

REQUEST FOR COUNCIL ACTION

SUBJECT: Text Amendments Regarding Residential Facilities for the Elderly and Disabled, Planned Residential Developments and Adequate School Facilities.

SUMMARY: **Text Amendment** - Amend the West Jordan Municipal Code making revisions to Title 13 and 14, relating to Residential Facilities for the Elderly and Disabled, Planned Residential Developments and Adequate School Facilities; City-wide; City of West Jordan (applicant).

FISCAL IMPACT: None

STAFF RECOMMENDATION:

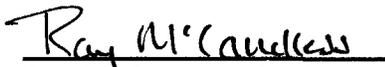
Based on the findings set forth in this staff report, staff recommends that the City Council approve the proposed text amendments to the Municipal Code, Title 13 and 14 concerning Residential Facilities for the Elderly and Disabled, Planned Residential Developments and Adequate School Facilities.

MOTION RECOMMENDED:

“Based on the findings set forth in this staff report, and upon the evidence and explanations received today, I move that the City Council approve the proposed text amendments to the Municipal Code, Title 13 and 14 concerning Residential Facilities for the Elderly and Disabled, Planned Residential Developments and Adequate School Facilities.”

Roll Call vote required

Prepared by:


Ray McCandless, Senior Planner

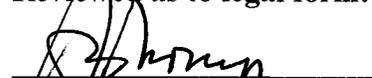
Reviewed by/Concur with:


Tom Burdett, Development Director

Recommended by:


Richard L. Davis, City Manager

Reviewed as to legal form:


Robert Thorup, Deputy City Attorney

I. BACKGROUND,

Staff is proposing several text amendments to Titles 13 and 14 in order to update, correct unintentional conflicts, or to make clarifications to the Municipal Code.

II. GENERAL INFORMATION & ANALYSIS:

Several sections of the Municipal Code relating to residential facilities for the elderly and disabled, planned residential developments and adequate public facilities are in need of updating. Code revisions being considered at this time and reasons supporting the amendments are as follows:

Item #1, Residential Facilities for the Elderly and Disabled.

In 2012, the City adopted the “Special Residential Facilities” (13-8-20) ordinance which contains standards for Adult Day Care, Group Homes, Transitional Homes and Residential Substance Abuse Treatment Homes. Group homes for the elderly and disabled are covered by this section of the code; however, several Tables of Permitted and Conditional Uses, in the zoning ordinance still lists both “Residential facility for disabled persons” and “Residential facility for elderly persons” as independent uses creating a conflict with the Special Residential Facilities code. To eliminate this inconsistency, Staff suggests removing references to “Residential facility for disabled persons” and “Residential facility for elderly persons” from the Table of Permitted and Conditional Uses and Definitions section as shown in the attached Legislative Draft (Exhibit A).

Item #2 Planned Residential Developments (PRD).

Section 13-5C-2 outlines the process to rezone property to a Planned Residential Development (PRD) zone. Unlike typical rezoning requests where the rezoning is considered independent of any site or development plan review, in the PRD and PC zones, the concept plan is linked to the rezoning (Section 13-5C-2:A). The introduction implies this connection, but it is not specifically stated. In the PRD and PC zones, the concept development plan and rezoning both need to be approved at the same time in order to address significant neighborhood issues including site layout, anticipated development densities and traffic concerns. Because of this, Staff would like to strengthen this connection between the rezoning and concept plan by amending the code as shown in the draft ordinance. This is not a change in policy but a clarification to the code.

When the Planning Commission reviewed this item, it voted to recommend elimination of the table in Section 13-5C-5:B. that contains the minimum and minimum lot size requirements in the PRD zones. This was done because the density ranges in this table are inconsistent with the density ranges in Section 13-5C-3:A.

Item #3 Adequate Public Facilities.

City Code, Section 13-7A-4 requires (among other things) developers to contact the School District to establish whether the school district has adequate facilities to accommodate new

students. The Utah Code, Section 10-9A-509(3), was recently changed to state that “A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.” As City Code conflicts with the State Code, provisions requiring a developer to contact the school district to determine if school facilities are adequate to serve a proposed development should be removed from City Code as shown in the attached legislative draft.

The Planning Commission reviewed the proposed text amendments on October 15, 2013 and voted (7-0) to forward a positive recommendation to the City Council with one modification to strike Section 13-5C-5B1 that describes individual lot minimum and maximum size for Planned Residential Developments and renumbering the items. This change has been made to the attached Legislative Draft (Exhibit A).

II. FINDINGS OF FACT

Section 13-7D-7(B): Amendments to the Zoning Ordinance

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

Discussion: Although the 2012 Comprehensive General Plan does not specifically address the proposed code revisions, the recommended changes strengthen existing ordinances and remove inconsistencies.

Finding: The proposed amendments conform to the general plan and are 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: Through everyday application of the 2009 City Code, Staff has found some deficiencies that should be addressed. The proposed adjustments seek to correct the problems, as well as fix some code errors.

Finding: The proposed amendments are 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.*

Discussion: The changes clarify, and resolve existing conflicts within the code.

Finding: The proposed amendments will not create a conflict with any other

section or part of this title 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 text amendments are recommended by staff and are seen as changes needed City wide. They do not reflect the need of any one property owner, nor relieve any currently known hardships.

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 in light of corrections or changes in public policy.

III. CONCLUSION:

The proposed amendments make needed corrections and clarifications to the existing Municipal Code. These changes will improve and strengthen the respective codes.

IV. STAFF RECOMMENDATIONS:

Based on the findings set forth in this staff report, staff recommends that the City Council approve the proposed text amendments as recommended by the Planning Commission.

V. MOTION RECOMMENDED:

Based on the findings contained in the staff report and the information gained in the public hearing, I move that the City Council approve the text amendments to the 2009 City Code as proposed.

If the moving Councilmember disagrees with the staff's findings and conclusions and finds substantial evidence supporting a different result, the following motion may be given:

Based on my reading of the staff report and/or the new evidence and further explanations and discussions received in this meeting today, I move that the City Council approve the proposed text amendments to the 2009 City Code. Specifically, I disagree with the staff and find that the following required criteria for a Text Amendment have not been met:

1. The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.

3. The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
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.

Which criteria has been met or not met? Why?

Note: All applicable criteria must be met to support a positive action by the City Council.

VI. ATTACHMENTS:

- Exhibit A – Legislative Draft
- Exhibit B – Planning Commission Minutes
- Exhibit C – Ordinance

4770 S. 5600 W.
 P.O. BOX 704005
 WEST VALLEY CITY, UTAH 84170
 FED.TAX I.D.# 87-0217663
 801-204-6910

The Salt Lake Tribune
 WWW.SLTTRIB.COM

MEDIA One
 OF UTAH
 A NEWSPAPER AGENCY COMPANY
 WWW.MEDIAONEUTAH.COM

Deseret News
 WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CITY OF WEST JORDAN, MELANIE BRIGGS ATTN: MELANIE BRIGGS 8000 S. REDWOOD RD. WEST JORDAN, UT 84088	9001403739	10/30/2013
--	------------	------------

CITY OF WEST JORDAN,	
8015695115	0000916612 /
Start 10/30/2013	End 10/30/2013
City Council PH 11/13	
THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jord	
32	Lines 1.00 COLUMN
3	
45.00	

