

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 23-05

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
(AMENDING DEVELOPMENT PROCEDURES FOR GENERAL PLAN AMENDMENTS AND  
ZONING MAP AND LAND USE REGULATION AMENDMENTS;  
AMENDING CITY CODE SECTIONS 13-7C-1 THROUGH 13-7C-9 INCLUSIVE, SECTIONS 13-  
7D-1 THROUGH 13-7D-9 INCLUSIVE, AND SECTION 13-7I-2)

WHEREAS, the City of West Jordan ("City") adopted West Jordan City Code ("City Code") in 2009; and the City Council of the City ("Council" or "City Council") desires to amend a certain section of the City Code, regarding and related to Development Procedures for General Plan Amendments and Zoning Map and Land Use Regulation Amendments ("proposed City Code amendments"); and

WHEREAS, the Planning Commission of the City ("Planning Commission") held a public hearing and provided a recommendation on November 15, 2022, regarding the proposed City Code amendments, which are all land use regulations, including City Code Sections 13-7C-1 through 13-7C-9 inclusive, Sections 13-7D-1 through 13-7D-9 inclusive, and Section 13-7I-2; and

WHEREAS, the City Council held a work session on December 21, 2022 and a public hearing on February 8, 2023, regarding the proposed City Code amendments, and now determines the following:

1. The proposed City Code amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein;
2. The proposed City Code amendments are appropriate given the context of the request and there is sufficient justification for a modification to this title;
3. The proposed City Code amendments will not create a conflict with any other section or part of this title or the General Plan; and
4. The proposed City Code amendments do not relieve a particular hardship, nor do they 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; 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 of Code Provisions. City Code Sections 13-7C-1 through 13-7C-9 inclusive, Sections 13-7D-1 through 13-7D-9 inclusive, and Section 13-7I-2 are amended to read as shown on Attachments 1 and 2 to this Ordinance, with the words "city", "council", "planning commission", and "general plan" not being capitalized unless in a title or heading, as shown on Attachment 2.

**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 8<sup>TH</sup> DAY OF FEBRUARY 2023.

CITY OF WEST JORDAN

By:   
Christopher McConnehey  
Council Chair

ATTEST:

   
Cindy M. Quick, MMC  
Council Office Clerk

**Voting by the City Council**

	<b>"YES"</b>	<b>"NO"</b>
Council Chair Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<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 FEBRUARY 13, 2023.**

Mayor's Action:   X   Approve             Veto

By:   
Mayor Dirk Burton

  Feb 14, 2023    
Date

ATTEST:

   
Tangee Sloan, CMC  
City Recorder

*(continued on the following pages)*

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

X The Mayor approved and signed Ordinance No. 23-05.

\_\_\_\_\_ The Mayor vetoed Ordinance No. 23-05 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_ Ordinance No. 23-05 became effective by operation of law without the Mayor's approval or disapproval.

\_\_\_\_\_  
Tangee Sloan, CMC  
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 14th day of February 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

*(Attachments on the following pages)*

1 Attachment 1

2 TO ORDINANCE NO. 23-05

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
4 (AMENDING DEVELOPMENT PROCEDURES FOR GENERAL PLAN AMENDMENTS  
5 AND ZONING MAP AND LAND USE REGULATION AMENDMENTS;  
6 AMENDING CITY CODE SECTIONS 13-7C-1 THROUGH 13-7C-9 INCLUSIVE,  
7 SECTIONS 13-7D-1 THROUGH 13-7D-9 INCLUSIVE, AND SECTION 13-7I-2)

8  
9 Legislative ("Redlined") Version:  
10

11 ARTICLE C. GENERAL PLAN AMENDMENTS

12 SECTION:

13 13-7C-1: Scope

14 13-7C-2: Application Process

15 13-7C-3: Submittal Requirements

16 13-7C-4: Authorized Applicant: Council Work Session and Quarterly Map Meeting

17 13-7C-5: Planning Commission Recommendation; Public Hearing

18 13-7C-6: Findings For Criteria to Recommend Approval

19 13-7C-7: Council Public Hearing and Action; Amendments Adopted by Ordinance

20 13-7C-8: Additional Submittal Requirements

21 13-7C-~~7~~9: Reapplication (After Denial or Withdrawal)

22  
23 13-7C-1: SCOPE:

24 Amendments to the General Plan shall be adopted in the manner set forth in this article. (2001  
25 Code § 89-5-402; amd. 2009 Code)

26  
27 13-7C-2: APPLICATION PROCESS:

28 Applications shall be made submitted in the office of the community development services  
29 department. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

30

31

32 13-7C-3: SUBMITTAL REQUIREMENTS:

33 Any person ~~or entity~~ who seeks development application shall submit an application on the  
34 official form provided by the ~~community development services~~ department with required  
35 documentation specified by guidelines provided by the ~~community development services~~  
36 department. Submittal requirements shall be as established administratively by the department  
37 and shall include, but not be limited to:

38 a)A. ~~e~~Evidence of ownership or the type of controlling interest in the property;

39 b)B. ~~l~~Legal description of the property;

40 c)C. ~~p~~Property owner, including a property owner affidavit, if the applicant is not the owner;

41 d)D. ~~t~~The present zoning classification;

42 e)E. ~~t~~The proposed use of the property; and

43 f)F. ~~a~~A scaled diagram of the subject parcel and surrounding area, inclusive of ingress and  
44 egress points from all parcels along both sides of subject streets bounding the property;

45 G. The application shall comply with all the additional submittal requirements of section 13-  
46 7C-8;

47 H. The applicant shall submit the application, together with the applicable fee, according to the  
48 consolidated fee schedule, to the ~~community development~~ department;

49 I. Applications shall not be reviewed without the written consent of the property owner except  
50 as provided herein;

51 J. The burden of proof for all applications shall be the responsibility of the applicant; and;

52 K. The appropriate city departments shall, in a timely manner, determine whether the  
53 application is complete for purposes of subsequent, substantive planning commission review,  
54 and shall comply with the other provisions of Utah Code Ann. sections 10-9a-509 and 10-9a-  
55 509.5 or successor provisions. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon  
56 on January 6, 2020)

57

58 13-7C-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY  
59 MAP MEETING:

60 A. ~~Future~~ Land Use Map Amendment: An applicant for an amendment to the ~~future~~ land use  
61 map on any property shall be one of the following:

62 1. The owner of the property;

63 2. One or more joint owners of property who own individually, or as a group, a majority  
64 interest in the property;

65 3. Both of the property owners where property is held in joint tenancy;

66 4. Seventy five percent (75%) or more of the owners of property in the area covered by the  
67 application when the application covers more than one property; or

68 5. The community development-services department, the planning commission or city  
69 council on its own motion.

