

**VERNAL
ORDINANCE 2026-20**

**ADDING CHAPTER 16.07, AMENDMENTS TO THE OFFICIAL ZONING MAP,
TO THE VERNAL CITY MUNICIPAL CODE**

WHEREAS, WHEREAS, Vernal City is authorized to adopt and amend land use regulations and the Official Zoning Map in accordance with applicable Utah law; and

WHEREAS, WHEREAS, the City's existing land use regulations do not contain a dedicated chapter establishing comprehensive procedures for amendments to the Official Zoning Map; and

WHEREAS, WHEREAS, the City Council finds and determines that a separate zoning map amendment chapter will provide clearer application, notice, public hearing, review, recommendation, and final action procedures for future rezones; and

WHEREAS, WHEREAS, proposed Chapter 16.07 clarifies that an amendment to the Official Zoning Map is a legislative action and does not, by itself, approve a specific development project or any other required land use approval; and

WHEREAS, WHEREAS, the proposed chapter establishes review considerations and preserves development agreements as an optional tool when appropriate; and

WHEREAS, WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 14, 2026, and forwarded its recommendation to the City Council; and

WHEREAS, WHEREAS, the City Council has reviewed the proposed chapter, the staff report, the Planning Commission recommendation, and the record presented in connection with the ordinance;

NOW THEREFORE, be it ordained by the Council of the Vernal, in the State of Utah, as follows:

SECTION 1: **ADOPTION** "Chapter 16.07 Amendments To Zoning Map" of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 16.07 Amendments To Zoning Map(*Added*)

SECTION 2: **ADOPTION** “Section 16.07.010 Purpose And Applicability” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.010 Purpose And Applicability(*Added*)

- A. The purpose of this chapter is to establish the procedures for amending the Official Zoning Map of Vernal City.
- B. Amendments to the Official Zoning Map, including changes to the number, shape, boundaries, or classification of any zoning district, may be considered through the procedures established in this chapter and may be adopted by the City Council only in accordance with Utah Code and this title.
- C. An amendment to the Official Zoning Map, commonly referred to as a rezone, is a legislative action and shall be adopted by ordinance.
- D. Nothing in this chapter shall be interpreted to require approval of a rezone application.
- E. The City Council retains legislative discretion to approve, approve with modifications, deny, remand, or continue consideration of a proposed rezone in accordance with applicable law.
- F. A rezone approval shall amend only the zoning classification of the subject property or properties and shall not, by itself, constitute approval of any subdivision, master site plan, conditional use permit, building permit, development agreement, or other land use approval required by this title.

SECTION 3: **ADOPTION** “Section 16.07.020 Rezone Application” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.020 Rezone Application(*Added*)

- A. A property owner, authorized agent, or other person with written authorization from the property owner may request an amendment to the Official Zoning Map by submitting a rezone application to the Planning Department.
- B. A rezone application shall include the following:
 - 1. A completed application form provided by the City;
 - 2. Payment of all applicable fees;
 - 3. Documentation demonstrating ownership of the subject property or written authorization from the property owner;

4. The address, parcel number, legal description, or other information sufficient to identify the property proposed for rezoning;
 5. Any additional information reasonably necessary for the Planning Department, Planning Commission, and City Council to evaluate the proposed rezone.
- C. An application for a change to the Official Zoning Map may be accompanied by a concept plan.
1. A concept plan is not required for a rezone unless required by this title or requested by the City as part of its legislative review.
 2. A concept plan may be used to provide additional information to the Planning Commission and City Council regarding the applicant's general intent for the property.
 3. A concept plan submitted with a rezone application shall be informational only and shall not constitute approval of a site plan, master site plan, subdivision, conditional use permit, building permit, or other development approval.
- D. A development agreement may be submitted or considered in connection with a rezone application in accordance with Section 16.07.090. A development agreement is not required for every rezone application.
- E. Acceptance of a completed rezone application shall not create an entitlement to approval.