**THE CITY OF WEST JORDAN,
 UTAH
 NOTICE OF PUBLIC HEARING**

The City of West Jordan City Council will hold a public hearing on Wednesday, November 13, 2013, at 6:00 p.m. at West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive comments prior to considering amending the 2009 West Jordan Municipal Code, Title 13, relating to Residential Facilities for the Elderly and Disabled, Planned Residential Developments and Adequate School Facilities, City-wide; City of West Jordan, applicant. Copies of the City Council agenda packet for the items listed below will be available at the City offices or on the City Council Agenda webpage the Friday prior to the meeting. Published this 30th day of October 2013
 Melanie S. Briggs, MMC
 City Clerk
 916612 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jordan City Council will hold a public hearing on Wednesday, November 13, 2013, at 6:00** FOR **CITY OF WEST JORDAN,** WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

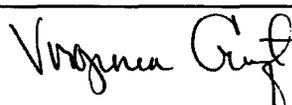
PUBLISHED ON Start 10/30/2013 End 10/30/2013

SIGNATURE 

DATE 10/30/2013



VIRGINIA CRAFT
 Notary Public, State of Utah
 Commission #581469
 My Commission Expires
 January 12, 2014


 NOTARY SIGNATURE

**THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
 PLEASE PAY FROM BILLING STATEMENT**

Legislative Draft

Legislative Draft

Exhibit A

Legislative

13-2-3: DEFINITIONS:

~~RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A single family or multiple family dwelling unit that meets the requirements of Utah Code Annotated section 10-9a-516, or its successor.~~ (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-__, 11-13-2013)

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	A-1	A-5	A-20
Accessory building or structure, residential	P	P	P
Accessory living quarters ²	C	C	C
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C

Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Low power radio service facility	AC	AC	AC
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P
Produce stand, selling farm products grown on the premises (not exceeding 300 square feet in area and limited to 1 stand per lot)	P	P	P
Public park	P	P	P
Residential facility for disabled persons	P	P	P
Residential facility for elderly persons	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.
2. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met. (2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-___, 11-13-2013)

13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory building or structure	P	P	P	P	P	P
Accessory living quarters ²				C	C	
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Agriculture, except dairies and the raising or keeping of mink, peacock, swine or turkeys. Also subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance				P		
Animal husbandry services				C		
Assisted living facility		C	C			
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			

Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	C	C	C	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC	AC	AC	AC
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P	P	P	P
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Low power radio service facility	AC	AC	AC	AC	AC	AC
Manufactured/modular home ¹	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential facility for disabled persons	P	P	P	P	P	P
Residential facility for elderly persons	AG	P	P	AG	AG	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within

this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

2. Accessory living quarters shall be conditionally permitted provided the requirements of section 13-8-17 of this title are met. (2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; 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-___, 11-13-2013)

13-5C-2: PROCESS FOR ZONE CHANGE TO PLANNED DEVELOPMENT DESIGNATION; CONCEPTUAL DEVELOPMENT PLAN REQUIRED:

- A. Approval Criteria: In order to determine if a proposed planned development will accomplish the purposes and intent of planned development zones, a conceptual development plan shall be submitted with each application for a zone change. Prior to approval of a zone change to a PRD or PC designation, the city council, after first receiving a recommendation from the planning commission, shall find that the proposed zone and associated conceptual plan is consistent with the purpose and intent outlined in section 13-5C-1 of this article. In addition, the city council shall find that the proposed development is not in conflict with any applicable element of the city general plan. A rezoning request for a PRD or PC designation may not be approved without concurrently approving a concept development plan under this section.
- B. Ownership At Time Of Application: Each planned residential development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- C. Submittal Requirements For Conceptual Development Plan: The following information shall be provided in addition to that required by chapter 7, article B of this title:
1. A complete and accurate legal description of the property that is the subject of the planned development.
 2. A topographic map of the entire site shall be prepared showing contour intervals at two feet (2') or less.
 3. Plans shall show the locations of parks, common open spaces, playgrounds, school sites, and other public or private recreation facilities and improvements proposed within the development.
 4. The general location of all dwellings and/or institutional and commercial structures in the development, and an indication of the proposed population densities and building densities, including tables or graphs showing the percentages of each dwelling type being proposed.
 5. A preliminary development schedule indicating the phases in which development will occur and the approximate dates when said phases will be completed.
 - ~~6. A draft of the declaration of covenants, conditions and restrictions for the proposed development.~~
 76. Additional information may be required by the city planner or planning commission which may be necessary to adequately evaluate the proposed development.
- D. Specification Of Mixed Uses In PC Zones: The general categories of uses to be established in a planned community zone shall be specified in the conceptual development plan. The areas to be devoted to each of the land use classifications shall be clearly shown on the conceptual plan, together with the acreage of each land use area. The following general classifications should be used in making these designations:

1. Commercial.
 2. Multiple residential (specified average density).
 3. Single-family residential (specified average density).
 4. Institutional (schools, churches, etc.).
 5. Recreational (specified types).
- E. Conditions Of Approval: The city council may impose conditions on the approval of any zone change to a planned development designation in order to ensure, among other things, that:
1. The applicant has the financial capability to carry out the proposed project;
 2. The development will be planned as one integrated land use rather than as an aggregation of individual and unrelated buildings, uses or developments; and
 3. The development as planned and shown in the concept development plan will accomplish the purpose and intent of this article. (2001 Code § 89-3-402; amd. Ord. 13-___, 11-13-2013)

13-5C-4: PERMITTED AND CONDITIONAL USES:

A. Uses allowed in planned development zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in planned development zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)			
Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	PRD	PC
Accessory building or structure, residential	P	P
Active and independent adult community	P	P

Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Garden center (fully enclosed)		P
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	C	C
Home occupation	P	P
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC
Hotel, extended stay		C
Hotel or motel		C
Household pets	P	P

Large scale public utilities	C	C
Low power radio service facility	AC	AC
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Produce or flower stands		P
Public park, playgrounds and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential facility for disabled persons	P	P
Residential facility for elderly persons	P	P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C
Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P

Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Veterinarian services	C	C

- B. The following land uses are only allowed as either permitted or conditional uses in planned development zones that are designated as transit oriented developments on the general land use plan map:

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC) THAT ARE ALSO DESIGNATED AS TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Farmers' market		P
Laundry or dry cleaning, limited		P
Medical service	C	P
Neighborhood commercial	P	P
Office, except pawnshop and bail bond services		P
Parking, commercial		P
Printing and copying, limited		P
Restaurant, fast food (general)		P
Restaurant, fast food (limited)		P

(2001 Code § 89-3-404; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-10, 3-27-2013; Ord. 13-17, 4-24-2013; Ord. 13-___, 11-13-2013)

13-5C-5: AREA, SETBACKS AND HEIGHT:

A. Minimum Site Area:

1. PRD Zones: No planned residential development shall have an area less than that approved by the planning commission.
2. PC Zones: The minimum size for a planned community zone shall be fifty (50) acres, except that the city council may approve a rezone request to the planned community zone classification for a parcel smaller than fifty (50) acres if the developer can reasonably show that the surrounding neighborhood will not be adversely affected by the granting of such zone classification and that the provisions of this article will be complied with.