70 B. General Plan Text Amendment: The applicant for an amendment to change the text of the  
71 general plan shall be the community development-services department, the planning commission  
72 or city council on its own motion. If an applicant for such an amendment, in the applicant's  
73 discretion, submits an application primarily because of the request of an "outside party", then  
74 said outside party shall pay a filing fee (but shall not submit an application) according to the  
75 consolidated fee schedule, as if said outside party was an applicant.

76 C. Signature And Council Work Session, Quarterly Map Meeting, Zoning Map Amendment  
77 Application, and Other Requirements Required: When the application is initiated by someone  
78 other than the community development-services department, the planning commission or city  
79 council, then:

80 1. The application shall be signed by the authorized applicant or an agent of any authorized  
81 applicant. The authority of the agent must be in writing, notarized, and filed with the application.  
82 The signature of such agent shall have the same force and effect as if the application were signed  
83 by the principal; **and**

84 2. The application, together with all concurrent applications, shall be placed on a city  
85 council work session ("committee of the whole") agenda and a planning commission quarterly  
86 map meeting agenda as follows (unless the application is for a general plan future land use map  
87 amendment which apparently-conforms to and is apparently-consistent with the current zoning  
88 map, as determined by the zoning administrator):

Date Of Filing Of Complete Application	Date Of <u>Planning Commission Public Hearing/Meeting City Council Work Session</u>	Date Of <u>City Council Planning Commission Public Hearing/Meeting</u>
January 1 to March 31	<u>Last On or before the last</u> meeting of April	Soonest available meeting
April 1 to June 30	<u>Last On or before the last</u> meeting of July	Soonest available meeting
July 1 to September 30	<u>Last On or before the last</u> meeting of October	Soonest available meeting
October 1 to December 31	<u>Last On or before the last</u> meeting of January	Soonest available meeting

89 3. And if the application is required to be placed on a planning commission quarterly map  
90 meeting agenda, the application shall be submitted concurrently with a zoning map amendment  
91 application, as well as all other applications and submittal requirements necessary for a complete  
92 application of a development proposal, as required by the zoning administrator.

93 D. Updates: The city council shall prepare undertake a comprehensive update to review of all  
94 the elements of the general plan at least once every five (5) years, and shall periodically update.

95 as required by law, the moderate income housing element, the water use and preservation  
96 element, the station area plans, and other elements and plans associated with the general plan.  
97 (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on  
98 January 6, 2020; Ord. 20-40, 10-28-2020)

99

100 13-7C-5: PLANNING COMMISSION RECOMMENDATION; PUBLIC HEARING:

101 A. Future Land Use Map Amendment: On an application to amend the future land use map,  
102 and after holding a public hearing, the Planning Commission may only recommend approval or  
103 denial. The Planning Commission recommendation will be forwarded to the City Council for  
104 public hearing and final action unless withdrawn by the applicant.

105 B. General Plan Text Amendment: On an application to amend the text of the General Plan,  
106 and after holding a public hearing, the Planning Commission may recommend approval,  
107 approval as modified by the Planning Commission, or denial. The Planning Commission  
108 recommendation will be forwarded to the City Council for public hearing and final action.

109 C. Planning Commission Public Hearing: Once the publishing of the planning commission  
110 public hearing notices has been completed, including, if applicable, the placement in the mail of  
111 any required notices, the public hearing date for the application shall not be canceled or changed,  
112 except by the planning commission, according to its rules of conduct and procedure.

113 ~~C-D.~~ Planning Commission Recommendation ~~To~~ to City Council: For future land use map  
114 and General Plan text amendments, the Planning Commission shall forward a recommendation,  
115 with the determinations regarding the criteria for said recommendation, to the City Council  
116 within sixty (60) days after closing a public hearing on the proposed amendment.

117 1. If the Planning Commission fails to forward a recommendation on the proposed  
118 amendment within sixty (60) days, it shall be forwarded to the City Council as if the Planning  
119 Commission had made a negative recommendation.

120 2. ~~If a positive recommendation included conditions or if a negative recommendation~~  
121 ~~included findings, then the applicant shall fill out a form (provided by City staff) responding to~~  
122 ~~and showing adherence to said conditions or findings, which shall be forwarded to the City~~  
123 ~~Council, together with the Planning Commission's recommendation. If the planning commission~~  
124 ~~does forward a recommendation on the proposed amendment to the city council within sixty (60)~~  
125 ~~days, the recommendation shall indicate the determinations regarding the criteria for said~~  
126 ~~recommendation. If the planning commission forwards a negative recommendation, the~~  
127 ~~recommendation shall include at least one determination why at least one of the criteria for~~  
128 ~~approval in section 13-7C-6 was not met.~~

129 3. All public hearings to consider a future land use map amendment or general plan text  
130 amendment shall require notice as provided in this title and in Utah Code Ann. section 10-9a-  
131 204. (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 20-40, 10-28-2020)

132

133

134 13-7C-6: FINDINGS FOR CRITERIA TO RECOMMEND APPROVAL:

135 Any amendments to the General Plan, including maps, shall may be approved recommended for  
136 approval by the planning commission to the city council only if affirmative determinations are  
137 made regarding each of the following criteria:

138 A. The proposed amendment conforms to and is consistent with the adopted goals, objectives  
139 and policies set forth in the City-General Plan current general plan;

