

THE CITY OF WEST JORDAN, UTAH

**ORDINANCE NO. 22-13**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (DEVELOPMENT PLAN PROCESS AND ZONING ADMINISTRATOR AUTHORITY; AMEND SECTIONS 13-5C-7, 13-5I-13, 13-6G-17, 13-6H-12, 13-6I-7, 13-6K-3, AND 15-3-8; REPEAL AND REPLACE SECTION 13-5J-10; AND ENACT SECTIONS 13-7I-1 THROUGH 13-7I-5 INCLUSIVE)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“City Council”) desires to amend certain sections of the City Code, regarding and related to Development Plan Process and Zoning Administrator Authority (“proposed City Code amendments”); and

WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public hearing and provided a recommendation on April 5, 2022, regarding the proposed City Code amendments, since they are land use regulations, including City Code Sections 13-5C-7, 13-5I-13, 13-5J-10, 13-6G-17, 13-6H-12, 13-6I-7, 13-6K-3, 15-3-8, and 13-7I-1 through 13-7I-5; and

WHEREAS, the City Council held a public meeting on April 27, 2022 and a public hearing on May 11, 2022 regarding the proposed City Code amendments; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

**Section 1. Amendment, Repeal and Replacement, and Enactment of Code Provisions.** City Code Sections 13-5C-7, 13-5I-13, 13-6G-17, 13-6H-12, 13-6I-7, 13-6K-3, and 15-3-8 are amended; City Code Section 13-5J-10 is repealed and replaced; and City Code Sections 13-7I-1 through 13-7I-5 inclusive are enacted; all to read as shown on Attachment 1 below.

**Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 11<sup>TH</sup> DAY OF MAY 2022.

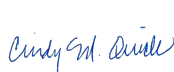

CITY OF WEST JORDAN

By:   
Kelvin Green

Acting Council Chair

ATTEST (see next page):

ATTEST:

Cindy M. Quick, MMC  
Council Office Clerk

**Voting by the City Council**

	<b>"YES"</b>	<b>"NO"</b>
Council Chair Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON MAY 16, 2022.**

Mayor's Action:   X   Approve             Veto

By:   
\_\_\_\_\_  
Mayor Dirk Burton

  May 18, 2022    
\_\_\_\_\_  
Date

ATTEST:


Tangee Sloan  
City Recorder

**STATEMENT OF APPROVAL OF PASSAGE (check one)**

  X   The Mayor approved and signed Ordinance No. 22-13.

       The Mayor vetoed Ordinance No. 22-13 on \_\_\_\_\_ and the  
City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.



       Ordinance No. 22-13 became effective by operation of law without the  
Mayor's approval or disapproval.

Tangee Sloan  
City Recorder

## CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 23rd day of May, 2022. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

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Tangee Sloan  
City Recorder

*(Attachment on the following pages)*

## Attachment 1

### [Attachment to ORDINANCE NO. 22-13

### AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (DEVELOPMENT PLAN PROCESS AND ZONING ADMINISTRATOR AUTHORITY; AMEND SECTIONS 13-5C-7, 13-5I-13, 13-6G-17, 13-6H-12, 13-6I-7, 13-6K-3, AND 15-3-8; REPEAL AND REPLACE SECTION 13-5J-10; AND ENACT SECTIONS 13-7I-1 THROUGH 13-7I-5 INCLUSIVE)]

#### Legislative Version:

#### 13-5C-7: DEVELOPMENT PLAN REQUIREMENTS:

A. Development Plan Review: The steps outlined in section 15-3-8 of this Code and section 13-5J-10 of this chapter code and title 13, chapter 7, article I shall be followed in connection with applications for approval of a development plan, along with the required fees and other specific processes required by this Code code to complete a specific project.

