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## PLANNING COMMISSION STAFF REPORT

**SUBJECT:** Text Amendment – Balanced Housing Ordinance; Amend the West Jordan Code Title 13 Chapter 13-8-23(B)(1)(j): allowing twin homes on parcel(s) or lot(s) in an existing R-3 Zone, as long as the following criteria is met: The R-3 zoning has continuously existed since October 22, 2014; City of West Jordan (applicant) [Megan Jensen/Larry Gardner]

**SUMMARY:** Amend balanced housing ordinance to add exception for twin homes on parcel(s) or lot(s) in existing R-3 Zones as long as the R-3 zoning has continuously existed since October 22, 2014.

**STAFF RECOMMENDATION:** Based on the analysis and findings contained in the Staff Report, Staff recommends that the Planning Commission forward a positive recommendation to the City Council for this application.

**MOTION RECOMMENDED:** “Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the Planning Commission forward a positive recommendation to the City Council for this application.”

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### I. BACKGROUND:

Staff has been asked by the City Council to look at the City Code and determine if there is a way to allow an exception to the Balanced Housing Ordinance to allow for twin homes in existing R-3 (multiple-family residential) zones in a way that is consistent with the General Plan. The proposed amendment will add an exception to the Balanced Housing Ordinance to allow for twin homes on parcel(s) or lot(s) in existing multiple-family residential (R-3) zones as long as the R-3 zoning has continuously existed since October 22, 2014. Some properties in the City have been zoned for multi-family for many years but are restricted in building any form of multi-family dwellings, including twin homes, because of the Balanced Housing Ordinance which currently restricts new construction of multi-family dwellings to try and achieve the established single-family to multi-family dwelling ratio.

The Balanced Housing Ordinance was adopted in 2014 as a means of bringing the ratio of Multi-Family housing and Single-Family residential in line with the goals and policies of the City’s General Plan. Until that ratio is achieved, the Balanced Housing Ordinance places a hold on all new multi-family development unless it is specifically exempted by Section 13-8-23. There are currently nine exceptions to the Balanced Housing Ordinance, including a similar exception which allows twin homes in R-2 (two-family residential) zones. The proposed exception would allow some flexibility for properties that have been zoned for multi-family for several years, and a twin home could be permitted assuming it meets all other zoning requirements.

In considering this request, the Planning Commission will need to determine if there is sufficient

justification to amend the ordinance to facilitate development of these existing R-3 zoned properties and whether the amendment is consistent with the intent of the goals and policies of the General Plan.

## II. GENERAL INFORMATION & ANALYSIS:

The proposed amendment. Amended language in **Red**.

### 13-8-23: BALANCED HOUSING:

A. Purpose: The comprehensive general plan supports a housing ratio of eighty three percent (83%) single-family residential to seventeen percent (17%) multi-family residential ("the General Plan ratio"). Notwithstanding the general plan, the city establishes a ratio of seventy seven percent (77%) single-family residential to twenty three percent (23%) multi-family residential for the purpose of this section.

The City of West Jordan has adopted a balanced housing procedure to ensure the orderly growth of the city and foster a housing mix that is consistent with the general plan.

B. Exemptions: The following types of two-family and multi-family housing are not subject to the balanced housing procedure or to the timing requirements of this section:

1. Residential housing developments in compliance with the general plan that are:

- a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD).
- b. Senior housing for age fifty five (55) and older.
- c. Multi-family housing for disabled persons.

d. Low and moderate income housing owned by a nonprofit or a local housing authority.

e. Multi-family housing as part of a master planned community that meet the following provisions:

(1) Master plan shall be a minimum of seventy five (75) undeveloped acres and be zoned PC or PRD.

(2) Two-family and multi-family housing not exempt by the provisions listed in subsections B1a through B1d of this section, shall comprise no greater than seventeen percent (17%) of the total number of dwelling units in the approved master development plan.

(3) Two-family and multi-family housing units not exempt by the provisions listed in subsections B1a through B1d of this section, shall be individually owned as either condominiums or townhomes.

f. Twin homes on a vacant parcel(s) or lot(s) in an existing R-2 Zone, as long as all of the following criteria are met:

(1) The R-2 zoning has continuously existed since October 22, 2014; and

(2) The parcel(s) or lot(s) has/have been continuously "vacant" (no dwelling unit(s) constructed thereon) since October 22, 2014.

g. Multi-family housing (2 or more units) in an Interchange Overlay Zone (IOZ).

h. Multi-family housing (2 or more units) in a Residential Overlay District (ROD).

i. Multi-family housing (2 or more units) in an Integrated Housing-Limited Density (IH-L) or Integrated Housing Development (IH-D) Zone.

**j. Twin homes on parcel(s) or lot(s) in an existing R-3 Zone, as long the following criteria is met:**

(1) The R-3 zoning has continuously existed since October 22, 2014.

### III. FINDINGS OF FACT:

#### CRITERIA TO RECOMMEND APPROVAL

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:

**Criteria 1:** *The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map;*

**Discussion:** A guiding principle of the land use portion of the General Plan states: “Land use decisions should be guided by the General Plan to protect existing land uses and minimize impacts to existing neighborhoods” The proposed amendment will make it possible for properties in R-3 zones that have existed for the allotted time to build one form of multi-family dwelling on their property (twin home).

As written, the draft ordinance has limited application and therefore the overall intent of the General Plan is not compromised. In Staff’s view there are no real concerns with the draft ordinance.

**Finding:** The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map.

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

**Discussion:** The amendment will have limited application to properties in existing R-3 zones and will allow some flexibility for properties that have been zoned for multi-family for several years. There is sufficient justification for the amendment.

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

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

**Discussion:** The proposed amendment will have a city-wide impact, with no particular area singled-out. The proposed amendments will not create a conflict with any other sections of the 2009 City Code.

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

**Criteria 4:** *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The draft ordinance as written will have city-wide implication and Staff does not believe that the amendment will relieve any particular hardship or confer any special privileges to a single property owner. Given the narrow scope and scale of the amendment, staff does not have any significant concerns with amending the City Code as proposed.

**Finding:** The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

#### **IV. CONCLUSION:**

Based on the analysis and findings contained in the Staff Report, Staff recommends that the Planning Commission forward a positive recommendation to the City Council for this application.

#### **V. ATTACHMENTS:**

Exhibit A: Draft Text Amendment