140 B. The development pattern contained on the land use plan in the current general plan  
141 inadequately provides the appropriate optional sites for the use and/or change proposed in the  
142 amendment;

143 C. The proposed amendment will be compatible with other land uses, existing or planned, in  
144 the vicinity;

145 D. The proposed amendment constitutes an overall improvement to the adopted general plan  
146 future land use map and is not solely for the good or benefit of a particular person or entity;

147 E. The proposed amendment will not adversely impact the neighborhood and community as a  
148 whole by significantly altering acceptable land use patterns and requiring larger and more  
149 expensive public infrastructure improvements, including, but not limited to, roads, water,  
150 wastewater and public safety facilities, than would otherwise be needed without the proposed  
151 change; and

152 F. The proposed amendment is consistent with other adopted plans, codes and ordinances.  
153 (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013)

154

155 13-7C-7: COUNCIL PUBLIC HEARING AND ACTION; AMENDMENTS ADOPTED BY  
156 ORDINANCE:

157 Amendments to the future land use map or the general plan text shall, if adopted, be adopted by  
158 the city council by ordinance. An ordinance amending the future land use map shall include a  
159 legal description of the property affected, which shall be provided by the applicant on a form and  
160 in a manner as required by the guidelines prepared by the zoning administrator. Once the  
161 publishing of the council public hearing notices has been completed, including, if applicable, the  
162 placement in the mail of any required notices, the public hearing date for the application shall not  
163 be canceled or changed, except by the city council, according to its rules of conduct and  
164 procedure.

165

166 13-7C-8: ADDITIONAL SUBMITTAL REQUIREMENTS:

167 To ensure the Planning Commission and City Council have sufficient information to evaluate  
168 each proposal, an applicant shall submit the following information:

169 A. For General Plan future land use map amendments, a written petition shall be submitted,  
170 which shall include the following additional information:



171 1. A written statement explaining how the required findings-criteria in section 13-7C-6 are  
172 met; and

173 2. An analysis of the potential impacts of the proposed amendment on existing  
174 infrastructure and public services, such as traffic, streets, intersections, water and sewer, storm  
175 drains, electrical power, fire protection, garbage collection, etc., as determined by the City  
176 Planner and/or City Engineer-appropriate city departments, and as required by the city code,  
177 including but not limited to sections 13-7A-1 through 13-7A-5 inclusive (adequate public  
178 facilities).

179 B. For General Plan text amendments, a written petition shall be submitted, which includes  
180 the following information:

181 1. A written statement explaining how the required findings-criteria in section 13-7C-6 are  
182 met;

183 2. An analysis of the potential impacts of the proposed amendment on existing  
184 infrastructure and public services, such as traffic, streets, intersections, water and sewer, storm  
185 drains, electrical power, fire protection, garbage collection, etc., as determined by the City  
186 Planner and/or City Engineer-appropriate city departments, and as required by the city code,  
187 including but not limited to sections 13-7A-1 through 13-7A-5 inclusive (adequate public  
188 facilities);

189 3. A written statement showing the desired language change;

190 4. A written statement explaining why existing General Plan language is no longer  
191 appropriate or feasible; and

192 5. A map showing affected areas if the text change will affect specific geographic areas.  
193 (2009 Code)

194

195 13-7C-7.9: REAPPLICATION (AFTER DENIAL OR WITHDRAWAL):

196 In cases where the amendment has been denied by the City Council, no application for an  
197 amendment for the same or substantially the same request and, in the case of a map amendment,  
198 on the same or substantially the same property, shall be filed submitted within one year from the  
199 date of denial of the amendment. In cases where the amendment has been withdrawn by the  
200 applicant, no application for an amendment for the same or substantially the same request and, in  
201 the case of a map amendment, on the same or substantially the same property, shall be submitted  
202 within six (6) months from the date of withdrawal of the amendment. The determination of  
203 whether an application for an amendment is for "the same or substantially the same request (or  
204 property)" shall be made by the planning commission, with a recommendation by the zoning  
205 administrator. (2009 Code)

206

207

208

209 ARTICLE D. ZONING ORDINANCE AMENDMENTS

210 SECTION:

211 13-7D-1: Scope

212 13-7D-2: Application Process

213 13-7D-3: Submittal Requirements

214 13-7D-4: Authorized Applicant; **Council Work Session and Quarterly Map Meeting**

215 13-7D-5: Planning Commission Recommendation; Public Hearing

216 13-7D-~~76~~: **Findings For Criteria to Recommend** Approval

217 13-7D-~~67~~: Council Action; Amendments Adopted By Ordinance

218 13-7D-8: Change Of Classification Of Requested Zoning District

219 13-7D-9: Reapplication **(After Denial or Withdrawal)**

220

221 13-7D-1: SCOPE:

222 Any amendments to this title shall be adopted in the manner set forth in this article. (2001 Code  
223 § 89-5-403; amd. 2009 Code)

224

225 13-7D-2: APPLICATION PROCESS:

226 Applications shall be made in the office of the **community development-services** department.  
227 (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

228

229 13-7D-3: SUBMITTAL REQUIREMENTS:

230 Any person **or entity** who seeks development application shall submit an application on the  
231 official form provided by the **community development-services** department with required  
232 documentation specified on guidelines provided by the **community development-services**  
233 department. Submittal requirements shall be as established administratively by the **community**  
234 **development-services** department and shall include, but not be limited to:

235 **a)A. e**Evidence of ownership or the type of controlling interest in the property;

236 **b)B. l**Legal description of the property;

237 **e)C. p**Property owner, **including a property owner affidavit, if the applicant is not the owner;**

238 **d)D. t**The present zoning classification;

239 **e)E. t**The proposed use of the property; **and**

240 ~~F.~~ ~~aA~~ scaled diagram of the subject parcel and surrounding area, inclusive of ingress and  
241 egress points from all parcels along both sides of subject streets bounding the property;

242 G. The applicant shall submit the application, together with the applicable fee, according to the  
243 consolidated fee schedule, to the community development-services department;