B. Development Plan Submittal Requirements: A developer seeking City city approval of a development plan shall follow the submittal requirements as outlined in subsections 13-5J-10B through E of this chapter title 13, chapter 7, article I. (2001 Code § 89-3-407; amd. Ord. 10-09, 2-24-2010; Ord. 19-13, 5-8-2019)

#### 13-5I-13: DEVELOPMENT PLAN, LAND USE ELEMENT AND ARCHITECTURAL REVIEW:

A. Development Plan: A development plan is to be prepared for each proposed development (or phase) within the three (3) city center subdistricts. The development plan shall provide pertinent information relative to public improvements, development standards and compliance therein, design criteria, and public incentives. The development plan shall consist of the following:

1. Uses And Infrastructure: Existing land uses, property ownership, development character and the relative character of existing and proposed uses and infrastructure. Potential impacts to existing infrastructure shall be included in the analysis.

2. Master Plan: A master plan shall be provided for each of the three (3) subdistricts. The master plan shall be graphically illustrated indicating the proposed areas of development, phasing lines (if any) and the expected times of development. The master plan shall meet the intent of this section, the overall intent of the transit station overlay district in chapter 6, article G of this title, the adopted West Jordan "Parks, Recreation, Trails And Open Space Handbook", the West Jordan downtown revitalization design guidelines and the West Jordan downtown revitalization land use element as prepared by LMN Architects. The master plan shall be updated as is necessary based on proposed changes within each development area. The zoning administrator shall determine when these master plan updates are necessary.

3. Market Analysis: For sites larger than two (2) acres, an independent real estate market analysis of the proposed development shall be prepared, which takes into consideration the potential demand for the proposed residential and nonresidential uses within the proposed development area.

4. Submittal Requirements: The applicant shall follow the submittal requirements as outlined in subsections 13-5J-10B through E of this chapter title 13, chapter 7, article I, including, but not limited to, the development's project boundary, building placement, right of way layout, parking areas, pedestrian and bicycle paths, open space and general gathering areas, building elevations of all proposed structures, and statements as to how all building and development guidelines of the West Jordan downtown revitalization design guidelines are being met.

5. Development Plan Review: The steps outlined in section 15-3-8 of this code shall be followed in connection with an application for approval of a development plan, along with the required fees and other specific processes required by this code to complete a specific project.

B. Land Use Element And Design Guidelines:

1. Because several essential compliance elements come into play with regard to development within the city center zone, it can be difficult at times to determine which part of each section of the zoning code or adopted design guideline may be applicable. The intent of this section is to establish requirements for a "downtown" zoning district which complies not only with the standards and requirements of the transit station overlay district, chapter 6, article G of this title, but also the adopted West Jordan "Parks, Recreation, Trails And Open Space Handbook", the West Jordan downtown revitalization design guidelines and West Jordan downtown revitalization land use element as prepared by LMN Architects.

2. These five (5) zoning elements shall work together as a single entity; wherein this title shall be used as a legal guide to determine standards and requirements; while the West Jordan downtown revitalization design guidelines, the West Jordan downtown revitalization land use element, and the West Jordan "Parks, Recreation, Trails And Open Space Handbook" shall be used for reference purposes to determine what can and cannot be accomplished within the city center zone. Where there is a discrepancy in interpretation of this article and the design and land use elements, the more restrictive language shall apply.

C. Architectural Review: All proposed development within the city center zone shall be reviewed by the design review committee. This committee shall have the right to evaluate the physical layout, architectural characteristics and amenities and may require changes or modifications in design to create compatibility and conformity in the variety of uses and structures within the development to ensure, protect and promote the health, safety, and general welfare of the citizens of the city. (2001 Code § 89-3-1014; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013; Ord. 14-19, 5-28-2014)

13-5J-10: DEVELOPMENT PLAN PROCESS:

The steps outlined in title 13, chapter 7, article I and section 15-3-8 of this code shall be followed in connection with an application for approval of a development plan, along with the required fees and other specific processes required by this code to complete a specific project. Bonus density awarding and vesting may occur through the following methods:

A. A subarea development plan shall be submitted either following or concurrent with the master development plan. The master development plan must accompany a separate preliminary subarea development plan. The preliminary subarea development plan will provide the framework and detailed information for each specific area (phase) within the project. For the West Side Planning Area Zones, pursuant to this article, the density bonus shall be awarded as part of the approval of the preliminary subarea development plan.

