

County Recorder's Office Only
Above the Line

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 23-07

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

**APPROVAL OF A MASTER DEVELOPMENT AGREEMENT FOR SAID
DEVELOPMENT, SUBJECT TO THE APPROVAL OF A REZONE AND OTHER
CONDITIONS PRECEDENT**

WHEREAS, the City of West Jordan (“**City**”) adopted the Comprehensive General Plan (“**General Plan**”) in 2012, as amended, which provides for a general plan future 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 development agreements, and 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*** (“**Property**” or “**Jordan River Heights Development**”) for a request for: (1) the Zoning Map to be 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); and (2) a Master Development Agreement (“**Application**”, “**Rezone**”, and “**MDA**”); 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 Application and MDA; and

WHEREAS, a public hearing was held before the City Council on February 22, 2023 concerning the Application and MDA, including the Rezone; 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, the Applicant has agreed to and has executed the MDA that will govern the development of the Property, should the City Council, in its sole legislative discretion, choose to adopt the MDA and Rezone, and should all the conditions precedent in the MDA be fulfilled; and

WHEREAS, the City Council has reviewed and desires to approve the MDA, subject to the conditions precedent therein; 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 adopt the MDA, subject to the City Council, in its sole legislative discretion, choosing to adopt the Rezone, and subject to all the conditions precedent in the MDA being fulfilled.

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

Section 1. Approval of MDA. The MDA is approved and the Mayor is authorized to execute the MDA in "Attachment 1". The approval of the MDA is subject to the conditions precedent to the enforcement of the MDA, as set forth in the MDA, including but not limited to the City Council, in its sole legislative discretion, choosing to adopt, by Ordinance, the Rezone.

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 (see the following page):

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

Council Chair Christopher McConnehey

☐☐

Council Vice-Chair Pamela Bloom

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Council Member Kelvin Green

☐☐

Council Member Zach Jacob

☐☐

Council Member David Pack

☐☐

Council Member Kayleen Whitelock

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Council Member Melissa Worthen

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PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton

Date

ATTEST:

Tangee Sloan, CMC
City Recorder

[See the following pages.]

124
125 **STATEMENT OF APPROVAL/PASSAGE** (check one)
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127 _____ The Mayor approved and signed Ordinance No. 23-07.
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130 _____ The Mayor vetoed Ordinance No. 23-07 on _____ and the
131 City Council timely overrode the veto of the Mayor by a vote of _____ to _____.
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134 _____ Ordinance No. 23-07 became effective by operation of law without the
135 Mayor's approval or disapproval.
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138 _____
139 Tangee Sloan, CMC
140 City Recorder
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CERTIFICATE OF PUBLICATION

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144 I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and
145 that a short summary of the foregoing ordinance was published on the Utah Public Notice Website
146 on the _____ day of _____ 2023. The fully executed copy of the ordinance
147 is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.
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149 _____
150 Tangee Sloan, CMC
151 City Recorder
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155 *(Attachment on the following pages)*
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Attachment 1 to

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MASTER DEVELOPMENT AGREEMENT:

(On the following pages)