B. Lot Area:

~~1. PRD Zones: Individual lots in planned residential developments shall comply with the following minimum and maximum size ranges:~~

Zone	Minimum	Maximum
PRD(L)	10,000 sq. ft.	1/2 acre
PRD(M)	7,000 sq. ft.	12,000 sq. ft.
PRD(H)	5,000 sq. ft.	10,000 sq. ft.
PRD(MF)	4 acres	None

~~2. PC Zones: Lot sizes in planned community zones shall be established by the planning commission through approval of the final preliminary development plan.~~

C. Building Coverage And Setbacks: With the following exceptions, dwellings and permitted structures may be located as approved in the final development plan. Location and arrangement of buildings on a lot shall be accomplished in a manner that will best utilize the lot area and create an attractive living environment. The following exceptions shall be considered minimum requirements:

1. Garages In PRD Zones:

- a. Street facing garage doors shall be even with, or recessed behind, either the front facade of the living area portion of the dwelling or a covered porch which measures at least six feet by eight feet (6' x 8').
- b. Garage doors may be located on the side or rear of a dwelling; provided, that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the dwelling.
- c. Garage doors shall not comprise more than fifty percent (50%) of the ground floor street facing linear building frontage. Alleys are exempt from this standard.
- d. Attached and multi-family dwellings which front on two (2) streets or on a major walkway spine shall be exempt from subsections C1a, C1b and C1c of this section. The facade oriented to the second street or walkway spine should include windows, doorways and a structured transition from public to private areas using built elements such as porch features, pediments, arbors, low walls, fences, trelliswork and/or similar elements integrated with plants.

e. Alternative garage door treatments may be approved by the zoning administrator if the configuration of the lot or other existing physical condition of the lot makes the application of these standards impractical and the proposed design substantially meets the intent of these provisions, which is to line streets with active living spaces, create pedestrian oriented streetscape, and provide variety and visual interest in the exterior design of residential buildings.

2. Garages In PC Zones:

a. Garages facing directly on a public or private street, whether in the front or side yard, shall be set back behind the front facade of the living area portion of the dwelling or a covered porch at least five feet (5').

b. Side or rear loaded garages in PC zones shall be set back at least twenty feet (20') from the property line.

3. Residential Building Setbacks: Main residential buildings in PC zones shall be set back at least twenty feet (20') from property lines. The foregoing requirement shall not apply within a TSOD (transit station overlay district).

4. Planned Development Setbacks; Abutting Property: Setbacks shall be maintained along peripheral property lines of planned developments that are equal to setbacks required by the zone on abutting property. The foregoing requirement shall not apply within a TSOD (transit station overlay district).

5. Planned Development Setbacks; Existing Public Streets: In instances where a proposed planned development will front on one or more existing public streets, the setback from the street shall be equal to that required by the most restrictive zoning on property immediately adjacent or across the public street from the proposed planned development. The foregoing requirement shall not apply within a TSOD (transit station overlay district).

D. Maximum Height Of Buildings And Structures:

1. PRD Zones: Maximum height of buildings and structures in planned residential zones shall be established by the planning commission through approval of the final development plan. Where feasible, lower height and intensity of buildings, uses or impacts shall be arranged around the boundaries of the development.

2. PC Zones: The maximum height of buildings and structures within a planned community shall be as follows:

a. Single-Family Residential Buildings: Two (2) stories or thirty five feet (35'), whichever is greater.

b. Multiple-Family Residential Buildings: Two (2) stories or thirty five feet (35'), whichever is greater.

c. Commercial Buildings And Structures: No limitation except as may be imposed by the current edition of the international building code, or as may be established as a condition of approval on the preliminary or final plan by the planning commission.

d. Institutional Buildings And Structures: Two (2) stories or thirty five feet (35'), whichever is greater.

e. Recreational Buildings And Structures: Two (2) stories or thirty five feet (35'), whichever is greater.

f. TOD (Transit Oriented Development): Buildings or other structures in areas identified as a TOD on the general plan land use map or on the zoning map shall be limited in height to seventy five feet (75'), unless a greater height is established pursuant to the applicable overlay zone or otherwise as approved by the planning commission and city council through the approval of a final development plan. (2001 Code § 89-3-405; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 13-___, 11-13-2013)

13-5C-8: GENERAL PROVISIONS:

- A. Compliance With Related Sections: No provision of this article shall be interpreted so as to relieve the developer of a planned development from complying with all applicable development standards, technical standards, subdivision standards and development approval processes of the city.
- B. Density Bonuses: Density bonuses may be applied in any PRD zone. If no bonus is applied, the lowest density defined in subsection 13-5C-3A1 of this article shall be used. If bonus densities are applied, they may only increase density to the maximum defined in subsection 13-5C-3A1 of this article. Density bonus awarding shall occur at preliminary development plan approval. Bonus densities in units per acre (u/a) may be applied for the following amenities:
1. Each one percent (1%) of additional open space equals 0.25 u/a.
 2. A detached garage equals 0.15 u/a.
 3. Ten foot (10') park strips along with six foot (6') sidewalks equal 0.10 u/a.
 4. Recreational facilities as follows:
 - a. Swimming pool equals 0.25 u/a.
 - b. Tennis courts and tot lots equal 0.15 u/a.
 - c. Barbecue pits, picnic facilities, etc., equals 0.10 u/a.
 5. Theme lighting equals 0.15 u/a.
 6. Alleys equal 0.10 u/a.
 7. Upgraded architectural features (as per section 13-10-2 of this title) equal 0.15 u/a.
- C. Alley Access: Whenever a lot has frontage along an alley, any new off street parking area located on such lot must obtain access from such adjoining alley; provided, however, that such alley access shall not be required when a new detached garage is proposed to be accessed from an existing driveway that has a curb cut along a public street, or when alley access is determined by the city engineer to be a hazard to persons or vehicles.
- D. Street Development Standards: All streets developed and maintained within a planned development shall be developed to technical standards established by city for the class of street being constructed. However, in instances where the developer can show that, due to severe topography, security requirements, or other special circumstances, dedication or development to city standards is impractical or undesirable, the planning commission, after receiving recommendations from the city engineer and fire chief, may approve modified street standards as part of the final development plan.
- E. Parking And Loading: All uses in planned development districts shall comply with provisions governing off street parking in chapter 12 of this title.

- F. Signs: All signs in planned development districts shall comply with the provisions governing signs in this title and title 12 of this code. (2001 Code § 89-3-408; amd. 2009 Code; Ord. 13- , 11-13-2013)

13-5I-4: PERMITTED, CONDITIONAL AND PROHIBITED USES:

- A. Permitted And Conditional Uses: Uses allowed in the city center subdistricts are listed in the following table. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) may be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, so long as they comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the city center zone.

PERMITTED AND CONDITIONAL USES
IN CITY CENTER SUBDISTRICTS

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	CC-C	CC-R	CC-F
Accessory building or structure	P	P	P
Auditorium	C		
Bail bonds and pawnbrokers			C
Banks, credit unions with drive-up service windows		C	AC
Banks, credit unions without drive-up service windows	P	C	P
Bed and breakfast	P	P	
Brewpub	C		C
Check cashing credit card services			C
Church/place of worship	C		C
Club	C		C
College or university, satellite campus	P		C
Convention center	P		
Daycare, general	AC	AC	AC

Daycare, limited	P	P	P
Department store	P		C
Drive-up automated teller machines	C		AC
Farmers' market	P		P
Health and fitness facility	P		P
Home occupation as listed in section <u>13-11-3</u> of this title	P	P	P
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction and other related uses for up to 12 clients per session	AC	AC	AC
Hotel	P	C	C
Hotel, extended stay	P	C	C
Low power radio service facility	AC		AC
Mass transit railway system	P	P	P
Massage therapy	P	AC	P
Media service	P		C
Medical service	P	C	P
Mixed use development	P	C	P
Model home	P	P	P
Motel			C
Movie theater	P		
Municipal, recreational and cultural facilities and services	P	C	P
Off site parking	C	C	C
Office	P	C	P
Outdoor dining	P	C	AC
Outdoor exhibits, displays or sales areas	P		
Park and ride lot	P		
Park, public or private	P	P	P
Parking structures	P	C	C
Personal care service	P	AC	P
Personal instruction service	AC	AC	AC
Pet groomer	P		P

