

MANTI CITY ORDINANCE NO. 2023-6
Zoning Amendments & Development Agreements

AN ORDINANCE ESTABLISHING STANDARDS & REQUIREMENTS FOR PUBLIC IMPROVEMENTS.

WHEREAS, Manti City is authorized, pursuant to state law, including Utah Code § 10-9a-503 and Utah Code § 10-9a-532, to adopt procedures for application for zoning amendments to govern land use, and to create development agreements specific to property proposed for development; and

WHEREAS, the Planning Commission has worked with city staff to draft an ordinance adopting the process, procedure and requirements for said amendments and agreements; and

WHEREAS, the Planning Commission held a public hearing on June 13th, 2023 to take public comment regarding amendments to zoning and development agreements; and

WHEREAS, the City Council held a public hearing on June 14th, 2023 to take public comment regarding amendments to zoning and development agreements; and

WHEREAS, the Council finds good cause for adopting the provisions set forth herein;

NOW THEREFORE, be it ordained by the Manti City Council, that the following modifications be made to the land-use ordinance and municipal code of Manti City, Utah.

1. Changes to code.

17.52 Amendments and Agreements

17.52.010 Amendments to Zoning

The number, shape, boundary, district, regulation, terms, or any other provision of the zoning ordinance or zoning map may be amended by the city council from time to time, but any such amendment shall not be made or become effective until the following requirements have been met:

1. An amendment may be requested by the owner of real property or the designated representative thereof by filing the appropriate application and paying the fee established by the City Council, or an amendment may be initiated by the planning commission or city council.
2. The amendment shall be first submitted to the planning commission for its recommendation. The planning commission shall hold a public hearing on the proposed ordinance change, which meeting shall appropriately be noticed and advertised.
3. The city council shall hold a public hearing which meeting shall be advertised by at least fifteen (15) days' notice of the time and place of the hearing in accordance with state law.

4. If the amendment seeks to rezone property, except where boundary changes are initiated by the planning commission or city council implementing community planning objectives, the applicant shall post notice of the amendment on the property in question with a notification of rezoning which states the zone being proposed and the time and place of the public hearings. The posters shall be provided by the city and be placed at five hundred (500) foot intervals around the property and on all corners. These must be posted for fifteen (15) days prior to the date of public hearings.
5. Except where boundary amendments are initiated by the city council to implement community planning objectives, all property owners within six hundred (600) feet of the proposed boundary changes shall be notified by mail sent at least fifteen (15) days prior to the date of hearings. Cost of such notification shall be borne by the applicant.
6. Prior to the adoption of amendments for the rezoning of property, the city council may stipulate conditions or terms of performance upon which the change of zoning shall be predicated. Such conditions shall be binding both on the city and land owner and may be enforced by deed restrictions and other available remedies.
7. The approval of any amendment to number, shape, boundary, district, regulation, terms, or any other provision of the zoning ordinance or zoning map is a legislative decision subject to the discretion of the city council and the reserved legislative power of the residents of the city. The submission of an application and payment of fees does not entitle or guarantee to any person the approval of an amendment. The denial of an amendment may not be appealed to the city's appeal authority.

17.52.020 Development Agreements

A development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a development prior to receiving approval from the applicable land use authority on a land use application. Such development agreements may be approved by the city, as set forth herein, in order to advance the city's general plan and community planning objectives or to facilitate developments that may not otherwise be permitted under applicable zoning and land use regulations in order to realize otherwise unavailable benefits to the city and its residents.

- A. Application. A development agreement may be requested by the owner of real property or the designated representative thereof by filing the appropriate application and paying the fee established by the City Council. A development agreement may, in the discretion of the City Council, be negotiated without the need for an application.
- B. Procedure. Development agreements may be negotiated and approved through the process for a zoning ordinance or zoning map amendment, set forth in this section.
- C. Terms. All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:
 1. A legal description of the land subject to the development agreement.

2. The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
3. The configuration of the project as shown on the project's master plan.
4. A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-ways, or utilities.
5. The time frames for performance by parties.
6. A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
7. Provisions for enforcement of the terms and conditions of the development agreement.
8. Provisions for making amendments to the development agreement.
9. The time limitation of the agreement.
10. Such other terms which may be proposed and agreed to between the City and developer.

D. **Limitations.** A development agreement under this section may not:

1. Limit the City's legislative and police power, limit the City's authority in the future to enact or amend a land use regulation, or limit the City's ability take any action authorized by state law, including § 10-8-84 and § 10-9a-102 of Utah State Code (as amended);
2. Require the City to change the zoning designation of an area of land within the City in the future;
3. Require the City to amend, add, or remove any term or provision within an adopted land use regulation; or
4. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under state law and this section.

E. **Other Law.** To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-9a of Utah State Code (as amended) and the applicable land use regulations, standards, specifications, and ordinances adopted by the city.

- F. Expiration. A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of City Council approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the City Council.
- G. The approval of a development agreement that conflicts with, modifies, or alters a standard set forth in an existing land use regulation that governs the area subject to the development agreement is a legislative decision subject to the discretion of the city council and the reserved legislative power of the residents of the city. The submission of an application and payment of fees does not entitle or guarantee to any person the approval of an amendment. The denial of approval of a development agreement may not be appealed to the city's appeal authority.
2. **Repeal of Conflicting Provisions.** All conflicting provisions of any ordinance, code, regulation, or standard in conflict with this Ordinance is hereby repealed to the extent of such conflict.
3. **Effective Date.** This Ordinance shall take effect on June 15, 2023.

PASSED AND APPROVED this 14th day of June 2023.

MANTI CITY
 By Alfred C. Bigelow
 Alfred C. Bigelow, Mayor

ATTEST:
JoAnn Otten
 JoAnn Otten, City Recorder



Voting:

Gary Chidester	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Darren Dyreng	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input checked="" type="checkbox"/>
Jeff Killian	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Jason Vernon	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input checked="" type="checkbox"/>
Mary Wintch	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>