



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 7/14/2021

Presenter: Larry Gardner

Deadline of item : 7/14/2021

Department Sponsor: Community Development

Agenda Type: New Business

Time Requested: 5 minutes presentation, 10 minute Council

(Council may elect to provide more or less time)

Approval Signatures *(required for all transmittals)*

Submitter: Larry Gardner
Larry Gardner (Jul 6, 2021 11:02 MDT)

Dept. Head: Scott Langford
Scott Langford (Jul 6, 2021 11:43 MDT)

Reviewed as to Form: Duncan Murray
Duncan Murray (Jul 6, 2021 11:13 MDT)

Executive: [Signature]

Council Office: [Signature]

Council Committee: None

1. AGENDA SUBJECT:

Text Amendment Commercial Zones; Amend the 2009 City Code Section 13-5E-3 Commercial Zones, adding Recreation and Entertainment, Outdoor as a Conditional Use in the SC-3 Zone; city-wide applicability; City of West Jordan (applicant)

2. SUMMARY:

Adding Outdoor Recreation as a Conditional Use in the SC-3 Commercial Zone, Section 13-5E-3 of the 2009 West Jordan City Code

3. TIME SENSITIVITY / URGENCY:

No urgency

4. BUDGET IMPACT:

None

5. DEPARTMENT RECOMMENDATION:

Approval

6. PLANNING COMMISSION RECOMMENDATION:

Positive recommendation

7. MOTION RECOMMENDED

Motion to approve Ordinance 21-24 amending the 2009 West Jordan City Code (adding Outdoor Recreation as a Conditional Use in the SC-3 Commercial Zone, Section 13-5E-3)

8. PACKET ATTACHMENT(S):

Staff Report

Ordinance 21-24

Planning Commission Minutes – May 18, 2021

BACKGROUND

The proposed ordinance will add Recreation and Entertainment, Outdoor as a conditional use in the SC-3 zone. The reason for this request is that a surf park has submitted a pre-application request to locate on property located in an SC-3 zone. Economic Development has been working with the applicant on establishing the surf park in the city.

II. GENERAL INFORMATION & ANALYSIS

The property where the proposed surf park may be located is in the city's SC-3 zone. The SC-3 zone allows Recreation and Entertainment, Indoor as a conditional use but does not allow Recreation and Entertainment, Outdoor at all. The proposed ordinance would permit Recreation and Entertainment, Outdoor as a conditional use in the SC-3 zone. Staff does not anticipate any compatibility issues allowing this use in the SC-3 zone. Below is an excerpt from the commercial use table.

3-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use					SC-3
Recreation and entertainment, indoor					C
Recreation and entertainment, outdoor					C

III. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to approval the City Council must make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports economic development in the city. The addition of a regional commercial use will draw from a wide area and will assist the economic development efforts of the city.

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

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 proposed amendment will add Recreation and Entertainment, Outdoor as a permitted use in the SC-3 zone. Recreation and Entertainment, Outdoor is an acceptable use in a regional commercial zone as those types of uses generally draw customers from a much wider area than just the city.

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; and*

Discussion: Staff has not found, at this point, any conflicts 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 the Municipal Code 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 implication to all SC-3 zoned areas of the city. The ordinance will allow a use that will be a true regional commercial use. The ordinance does not relieve a particular hardship that exists for a property owner but assists in the City's economic development efforts.

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(s) in light of corrections or changes in public policy.

1 **THE CITY OF WEST JORDAN, UTAH**
2 **ORDINANCE NO. 21-24**

3
4 **AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE**
5 **(ADDING OUTDOOR RECREATION AS A CONDITIONAL USE IN THE SC-3**
6 **COMMERCIAL ZONE, SECTION 13-5E-3)**

7
8 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and

10 WHEREAS, titles 5, 8, 9, 10, 11, 12, 13, 14, and 15 of the City Code have been adopted as
11 “Land Use Regulations”, as defined by Utah Code Ann. Subsection 10-9a-103(32) or successor
12 provisions; and

13 WHEREAS, the City desires to adopt, amend, and/or repeal certain sections of the City
14 Code, which have been and/or which are being adopted as Land Use Regulations (“proposed City
15 Code amendments”); and

16 WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public
17 hearing(s) on May 18, 2021 regarding the proposed City Code amendments and forwarded a positive
18 recommendation to the City Council of the City (“City Council”) regarding the proposed code
19 amendments; and

20 WHEREAS, after reviewing the Planning Commission’s recommendation, and after the City
21 Council held its own public hearing on July 28, 2021 regarding the proposed City Code
22 amendments, the City Council finds it to be in the best interest of the public health, safety, and
23 welfare to adopt the following amendments to the City Code.