Preschool	AC	AC	AC
Produce or flower stands	P		AC
Reception center	C		C
Recreational facilities, indoor and outdoor	P		C
Residential, attached single-family		P	
Residential facility for disabled or elderly	P	P	P
Residential, multi-family (single use) over 45 feet in height		C	
Residential, multi-family (single use) under 45 feet in height		P	
Restaurant, fast food (general)			C
Restaurant, fast food (limited) ¹	C		C
Restaurant, general	P	C	P
Retail greater than 15,000 square feet	C		C
Retail up to 15,000 square feet	P	C	P
School, vocational	C		C
Secondhand store			C
Service establishment up to 15,000 square feet	P	C	P
Small scale public utilities	C		C
Transit station structures, facilities	P		
Utility, minor	C		C
Vehicle and equipment repair (general)			C
Vehicle and equipment repair (limited)			C

Note:

1. See subsection B of this section for additional standards.

B. Prohibited Uses: The following uses are prohibited within the boundaries of the city center zone:

Automobile/vehicle sales.

Automobile/vehicle washing facilities (car wash).

Billboards.

Gasoline service stations.

Industrial and manufacturing uses.

Outdoor kennels.

Outside storage and operations.

Public or private storage facilities, unless accessory to a residential use.

Restaurant, fast food (limited) with drive-through within one thousand three hundred feet (1,300') of light rail station within the CC-C district (measurement is a straight line from light rail station platform to business door).

Utility, major.

Warehousing facilities and uses. (2001 Code § 89-3-1004; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 13-___, 11-13-2013)

13-5J-4: PERMITTED AND CONDITIONAL USES:

A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

B. Residential Permitted And Conditional Land Use Chart:

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	VLSFR	LSFR	MFR	HFR
Accessory building or structure	P	P	P	P
Accessory living quarters ²	C			
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Animal/fowl keeping	P	C	C	

Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/ community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	C	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC	AC
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P	P
Low power radio service facility	AC	AC	AC	AC
Manufactured/prefabricated home ³	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential care facility for disabled/elderly persons	AC	AC	P	P
Residential substance abuse treatment home, large			C	C

Residential substance abuse treatment home, small			AC	AC
Schools K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

Notes:

1. For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and lot/bulk standards.
2. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
3. Subject to meeting the improvement requirements of the WSPA required standards and optional improvement density.

C. Mixed Use Permitted And Conditional Land Use Chart:

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	MU
Adult daycare, general	C
Adult daycare, limited	AC
Bank, credit union with drive-through window	C
Bank, credit union without drive-through window	P
Bed and breakfast	P
Club	C
Daycare, general	C
Daycare, limited	P
Dwelling, multi-family above main level	P
Group home, large	C
Group home, small	AC
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses of up to 12 clients per session	AC
Home occupation listed in section <u>13-11-3</u> of this title	P

Low power radio service facility	AC
Mass transit railway system	P
Massage therapy	P
Mixed use development	P
Municipal, recreational and cultural facilities and service	C
Off site parking	C
Office	P
Park and ride lot	P
Park, public or private	P
Parking structures	P
Personal care service	P
Personal instruction service	AC
Preschool	C
Produce or flower stands	P
Residential care facility for disabled/elderly persons	P
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	AC
Restaurant, fast food (general)	C
Restaurant, fast food (limited)	C
Restaurant, general	P
Retail establishment up to 15,000 square feet	P
Service establishment up to 15,000 square feet	P
Transit station structures, facilities	P
Transitional home, large	C
Transitional home, small	AC
Utility, minor	C

(2001 Code § 89-3-1105; amd. Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-11, 3-27-2013; Ord. 13-___, 11-13-2013)

13-7A-4: ADEQUATE SCHOOL FACILITIES: [RESERVED]

- A. ~~Applicability: The provisions of this section shall apply only to applications for residential rezoning and subdivision applications for developments of more than ten (10) residential dwelling units which will increase the projected number of students for any school district school attendance area as a result of the proposed rezoning or subdivision. The applicability of this section includes applications for rezoning which change zoning classifications from nonresidential to residential classifications and rezonings which change residential zoning classifications to a higher density residential classification.~~
- B. ~~Attendance Areas: School district school attendance areas shall be the attendance boundaries adopted for each public school by the applicable school district.~~
- C. ~~Certification Required: No rezoning or subdivision application under this section shall be considered complete until the applicant provides a letter from the appropriate school district which certifies any of the following or the time period for the school district's response to a request for certification has expired under subsection D of this section:~~
- ~~1. The school district has adequate school facilities to accommodate the projected number of new students within the school district's attendance area; or~~
 - ~~2. The school district will have adequate school facilities by a planned capital improvement to be constructed within one year and located within the school district's attendance area; or~~
 - ~~3. The applicant and the school district have entered into an agreement to provide adequate school facilities within the school district's attendance area in a timely manner; or~~
 - ~~4. The school district does not have adequate school facilities to accommodate projected growth attributable to the rezoning. The projected number of new students resulting from the application for rezoning shall be based upon a student per household ratio methodology adopted by the appropriate school district. If a school district fails to adopt a student per household ratio methodology for projecting the number of new students resulting from an applicant's rezoning application, then the school district shall base its certification upon a authoritative source accepted within the education community.~~
- D. ~~Determination Of Adequate School Facilities: For purposes of this section, adequate school facilities shall be determined by the appropriate school district as applied to each individual school site's attendance area for each individual school serving the property being considered for rezoning.~~
- E. ~~Application Procedure: Applications for rezoning subject to this section shall follow the following procedures:~~
- ~~1. At the time of filing an application for rezoning, all applicants for rezoning shall provide a copy of a letter delivered to the superintendent of all applicable school districts which contains an offer to meet with school district representatives to discuss the school district's certification required by subsection B of this section.~~
 - ~~2. a. After the filing of the rezoning application, the city shall deliver by certified or registered mail a copy of the application and a site location map to each affected school district located within the area requested to be rezoned. In addition, the city shall request the school district to provide the required certification provided for in subsection B of this section, on a form to be provided by the city, within thirty (30) days to the city in care of the city planner. For good cause, the thirty (30) day time period may be extended at the request of the applicant or the school district.~~

~~b. If the city does not receive certification from the school district within thirty (30) days, or any extension thereof, it shall be deemed that there are not adequate school facilities for the proposed rezoning. The school district's response time to a request for certification shall be determined by the date of mailing of the request for certification from the city.~~

~~3. After providing the certification required by subsection B of this section or the school district's failure to respond to the request for certification within thirty (30) days, or any extension thereof, the application may proceed to be processed in accordance with this title and all other applicable ordinances.~~

~~4. If the appropriate school district certifies that there are not adequate school facilities for the proposed rezoning, the city planner shall notify the applicant in writing that the school district has determined that it does not have adequate school facilities for the rezoning. (2009 Code; Ord. 13-__, 11-13-2013)~~

13-7C-6: FINDINGS FOR APPROVAL:

Any amendments to the general plan, including maps, shall be approved only if:

- A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;
- B. The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;
- C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;
- D. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;
- E. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change; and
- F. The proposed amendment is consistent with other adopted plans, codes and ordinances; and
- ~~G. A finding is made that there are adequate school facilities, if the amendment is to the land use map, and if section 13-7A-4, "Adequate School Facilities", of this chapter is applicable. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-__, 11-13-2013)~~

13-7D-7: FINDINGS FOR APPROVAL:

- A. Zoning Map: Amendment to the zoning map shall be approved only if:
 - 1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan;
 - 2. The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties;
 - 3. The proposed amendment furthers the public health, safety and general welfare of the citizens of the city;

4. The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways; and

5. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and

~~6. A finding is made that there are adequate school facilities, if the amendment is to the zoning map, and if section 13-7A-4, "Adequate School Facilities", of this chapter is applicable.~~

B. Zoning Text: Amendment to the text of this title shall be approved only if:

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

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

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

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. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-___, 11-13-2013)

14-3-7: FINDINGS FOR APPROVAL:

Preliminary and final subdivision plats shall be approved only if:

A. The proposed plat conforms to, and is consistent with, the adopted goals, objectives and policies as set forth in the city general plan;

B. The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that proposed vehicular and pedestrian circulation is adequate to permit movement in a manner which is safe and efficient;

C. Public facilities and services intended to serve the subject development, including, but not limited to, roadways, parks and recreational facilities, ~~schools,~~ police and fire protection, stormwater drainage systems, water supplies, wastewater, power, and refuse collection, are adequate to serve the site; and

D. The proposed plat complies with all provisions of this title, the zoning ordinance and other development standards of the city. (2009 Code; amd. Ord. 13-___, 11-13-2013)

Planning Commission Meeting Minutes
October 15, 2013

Exhibit B Planning Commission Minutes

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 15, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Nathan Gedge, David Pack, Ellen Smith, Dan Lawes, John Winn, Lesa Bridge, and Zach Jacob.

STAFF: Tom Burdett, Robert Thorup, Greg Mikolash, Ray McCandless, and Julie Davis

OTHERS: John Clayton, Gary Beers, Kendall Draney

The briefing meeting was called to order by Nathan Gedge.

The agenda was reviewed. Dan Lawes felt that the minimum lot size table in the PRD section of the code didn't make sense and either needed to be stricken or modified to meet the density designation in other sections of the code, and a discussion followed. None of the Commissioners had a problem with having less than four acres in a PRD.

There was a discussion regarding possible changes in the by-laws and procedures to have the applicant speak first at the hearing. Concerns were expressed by staff that the applicant might not have the means or ability to provide a professional presentation, which might affect their overall project, as well as staff will just be repeating the presentation. Points were made relating to whether or not staff needed to present it again since all of the information had been provided to the commissioners in the packet. A lot of the time the public will come to the meeting to get more information about the project, so staff tries to provide as much information as possible in the report and the presentation. Tom suggested bifurcating staff's comments to include an initial introduction of the project, and then the applicant and public hearing would take place with the criteria then being addressed by staff. Reasons for changing the procedure when it seems to be working fine were noted that the applicant has the burden of proof for their project. Nathan Gedge said they can try the change and make adjustments as needed.

The regular meeting was called to order at 6:03 p.m.

1. Consent Calendar

Approve Minutes from October 1, 2013

MOTION: John Winn moved to approve the Consent Calendar, the minutes from October 1, 2013. The motion was seconded by Lesa Bridge and passed 7-0 in favor.

3. Text Amendment - Amend the West Jordan Municipal Code making revisions to Title 13, relating to Residential Facilities for the Elderly and Disabled, Planned Residential Developments and Adequate School Facilities; City-wide; City of West Jordan (applicant) [#TA20130007]

Ray McCandless stated there are three areas of the code that need attention.

- 1) Residential facilities for the disabled and elderly. The Special Residential Facilities Ordinance was put into place in 2012 that addresses group homes, adult daycares, transitional homes, and residential substance abuse treatment homes. At that time residential facilities for the disabled and elderly should have been removed from the code as independent uses because they are covered under the Special Residential Facilities.
- 2) Planned Residential Developments. The planned development ordinance requires the applicant to provide a concept development plan as part of a rezoning request, but there is nothing in the text that ties the concept development plan to the rezoning request. The proposal is to add a statement in Section 13-5C-2 that a rezoning request for a PRD or P-C designation may not be approved without

concurrently approving the concept development plan under this section. They also eliminated the requirement for draft CC&R's at the concept level. The other suggestion is to change the PRD(M) density table to be a minimum of 2 acres. The commission also had a discussion in the pre-meeting regarding other possible changes to that section.

- 3) Adequate School Facilities. State Law used to require the developer to provide a will serve letter from the school district stating that facilities are available. However, the law has changed and that requirement no longer applies, so the code amendment would strike out those references.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the proposed text amendments.

Zach Jacob understood the State Law that indicates the city cannot make the developer provide the will serve letter, but if they strike the entire section there will be no reference to schools at any time. He asked if the city could be required to provide that information and the planning commission and city council would determine whether or not to approve the development based on adequate school facilities.

Robert Thorup said it is his reading of the State Law that the purpose is to say that the city cannot require a school will serve letter as a condition of approval. We can still get information from the district, but we can't stop someone from getting approval based on whether or not there are school facilities.

Zach Jacob said when he read the State Law it was specific to developers, so it doesn't mean it can't be applied at all. Not necessarily as a condition of approval, but the planning commission or city council should still be able to consider it based on available public services.

Dan Lawes said that would just be another way of restricting development without saying they are restricting development.

Zach Jacob said they should be able to consider schools just as they would if there were not adequate fire protection; there are not adequate public facilities.

Nathan Gedge said they can't use that as one of the criteria for approval when there is a quasi-legislative action before them. They have the recommendation from the city attorney.

Dan Lawes said the State Code states that the school district has to service the students within their boundaries, which puts the onus on the school district.

Ellen Smith said then what happens is we approve the developments, the schools will be overcrowded, and then the citizens will look to the planning commission and ask why they didn't plan for schools. The State is taking the power away from the city. It also affects economic development, because if the schools aren't adequate people won't want to develop or move here.

Tom Burdett said this problem is specific to all of the high-growth west side communities. The term adequate public facility has a unique definition in the land use law business and it is specific to assurance that there is either existing capacity or capacity will be available or be made available at time of occupancy. West Jordan was probably a leader in making this a code requirement, but for the time being it is probably best to strike the section. He proposed that schools could be added to the findings for a rezoning in criteria #4 and still have some value to making a finding of whether or not the school district is planning new schools in the area. However, he is not speaking for the attorney's office. The State Law specifically says we need to do away with will serve letters as a condition of approval.

Nathan Gedge opened the public hearing.

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

David Pack had some of the same concerns as Commissioner Jacob, but it is a State Law. It is a frustrating situation because they want to get as much information as possible when considering a development. He asked what they can do to keep the dialogue open with the school district and how this change will affect how they can adequately do their job.

Dan Lawes said the dialogue can and should still exist.

Nathan Gedge said they can still make a request for information.

Robert Thorup said they can investigate and learn what they want, but if they ask the district if they can provide service the answer will be yes. But what do you do from there? Do you go to the school and count the number of children, and does that change the fact that the school district says they will provide the service? That is what the developers were saying to the legislature; the city can't build the schools so why is the city putting a burden on the development when it is another government who is responsible, and that government says they will provide it.

John Winn said they are all aware of how crowded the schools are, but to him it is a moot point because the school district will say that they will provide schools. It is good to have a close relationship with the district so they can tell us how they are accomplishing their goals.

Nathan Gedge said if they are contacted by citizens who want to have answers to why the schools are crowded they can be referred to the school district and the state senators and representatives who passed the law.

Ellen Smith felt that there should be a way for the planning commission, state legislature, school district, and the developers to take care of their responsibility and work together for a better solution. She didn't want to approve the text amendment, but the State Law requires it.

