

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 1/16/24

Application: TEXT AMENDMENT - AMENDING SUBSECTION 17.130.050 (PD FLOATING ZONE) OF THE SOUTH JORDAN CITY MUNICIPAL CODE TO UPDATE THE LANGUAGE REGARDING THE PURPOSE AND ESTABLISHMENT OF THE PD FLOATING ZONE.

File No: PLZTA202300132

Applicant: South Jordan City

Submitted By: David Mann, Long Range Planning Analyst

Presented By: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready): Based on the staff report and other information presented to the City Council during the public hearing, and the Planning commission's positive recommendation, I move that the City Council **approve** Ordinance 2024-02.

BACKGROUND:

South Jordan City has filed an application to amend sections in Title 17 of the South Jordan City Municipal Code (City Code) regarding the Planned Development Floating Zone. In August 2023, the City Council passed Resolution R2023-38, providing notice of a pending land use ordinance for the PD Floating Zone. The pending ordinance limits residential densities to a maximum of 8 units per acre in PD Zone projects unless they are located within a station area (an area that is within a specific distance of the FrontRunner and TRAX stations)¹ and the applicant is the City. The notice of pending ordinance gives Staff 180 days to draft and pass the final ordinance and prevent any applications during that time period to gain vested property rights to develop under the current City Code.

ANALYSIS:

Staff proposes to amend the text in City Code § 17.130.050 based on the review and approval process of previous PD Floating Zone applications. Staff has identified some topics (future land use designations and residential densities) that are consistently brought up and discussed during public hearings for proposed PD Floating Zones. The proposed text amendment adds "the future land use" of a subject property to the list of items the City Council must consider when approving a PD District. Staff also proposes that residential projects cannot exceed densities of 8 units/acre unless located near rail stations in the City. This restriction is consistent with prior City Council decisions on PD projects and the direction the Council has given Staff.

¹ The Utah State Legislature created Station Area Plan (SAP) in state code that are defined as properties within a half mile radius of TRAX and Frontrunner stations where cities should plan for and encourage increased residential densities. Increased traffic impacts are intended to be mitigated through the design and location of high-density residential developments due to the close proximity of mass transit and a mix of commercial uses.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- Utah Code § 10-9a-102 grants the City Council a general land use authority to enact regulations that it considers necessary or appropriate for the use and development of land in the City, including maintaining the aesthetics of the City and protecting the tax base, and the City Council has the power to amend its land use regulations. (See Utah Code § 10-9a-501 et seq.)
- Staff has proposed changes to the municipal code in order to codify processes, restrictions and City Council direction commonly considered during previous PD Floating Zone applications.
- The Planning Commission forwarded a recommendation of approval for the proposed text amendment with a 3-0 vote on January 9, 2024.

Conclusions:

- The proposed text amendment will provide more clarity in the application and approval process of PD Floating Zone applications.

ALTERNATIVES:

- Deny the application.
- Propose modification(s) to the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Ordinance 2024-02
- Resolution R2023-38



David Mann
Long-range Planner

Department Approval:



Gregory Schindler (Jan 10, 2024 11:35 MST)

Greg Schindler
City Planner

ORDINANCE NO. 2024 - 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 17.130.050 (PLANNED DEVELOPMENT FLOATING ZONE) OF THE SOUTH JORDAN CITY MUNICIPAL CODE TO ADD A LIMIT FOR RESIDENTIAL DENSITY.

WHEREAS, Utah Code § 10-9a-102 grants the City of South Jordan (the “City”) authority to enact ordinances that the South Jordan City Council (the “City Council”) considers necessary or appropriate for the use and development of land within the City; and

WHEREAS, the City of South Jordan has submitted an application to amend Section 17.130.050 (Planned Development Floating Zone) of the South Jordan City Municipal Code to add a maximum residential density for certain areas of the City; and

WHEREAS, the City Council held a public hearing regarding the amendment; and

WHEREAS, the City Council finds that amending the City’s Code to include a maximum residential density for certain areas of the City will enhance the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. Section 17.130.050 (Planned Development Floating Zone) of the South Jordan City Municipal Code is hereby amended as shown in the attached **Exhibit A**.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

Gregory Simonson
Gregory Simonson (Jan 10, 2024 11:42 MST)

Office of the City Attorney

EXHIBIT A

(Additions in **bold underline**, deletions in strikethrough)

17.130.050.010: PURPOSE

The purpose of the Planned Development Floating Zone (PD) is to allow for flexibility in the application of zoning regulations and development provisions of this title to advance a public interest through prescriptive requirements of a development plan and development agreement approved by the City Council. The PD may be applied to specific geographical areas ("districts") in circumstances that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. Such circumstances may include, but are not limited to: improvements in open space and amenities, environmental and resource preservation, tree and vegetation protection, slope accommodations, improved infrastructure efficiency, exceptional and innovative site or building design, increased public benefits, and complementary integrated land uses. The City Council shall consider the purpose of the base zone, **the future land use**, and the impacts on and from surrounding properties when approving a PD District.

