

REQUEST FOR COUNCIL ACTION

SUBJECT: Amend the 2009 City Code Title 13-2-3 adding definitions of residential Density.

SUMMARY: Definitions; Amend the 2009 City Code Title 13-2-3 adding definitions of residential "Density"; City-wide applicability; City of West Jordan (applicant) [Larry Gardner #18022]

FISCAL AND/OR ASSET IMPACT: None

PLANNING COMMISSION RECOMMENDATION: The Planning Commission forwards a positive recommendation to the City Council for this amendment to 2009 City Code.

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff recommends that the City Council amend 2009 City Code Title 13-2-3 adding definitions of residential Density.

MOTION RECOMMENDED: "I move to adopt Ordinance No. 19-17."

Prepared and presented by:
Larry Gardner, AICP
City Planner

Recommended by:
Scott Langford, AICP
Development Director

Authorized for
Council Consideration:
David R. Brickey
City Manager

Approving as to Form:
Duncan Murray
Assistant City Attorney

I. BACKGROUND

The proposed ordinance will add definitions for net residential density and gross residential density.

II. GENERAL INFORMATION & ANALYSIS

2009 City Code does not define what residential density means in the definition section of the ordinance. There are instructions in the Planned Community (PC) zones and the West Side Planning Area (WSPA) code to calculate density. Those will remain and will be used for those specific sections. Having a well-defined way residential density is calculated puts the City in a more defensible position if a controversy were to arise. All future density calculations will be based upon the definitions.

Density, gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Gross density is the entire project area and does not exclude roads or rights of way.

Density, net: The number of dwelling units obtained by dividing the total number of dwelling units in a development by the area (in acres) upon which the dwelling units are proposed to be located. This calculation includes common open space, parks and associated recreational facilities within the area but excludes rights-of-way of publicly dedicated streets and private streets. The resulting number being the net dwelling units per net residential acre of land.

Net density excludes roads or rights of way from the calculation.

III. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to making a positive recommendation to the City Council for a Zoning Ordinance text amendment, the Planning Commission must make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

“GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that

are consistent with State Code, and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English.”

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed amendment will add new definitions for density to the ordinance.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: The proposed amendment will have a city-wide impact in all zones. Staff has not found, at this point, any conflicts with any other sections of the 2009 City Code.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The draft ordinance as written will have city-wide implication and will not relieve a particular hardship or grant special privileges to any one person or entity.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.



Melanie S. Briggs, MMC
City Clerk

8000 South Redwood Road
West Jordan, Utah 84088
(801) 569-5117
Fax (801) 563-4716

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to consider approval of funding recommendations of the West Jordan CDBG/HOME Committee for FY 2019-2020 as part of the FY 2019-2020 Annual Action Plan. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to approving the Preliminary Development Plan for Brinkerhoff Bluffs for property located at 7653 South 1300 West in the PRD (M) (SHO) Zoning District, Cannon & Cannon/Gary Cannon, applicant. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to approving a waiving of fees associated with the use of Veterans Memorial Park for the Kids Circus on July 12, 2019, in an amount not to exceed \$1,100. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to amending the 2009 West Jordan Municipal Code Title, 'Zoning Regulations,' Chapter 5A and 5F 'Establishment of Zones,' adding 'Cannabis Processing Facilities,' as a conditional use in the M-2 (Major Manufacturing) and A-20 (Agricultural 20-acre minimum lot) Zone, City-wide applicability. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

A Public Hearing will be held before the City of West Jordan City Council on **Wednesday, April 24, 2019**, at the hour of **5:30 p.m.**, in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to approving amending the 2009 West Jordan Municipal Code Title, 'Zoning Regulations,' Chapter 2 'Definitions,' adding definitions of residential 'Density,' City-wide applicability. Copies of the City Council agenda packet will be available at the City offices or on the [City Council Agenda](#) webpage the Friday prior to the meeting.

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MARCH 19, 2019 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Matt Quinney, Jay Thomas, Trish Hatch, Kelvin Green, Nichole Luthi, Corbin England, and Bob Bedont.

STAFF: Larry Gardner, Mark Forsythe, Nathan Nelson, Paul Brockbank, Duncan Murray, and Julie Davis

OTHERS: Jeff Young, Guy Larson, Charlie Taylor, Velvet Hernandez, Dan Milich

7. Text Amendment – Definitions; Amend the 2009 City Code Title 13-2-3 adding definitions of residential “Density”; City-wide applicability; City of West Jordan (applicant) [#18022]

Larry Gardner said the senior apartment project on 9400 South made staff aware that our code does not have a definition for gross and net density, and he thought it should be added for the City’s protection. Gross density is the entire project area (including streets, sidewalks, open space, etc.) divided by the number of units. Net density excludes those areas and includes only the residentially used property. Streets and sidewalks usually take 20-25% of the development.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council amending 2009 City Code Title 13-2-3 adding definitions of residential Density.

Nichole Luthi asked if they will start using that language specifically when referring to zoning maps.

Larry Gardner said yes. There is also particular wording in the General Plan, so he wanted the two to be consistent.

Matt Quinney opened the public hearing.

Further public comment was closed at this point for this item.

MOTION: Kelvin Green moved, based upon the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for the Text Amendment – Definitions; Amend the 2009 City Code Title 13-2-3 adding definitions of residential “Density”; City of West Jordan (applicant). The motion was seconded by Nichole Luthi and passed 6-0 in favor. Jay Thomas was absent.

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 19-17

[RESIDENTIAL DENSITY (NET/GROSS) DEFINITIONS]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the City and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the City and its inhabitants, and to protect property in the City; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapter 2 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 13, Chapter 2, Section 3 of the 2009 City Code shall be amended, by adding the following definitions, which will hereafter read as follows:

Density, gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net: The number of dwelling units obtained by dividing the total number of dwelling units in a development by the area (in acres) upon which the dwelling units are proposed to be located. This calculation includes common open space, parks and associated recreational facilities within the area but excludes rights-of-way of publicly dedicated streets and private streets. The resulting number being the net dwelling units per net residential acre of land.

Section 2. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the City Council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 3. This Ordinance shall become effective immediately upon passage and having been published in accordance with Utah Code Annotated § 10-3-711.

Passed and adopted by the City Council of the City of West Jordan, Utah this ____ day of _____, 2019.

CITY OF WEST JORDAN

By: _____
JIM RIDING
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

“YES”

“NO”

Council Member Alan Anderson

Council Member Dirk Burton

Council Member Zach Jacob

Council Member Chad R. Lamb

Council Member Chris McConnehey

Council Member Kayleen Whitelock

Mayor Jim Riding

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2019, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

13-2-3: DEFINITIONS:

Density, gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net: The number of dwelling units obtained by dividing the total number of dwelling units in a development by the area (in acres) upon which the dwelling units are proposed to be located. This calculation includes common open space, parks and associated recreational facilities within the area but excludes rights-of-way of publicly dedicated streets and private streets. The resulting number being the net dwelling units per net residential acre of land.

(2001 Code § 89-1-203; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 09-12, 4-14-2009; Ord. 10-07, 2-2-2010; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014; Ord. 14-31, 10-22-2014; Ord. 14-32, 10-22-2014; Ord. 16-06, 1-13-2016; Ord. 16-13, 3-9-2016; Ord. 16-31, 7-13-2016; Ord. 17-17, 3-22-2017; Ord. 17-34, 6-28-2017; Ord. 18-26, 7-11-2018; Ord. 19-__, __-__-2019)