Dan Lawes referred to their discussion in the pre-meeting regarding the second text amendment and said the densities in the table don't match the densities in the other section of the code, and he would be in favor of excluding the table as part of their recommendation to city council, and they will rely on the densities in the other section of the code until it can be revisited.

Robert Thorup pointed out one of the reasons they were making some of the changes to the PRD is to clarify that the concept plan is part of the decision-making, which isn't true for other zoning districts. They are allowed to make judgments on the project based on the concept plan for a PRD zone.

Tom Burdett said they will have this same discussion with the city council at the Leak property rezone hearing next week.

MOTION: Dan Lawes moved to forward a positive recommendation to the City Council for the Text Amendments to the West Jordan 2009 City Code as proposed with one modification to strike the table from Section 13-5C-5B1 that describes individual lot minimum and maximum size. The motion was seconded by Lesa Bridge.

AMENDED

MOTION: Zach Jacob moved to amend the motion to strike all of 13-5C-5B1, because it just refers to the table and then renumber the items. The amendment was accepted by Dan Lawes and Lesa Bridge.

DRAFT

Zach Jacob said he felt he owed it to those in the city he represents to have had a discussion regarding the school issue, and he would have felt like he was passing the buck if he just accepted that his hands were tied without talking about it.

VOTE: The amended motion passed 7-0 in favor.

2. Wood Property Determination; 7900 South 2700 West; Request for Planning Commission Determination to Reduce Required Acreage for PRD Development; Clayton Homes/John Clayton (applicant) [#MISC20130014; parcel 21-33-128-010, 011, 012]

[The applicant was initially not in attendance, so the item was heard at 6:33 p.m. after Item #3 at which time the applicant was present.]

Greg Mikolash stated that the commission understood the situation and that they have the ability to make a determination that a PRD can be less than four acres in size, and the previous recommendation from the Planning Commission to remove the table will take care of the issue even further.

Based on the explanation in the staff report, Planning Staff is in support of a Planning Commission decision to allow for a PRD to be less than 4 acres in size as no impacts should be created and future findings of facts (on all processes) should be met.

Discussion on this matter was requested by the applicant in an effort to ascertain some assurances that a proposed PRD project on 3.08 acres is justified and acceptable for future Planning Commission subdivision, site plan, and development plan reviews and approvals.

John Clayton, applicant, 1623 East Woodcrest Drive, said they have looked at this property over the years and requested a zoning change about ten years ago that was denied. The property is not very large and is located between a commercial property to the north, a quasi-PUD development to the west, and a park to the south. It isn't the type of property that would be conducive to the current zoning. They felt that this property would be well suited for senior housing similar to the new senior apartments on 3200 West. He asked the planning commission for an affirmative determination to allow for a PRD to be on less than three acres.

Nathan Gedge clarified that this is not a public hearing. He said the previous action to recommend to the city council that they eliminate the minimum lot size in the PRD will address the applicant's request.

Dan Lawes felt that they solved the issue by removing the table and now he would just apply the other aspects of the PRD to any future development.

Nathan Gedge stated that the planning commission is in support of the request.

Tom Burdett distributed a copy of the planning commission by-laws and procedures and referred to Item D1 on page 5. He said if the commission desired to give direction for changes then staff will bring it back at the next meeting.

Nathan Gedge said they discussed switching B and C.

Exhibit C

Ordinance

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 13-33

[ELDERLY, DISABLED, PLANNED DEVELOPMENTS & SCHOOL FACILITIES]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS" AND TITLE 14, "SUBDIVISION 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, Chapters 2, 5 and 7 and Title 14, Chapter 3 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 delete the definition "Residential Facility for Elderly Persons."

Section 2. Title 13, Chapter 5, Article A, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	A-1	A-5	A-20
Accessory building or structure, residential	P	P	P
Accessory living quarters ²	C	C	C
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Low power radio service facility	AC	AC	AC
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P

Produce stand, selling farm products grown on the premises (not exceeding 300 square feet in area and limited to 1 stand per lot)	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.
2. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met. (2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-__, 11-13-2013)

Section 3. Title 13, Chapter 5, Article B, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory building or structure	P	P	P	P	P	P
Accessory living quarters ²				C	C	
Active and independent adult community		C	P			C

Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Agriculture, except dairies and the raising or keeping of mink, peacock, swine or turkeys. Also subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance				P		
Animal husbandry services				C		
Assisted living facility		C	C			
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	C	C	C	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC	AC	AC	AC
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P	P	P	P
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Low power radio service facility	AC	AC	AC	AC	AC	AC
Manufactured/modular home ¹	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C

Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.
2. Accessory living quarters shall be conditionally permitted provided the requirements of section 13-8-17 of this title are met. (2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; 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-__, 11-13-2013)

Section 4. Title 13, Chapter 5, Article C, Section 2, 4, 5 and 8 of the 2009 City Code shall hereafter read as follows:

13-5C-2: PROCESS FOR ZONE CHANGE TO PLANNED DEVELOPMENT DESIGNATION; CONCEPTUAL DEVELOPMENT PLAN REQUIRED:

- A. **Approval Criteria:** In order to determine if a proposed planned development will accomplish the purposes and intent of planned development zones, a conceptual development plan shall be submitted with each application for a zone change. Prior to approval of a zone change to a PRD or PC designation, the city council, after first receiving a recommendation from the planning commission, shall find that the proposed zone and associated conceptual plan is consistent with the purpose and intent outlined in section 13-5C-1 of this article. In addition, the city council shall find that the proposed development is not in conflict with any applicable element of the city general plan. A rezoning request for a PRD or PC designation may not be approved without concurrently approving a concept development plan under this section.
- B. **Ownership At Time Of Application:** Each planned residential development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- C. **Submittal Requirements For Conceptual Development Plan:** The following information shall be provided in addition to that required by chapter 7, article B of this title:
 1. A complete and accurate legal description of the property that is the subject of the planned development.

2. A topographic map of the entire site shall be prepared showing contour intervals at two feet (2') or less.

3. Plans shall show the locations of parks, common open spaces, playgrounds, school sites, and other public or private recreation facilities and improvements proposed within the development.

4. The general location of all dwellings and/or institutional and commercial structures in the development, and an indication of the proposed population densities and building densities, including tables or graphs showing the percentages of each dwelling type being proposed.

5. A preliminary development schedule indicating the phases in which development will occur and the approximate dates when said phases will be completed.

6. Additional information may be required by the city planner or planning commission which may be necessary to adequately evaluate the proposed development.

