

County Recorder's Office Only
Above the Line

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 23-08

AN ORDINANCE FOR APPROXIMATELY 9.0 ACRES OF PROPERTIES LOCATED AT
APPROX. 9270/9290 SOUTH 1300 WEST, IDENTIFIED AS JORDAN RIVER HEIGHTS
DEVELOPMENT; AND

REZONE FOR JORDAN RIVER HEIGHTS DEVELOPMENT
FROM THE R-1-10G ZONE (SINGLE-FAMILY RESIDENTIAL ZONE,
WITH 10,000 SQUARE FOOT MINIMUM SIZE LOTS, WITH G SIZE HOMES)
TO THE R-1-6(MDA) ZONE (SINGLE-FAMILY RESIDENTIAL ZONE,
WITH 8,000 SQUARE FOOT MINIMUM SIZE LOTS,
SUBJECT TO A MASTER DEVELOPMENT AGREEMENT)

WHEREAS, the City of West Jordan ("City") adopted the Comprehensive General Plan ("General Plan") in 2012, as amended, which provides for a general plan land use map ("Future Land Use Map"), which is periodically updated; and the City adopted the West Jordan City Code ("City Code") in 2009, as amended, which provides for a zoning map for the City ("Zoning Map"), which is periodically updated; and

WHEREAS, an application was made by Next Level Homes, LLC ("Applicant"), with the permission of the current property owner, for approximately 9.0 acres of property located at approximately 9270/9290 South 1300 West **Assessor's Parcel Numbers 27034760450000 and 27034760460000** ("Application", "Property", or "Jordan River Heights Development") for, in part, a Zoning Map amendment or rezone to change the zoning designation from the R-1-10G Zone (Single-Family Residential Zone, with 10,000 Square Foot Minimum Size Lots, with G Size Homes) to the R-1-6(MDA) Zone (Single-Family Residential Zone, with 8,000 Square Foot Minimum Size Lots, subject to a Master Development Agreement) ("Rezone"); and

WHEREAS, the Applicant has agreed to and has executed a master development agreement that will govern the development of the Property ("**Jordan River Heights Master Development Agreement**" or "MDA"), should the City Council, in its sole legislative discretion, choose to adopt the Rezone; and

WHEREAS, the Property is currently designated as Medium Density Residential on the existing Future Land Use Map and is proposed to remain as Medium Density Residential on the Future Land Use Map, because developments with 8,000 Square Foot Minimum Size Lots are currently designated as Medium Density Residential on the Future Land Use Map; and

WHEREAS, on December 20, 2022, the Application was considered by the West Jordan Planning Commission ("**Planning Commission**"), which held a public hearing and which made a

recommendation to the West Jordan City Council (“**City Council**”) concerning the Rezone, which is subject to the MDA; and

WHEREAS, a public hearing was held before the City Council on February 22, 2023 concerning the Application and Rezone, including the MDA; and

WHEREAS, House Bill 1003 (2021 Utah Legislature, 1st Special Session), as codified at Utah Code Ann. Section 10-9a-534(3)(d) and (h), allows for a land use regulation, including “**Building Design Elements**”, as defined therein, to apply to property if negotiated as part of a development agreement and in exchange for an increase in density; and the Applicant has requested an increase in density for the Property and has agreed that the City’s Building Design Elements are applicable to the Property; and

WHEREAS, consistent with City Code Section 13-7D-7A, the City Council has determined the following concerning the Rezone:

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted General Plan and 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 furthers 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; and

WHEREAS, the City Council has reviewed, considered, and approved the MDA, subject to the conditions precedent set forth therein, including but not limited to the approval of the Rezone; and

WHEREAS, in its sole legislative discretion, the City Council now finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to approve the Rezone.

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

Section 1. Rezone. For the Property, the Zoning Map is amended by changing the zoning designation from the R-1-10G Zone (Single-Family Residential Zone, with 10,000 Square Foot Minimum Size Lots, with G Size Homes) to the R-1-6(MDA) Zone (Single-Family Residential Zone, with 8,000 Square Foot Minimum Size Lots, subject to a Master Development Agreement), as per the legal description in “Attachment 1”, which is attached hereto.

Section 2. Applicability of Building Design Elements. In accordance with Utah Code Ann. Section 10-9a-534(3)(d) and (h), and at the request of the Applicant, and in consideration for the increase in density allowed by the Rezone, all applicable Building Design Elements of the City shall apply to the Property and to the dwellings, structures, and buildings constructed thereon.

Section 3. 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 4. 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
____ DAY OF _____ 2023.

CITY OF WEST JORDAN

By: _____
Christopher McConnehey
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES" "NO"

Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>

[see the following pages.]

131
132 **PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON** _____.

133
134 Mayor's Action: _____ Approve _____ Veto

135
136
137 By: _____
138 Mayor Dirk Burton Date _____
139

140 ATTEST:

141
142
143 _____
144 Tangee Sloan, CMC
145 City Recorder
146
147

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

149
150 _____ The Mayor approved and signed Ordinance No. 23-08.
151

152
153 _____ The Mayor vetoed Ordinance No. 23-08 on _____ and the
154 City Council timely overrode the veto of the Mayor by a vote of _____ to _____.
155

156
157 _____ Ordinance No. 23-08 became effective by operation of law without the
158 Mayor's approval or disapproval.
159

160
161 _____
162 Tangee Sloan, CMC
163 City Recorder
164

165 **CERTIFICATE OF PUBLICATION**

166 I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and
167 that a short summary of the foregoing ordinance was published on the Utah Public Notice Website
168 on the _____ day of _____ 2023. The fully executed copy of the ordinance
169 is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.
170

171 _____
172 Tangee Sloan, CMC
173 City Recorder

174 *(Attachment on the following pages)*

**Attachment 1 to
ORDINANCE NO. 23-08**

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**REZONE FOR JORDAN RIVER HEIGHTS DEVELOPMENT
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LEGAL DESCRIPTION:

(On the following pages)

206

207

208 **Jordan River Heights Legal Description**

209

A TRACT OF LAND BEING SITUATE IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'25" EAST BETWEEN THE SOUTHEAST CORNER AND THE EAST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THENCE NORTH 00°01'25" EAST ALONG THE SECTION LINE A DISTANCE OF 660.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 3, AND RUNNING THENCE NORTH 89°58'35" WEST 659.66 FEET; THENCE SOUTH 00°01'25" WEST 3.06 FEET TO THE NORTHEAST CORNER OF BRIGADOON PARK ESTATES SUBDIVISION, ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 94-6, PAGE 189 OF PLATS; THENCE NORTH 89°58'42" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 528.61 FEET; THENCE NORTH 338.18 FEET TO THE SOUTH LINE OF COUNTRY WOOD SUBDIVISION PHASE II, ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 83-4, AT PAGE 47 OF PLATS; THENCE NORTH 89°56'48" EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF COUNTRY WOOD SUBDIVISION PHASE 1, ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 82-11, PAGE 88 OF PLATS, A DISTANCE OF 1188.41 FEET TO THE SECTION LINE; THENCE SOUTH 00°01'25" WEST ALONG THE SECTION LINE A DISTANCE OF 336.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 400,782 SQUARE FEET OR 9.201 ACRES, MORE OR LESS.