

**SOUTH JORDAN CITY
CITY COUNCIL REPORT**

Meeting Date: May 2, 2023

Issue: **ORDINANCE NO. 2023-07—ZONE TEXT AMENDMENT THAT AMENDS CITY CODE § 17.130.050 (PD ZONE REQUIREMENTS) BY CREATING AN EXCEPTION TO THE REQUIREMENT THAT THE APPLICANT ENTER INTO A DEVELOPMENT AGREEMENT IN THOSE INSTANCES WHERE THE APPLICANT IS THE CITY OF SOUTH JORDAN.**

File No: PLZTA202300064
Applicant: City of South Jordan

Staff Recommendation (motion ready): I move that the City Council approve Ordinance No. 2023-07.

BACKGROUND:

The Planned Development (PD) Floating Zone includes a requirement that a development agreement, with an attached development plan, is part of the City Council’s approval of the floating zone. As currently written, this requirement applies equally to the City as it does all other applicants. The proposed text amendment removes the development agreement requirement where the City is the applicant. If passed, the Development Plan, which is the essential requirement of all PD Floating Zone applications, will become an exhibit to the rezone ordinance and will guide and be enforceable on the City’s project.

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- At least two different people or entities are required to form an enforceable agreement. The proposed text amendment recognizes the impossibility of the City entering into development agreements with itself.
- The proposed text amendment is necessary to allow the City to use the PD Floating Zone for City projects when necessary to accomplish the City’s Strategic Priorities, and the goals and objectives of the General Plan.
- If the City Council approves the proposed text amendment, all other requirements of the PD Floating Zone will still apply to applications where the City is an applicant. These requirements include public meetings and hearings, and submission by the City of a complete Development Plan that provides sufficient conceptual detail and design so that it can be enforced in later approvals (e.g. subdivision, site plan and building permit).
- The Planning Commission held a public hearing on April 25, 2023 to consider the ordinance and with a unanimous vote recommended that the City Council adopt the ordinance.

Conclusions:

- The proposed text amendment will provide the City an important zoning tool for City projects that require greater flexibility to effectively advance a public interest, address unique situations, and confer a substantial benefit to the City.
- The proposed text amendment complies with Utah Code § 10-9a-501, *et. seq.*

Recommendation:

Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and recommend that the City Council approve Ordinance No. 2023-07.

FISCAL IMPACT:

Not applicable.

ALTERNATIVES:

- Approval with changes to the ordinance.
- Do not pass the ordinance.
- Schedule the ordinance for a decision at some future date.

ATTACHMENTS:

1. Ordinance No. 2023-07

ATTACHMENT 1

Ordinance No. 2023-07