D. Specification Of Mixed Uses In PC Zones: The general categories of uses to be established in a planned community zone shall be specified in the conceptual development plan. The areas to be devoted to each of the land use classifications shall be clearly shown on the conceptual plan, together with the acreage of each land use area. The following general classifications should be used in making these designations:

1. Commercial.

2. Multiple residential (specified average density).

3. Single-family residential (specified average density).

4. Institutional (schools, churches, etc.).

5. Recreational (specified types).

E. Conditions Of Approval: The city council may impose conditions on the approval of any zone change to a planned development designation in order to ensure, among other things, that:

1. The applicant has the financial capability to carry out the proposed project;

2. The development will be planned as one integrated land use rather than as an aggregation of individual and unrelated buildings, uses or developments; and

3. The development as planned and shown in the concept development plan will accomplish the purpose and intent of this article. (2001 Code § 89-3-402; amd. Ord. 13-___, 11-13-2013)

13-5C-4: PERMITTED AND CONDITIONAL USES:

A. Uses allowed in planned development zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in planned development zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Accessory building or structure, residential	P	P
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C

Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Garden center (fully enclosed)		P
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	C	C
Home occupation	P	P
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC
Hotel, extended stay		C
Hotel or motel		C
Household pets	P	P
Large scale public utilities	C	C
Low power radio service facility	AC	AC
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P

Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Produce or flower stands		P
Public park, playgrounds and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C
Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Veterinarian services	C	C

- B. The following land uses are only allowed as either permitted or conditional uses in planned development zones that are designated as transit oriented developments on the general land use plan map:

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC) THAT ARE ALSO DESIGNATED AS TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Farmers' market		P
Laundry or dry cleaning, limited		P
Medical service	C	P
Neighborhood commercial	P	P
Office, except pawnshop and bail bond services		P
Parking, commercial		P
Printing and copying, limited		P
Restaurant, fast food (general)		P
Restaurant, fast food (limited)		P

(2001 Code § 89-3-404; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-10, 3-27-2013; Ord. 13-17, 4-24-2013; Ord. 13-__, 11-13-2013)

13-5C-5: AREA, SETBACKS AND HEIGHT:

A. Minimum Site Area:

1. PRD Zones: No planned residential development shall have an area less than that approved by the planning commission.
2. PC Zones: The minimum size for a planned community zone shall be fifty (50) acres, except that the city council may approve a rezone request to the planned community zone classification for a parcel smaller than fifty (50) acres if the developer can reasonably show that the surrounding neighborhood will not be adversely affected by the granting of such zone classification and that the provisions of this article will be complied with.

B. Lot Area:

1. PC Zones: Lot sizes in planned community zones shall be established by the planning commission through approval of the preliminary development plan.

C. Building Coverage And Setbacks: With the following exceptions, dwellings and permitted structures may be located as approved in the final development plan. Location and arrangement of buildings on a lot shall be accomplished in a manner that will best utilize the lot area and create an attractive living environment. The following exceptions shall be considered minimum requirements:

1. Garages In PRD Zones:

a. Street facing garage doors shall be even with, or recessed behind, either the front facade of the living area portion of the dwelling or a covered porch which measures at least six feet by eight feet (6' x 8').

b. Garage doors may be located on the side or rear of a dwelling; provided, that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the dwelling.

c. Garage doors shall not comprise more than fifty percent (50%) of the ground floor street facing linear building frontage. Alleys are exempt from this standard.

d. Attached and multi-family dwellings which front on two (2) streets or on a major walkway spine shall be exempt from subsections C1a, C1b and C1c of this section. The facade oriented to the second street or walkway spine should include windows, doorways and a structured transition from public to private areas using built elements such as porch features, pediments, arbors, low walls, fences, trelliswork and/or similar elements integrated with plants.

e. Alternative garage door treatments may be approved by the zoning administrator if the configuration of the lot or other existing physical condition of the lot makes the application of these standards impractical and the proposed design substantially meets the intent of these provisions, which is to line streets with active living spaces, create pedestrian oriented streetscape, and provide variety and visual interest in the exterior design of residential buildings.

2. Garages In PC Zones:

a. Garages facing directly on a public or private street, whether in the front or side yard, shall be set back behind the front facade of the living area portion of the dwelling or a covered porch at least five feet (5').

b. Side or rear loaded garages in PC zones shall be set back at least twenty feet (20') from the property line.

3. Residential Building Setbacks: Main residential buildings in PC zones shall be set back at least twenty feet (20') from property lines. The foregoing requirement shall not apply within a TSOD (transit station overlay district).

4. Planned Development Setbacks; Abutting Property: Setbacks shall be maintained along peripheral property lines of planned developments that are equal to setbacks required by the zone on abutting property. The foregoing requirement shall not apply within a TSOD (transit station overlay district).

5. Planned Development Setbacks; Existing Public Streets: In instances where a proposed planned development will front on one or more existing public streets, the setback from the street shall be equal to that required by the most restrictive zoning on property immediately adjacent or across the public street from the proposed planned development. The foregoing requirement shall not apply within a TSOD (transit station overlay district).

D. Maximum Height Of Buildings And Structures:

1. PRD Zones: Maximum height of buildings and structures in planned residential zones shall be established by the planning commission through approval of the final development plan. Where feasible, lower height and intensity of buildings, uses or impacts shall be arranged around the boundaries of the development.

2. PC Zones: The maximum height of buildings and structures within a planned community shall be as follows:

a. Single-Family Residential Buildings: Two (2) stories or thirty five feet (35'), whichever is greater.

b. Multiple-Family Residential Buildings: Two (2) stories or thirty five feet (35'), whichever is greater.

c. Commercial Buildings And Structures: No limitation except as may be imposed by the current edition of the international building code, or as may be established as a condition of approval on the preliminary or final plan by the planning commission.

d. Institutional Buildings And Structures: Two (2) stories or thirty five feet (35'), whichever is greater.

e. Recreational Buildings And Structures: Two (2) stories or thirty five feet (35'), whichever is greater.

f. TOD (Transit Oriented Development): Buildings or other structures in areas identified as a TOD on the general plan land use map or on the zoning map shall be limited in height to seventy five feet (75'), unless a greater height is established pursuant to the applicable overlay zone or otherwise as approved by the planning commission and city council through the approval of a final development plan. (2001 Code § 89-3-405; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 13-__, 11-13-2013)

13-5C-8: GENERAL PROVISIONS:

- A. Compliance With Related Sections: No provision of this article shall be interpreted so as to relieve the developer of a planned development from complying with all applicable development standards, technical standards, subdivision standards and development approval processes of the city.
- B. Density Bonuses: Density bonuses may be applied in any PRD zone. If no bonus is applied, the lowest density defined in subsection 13-5C-3A1 of this article shall be used. If bonus densities are applied, they may only increase density to the maximum defined in subsection 13-5C-3A1 of this article. Density bonus awarding shall occur at preliminary development plan approval. Bonus densities in units per acre (u/a) may be applied for the following amenities:
1. Each one percent (1%) of additional open space equals 0.25 u/a.
 2. A detached garage equals 0.15 u/a.
 3. Ten foot (10') park strips along with six foot (6') sidewalks equal 0.10 u/a.
 4. Recreational facilities as follows:
 - a. Swimming pool equals 0.25 u/a.
 - b. Tennis courts and tot lots equal 0.15 u/a.
 - c. Barbecue pits, picnic facilities, etc., equals 0.10 u/a.
 5. Theme lighting equals 0.15 u/a.
 6. Alleys equal 0.10 u/a.
 7. Upgraded architectural features (as per section 13-10-2 of this title) equal 0.15 u/a.
- C. Alley Access: Whenever a lot has frontage along an alley, any new off street parking area located on such lot must obtain access from such adjoining alley; provided, however, that such alley access shall not be required when a new detached garage is proposed to be accessed from an existing driveway that has a curb cut along a public street, or when alley access is determined by the city engineer to be a hazard to persons or vehicles.
- D. Street Development Standards: All streets developed and maintained within a planned development shall be developed to technical standards established by city for the class of street being constructed. However, in instances where the developer can show that, due to severe topography, security requirements, or other special circumstances, dedication or development to city standards is impractical or undesirable, the planning commission, after receiving recommendations from the city engineer and fire chief, may approve modified street standards as part of the final development plan.
- E. Parking And Loading: All uses in planned development districts shall comply with provisions governing off street parking in chapter 12 of this title.