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

26 **Section 1. Amendment.** City Code Section 13-5E-3, which is a Land Use Regulation
27 section, is hereby amended, so that it shall now read as shown on Attachment 1 to this Ordinance.
28

29 **Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a
30 court of competent jurisdiction, the remainder shall not be affected thereby.
31

32 **Section 3. Effective Date.** This Ordinance shall become effective immediately upon
33 posting or publication as provided by law and either (i) the Mayor signing the Ordinance, (ii) the
34 City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to
35 sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to
36 him.

37
38 (Continued on the following pages)
39
40

41 PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS
42 _____ DAY OF _____, 2021.

43 CITY OF WEST JORDAN

44
45 By: _____
46 Zach Jacob
47 Council Chair

48 ATTEST:

49 _____
50
51 Cindy M. Quick, MMC
52 Council Office Clerk

53
54 **VOTING BY THE CITY COUNCIL**

"YES"

"NO"

55 Council Chair Zach Jacob

☐☐

56 Council Vice Chair Kelvin Green

☐☐

57 Council Member Chad R. Lamb

☐☐

58 Council Member Christopher McConnehey

☐☐

59 Council Member David Pack

☐☐

60 Council Member Kayleen Whitelock

☐☐

61 Council Member Melissa Worthen

☐☐

62
63 **PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON** _____.

64
65 Mayor's Action: _____ Approve _____ Veto

66
67
68 By: _____
69 Mayor Dirk Burton Date

70
71
72 ATTEST:

73
74
75 _____
76 Tangee Sloan
77 City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

_____ The Mayor approved and signed Ordinance No. 21-24.

_____ The Mayor vetoed Ordinance No. 21-24 on _____ and the
City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 21-24 became effective by operation of law without the
Mayor's approval or disapproval.

Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and
that a short summary of the foregoing ordinance was published on the Utah Public Notice Website
on the _____ day of _____, 2021. The fully executed copy of the ordinance
is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan
City Recorder

(Attachment on the following page)

Attachment 1

[Attachment to ORDINANCE NO. 21-24
AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(ADDING OUTDOOR RECREATION AS A CONDITIONAL USE IN THE SC-3
COMMERCIAL ZONE, SECTION 13-5E-3)

Legislative Version:

13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:

P=Permitted use

C=Conditional use

AC=Administrative conditional use

Use	C- G	C- M	SC- 1	SC- 2	SC- 3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Automated car wash	P	P	C	P	P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P

Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	P	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Microbrewery, retail					P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post Office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P

Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			C
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Tattoo and body engraving service					C
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P		C	AC
Veterinary service (small animals only)	C	C		C	

147

148 A. The city may issue a scientific or educational alcohol use permit, as defined in Utah Code
149 Annotated section 32B-10-102, as a permitted use in the SC-3 zone. The fee for such
150 permit shall be \$326.00.

151

152 (2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-
153 20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-
154 17, 4-24-2013; Ord. 14-09, 5-14-2014; Ord. 15-20, 8-12-2015; Ord. 16-13, 3-9-2016; Ord. 17-34,
155 6-28-2017; Ord. 18-15, 5-9-2018; Ord. 18-26, 7-11-2018; Ord. 20-18, 7-29-2020)

156

157

158

159

160

161

Clean Version:

13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:

P=Permitted use

C=Conditional use

AC=Administrative conditional use

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Automated car wash	P	P	C	P	P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		

Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	P	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Microbrewery, retail					P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post Office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			C
Repair service, general		P			
Repair service, limited	P		P	P	P

Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Tattoo and body engraving service					C
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P		C	AC
Veterinary service (small animals only)	C	C		C	

182

183 A. The city may issue a scientific or educational alcohol use permit, as defined in Utah Code
184 Annotated section 32B-10-102, as a permitted use in the SC-3 zone. The fee for such
185 permit shall be \$326.00.

186

187 (2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-
188 20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-
189 17, 4-24-2013; Ord. 14-09, 5-14-2014; Ord. 15-20, 8-12-2015; Ord. 16-13, 3-9-2016; Ord. 17-34,
190 6-28-2017; Ord. 18-15, 5-9-2018; Ord. 18-26, 7-11-2018; Ord. 20-18, 7-29-2020)

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 18, 2021 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Trish Hatch, Jay Thomas, Corbin England, Matt Quinney, Ammon Allen, Pamela Bloom (remotely), Kent Shelton (remotely).