B. To achieve bonus density awarding, the master development plan and/or the preliminary subarea development plan shall include the following information:

1. Preliminary Subarea Development Plan Report: The preliminary subarea development plan shall cover the overall objective and direction of the proposed project ready for both density bonus awarding and approval. The plan shall go into full detail of the intent of the project and shall give the city a clear idea of the resulting product. The report shall include the following information:

a. Scope: An introduction to the development, which explains the land use and zoning characteristics, the overall project area, the number of proposed dwelling units, the number of phases, and the inclusion of mixed-use areas, parks, schools, trails, and special amenities.

b. Location: Location explanation, explaining the overall location of the project (where each phase is located within the approved master plan), and the location of differing proposed land uses.

c. Land Features: Description of the existing physical features of the land, such as the location of drainage canals, irrigation canals, floodplains, steep slopes, existing infrastructure, grade, ditches, easements, and other land features whether natural or manmade.

- d. Improvement And Amenities Installation: Explanation in full detail (also using visual references if possible), concerning the intent to install development improvements and amenities. For those developments seeking density bonuses, improvements and amenities shall be in accordance with section 13-5C-8 and section 13-5J-6. This portion of the report shall not only list those improvements and amenities to be installed for density bonus purposes, but explanation shall also be given as to how the required development improvements and amenities will be met and to what extent. This portion of the report shall explain which development improvements and amenities are being selected for density bonus purposes by the developer; wherein, it is essential that the report explain what effort will be made to meet each specific criterion. Since percentage points will be given for density bonus purposes based on the type of improvement and amenity being installed in a development, the report shall explain:
- (i) Exactly how the criterion is being met.
  - (ii) The purpose of the improvement or amenity.
  - (iii) How the improvement or amenity serves the development and justifies an increase in density.
  - (iv) What is being installed to meet the criterion (giving the number, type and/or placement of each type of improvement or amenity feature, i.e., how many traffic calming devices).
- e. Zoning Regulations: Explain how the city zoning regulations apply to the proposed development, detailing that either: standard zoning setbacks based on the type of structure will be met; or that setbacks will be determined in review of the development and approved by the city council in their review of the preliminary development plan and/or the subarea development plan and the recording of the subdivision plat. This portion of the report shall also explain:
- (i) Minimum and average lot area.
  - (ii) Maximum and average height of each proposed structure type.
  - (iii) Setback information based on garage placement. Upon request by the Zoning Administrator, a plan will need to illustrate how a specific dwelling type fits within the boundaries of a given lot without exceeding bulk and setback standards
  - (iv) Minimum living area per each proposed structure type.
  - (v) Maximum and average height of each proposed structure type.
  - (vi) How the zoning requirements of this article and of this title in general are being met.
- f. Buildings and Structures: Explain in detail the number and placement of each dwelling/structure type (i.e., single-family, two- family, multi-family, etc.). There shall be a direct reference on the plan to specific building types; wherein, building elevations shall be easily referenced.
- g. Fencing and Wall: Explain all fencing/wall restrictions and/or requirements for the proposed development. Indicate placement, height, type, and maintenance responsibilities. An elevation of each type of proposed wall or fence is required.
- h. Lighting: Explain all pedestrian lighting restrictions and requirements for the proposed development. Indicate placement, height, style and maintenance responsibilities. An elevation/profile of each type of proposed light, light base and fixture is required.
- i. Public and Private Use Areas: Explain in detail those areas which will serve as either public or private use areas, be it for recreational, open space, park, school or public utility purposes. This portion of the report shall explain where maintenance responsibilities lie with respect to the use area.
- j. Landscaping: Explain in detail the proposed network of landscaping for the proposed project, identifying the location, amount and purpose of the landscaping (i.e., buffer, passive recreation, etc.).

