposed amendment as revised, or deny the proposed Application. If the Council approves the proposed amendment as submitted or as revised, the Council shall adopt the Zoning Ordinance and Zoning Map Amendment by ordinance.

#### **Section 509—Criteria for Approval of a Zoning Ordinance and/or Zoning Districts Map Amendment:**

**General Plan and Land Use Maps Consistency Required.** No amendment to the Zoning Ordinance or Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps. In considering a Zoning Ordinance or Zoning Districts Map Amendment, the Commission and the Council shall consider the following factors, among others:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

#### **Section 510—Effect of an Amendment to the Zoning Ordinance and Zoning Districts Map:**

The approval of a Zoning Ordinance Amendment or Zoning Districts Map Amendment Application (Rezone) shall not authorize the development of land. After an amendment has been approved by the Council, no development shall occur until the required approvals, permits, and licenses have been issued by the City consistent with the applicable provisions of this Ordinance, the Subdivision Ordinance, the Building Codes, as adopted by the City, and all other Ordinances and other requirements.

#### **Section 511—Temporary Zoning Ordinance Regulations:**

As provided by §10-9a U.C.A., as amended, and consistent with all requirements and procedures as contained therein, the Council may, without a public hearing, enact a temporary land use regulation for any part or all of the area within the City if the Council makes a finding of compelling, countervailing public interest or the area is unregulated.

### Section 512—Effect of Pending Zoning Ordinance and Zoning Districts Map Amendments:

An applicant is entitled to action on an application by the applicable Land Use Authority if the application conforms to the requirements this Ordinance, in effect on the date the Zoning Administrator determines the application to be complete and all fees have been paid unless:

- 1) The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the application; or
- 2) In the manner provided by Section 511, and before the application is filed, the City has formally initiated proceedings to amend this Ordinance in a manner that would prohibit approval of the application, as submitted.
- 3) A temporary land use regulation affecting application has been enacted by the Council, as provided by Section 511, above.

An application for any approval, permit, or license affected by a pending Zoning Ordinance or Zoning Districts Map Amendment shall be subject to the following:

- 1) The application shall not be acted upon until one hundred eighty (180) days from the date when the pending Zoning Ordinance or Zoning Districts Map Amendment was first noticed on a Commission or Council agenda, unless:
  - a) The applicant voluntarily agrees to amend the application to conform to the requirements of the proposed amendment; or
  - b) 180 days have passed since the proceedings were initiated or the enactment of the temporary land use regulation; or
  - c) A final decision concerning the proposed amendment is made sooner than 180 days since the proceedings were initiated.
- 2) If a final decision on a Zoning Ordinance or Zoning Districts Map Amendment Application is made within 180 (180) days after first being noticed on a Commission or Council agenda, all final decisions for any approval, permit or license, as required by this Ordinance, filed during the period a Zoning Ordinance or Zoning Districts Map Amendment is pending, or thereafter, shall conform to the requirements of this Ordinance and the Zoning Districts Map, as amended.
- 3) A Land Use Authority shall process an application without regard to proceedings initiated to amend this Ordinance if:
  - a) 180 days have passed since the proceedings were initiated; and
  - b) The proceedings have not resulted in an enactment that prohibits action on the application, as submitted; or
  - c) 180 days have passed since the enactment of the temporary land use regulation.

An application shall be deemed “filed” when the application is determined complete by the Zoning Administrator.

When a proposed Zoning Ordinance or Zoning Districts Map Amendment is pending, an application for any approval, permit, or license, as required by this Ordinance, which may be affected by the proposed amendment, shall not be entitled to rely on the existing Zoning Ordinance or Zoning Districts Map, which may be amended.

### Section 513—Zoning Administrator to Provide Notice of Pending Ordinance to Applicants:

The Zoning Administrator shall provide all applicants affected by a pending Zoning Ordinance or Zoning Districts Map Amendment Application a written notice that:

- 1) Identifies that a Zoning Ordinance or Zoning Districts Map amendment application is pending with the

Council.

- 2) The application for an approval, permit, or license may be affected by the pending Zoning Ordinance or Zoning Districts Map amendment, which may require revisions and changes to the application upon adoption of the pending Zoning Ordinance or Zoning Districts Map amendment.
- 3) A copy of the pending Zoning Ordinance or Zoning Districts Map Amendment Application is available for inspection in the office of the Zoning Administrator.