244 H. Applications shall not be reviewed without the written consent of the property owner except  
245 as provided herein;

246 I. The burden of proof for all applications shall be the responsibility of the applicant; and;

247 J. The appropriate city departments shall, in a timely manner, determine whether the  
248 application is complete for purposes of subsequent, substantive planning commission review,  
249 and shall comply with the other provisions of Utah Code Ann. sections 10-9a-509 and 10-9a-  
250 509.5 or successor provisions, (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon  
251 on January 6, 2020)

252

253 13-7D-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY  
254 MAP MEETING:

255 A. Zoning Map Amendment: An applicant for an amendment to change the zoning on any  
256 property shall be one of the following:

257 1. The owner of the property;

258 2. One or more joint owners of property who own individually or as a group, a majority  
259 interest in the property;

260 3. Both of the property owners where property is held in joint tenancy;

261 4. Seventy five percent (75%) or more of the owners of property in the area covered by the  
262 application when the application covers more than one property; or

263 5. The community development-services department, the planning commission or the city  
264 council on its own motion.

265 B. Zoning Text Amendment: The applicant for an amendment to change the text of this title,  
266 or the text of any other title adopted as a set of land use regulations (titles 5, 8 through 15  
267 inclusive, and 17), shall be, the community development-services department, the planning  
268 commission or the city council on its own motion. If an applicant for such an amendment, in the  
269 applicant's discretion, submits an application primarily because of the request of an "outside  
270 party", then said outside party shall pay a filing fee (but shall not submit an application)  
271 according to the consolidated fee schedule, as if said outside party was an applicant.

272 C. Signature, Work Session, and And Quarterly Map Meeting Required: When the application  
273 is initiated by someone other than the community development-services department, the planning  
274 commission or city council, then:

275 1. The application shall be signed by the authorized applicant or an agent of any authorized  
276 applicant. The authority of the agent must be in writing, notarized, and filed with the application.

277 The signature of such agent shall have the same force and effect as if the application were signed  
278 by the principal; and

279 2. If the zoning administrator determined that the application for an amendment to change  
280 the zoning **apparently** does not conform to and is **apparently** not consistent with the purposes,  
281 goals, objectives and policies of the adopted general plan and/or **future** land use map, **or if the**  
282 **application requires a zoning text amendment or a waiver or exception,** then the application,  
283 **together with all concurrent applications,** shall be placed on a **city council work session**  
284 **("committee of the whole") agenda and** a planning commission quarterly map meeting agenda as  
285 follows:

Date Of Filing Of Complete Application	Date Of <b>Planning Commission Public Hearing/Meeting City Council Work Session</b>	Date Of <b>City Council Planning Commission Public Hearing/Meeting</b>
January 1 to March 31	<b>Last On or before the last</b> meeting of April	Soonest available meeting
April 1 to June 30	<b>Last On or before the last</b> meeting of July	Soonest available meeting
July 1 to September 30	<b>Last On or before the last</b> meeting of October	Soonest available meeting
October 1 to December 31	<b>Last On or before the last</b> meeting of January	Soonest available meeting

286 (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on  
287 January 6, 2020; Ord. 20-40, 10-28-2020)

288

289 13-7D-5: PLANNING COMMISSION RECOMMENDATION; PUBLIC HEARING:

290 **A. Planning Commission Public Hearing: Once the publishing of the planning commission**  
291 **public hearing notices has been completed, including, if applicable, the placement in the mail of**  
292 **any required notices, the public hearing date for the application shall not be canceled or changed,**  
293 **except by the planning commission, according to its rules of conduct and procedure.**

294 **A-B. Zoning Map And Zoning Text Amendments: On an application for a zoning map**  
295 **amendment or zoning text amendment, and after holding a public hearing, the Planning**  
296 **Commission may recommend:**

- 297 1. Approval;
- 298 2. Approval as modified by the Planning Commission;
- 299 3. Approval in part and denial in part;
- 300 4. Denial; or
- 301 5. Any combination thereof.

302 **B-C.** Planning Commission Recommendation ~~To~~ City Council: The recommendation will  
303 be forwarded to the City Council for public hearing and final action unless withdrawn by the  
304 applicant.

305 1. If a positive recommendation included conditions or if a negative recommendation  
306 included findings, then the applicant shall fill out a form (provided by City staff) responding to  
307 and showing adherence to said conditions or findings, which shall be forwarded to the City  
308 Council, together with the Planning Commission's recommendation. If the planning commission  
309 does forward a recommendation on the proposed amendment to the city council, the  
310 recommendation shall indicate the determinations regarding the criteria for said  
311 recommendation. If the planning commission forwards a negative recommendation, the  
312 recommendation shall include at least one determination why at least one of the criteria for  
313 approval in section 13-7D-6 was not met.

314 2. All public hearings to consider an amendment to this title a zoning map amendment or  
315 zoning text amendment shall require notice as provided in this title and in Utah Code Ann.  
316 section 10-9a-205. (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 20-40, 10-28-2020)

317

318 13-7D-76: **FINDINGS FOR CRITERIA TO RECOMMEND APPROVAL:**

319 A. Zoning Map Amendment: Amendment to the zoning map shall ~~may~~ be approved  
320 recommended for approval by the planning commission to the city council only if affirmative  
321 determinations are made regarding each of the following criteria:

322 1. The proposed amendment is consistent with the purposes, goals, objectives and policies  
323 of the adopted General Plan and future land use map;

324 2. The proposed amendment will result in compatible land use relationships and does not  
325 adversely affect adjacent properties;

326 3. The proposed amendment furthers protects the public health, safety and general welfare  
327 of the citizens of the City;

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

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

334 B. Zoning Text Amendment: Amendment to the text of this title or of any other land use  
335 regulation title in this code shall be approved recommended for approval by the planning  
336 commission to the city council only if affirmative determinations are made regarding each of the  
337 following criteria:

338 1. The proposed amendment conforms to the General Plan and is consistent with the  
339 adopted goals, objectives and policies described therein;