2. Preliminary Subarea Development Plan Drawings: Accompanied with the preliminary subarea development plan report, either as appendix items or inserted throughout the report, shall be detailed

renderings and drawings of that area within the project ready for approval. The following information shall be provided:

- a. Updated and Approved Concept Plan: If the overall project is intended to be approved in phases, the attached concept development plan shall illustrate the overall master planned project area while outlining the phase which is being considered for preliminary subarea development plan approval and possible bonus density awarding.
- b. Existing Conditions: The existing land use and zoning surrounding the proposed development, showing the location of all abutting structures within a one-hundred feet (100') perimeter of the site (if any), inclusive of all abutting property owner names.
- c. Site Plan: A detailed preliminary site plan shall be submitted in accordance with this subsection B and accompanied by the appropriate site plan checklist as provided by the development services department.
- d. Exterior Design: Exterior design drawings for all proposed residential and mixed-use buildings, structures, monuments and gateway features, presented as exterior perspectives or exterior elevations. All sides of every building or structure shall be presented for review and approval purposes. Example exterior elevations should be provided for all proposed structures, where also a building footprint for each lot shall be represented.
- e. Building Envelope: For residential developments, the preliminary development plan shall show the proposed building envelope of every lot in the subdivision, inclusive of lot dimensions.
- f. Street Layout: Street layout system inclusive of renderings of traffic calming measures. The design and cross section of each proposed roadway shall match that as proposed within the approved master development plan.
- g. Parking Layout: Dimensioned parking layout showing the location of individual parking stalls, all ingress and egress areas, emergency lanes, medians, and other parking layout features.
- h. Existing Services: The location of existing services, including water, sanitary sewer, and storm sewer, also indicating the availability of electricity and gas.
- i. Preliminary Subdivision, Condominium Plat: Copy of a legible preliminary subdivision or condominium plat in accordance with Title 14 of this code and accompanied by the appropriate checklist as provided by the development services department.

### 13-6G-17: DEVELOPMENT PLAN:

A. Development Plan Review: The steps outlined in section 15-3-8 of this code shall be followed in connection with an application for approval of a development plan, along with the required fees and other specific processes required by this code to complete a specific project.

B. Development Plan Requirements: A development plan shall be prepared for each designated TSOD. The plan may modify the boundaries of the overlay district and provide for the physical design of the TSOD relative to public improvements, development standards, design criteria and public incentives. The development plan shall follow the submittal requirements found in subsections 13-5J-10B through E of this title title 13, chapter 7, article I and include the following:

1. Existing land uses, property ownership, development character and the relative character of existing uses within one-half (1/2) mile of the proposed transit station location.
2. For sites larger than two (2) acres, an independent real estate market analysis of the proposed development, which takes into consideration the potential demand for the proposed nonresidential uses within the TSOD.
3. Analysis of potential impacts to existing infrastructure, including a traffic study.
4. Development specifics such as the station community and project boundaries, building placement, parking, pedestrian and bicycle paths, plazas, social gathering centers, building elevations, lighting and signage.

5. An implementation and phasing timetable. (2001 Code § 89-4-818; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 14-19, 5-28-2014)

#### 13-6H-12: DEVELOPMENT PLAN REQUIREMENTS:

A. Development Plan: A development plan is to be prepared for each proposed development (or phase) within the senior housing overlay zone. The development plan shall provide pertinent information relative to public improvements, density, universal design concepts being utilized in the development, development standards and compliance therein, and design criteria.

B. Development Plan Review: The steps outlined in section 15-3-8 of this code shall be followed in connection with applications for approval of a development plan, along with the required fees and other specific processes required by this code to complete a specific project.