STAFF: Scott Langford, Larry Gardner, Duncan Murray, Dirk Burton, Julie Davis, Brian Berndt, Ray McCandless, Mark Forsythe

OTHERS: Steven Losee, Ron McDougal, Randy McDougal, Jake Woodward. Those attending remotely were Jeff Hammond, Susan Breinholt, Colonel, John Semnani, Ken Dodson, Satar Tabriz, Scott Howell

6. Text Amendment – Commercial Zones; Amend the 2009 City Code Section 13-5E Commercial Zones, adding Recreation and Entertainment, Outdoor as a Conditional Use in the SC-3 Zone; city-wide applicability; City of West Jordan (applicant) [#24112]

Larry Gardner said this amendment will add Recreation and Entertainment, Outdoor in the SC-3 Zone. There could be potential projects for outdoor recreation that would truly be regional in nature, so staff felt that it was appropriate.

Trish Hatch opened the public hearing.

Further public comment was closed at this point for this item.

Ammon Allen asked if there is an area of SC-3 property near enough to residential uses that would cause problems with noise, etc.

Larry Gardner said the commercial areas in Jordan Landing are zoned SC-3 and are adjacent to residential uses. There is also an area of SC-3 property that is west of residential zoning across 5600 West, which is close but not adjacent. The code amendment is to make the use conditional instead of permitted, so the planning commission has the ability to establish conditions of approval to mitigate any potential negative impacts.

Ammon Allen asked if staff knew what outdoor entertainment facilities in other jurisdictions have in place for noise mitigation.

Larry Gardner said that he had no information.

Trish Hatch said that Top Golf in Midvale has a noise ordinance variance, so she can hear their music if the wind is blowing. That is why she became involved with the Planning Commission.

MOTION: Corbin England moved to forward a positive recommendation to the City Council to Amend the 2009 City Code Section 13-5E; Commercial Zones, adding Recreation and Entertainment, Outdoor as a Conditional Use in the SC-3 Zone. The motion was seconded by Pamela Bloom and passed 7-0 in favor.












NB b Commercial Zone Text Amendment


Final Audit Report

2021-07-07

Created:	2021-07-06
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvF2mio1P25UgPZlRILyZbQMIBv8saO

"NB b Commercial Zone Text Amendment" History

-  Document created by Cindy Quick (Cindy.quick@westjordan.utah.gov)
2021-07-06 - 4:48:21 PM GMT- IP address: 207.225.200.66
-  Document emailed to Larry Gardner (larry.gardner@westjordan.utah.gov) for signature
2021-07-06 - 4:49:03 PM GMT
-  Email viewed by Larry Gardner (larry.gardner@westjordan.utah.gov)
2021-07-06 - 5:01:52 PM GMT- IP address: 207.225.200.66
-  Document e-signed by Larry Gardner (larry.gardner@westjordan.utah.gov)
Signature Date: 2021-07-06 - 5:02:03 PM GMT - Time Source: server- IP address: 207.225.200.66
-  Document emailed to Duncan Murray (duncan.murray@westjordan.utah.gov) for signature
2021-07-06 - 5:02:04 PM GMT
-  Email viewed by Duncan Murray (duncan.murray@westjordan.utah.gov)
2021-07-06 - 5:12:54 PM GMT- IP address: 73.52.173.73
-  Document e-signed by Duncan Murray (duncan.murray@westjordan.utah.gov)
Signature Date: 2021-07-06 - 5:13:09 PM GMT - Time Source: server- IP address: 73.52.173.73
-  Document emailed to Scott Langford (scott.langford@westjordan.utah.gov) for signature
2021-07-06 - 5:13:11 PM GMT
-  Email viewed by Scott Langford (scott.langford@westjordan.utah.gov)
2021-07-06 - 5:42:58 PM GMT- IP address: 172.56.41.29
-  Document e-signed by Scott Langford (scott.langford@westjordan.utah.gov)
Signature Date: 2021-07-06 - 5:43:24 PM GMT - Time Source: server- IP address: 172.56.41.29
-  Document emailed to Korban Lee (korban.lee@westjordan.utah.gov) for signature
2021-07-06 - 5:43:26 PM GMT

 Email viewed by Korban Lee (korban.lee@westjordan.utah.gov)


2021-07-06 - 7:08:56 PM GMT- IP address: 174.208.194.179

 Document e-signed by Korban Lee (korban.lee@westjordan.utah.gov)


Signature Date: 2021-07-06 - 7:09:09 PM GMT - Time Source: server- IP address: 174.208.194.179

 Document emailed to Alan Anderson (alan.anderson@westjordan.utah.gov) for signature

2021-07-06 - 7:09:11 PM GMT

 Email viewed by Alan Anderson (alan.anderson@westjordan.utah.gov)

2021-07-07 - 9:00:31 PM GMT- IP address: 207.225.200.66

 Document e-signed by Alan Anderson (alan.anderson@westjordan.utah.gov)

Signature Date: 2021-07-07 - 9:28:43 PM GMT - Time Source: server- IP address: 207.225.200.66

 Agreement completed.

2021-07-07 - 9:28:43 PM GMT