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

342 3. The proposed amendment will not create a conflict with any other section or part of this  
343 title or the General Plan; and

344 4. The proposed amendment does not relieve a particular hardship, nor does it confer any  
345 special privileges to a single property owner or cause, and it is only necessary to make a  
346 modification to this title in light of corrections or changes in public policy. (2009 Code; amd.  
347 Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 17-41, 7-12-2017)

348

349 13-7D-67: COUNCIL ACTION; AMENDMENTS ADOPTED BY ORDINANCE:

350 Amendments to the zoning map or the zoning text shall, if adopted, be adopted by the City  
351 Council by ordinance. An ordinance amending the zoning map shall include a legal description  
352 of the property affected, which shall be provided by the applicant on a form and in a manner as  
353 required by the guidelines prepared by the City Planner-zoning administrator. Once the  
354 publishing of the council public hearing notices has been completed, including, if applicable, the  
355 placement in the mail of any required notices, the public hearing date for the application shall not  
356 be canceled or changed, except by the city council, according to its rules of conduct and  
357 procedure. (2009 Code; amd. Ord. 17-41, 7-12-2017)

358

359 13-7D-8: CHANGE OF CLASSIFICATION OF REQUESTED ZONING DISTRICT:

360 If an application is made for an amendment to change the zoning map from a more restrictive  
361 district to a less restrictive district, the City Council may approve the application or grant the  
362 amendment for a district which is more restrictive than requested in the application and less  
363 restrictive than the existing classification, without the necessity of a new or amended application  
364 and without the necessity of giving new or additional notice. (2009 Code)

365

366 13-7D-9: REAPPLICATION (AFTER DENIAL OR WITHDRAWAL):

367 In cases where the amendment has been denied, no application for an amendment for the same or  
368 substantially the same request and, in the case of a map amendment, on the same or substantially  
369 the same property, shall be filed submitted within one year from the date of denial of the  
370 amendment. In cases where the amendment has been withdrawn by the applicant, no application  
371 for an amendment for the same or substantially the same request and, in the case of a map  
372 amendment, on the same or substantially the same property, shall be submitted within six (6)  
373 months from the date of withdrawal of the amendment. The determination of whether an  
374 application for an amendment is for "the same or substantially the same request (or property)"  
375 shall be made by the planning commission, with a recommendation by the zoning administrator.  
376 However, the City Council may reconsider a denied rezoning request, along with any related  
377 future land use map amendment application and/or other concurrent applications, if any, sooner  
378 than the expiration of the one year period if:

379 A. At least one City Council member, who voted with the prevailing majority on the earlier  
380 City Council action, moves to have the City Council reconsider the matter and a quorum of the  
381 City Council approves the reconsideration; and

382 B. Appropriate notices are published and a public hearing held as required by law. The City  
383 Council may determine if referral to and reconsideration of the rezone by the Planning  
384 Commission will be required. (2009 Code)

385

### 386 13-7I-2: DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS:

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

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

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

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

420 E. Planning Commission Public Hearing: If a planning commission public hearing is required  
421 for a development plan (or amendment to a development plan) referenced in this section, once  
422 the publishing of the planning commission public hearing notices has been completed, including,  
423 if applicable, the placement in the mail of any required notices, the public hearing date for the  
424 application shall not be canceled or changed, except by the planning commission, according to  
425 its rules of conduct and procedure.

426 F. City Council Public Hearing and Ordinance: A development plan (or amendment to a  
427 development plan) referenced in this section, together with any accompanying development  
428 agreement, which is considered by the city council, shall, if adopted, be adopted by the city  
429 council by ordinance. If a city council public hearing is required for a development plan (or  
430 amendment to a development plan) referenced in this section, together with any accompanying  
431 development agreement, once the publishing of the city council public hearing notices has been  
432 completed, including, if applicable, the placement in the mail of any required notices, the public  
433 hearing date for the application shall not be canceled or changed, except by the city council,  
434 according to its rules of conduct and procedure. (Ord. 22-13, 5-11-2022)



**Attachment 2**

**TO ORDINANCE NO. 23-05**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
(AMENDING DEVELOPMENT PROCEDURES FOR GENERAL PLAN AMENDMENTS  
AND ZONING MAP AND LAND USE REGULATION AMENDMENTS;  
AMENDING CITY CODE SECTIONS 13-7C-1 THROUGH 13-7C-9 INCLUSIVE,  
SECTIONS 13-7D-1 THROUGH 13-7D-9 INCLUSIVE, AND SECTION 13-7I-2)**

**Clean Version:**

ARTICLE C. GENERAL PLAN AMENDMENTS

SECTION:

13-7C-1: Scope

13-7C-2: Application Process

13-7C-3: Submittal Requirements

13-7C-4: Authorized Applicant; Council Work Session and Quarterly Map Meeting

13-7C-5: Planning Commission Recommendation; Public Hearing

13-7C-6: Criteria to Recommend Approval

13-7C-7: Council Public Hearing and Action; Amendments Adopted by Ordinance

13-7C-8: Additional Submittal Requirements

13-7C-9: Reapplication (After Denial or Withdrawal)

13-7C-1: SCOPE:

Amendments to the general plan shall be adopted in the manner set forth in this article. (2001 Code § 89-5-402; amd. 2009 Code)

13-7C-2: APPLICATION PROCESS:

Applications shall be submitted in the office of the community development department. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

### 13-7C-3: SUBMITTAL REQUIREMENTS:

Any person who seeks development application shall submit an application on the official form provided by the community development department with required documentation specified by guidelines provided by the community development department. Submittal requirements shall be as established administratively by the department and shall include, but not be limited to:

- A. Evidence of ownership or the type of controlling interest in the property;
- B. Legal description of the property;
- C. Property owner, including a property owner affidavit, if the applicant is not the owner;
- D. The present zoning classification;
- E. The proposed use of the property;
- F. A scaled diagram of the subject parcel and surrounding area, inclusive of ingress and egress points from all parcels along both sides of subject streets bounding the property;
- G. The application shall comply with all the additional submittal requirements of section 13-7C-8;
- H. The applicant shall submit the application, together with the applicable fee, according to the consolidated fee schedule, to the community development department;
- I. Applications shall not be reviewed without the written consent of the property owner except as provided herein;
- J. The burden of proof for all applications shall be the responsibility of the applicant; and
- K. The appropriate city departments shall, in a timely manner, determine whether the application is complete for purposes of subsequent, substantive planning commission review, and shall comply with the other provisions of Utah Code Ann. sections 10-9a-509 and 10-9a-509.5 or successor provisions. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

### 13-7C-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY MAP MEETING:

A. Future Land Use Map Amendment: An applicant for an amendment to the future land use map on any property shall be one of the following:

1. The owner of the property;
2. One or more joint owners of property who own individually, or as a group, a majority interest in the property;
3. Both of the property owners where property is held in joint tenancy;

4. Seventy five percent (75%) or more of the owners of property in the area covered by the application when the application covers more than one property; or

5. The community development department, the planning commission or city council on its own motion.

B. General Plan Text Amendment: The applicant for an amendment to change the text of the general plan shall be the community development department, the planning commission or city council on its own motion. If an applicant for such an amendment, in the applicant's discretion, submits an application primarily because of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an application) according to the consolidated fee schedule, as if said outside party was an applicant.

C. Council Work Session, Quarterly Map Meeting, Zoning Map Amendment Application, and Other Requirements: When the application is initiated by someone other than the community development department, the planning commission or city council, then:

1. The application shall be signed by the authorized applicant or an agent of any authorized applicant. The authority of the agent must be in writing, notarized, and filed with the application. The signature of such agent shall have the same force and effect as if the application were signed by the principal;

2. The application, together with all concurrent applications, shall be placed on a city council work session ("committee of the whole") agenda and a planning commission quarterly map meeting agenda as follows (unless the application is for a general plan future land use map amendment which conforms to and is consistent with the current zoning map, as determined by the zoning administrator):

Date Of Filing Of Complete Application	Date Of City Council Work Session	Date Of Planning Commission Public Hearing/Meeting
January 1 to March 31	On or before the last meeting of April	Soonest available meeting
April 1 to June 30	On or before the last meeting of July	Soonest available meeting
July 1 to September 30	On or before the last meeting of October	Soonest available meeting
October 1 to December 31	On or before the last meeting of January	Soonest available meeting

3. And if the application is required to be placed on a planning commission quarterly map meeting agenda, the application shall be submitted concurrently with a zoning map amendment application, as well as all other applications and submittal requirements necessary for a complete application of a development proposal, as required by the zoning administrator.

D. Updates: The city council shall undertake a comprehensive review of all the elements of the general plan at least once every five (5) years, and shall periodically update, as required by law, the moderate income housing element, the water use and preservation element, the station area plans, and other elements and plans associated with the general plan. (2009 Code; amd. Ord.

17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-40, 10-28-2020)

#### 13-7C-5: PLANNING COMMISSION RECOMMENDATION; PUBLIC HEARING:

A. Future Land Use Map Amendment: On an application to amend the future land use map, and after holding a public hearing, the planning commission may only recommend approval or denial. The planning commission recommendation will be forwarded to the city council for public hearing and final action unless withdrawn by the applicant.

B. General Plan Text Amendment: On an application to amend the text of the general plan, and after holding a public hearing, the planning commission may recommend approval, approval as modified by the planning commission, or denial. The planning commission recommendation will be forwarded to the city council for public hearing and final action.

C. Planning Commission Public Hearing: Once the publishing of the planning commission public hearing notices has been completed, including, if applicable, the placement in the mail of any required notices, the public hearing date for the application shall not be canceled or changed, except by the planning commission, according to its rules of conduct and procedure.

D. Planning Commission Recommendation to City Council: For future land use map and general plan text amendments, the planning commission shall forward a recommendation, with the determinations regarding the criteria for said recommendation, to the city council within sixty (60) days after closing a public hearing on the proposed amendment.

1. If the planning commission fails to forward a recommendation on the proposed amendment within sixty (60) days, it shall be forwarded to the city council as if the planning commission had made a negative recommendation.

2. If the planning commission does forward a recommendation on the proposed amendment to the city council within sixty (60) days, the recommendation shall indicate the determinations regarding the criteria for said recommendation. If the planning commission forwards a negative recommendation, the recommendation shall include at least one determination why at least one of the criteria for approval in section 13-7C-6 was not met.

3. All public hearings to consider a future land use map amendment or general plan text amendment shall require notice as provided in this title and in Utah Code Ann. section 10-9a-204. (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 20-40, 10-28-2020)

#### 13-7C-6: CRITERIA TO RECOMMEND APPROVAL:

Any amendments to the general plan, including maps, may be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

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

B. The development pattern contained in the current general 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 plan future land use map and is not solely for the good or benefit of a particular person;

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. 13-33, 11-13-2013)

#### 13-7C-7: COUNCIL PUBLIC HEARING AND ACTION; AMENDMENTS ADOPTED BY ORDINANCE:

Amendments to the future land use map or the general plan text shall, if adopted, be adopted by the city council by ordinance. An ordinance amending the future land use map shall include a legal description of the property affected, which shall be provided by the applicant on a form and in a manner as required by the guidelines prepared by the zoning administrator. Once the publishing of the council public hearing notices has been completed, including, if applicable, the placement in the mail of any required notices, the public hearing date for the application shall not be canceled or changed, except by the city council, according to its rules of conduct and procedure.

#### 13-7C-8: ADDITIONAL SUBMITTAL REQUIREMENTS:

To ensure the planning commission and city council have sufficient information to evaluate each proposal, an applicant shall submit the following information:

A. For general plan future land use map amendments, a written petition shall be submitted, which shall include the following additional information:

1. A written statement explaining how the required criteria in section 13-7C-6 are met; and
2. An analysis of the potential impacts of the proposed amendment on existing infrastructure and public services, such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc., as determined by the appropriate city departments, and as required by the city code, including but not limited to sections 13-7A-1 through 13-7A-5 inclusive (adequate public facilities).