C. Development Plan Submittal Requirements: A developer seeking city approval of a development plan shall follow the submittal requirements as outlined in ~~subsections 13-5J-10B through E of this title~~ title 13, chapter 7, article I. (Ord. 11-03, 2-9-2011)

#### 13-6I-7: DEVELOPMENT PLAN REQUIREMENTS:

A. Development Plan: A development plan shall be prepared for each proposed development (or phase) within the Infill Overlay District. The development plan shall provide pertinent information relative to public improvements, density, universal design concepts being utilized in the development, development standards and compliance therein, maintenance plans, and design criteria.

B. Development Plan Review: The steps outlined in section 15-3-8 of this ~~Code code~~ shall be followed in connection with applications for approval of a development plan, along with the required fees and other specific processes required by this ~~Code code~~ to complete a specific project.

C. Development Plan Submittal Requirements: A developer seeking ~~City city~~ approval of a development plan shall follow the submittal requirements as outlined in ~~subsections 13-5J-10B through E of this title~~ title 13, chapter 7, article I.

D. Supplemental Information: In addition to the submittal requirements listed in ~~subsections 13-5J-10B through E of this title~~ title 13, chapter 7, article I, the following additional material is required as part of a IDO Concept Development Plan application:

##### 1. Concept Development Plan:

a. Statement Of Need: The statement of need shall describe the existing conditions of the area proposed for inclusion in the IDO and address the items listed in section 13-6I-2 of this article that establish the reasons for use of this district.

##### 2. Preliminary Development Plan:

a. Development Goals: The Preliminary Development Plan shall contain a description of the goals to be accomplished through the adoption and implementation of the IDO. This description shall be written and/or graphic and include a description of the final developments envisioned for the property that will meet the intent of this zoning district.

b. Development Regulations: The Preliminary Development Plan shall list permitted and conditional land use options, which may be assigned to specific parcels. Multiple development and land use options may be assigned and described as available alternatives.

(1) IDO-1 applications shall state the zoning district or districts being used to establish the uses permitted on the property. The referenced district(s) shall be established either prior to or concurrent with the adoption of the IDO-1. The development standards associated with the designated district(s) shall govern development on the site unless deviations are requested as part of the application and approved with the adoption of the Preliminary Development Plan. The application shall also include any requests for modification of development standards contained in, or authorized by this ~~Code code~~.

(2) IDO-2 applications shall submit either of the following:

(A) A list of base district(s) to establish permitted and conditional uses, or



(B) A specific land use plan including allowed land uses and activities that may or may not necessarily correspond to specific base zoning districts. If this option is selected, the adopted Preliminary Development Plan shall govern allowed land use activities for the project site.

c. Neighborhood Compatibility: The Preliminary Development Plan shall include criteria and requirements to ensure that future development plans; will facilitate development compatible with adjacent properties and surrounding neighborhoods, will facilitate the implementation of the Preliminary Development Plan, will facilitate appropriate transitions between differing developments, and will not overburden the transportation system, utility infrastructure or community facilities.

d. General Development Standards: The Preliminary Development Plan may, but is not required to, include deviations to this title. In the event the Preliminary Development Plan does not specify deviations to development standards, the Preliminary Development Plan shall specify how and when the development standards in this title apply to specific sites.

e. Fee Reduction: Any fee reductions shall conform to the process and parameters established in title 3, chapter 7 of this Code code.

3. Additional Information/Requirements: Additional information that may be required by the City city as part of the Preliminary Development Plan to justify the IDO District are:

a. Infrastructure Element: An infrastructure element, which includes plans for incorporating transportation, stormwater drainage and utility options may be required by the City Engineer and City Traffic Engineer to evaluate current conditions and consider requested modifications.

b. Supplemental Reports: As determined by the City Planner or City Engineer each Preliminary Development Plan shall be accompanied by additional information as necessary to facilitate understanding, review and action on the application by the City Council. (Ord. 17-19, 4-5-2017)

### 13-6K-3: PROCESS FOR IOZ AND PROJECT APPROVAL:

A. Feasibility preapplication meeting: Before application is made for a zone change to the IOZ overlay zone, the entity proposing the change shall first meet with the city staff to review and assess the feasibility of the change and to refine the potential application.