- F. Signs: All signs in planned development districts shall comply with the provisions governing signs in this title and title 12 of this code. (2001 Code § 89-3-408; amd. 2009 Code; Ord. 13-__, 11-13-2013)

Section 5. Title 13, Chapter 5, Article I, Section 4 of the 2009 City Code shall hereafter read as follows:

13-5I-4: PERMITTED, CONDITIONAL AND PROHIBITED USES:

- A. Permitted And Conditional Uses: Uses allowed in the city center subdistricts are listed in the following table. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) may be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, so long as they comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the city center zone.

PERMITTED AND CONDITIONAL USES
IN CITY CENTER SUBDISTRICTS

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	CC-C	CC-R	CC-F
Accessory building or structure	P	P	P
Auditorium	C		
Bail bonds and pawnbrokers			C
Banks, credit unions with drive-up service windows		C	AC
Banks, credit unions without drive-up service windows	P	C	P
Bed and breakfast	P	P	
Brewpub	C		C
Check cashing credit card services			C
Church/place of worship	C		C

Club	C		C
College or university, satellite campus	P		C
Convention center	P		
Daycare, general	AC	AC	AC
Daycare, limited	P	P	P
Department store	P		C
Drive-up automated teller machines	C		AC
Farmers' market	P		P
Health and fitness facility	P		P
Home occupation as listed in section <u>13-11-3</u> of this title	P	P	P
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction and other related uses for up to 12 clients per session	AC	AC	AC
Hotel	P	C	C
Hotel, extended stay	P	C	C
Low power radio service facility	AC		AC
Mass transit railway system	P	P	P
Massage therapy	P	AC	P
Media service	P		C
Medical service	P	C	P
Mixed use development	P	C	P
Model home	P	P	P
Motel			C
Movie theater	P		
Municipal, recreational and cultural facilities and services	P	C	P
Off site parking	C	C	C
Office	P	C	P
Outdoor dining	P	C	AC
Outdoor exhibits, displays or sales areas	P		
Park and ride lot	P		
Park, public or private	P	P	P

Parking structures	P	C	C
Personal care service	P	AC	P
Personal instruction service	AC	AC	AC
Pet groomer	P		P
Preschool	AC	AC	AC
Produce or flower stands	P		AC
Reception center	C		C
Recreational facilities, indoor and outdoor	P		C
Residential, attached single-family		P	
Residential, multi-family (single use) over 45 feet in height		C	
Residential, multi-family (single use) under 45 feet in height		P	
Restaurant, fast food (general)			C
Restaurant, fast food (limited) ¹	C		C
Restaurant, general	P	C	P
Retail greater than 15,000 square feet	C		C
Retail up to 15,000 square feet	P	C	P
School, vocational	C		C
Secondhand store			C
Service establishment up to 15,000 square feet	P	C	P
Small scale public utilities	C		C
Transit station structures, facilities	P		
Utility, minor	C		C
Vehicle and equipment repair (general)			C
Vehicle and equipment repair (limited)			C

Note:

1. See subsection B of this section for additional standards.

B. Prohibited Uses: The following uses are prohibited within the boundaries of the city center zone:

Automobile/vehicle sales.

Automobile/vehicle washing facilities (car wash).

Billboards.

Gasoline service stations.

Industrial and manufacturing uses.

Outdoor kennels.

Outside storage and operations.

Public or private storage facilities, unless accessory to a residential use.

Restaurant, fast food (limited) with drive-through within one thousand three hundred feet (1,300') of light rail station within the CC-C district (measurement is a straight line from light rail station platform to business door).

Utility, major.

Warehousing facilities and uses. (2001 Code § 89-3-1004; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 13-__, 11-13-2013)

Section 6. Title 13, Chapter 5, Article J, Section 4 of the 2009 City Code shall hereafter read as follows:

13-5J-4: PERMITTED AND CONDITIONAL USES:

A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

B. Residential Permitted And Conditional Land Use Chart:

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	VLSFR	LSFR	MFR	HFR
Accessory building or structure	P	P	P	P
Accessory living quarters ²	C			
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Animal/fowl keeping	P	C	C	
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/ community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	C	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC	AC
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P	P
Low power radio service facility	AC	AC	AC	AC
Manufactured/prefabricated home ³	P	P	P	

Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

Notes:

1. For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and lot/bulk standards.
2. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
3. Subject to meeting the improvement requirements of the WSPA required standards and optional improvement density.

C. Mixed Use Permitted And Conditional Land Use Chart:

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	MU
Adult daycare, general	C
Adult daycare, limited	AC
Bank, credit union with drive-through window	C
Bank, credit union without drive-through window	P
Bed and breakfast	P
Club	C
Daycare, general	C

Daycare, limited	P
Dwelling, multi-family above main level	P
Group home, large	C
Group home, small	AC
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses of up to 12 clients per session	AC
Home occupation listed in section <u>13-11-3</u> of this title	P
Low power radio service facility	AC
Mass transit railway system	P
Massage therapy	P
Mixed use development	P
Municipal, recreational and cultural facilities and service	C
Off site parking	C
Office	P
Park and ride lot	P
Park, public or private	P
Parking structures	P
Personal care service	P
Personal instruction service	AC
Preschool	C
Produce or flower stands	P
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	AC
Restaurant, fast food (general)	C
Restaurant, fast food (limited)	C
Restaurant, general	P
Retail establishment up to 15,000 square feet	P
Service establishment up to 15,000 square feet	P
Transit station structures, facilities	P
Transitional home, large	C

Transitional home, small	AC
Utility, minor	C

(2001 Code § 89-3-1105; amd. Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-11, 3-27-2013; Ord. 13-__, 11-13-2013)

Section 7. Title 13, Chapter 7, Article A, Section 4 text of the 2009 City Code shall be deleted and sub-section titled “Reserved.”

Section 8. Title 13, Chapter 7, Article C, Section 6 of the 2009 City Code shall hereafter read as follows:

13-7C-6: FINDINGS FOR APPROVAL:

Any amendments to the general plan, including maps, shall be approved only if:

- A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;
- B. The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;
- C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;
- D. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;
- E. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change; and
- F. The proposed amendment is consistent with other adopted plans, codes and ordinances. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-__, 11-13-2013)

Section 9. Title 13, Chapter 7, Article D, Section 7 of the 2009 City Code shall hereafter read as follows:

13-7D-7: FINDINGS FOR APPROVAL:

- A. Zoning Map: Amendment to the zoning map shall be approved only if:
 - 1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan;
 - 2. The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties;

3. The proposed amendment furthers the public health, safety and general welfare of the citizens of the city;

4. The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways; and

5. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

B. Zoning Text: Amendment to the text of this title shall be approved only if:

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

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

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

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. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-__, 11-13-2013)

Section 10. Title 14, Chapter 3, Section 7 of the 2009 City Code shall hereafter read as follows:

14-3-7: FINDINGS FOR APPROVAL:

Preliminary and final subdivision plats shall be approved only if:

A. The proposed plat conforms to, and is consistent with, the adopted goals, objectives and policies as set forth in the city general plan;

B. The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that proposed vehicular and pedestrian circulation is adequate to permit movement in a manner which is safe and efficient;

C. Public facilities and services intended to serve the subject development, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, power, and refuse collection, are adequate to serve the site; and

D. The proposed plat complies with all provisions of this title, the zoning ordinance and other development standards of the city. (2009 Code; amd. Ord. 13-__, 11-13-2013)

Section 11. 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 12. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 13th day of November, 2013.

CITY OF WEST JORDAN

By: _____
MELISSA K. JOHNSON
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

"AYE"

"NAY"

Judith Hansen
Clive M Killpack
Chris McConnehey
Chad Nichols
Ben Southworth
Justin D. Stoker
Mayor Melissa K. Johnson

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

ORD 13-33

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 _____, 2013, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]