B. For general plan text amendments, a written petition shall be submitted, which includes the following information:

1. A written statement explaining how the required criteria in section 13-7C-6 are met;
2. An analysis of the potential impacts of the proposed amendment on existing infrastructure and public services, such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc., as determined by the appropriate city departments, and as required by the city code, including but not limited to sections 13-7A-1 through 13-7A-5 inclusive (adequate public facilities);
3. A written statement showing the desired language change;
4. A written statement explaining why existing general plan language is no longer appropriate or feasible; and
5. A map showing affected areas if the text change will affect specific geographic areas.  
(2009 Code)

#### 13-7C-9: REAPPLICATION (AFTER DENIAL OR WITHDRAWAL):

In cases where the amendment has been denied by the City Council, no application for an amendment for the same or substantially the same request and, in the case of a map amendment, on the same or substantially the same property, shall be submitted within one year from the date of denial of the amendment. In cases where the amendment has been withdrawn by the applicant, no application for an amendment for the same or substantially the same request and, in the case of a map amendment, on the same or substantially the same property, shall be submitted within six (6) months from the date of withdrawal of the amendment. The determination of whether an application for an amendment is for "the same or substantially the same request (or property)" shall be made by the planning commission, with a recommendation by the zoning administrator.  
(2009 Code)

### ARTICLE D. ZONING ORDINANCE AMENDMENTS

#### SECTION:

13-7D-1: Scope

13-7D-2: Application Process

13-7D-3: Submittal Requirements

13-7D-4: Authorized Applicant; Council Work Session and Quarterly Map Meeting

13-7D-5: Planning Commission Recommendation; Public Hearing

13-7D-6: Criteria to Recommend Approval

13-7D-7: Council Action; Amendments Adopted by Ordinance

13-7D-8: Change of Classification of Requested Zoning District

13-7D-9: Reapplication (After Denial or Withdrawal)

13-7D-1: SCOPE:

Any amendments to this title shall be adopted in the manner set forth in this article. (2001 Code § 89-5-403; amd. 2009 Code)

13-7D-2: APPLICATION PROCESS:

Applications shall be made in the office of the community development department. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

13-7D-3: SUBMITTAL REQUIREMENTS:

Any person who seeks development application shall submit an application on the official form provided by the community development department with required documentation specified on guidelines provided by the community development department. Submittal requirements shall be as established administratively by the community development department and shall include, but not be limited to:

- A. Evidence of ownership or the type of controlling interest in the property;
- B. Legal description of the property;
- C. Property owner, including a property owner affidavit, if the applicant is not the owner;
- D. The present zoning classification;
- E. The proposed use of the property;
- F. A scaled diagram of the subject parcel and surrounding area, inclusive of ingress and egress points from all parcels along both sides of subject streets bounding the property;
- G. The applicant shall submit the application, together with the applicable fee, according to the consolidated fee schedule, to the community development department;
- H. Applications shall not be reviewed without the written consent of the property owner except as provided herein;
- I. The burden of proof for all applications shall be the responsibility of the applicant; and
- J. The appropriate city departments shall, in a timely manner, determine whether the application is complete for purposes of subsequent, substantive planning commission review, and shall comply with the other provisions of Utah Code Ann. sections 10-9a-509 and 10-9a-

509.5 or successor provisions. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

#### 13-7D-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY MAP MEETING:

A. Zoning Map Amendment: An applicant for an amendment to change the zoning on any property shall be one of the following:

1. The owner of the property;
2. One or more joint owners of property who own individually or as a group, a majority interest in the property;
3. Both of the property owners where property is held in joint tenancy;
4. Seventy five percent (75%) or more of the owners of property in the area covered by the application when the application covers more than one property; or
5. The community development department, the planning commission or the city council on its own motion.

B. Zoning Text Amendment: The applicant for an amendment to change the text of this title, or the text of any other title adopted as a set of land use regulations (titles 5, 8 through 15 inclusive, and 17), shall be the community development department, the planning commission or the city council on its own motion. If an applicant for such an amendment, in the applicant's discretion, submits an application primarily because of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an application) according to the consolidated fee schedule, as if said outside party was an applicant.

C. Signature, Work Session, and Quarterly Map Meeting Required: When the application is initiated by someone other than the community development department, the planning commission or city council, then:

1. The application shall be signed by the authorized applicant or an agent of any authorized applicant. The authority of the agent must be in writing, notarized, and filed with the application. The signature of such agent shall have the same force and effect as if the application were signed by the principal; and
2. If the zoning administrator determined that the application for an amendment to change the zoning does not conform to and is not consistent with the purposes, goals, objectives and policies of the adopted general plan and/or future land use map, or if the application requires a zoning text amendment or a waiver or exception, then the application, together with all concurrent applications, shall be placed on a city council work session ("committee of the whole") agenda and a planning commission quarterly map meeting agenda as follows:



Date Of Filing Of Complete Application	Date Of City Council Work Session	Date Of Planning Commission Public Hearing/Meeting
January 1 to March 31	On or before the last meeting of April	Soonest available meeting
April 1 to June 30	On or before the last meeting of July	Soonest available meeting
July 1 to September 30	On or before the last meeting of October	Soonest available meeting
October 1 to December 31	On or before the last meeting of January	Soonest available meeting

(2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-40, 10-28-2020)

### 13-7D-5: PLANNING COMMISSION RECOMMENDATION; PUBLIC HEARING:

A. Planning Commission Public Hearing: Once the publishing of the planning commission public hearing notices has been completed, including, if applicable, the placement in the mail of any required notices, the public hearing date for the application shall not be canceled or changed, except by the planning commission, according to its rules of conduct and procedure.