B. Application: An application for a zone change to an IOZ zone shall include a Master Development Plan ("MDP") and shall be submitted, according to section 13-5J-10 section 15-3-8 and title 13, chapter 7, article I of this code, concurrently with and as part of the application for a zone change. A Master Development Agreement ("MDA") in a form acceptable to the City city shall also be required and presented to the planning commission as part of the application review prior to consideration of the application by the city council. The MDP shall follow the expiration time frames of section 13-5J-10-D title 13, chapter 7, article I, or as modified by the MDP and/or the MDA. The MDP shall be attached to and be part of the MDA. And MDP shall include, as a minimum:

1. A conceptual site plan or plans, including sketches of the types of buildings proposed, elevations of proposed buildings, parks, plazas, trails, oblique sketches of the project to show any view related issues, and conceptual street cross sections using this IOZ chapter as a guide to items that should be addressed.

2. Design Guidelines: Design Guidelines shall be submitted with each MDP and shall be approved by the city council, after receiving a recommendation from the planning commission and the design review committee.

3. A written explanation of the project that describes the thematic elements of the project, the place making concepts, one or more signature features, proposed residential densities density, commercial and mixed-use designs (if applicable), and other details that will provide reasons that the development will create a long-term benefit to the City city.

4. Master Development agreement - on a form acceptable to the City city: (a) specify and describe the proposed development through text, site plans and elevations (b) detail the major concepts, building types, amenities, residential densities density and other benefits being provided to the City city and its residents. A master development agreement approval runs with the land and is a recorded document.

5. A preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent highway corridors, traffic capacity/level of service issues on adjacent roads and intersections, and suggested solutions for anticipated traffic congestion problems.

6. Other information or documentation the planning department/and or West Jordan City may deem necessary, as described on the application form, for proper review and analysis of a particular application.

C. Phase Sub-Area Development Plans: Each phase described in an MDP shall be submitted in the form of a Phase Sub-Area Development Plan, following the standards and guidelines established in the MDP, and shall be approved by city staff.

D. Residential **densities density** shall be established by the City Council, after receiving a recommendation from the Planning Commission and shall be adopted with the master development plan and agreement.

E. Ownership at Time of Application: Each Master Development proposal under the IOZ 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. (Ord. 19-34, 11-13-2019)

## **ARTICLE I. DEVELOPMENT PLAN PROCESS**

### **SECTION:**

#### **13-7I-1: Purpose and Scope**

#### **13-7I-2: Development Plan Submittal Requirements**

#### **13-7I-3: Ownership At time of Application**

#### **13-7I-4: Expiration of Development Plans**

#### **13-7I-5: Variations from Approved Plans and Development Standards**

### **13-7I-1: PURPOSE AND SCOPE:**

Application for approval of a development plan shall comply with and meet the requirements of this article and section 15-3-8 of this code, shall be accompanied by the required fees, and shall meet the requirements of all other specific processes required by this code to complete a specific project.

### **13-7I-2: DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS:**

A. Preapplication Conference: A preapplication conference shall be held with the city staff for the applicant/developer to become acquainted with the development plan process and submittal requirements. City staff will give feedback on the proposed project based on the information that is presented for the proposed project. To be scheduled for a preapplication conference, the applicant/developer shall submit a concept site plan of the proposed development, submitted in accordance with the concept site plan checklist as provided by the development services department.