SECTION 4: ADOPTION “Section 16.07.030 Review Procedure” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.030 Review Procedure(*Added*)

- A. Upon receipt of a rezone application, the Planning Department shall review the application for completeness.
- B. Once the Planning Department determines that the application is complete, the application may be scheduled for Planning Commission review in accordance with applicable notice and public hearing requirements.
- C. The Planning Department may prepare a staff report for consideration by the Planning Commission and City Council.
- D. The Planning Commission shall review the proposed rezone and hold a public hearing as required by Utah Code and this chapter.
- E. If written objections are filed in accordance with Utah Code, the Planning Commission shall consider such objections before making its recommendation and shall forward the objections to the City Council.
- F. Following the public hearing, the Planning Commission shall make a recommendation

- to the City Council.
- G. The Planning Commission may recommend approval, recommend approval with modifications, recommend denial, or continue the matter for further review.

SECTION 5: ADOPTION “Section 16.07.040 Public Notice” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.040 Public Notice(*Added*)

- A. The Planning Department shall provide public notice and the Planning Commission shall hold a public hearing as required by Utah Code and this chapter.
- B. The City Council shall also hold a public hearing prior to taking final action on a proposed rezone.
- C. Notice of the City Council public hearing shall be provided in the same manner as notice for the Planning Commission public hearing unless otherwise required by Utah Code.
- D. In addition to any notice required by Utah Code, the City shall provide the following notice for a proposed rezone:
 - 1. Mailed notice to real property owners within three hundred feet (300') of the property proposed for rezoning;
 - 2. Physical notice posted on or near the property proposed for rezoning;
 - a. The physical notice shall include:
 - (1) The location of the meeting;
 - (2) The time and date of the meeting; and
 - (3) A general description of the proposed zoning change.
 - 3. Notice to affected entities as required by Utah Code; and
 - 4. Notice to the applicant and the owner or owners of the property proposed for rezoning.
- E. The City may provide additional notice when determined appropriate by the Planning Department.
- F. Failure of any person or entity to receive notice shall not invalidate the proceedings, provided that the City has complied with applicable statutory notice requirements.

SECTION 6: ADOPTION “Section 16.07.050 Review Considerations” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.050 Review Considerations(*Added*)

- A. In reviewing a proposed rezone, the Planning Commission and City Council may consider the following factors:
1. Whether the proposed rezone is consistent with the Vernal City General Plan;
 2. Whether the proposed rezone furthers the purposes of this title;
 3. The character of the surrounding neighborhood and area;
 4. The zoning classifications and existing uses of nearby properties;
 5. The suitability of the property for uses allowed under the existing zoning classification;
 6. The suitability of the property for uses allowed under the proposed zoning classification;
 7. Whether the proposed rezone may create detrimental impacts on nearby properties or the surrounding area;
 8. Whether the proposed rezone supports orderly growth and development within the City;
 9. Whether the proposed rezone provides a reasonable transition between different land uses or zoning classifications;
 10. The length of time the property has remained vacant or underutilized under the existing zoning classification, if applicable;
 11. The relative public benefit of the proposed rezone compared to any potential private or public detriment;
 12. The recommendation of City staff;
 13. The recommendation of the Planning Commission; and
 14. Any other factor reasonably related to the public health, safety, welfare, orderly growth, and land use planning objectives of the City.
- B. The factors listed in this section are intended to guide legislative review and shall not be interpreted as mandatory findings required for approval or denial of a rezone.
- C. No single factor shall be controlling, and the City Council may assign such weight to each factor as it determines appropriate based on the record, the property, the surrounding area, and the legislative judgment of the City Council.
- D. Public comment may be considered as part of the record, but generalized opposition or support shall not require approval or denial of a rezone unless supported by facts reasonably related to the standards and considerations in this chapter.
- E. Concerns related to infrastructure, utilities, traffic, access, parking, public safety, public services, environmental conditions, or similar matters may be identified during rezone review. However, specific improvements, studies, designs, capacity determinations, and mitigation measures related to those concerns shall be addressed through later

applicable development review processes and are not required to be resolved as part of the rezone decision.

- F. The existence, absence, or proposed use of a development agreement shall not replace the City's review of whether the proposed rezone is appropriate under this chapter.