B. Zoning Map And Zoning Text Amendments: On an application for a zoning map amendment or zoning text amendment, and after holding a public hearing, the planning commission may recommend:

1. Approval;
2. Approval as modified by the planning commission;
3. Approval in part and denial in part;
4. Denial; or
5. Any combination thereof.

C. Planning Commission Recommendation to City Council: The recommendation will be forwarded to the city council for public hearing and final action unless withdrawn by the applicant.

1. If the planning commission does forward a recommendation on the proposed amendment to the city council, the recommendation shall indicate the determinations regarding the criteria for said recommendation. If the planning commission forwards a negative recommendation, the recommendation shall include at least one determination why at least one of the criteria for approval in section 13-7D-6 was not met.

2. All public hearings to consider a zoning map amendment or zoning text amendment shall require notice as provided in this title and in Utah Code Ann. section 10-9a-205. (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 20-40, 10-28-2020)

### 13-7D-6: CRITERIA TO RECOMMEND APPROVAL:

A. Zoning Map Amendment: Amendment to the zoning map may be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map;
2. The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties;
3. The proposed amendment protects 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: Amendment to the text of this title or of any other land use regulation title in this code shall be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

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. 13-33, 11-13-2013; Ord. 17-41, 7-12-2017)

### 13-7D-7: COUNCIL ACTION; AMENDMENTS ADOPTED BY ORDINANCE:

Amendments to the zoning map or the zoning text shall, if adopted, be adopted by the city council by ordinance. An ordinance amending the zoning map shall include a legal description of the property affected, which shall be provided by the applicant on a form and in a manner as required by the guidelines prepared by the zoning administrator. Once the publishing of the

council public hearing notices has been completed, including, if applicable, the placement in the mail of any required notices, the public hearing date for the application shall not be canceled or changed, except by the city council, according to its rules of conduct and procedure. (2009 Code; amd. Ord. 17-41, 7-12-2017)

#### 13-7D-8: CHANGE OF CLASSIFICATION OF REQUESTED ZONING DISTRICT:

If an application is made for an amendment to change the zoning map from a more restrictive district to a less restrictive district, the city council may approve the application or grant the amendment for a district which is more restrictive than requested in the application and less restrictive than the existing classification, without the necessity of a new or amended application and without the necessity of giving new or additional notice. (2009 Code)

#### 13-7D-9: REAPPLICATION (AFTER DENIAL OR WITHDRAWAL):

In cases where the amendment has been denied, no application for an amendment for the same or substantially the same request and, in the case of a map amendment, on the same or substantially the same property, shall be submitted within one year from the date of denial of the amendment. In cases where the amendment has been withdrawn by the applicant, no application for an amendment for the same or substantially the same request and, in the case of a map amendment, on the same or substantially the same property, shall be submitted within six (6) months from the date of withdrawal of the amendment. The determination of whether an application for an amendment is for "the same or substantially the same request (or property)" shall be made by the planning commission, with a recommendation by the zoning administrator. However, the City Council may reconsider a denied rezoning request, along with any related future land use map amendment application and/or other concurrent applications, if any, sooner than the expiration of the one year period if:

A. At least one city council member, who voted with the prevailing majority on the earlier city council action, moves to have the city council reconsider the matter and a quorum of the city council approves the reconsideration; and

B. Appropriate notices are published and a public hearing held as required by law. The city council may determine if referral to and reconsideration of the rezone by the planning commission will be required. (2009 Code)

#### 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.

E. **Planning Commission Public Hearing:** If a planning commission public hearing is required for a development plan (or amendment to a development plan) referenced in this section, once the publishing of the planning commission public hearing notices has been completed, including, if applicable, the placement in the mail of any required notices, the public hearing date for the application shall not be canceled or changed, except by the planning commission, according to its rules of conduct and procedure.

F. **City Council Public Hearing and Ordinance:** A development plan (or amendment to a development plan) referenced in this section, together with any accompanying development agreement, which is considered by the city council, shall, if adopted, be adopted by the city council by ordinance. If a city council public hearing is required for a development plan (or amendment to a development plan) referenced in this section, together with any accompanying development agreement, once the publishing of the city council public hearing notices has been completed, including, if applicable, the placement in the mail of any required notices, the public hearing date for the application shall not be canceled or changed, except by the city council, according to its rules of conduct and procedure. (Ord. 22-13, 5-11-2022)

1 **Options for the Comprehensive Update and Review of the General Plan**

2 13-7C-4: AUTHORIZED APPLICANT:

3 Option 1:

4 D. Updates: The city council shall **prepare complete** a comprehensive **update to review of all**  
5 **the elements of** the general plan at least once every five (5) years, **and shall periodically update,**  
6 **as required by law, the moderate income housing element, the water use and preservation**  
7 **element, the station area plans, and other elements and plans associated with the general plan.**

8 Option 2:

9 D. Updates: The city council shall **prepare complete** a comprehensive **update to review of all**  
10 **the elements of** the general plan at least once every five (5) years, **and shall periodically update,**  
11 **as required by law, the moderate income housing element, the water use and preservation**  
12 **element, the station area plans, and other elements and plans associated with the general plan.**  
13 **Furthermore, the city council shall complete a comprehensive update to at least one-third of the**  
14 **elements of the general plan at least once every five (5) years.**

15 Option 3:

16 D. Updates: The city council shall **prepare complete** a comprehensive **update to review of all**  
17 **the elements of** the general plan at least once every five (5) years, **and shall periodically update,**  
18 **as required by law, the moderate income housing element, the water use and preservation**  
19 **element, the station area plans, and other elements and plans associated with the general plan.**  
20 **Furthermore, the city council shall complete a comprehensive update to all the elements of the**  
21 **general plan at least once every ten (10) years.**

# Ordinance No. 23-05 Text Amendment for Development Procedures (General Plan and Zoning Amendments)


Final Audit Report

2023-02-14

Created:	2023-02-13
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
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-  Signer chris.mcconnehey@westjordan.utah.gov entered name at signing as Christopher McConnehey  
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 Signer dirk.burton@westjordan.utah.gov entered name at signing as Dirk Burton

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 Agreement completed.

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