17.130.050.020: ESTABLISHMENT

A. Procedure:

1. Concept: A concept plan, that includes a preliminary site layout, basic sketches of proposed buildings, and a general understanding of proposed uses, shall be submitted for City Council review. Applicants are encouraged to work with staff prior to application to achieve an understanding of the surrounding area, the purpose of the base zone, and the goals and policies of the City's general plan. The Council shall provide advisory comments and recommendation regarding the concept plan to assist in the preparation of the development plan according to subsection B of this section. No action will be taken by the Council, and comments and recommendations will not obligate, compel, or constrain future action by the Council.
2. Rezone: A PD District shall only be established upon approval by the City Council as a rezone according to the provisions of chapter 17.22, "Zoning Amendments", of this title and as may be required elsewhere in this title, except that the requirement for a conceptual plan in subsection 17.22.030D of this title shall be replaced with a development plan according to subsection B of this section. Except in those instances where the Applicant is the City of South Jordan the development plan shall be approved by development agreement in conjunction with the rezoning approval. If the Applicant is the City of South Jordan the development plan may be approved as part of the rezone without a development agreement.
3. Concurrent Site Plan Or Preliminary Subdivision (Optional): At the applicant's option and with the approval of the Planning Director, the applicant may submit a site plan application and/or preliminary subdivision application to be processed concurrently with a PD rezone. In the case of concurrent applications, Planning Commission approval of a concurrent site plan and/or preliminary subdivision shall be contingent on the City Council's approval of the PD rezone.

B. Development Plan Requirements:

EXHIBIT A

(Additions in **bold underline**, deletions in strikethrough)

1. A written statement shall be provided that explains the intent of the proposal, explains how the PD provisions will be met, and identifies the requested revisions to standard zoning and development provisions.
 2. A map and other textual or graphic materials as necessary to define the geographical boundaries of the area to which the requested PD District would apply.
 3. A development plan shall also include:
 - a. Site plan/conceptual subdivision plan;
 - b. Circulation and access plan;
 - c. Building elevations, materials, and colors;
 - d. Landscape and open space plan;
 - e. Signage plan;
 - f. Lighting plan; and
 - g. Allowed uses.
- C. Prohibited:
1. Sexually oriented businesses shall not be allowed in a PD District where otherwise prohibited by this Code.
 2. A PD District shall not be approved in the P-C Zone or Single-Family Residential Zones (R-1.8, R-2.5, R-3, R-4, R-5).
 3. **Residential density shall not exceed 8 units per acre on properties outside of designated Station Area Plan (SAP) areas where the City of South Jordan is not the applicant.**
- D. Effect Of Approval:
1. All of the provisions of this Code, including those of the base zone, shall be in full force and effect, unless such provisions are expressly waived or modified by the approved development plan and/or development agreement.
 2. An approved PD District shall be shown on the zoning map by a "-PD" designation after the designation of the base zone district.
 3. No permits for development within an approved PD District shall be issued by the City unless the development complies with the approved development plan.
 4. The Planning Director may authorize minor deviations from an approved development plan to resolve conflicting provisions or when necessary for technical or engineering considerations. Such minor deviations shall not affect the vested rights of the PD District and shall not impose increased impacts on surrounding properties.
- E. Vested Rights:
1. A property right that has been vested through approval of a PD District shall remain vested for a period of three (3) years or upon substantial commencement of the project. A property right may be vested, or an extension of a vested property right may be granted, for a period greater than three (3) years only if approved by the City Council through an approved PD District.
 2. Substantial commencement shall be the installation of infrastructure, a building having started construction, or as determined by the Planning Director based on significant progress otherwise demonstrated by the applicant. A project that has not substantially commenced may, at the discretion of the property owner, develop according to the base zone. A project that has substantially commenced shall not deviate, in whole or in part, from the approved PD District, unless amended per section 17.130.050.030 of this section 17.130.050.

EXHIBIT A

(Additions in **bold underline**, deletions in strikethrough)

17.130.050.030: AMENDMENTS

Any application to amend an approved PD District shall be processed as a zone text amendment, except that an application to extend the district boundaries shall be processed as a rezone. Except in those instances where the Applicant is the City of South Jordan any amendment to an approved PD District requires that the corresponding development agreement also be amended.

RESOLUTION R2023-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, PROVIDING NOTICE OF A PENDING LAND USE ORDINANCE TO AMEND THE PLANNED DEVELOPMENT FLOATING ZONE IN SECTION 17.130.050.

WHEREAS, pursuant to Utah Code § 10-9a-509 (1)(a)(ii), the City Council of the City of South Jordan (the “City Council”) desires to provide notice of a pending land use ordinance regarding proposed changes to Section 17.130.050 of the South Jordan City Municipal Code (“City Code”) that regulates development in the Planned Development Floating Zone (PDFZ); and,

WHEREAS, the City is currently preparing a draft ordinance that will prohibit development of more than 8 residential units per acre in the PDFZ except in PDFZ zones existing within the boundaries of approved Station Area Plans and where the City is the applicant; and

WHEREAS, the City Council finds that studying the issues presented in the PDFZ and potentially adopting restrictions on the number of residential units per acre in the PDFZ is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Notice of Planned Changes to the City Land Use Ordinance. Notice is hereby given that the City Council intends to consider and potentially adopt an ordinance that will prohibit residential unit density of greater than 8 residences per acre in any PDFZ with the exception of PDFZ zones existing within the boundaries of approved Station Area Plans and where the City is the applicant.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
ON THIS 1 DAY OF August, 2023 BY THE FOLLOWING VOTE:

YES NO ABSTAIN ABSENT

Patrick Harris
Bradley Marlor
Donald Shelton
Tamara Zander
Jason McGuire

X	___	___	___
X	___	___	___
X	___	___	___
X	___	___	___
X	___	___	___

Mayor: *Dawn R. Ramsey*
Dawn R. Ramsey

Attest: *Anna Crockett*
City Recorder

Approved as to form:

Rae W. Locke
Office of the City Attorney