B. Master Development Plan: Following the initial preapplication conference and review of the conceptual master development plan, a master development plan shall be prepared and submitted. The intent of the master development plan is to illustrate the area(s) within a specific geographic boundary which are intended to be a part of a single, cohesive large development. In general, the master development plan is intended to act as a project's guiding document for all future development (consisting of subdevelopments) where more detailed planning will follow with submittal and approval of subarea plans. The planning commission shall forward a recommendation to the city council regarding the master development plan, where in turn, the plan shall then be approved, conditionally approved, or denied by the city council. Upon approval, the master development plan shall be the sole guiding document for all subsequent development within the defined master plan area.

C. Preliminary Subarea Development Plan: Following review and approval of the master development plan, the applicant/developer shall submit a subarea development plan, accompanied by all required application information. For the West Side Planning Area Zones, it is during the subarea plan review process that bonus density may be awarded (see title 13, chapter 5, article J, especially section 13-5J-10).

D. Final Development Plan: Following all preliminary approvals, the applicant/developer shall submit a final development plan for the subarea planned project area, accompanied by any other required process information (i.e., subdivision plat, site plan, etc.). The plan shall be submitted in the same format as outlined in this section. All submitted text and drawings shall reflect any changes, modifications, updates, and references resulted from the master development plan, subarea development plan, site plan, subdivision/condominium plat, and/or conditions of approval, required by the city council. All documents attached to or included with the plan shall be in final format (i.e., no references to preliminary documents). Any major design changes related to roadway placement, product type, density, and/or amenities, shall require an amendment to the preliminary development plan in accordance with this section.

### 13-7I-3: OWNERSHIP AT TIME OF APPLICATION

All property subject to a development plan review shall be in single or corporate ownership at the time of application, or the subject of an application. The application shall be filed jointly by all owners of the property and the applicant if the applicant is other than the owners of the property.

### 13-7I-4: EXPIRATION OF DEVELOPMENT PLANS

A. Master Development Plan and Preliminary Subarea Development Plan Expiration: Preliminary approval of a master development plan or subarea development plan shall remain valid for a period of two (2) years upon receiving approval by the city council; wherein, the allowable maximum density, derived from the approval of the plan shall become void by resolution from the city council. Upon expiration of a development plan and the invalidation of density for the project, the density for the defined project area shall revert to the base density for the underlying zoning district and the zoning designation shall revert to the previous zone established prior to the concept development plan approval.

B. Final Development Plan Expiration: A final development plan shall remain valid for a period of three (3) years upon receiving approval by city staff or the planning commission; wherein, the allowable maximum density, derived from the approval of the preliminary development plan, shall become void by resolution from the city council. Upon expiration of the final development plan and the invalidation of density for the project, the density for the defined project area shall revert to the base density for the underlying zoning district. On multi-phased developments, substantial completion of the phases shall ensure the validity of the final development plan; wherein, a phased development may continue and be considered "active" so long as the last approved phase in the development is not left dormant for more than a three (3) year period.

C. Extension: One (1) six-month extension may be granted by the Zoning Administrator for either the preliminary or final development plan if the applicant/developer provides adequate justification for such an extension.

### 13-7I-5: VARIATIONS FROM APPROVED PLANS AND DEVELOPMENT STANDARDS

A. Qualified Variations: Variations or modifications to an approved development plan ("variation") are classified as either major or minor. Any variation of or change to an approved development plan, whether major or minor, may only occur as set forth in this section 13-7I-5.

## B. Major Variation.

1. A variation to an approved development plan is considered "major" if the variation requested would change, alter, or eliminate an issue or condition addressed in the approved development plan which:
  - a. is unique to the approved development plan;
  - b. was recommended and/or adopted as a condition of approval of the development plan by the Planning Commission;
  - c. was adopted as a condition of approval of the development plan by the city council; or
  - d. was suggested or offered by an applicant as part of the initial application or following submission of the initial application suggested or offered to be included in the development plan by the applicant.
2. A Major variation to an approved development plan may only occur by an amendment to the approved development plan. The amendment may only be made by either the planning commission or the city council, whichever approved the original development plan.
3. A request for an amendment to an approved development plan shall require an application, the payment of the applicable fee, and submission of all information required by this chapter.