FIGURE 5-1 - General Plan Amendment Application Procedures

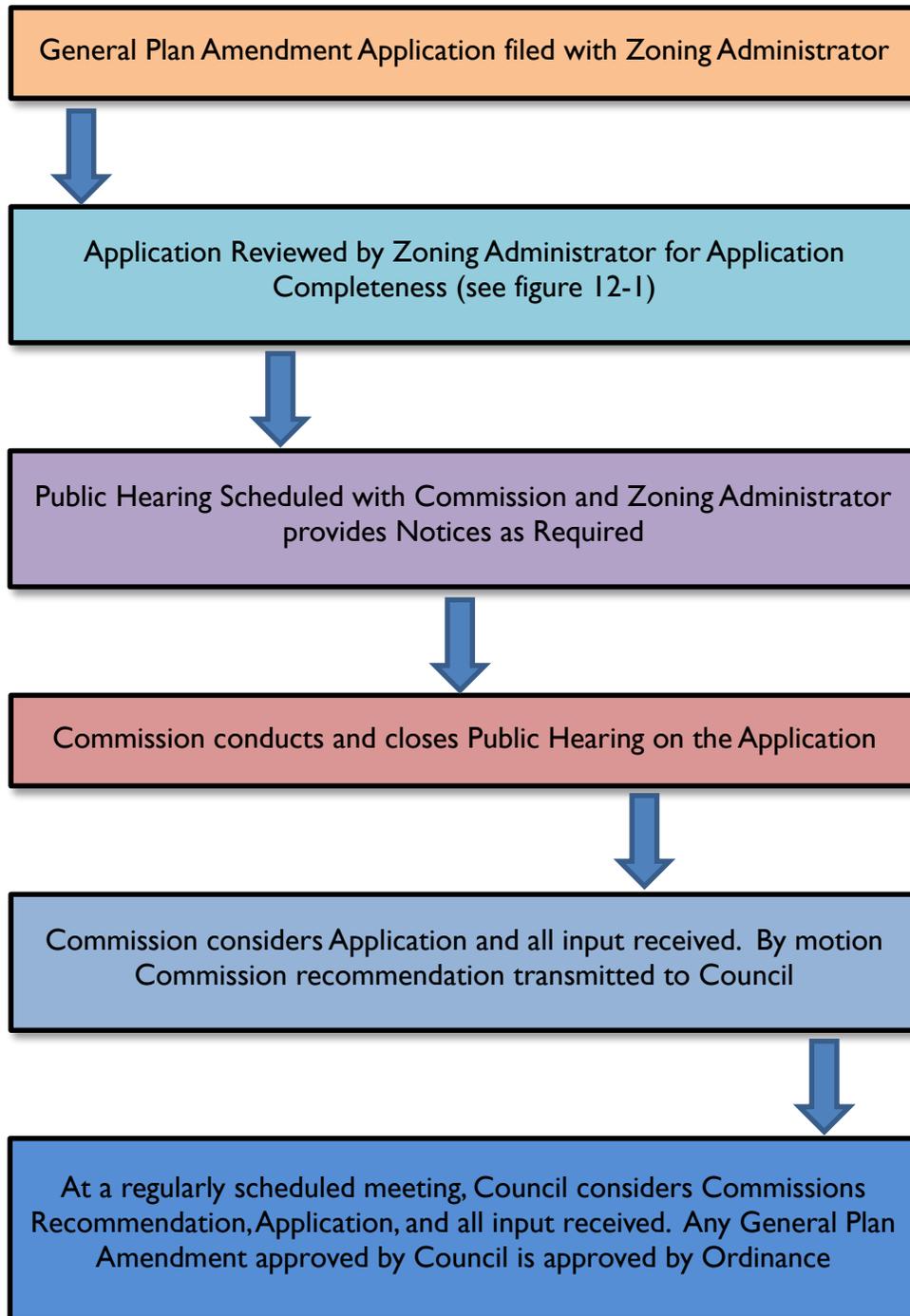


FIGURE 5-2 - Zoning Ordinance Amendment Application and Zoning Map (Rezone) Amendment Application Procedures