SECTION 7: **ADOPTION** "Section 16.07.060 Planning Commission Recommendation" of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.060 Planning Commission Recommendation(*Added*)

- A. The Planning Commission shall forward its recommendation to the City Council.
- B. The recommendation may include findings, comments, conditions of recommendation, or other information determined relevant by the Planning Commission.
- C. The Planning Commission's recommendation shall be advisory only and shall not bind the City Council.

SECTION 8: **ADOPTION** "Section 16.07.070 City Council Action" of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.070 City Council Action(*Added*)

- A. After receiving the recommendation of the Planning Commission, the City Council may consider the proposed rezone.
- B. The City Council shall hold a public hearing on the proposed rezone after notice has been provided in accordance with Section 16.07.040.
- C. The City Council may:
 - 1. Approve the proposed rezone;
 - 2. Approve the proposed rezone with modifications;
 - 3. Deny the proposed rezone;
 - 4. Remand the proposed rezone to the Planning Commission for further review;
 - or
 - 5. Continue consideration of the proposed rezone to a future meeting.

- D. Approval of a proposed rezone shall be by ordinance.
- E. The City Council is not bound by the recommendation of the Planning Commission.
- F. The City Council may approve, modify, or deny a proposed rezone based on legislative judgment, the record before it, the General Plan, the purposes of this title, public comment, staff analysis, Planning Commission recommendation, and any other factor reasonably related to the public health, safety, welfare, orderly growth, and land use planning objectives of the City.
- G. Upon adoption of an ordinance approving a rezone, the official zoning map of Vernal City shall be amended to reflect the new zoning classification.
- H. If the Planning Commission fails to make a timely recommendation, the City Council may proceed with consideration of the proposed rezone without a Planning Commission recommendation when authorized by Utah Code.

SECTION 9: **ADOPTION** “Section 16.07.080 Effect Of Rezone Approval”
of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.080 Effect Of Rezone Approval(*Added*)

- A. Approval of a rezone shall not authorize development of the property until all other applicable land use approvals, permits, licenses, and requirements have been satisfied.
- B. Future development of rezoned property shall comply with all applicable requirements of the zoning classification approved for the property, this title, and all other applicable City ordinances.
- C. If a development agreement is approved in connection with a rezone, the development agreement shall be processed in accordance with Section 16.07.090.
- D. Unless otherwise provided by ordinance, development agreement, or applicable law, approval of a rezone shall run with the land.

SECTION 10: **ADOPTION** “Section 16.07.090 Development Agreements”
of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.07.090 Development Agreements(*Added*)

- A. A development agreement may be entered into between the City and any applicant for an amendment to the Official Zoning Map.
- B. A development agreement is not required for every amendment to the Official Zoning Map and shall not be used as a substitute for determining whether the proposed zoning map amendment is appropriate under this chapter.
- C. A development agreement may be considered when specific commitments related to future development of the property, infrastructure, phasing, public improvements, dedications, improvement assurances, use limitations, design standards, or other matters authorized by Utah Code and City ordinance should be documented in connection with the proposed zoning map amendment.
- D. When a development agreement is proposed in connection with a zoning map amendment, the City Council may review the development agreement concurrently with the application for the zoning map amendment.
- E. If the City Council determines before final action that a development agreement may be necessary or appropriate, the City Council may continue the matter or remand the matter for further review to allow preparation, review, and consideration of the development agreement.
- F. The development agreement shall run with the land as described in the agreement and shall be recorded with the Uintah County Recorder within ten (10) calendar days of its execution.
- G. If state or federal laws or regulations enacted after a development agreement has been entered into prevent or preclude compliance with one or more provisions of the development agreement, the development agreement may be amended or terminated as necessary to comply with such state or federal laws or regulations.
- H. A final development agreement may be amended or terminated in whole or in part by request of the parties to the agreement, or their successors in interest, with approval by the City Council, or by action initiated by the City Council.
- I. The termination or amendment shall be consistent with the process and provisions specified in the development agreement.

PASSED AND ADOPTED BY THE VERNAL COUNCIL

July 15, 2020

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Ted Munford	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Randel Mills	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Robin O'Driscoll	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Edward Long	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Nick Porter	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Corey Foley

Corey Foley, Mayor, Vernal

Attest

Sara Bell

Sara Bell, City Recorder, Vernal