## C. Minor Variation:

1. A variation is considered "minor" only if the Zoning Administrator determines in writing that (i) the following conditions of the approved development will exist if the variation is approved, and (ii) that the following characteristics of the development will exist following the implementation of the variance in the development:
  - a. No additional uses are added to the approved development plan or the development (residential, commercial, office space, medical, or otherwise);
  - b. All footprints, setbacks, and other requirements of city ordinances, standards, and regulations are met;
  - c. The heights of the buildings are the same or lower than in the approved development plan and in the development;
  - d. The density of the housing units, if any, is the same or lower than in the approved development plan and in the development;
  - e. The amount of office space, commercial space, or other similar required space, if any, is the same or more than in the approved development plan and in the development;
  - f. The amount or number of improvements and amenities, if any, is the same or more than in the approved development plan and in the development; and
  - g. All other similar measurable criteria are the same or more or "better" on the approved development plan and in the development, as determined by the Zoning Administrator. For example: owner-occupied residential units are deemed to be better than leased or rented residential units; or vinyl fencing is not the same or better than pre-cast concrete decorative fence.
2. The request for a minor variation shall be submitted in writing to the Zoning Administrator and shall include the following:

- a. A detailed description and/or depiction of the nature of the variation or modification request; and
  - b. A detailed explanation of how the variation will not affect the overall intent and purpose of the approved development plan.
3. The Zoning Administrator may reject any minor variation request that fails to include any required information.
  4. The Zoning Administrator is authorized to grant a minor variation in his or her sole discretion only upon a written determination and explanation by the Zoning Administrator, including specific facts related to the development (“written determination”), as follows:
    - a. How and why the variation is consistent with the intent of this article;
    - b. That the variation does not increase the overall allowable maximum density granted to the development;
    - c. Why the variation does not affect an approved preliminary or final site plan;
    - d. Why the variation does not affect an approved preliminary or final subdivision or condominium plat;
    - e. Specific facts as to why the variation does not constitute a major variation and therefore may be granted by the Zoning Administrator; and
    - f. The written determination shall be provided to the council office.

#### 15-3-8: MASTER DEVELOPMENT PLAN REVIEW:

A. Preapplication Process: The applicant/developer shall have an initial preapplication conference with city staff. The applicant/developer at that time shall present to the city a conceptual development plan. After the preapplication conference, the city shall prepare a report, which will reference any issues, inconsistencies with policies or codes within the proposal; and which will also explain and suggest ways in which to resolve such concerns or problems with the proposed project.

B. Master Development Plan Process: A master development plan shall be submitted and with a report prepared by the applicant/developer indicating, in detail, the overall objective and intent of the proposed development, per the submittal requirements as outlined in section 13-5J-10 title 13, chapter 7, article I of this code. The city council shall approve, deny, or modify the master development plan after receiving recommendation from staff and the planning commission. During the approval of the master development plan, the city council will determine the residential density for the project based on the density ranges indicated in the future land use map, the zoning ordinance, and the amount and type of amenities/improvements being proposed by the applicant/developer in the master development plan. For all residential developments, the city council shall adopt by ordinance the overall maximum density as approved. The conditions of the approval, including residential density, shall be valid for only the approved master development plan. Any substantial deviations, modifications or amendments to the approved master development plan which may increase the overall maximum density for a project may necessitate another review by the planning commission and approval from the city council. All other deviations, modification or amendments shall only occur follow the regulations as outlined in subsection 13-5J-10E title 13, chapter 7, article I of this code. (Ord. 10-09, 2-24-2010; amd. Ord. 16-21, 5-11-2016; Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)











# Ordinance No. 22-13 Development Plans and Zoning Administrator


Final Audit Report

2022-05-23


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