



REQUEST FOR SUBSTITUTE #1

Submitter: Council Member Green

Meeting Date Requested: 2/24/2021

Department: City Council

Date Final Action Required: 2/24/2021

Time Requested: Total Time: 8 Minutes (Presentation Time: 3 Council Discussion: 5)

Approval Signatures

Submitter: _____/s/ Kelvin Green_____

Reviewed as to Form:  _____
Duncan Murray Feb 22, 2021 12:11 MST)

Council Office:  _____

1. AGENDA SUBJECT

Public Hearing amending sections of City Code regarding alcohol licenses

2. AFFECTING ~~RESOLUTION~~/ORDINANCE #21-05

3. SUMMARY

I am submitting the substitute amendment for the following reasons:

- The ordinance as previously proposed would create discrepancies in the West Jordan City Code. Generally, if something is listed in a permitted table, it is prohibited. Because this ordinance only addresses alcohol license in specific zoning areas, a license most likely is not permitted in other zones. By not including other zones we would make approximately 17 businesses that sell alcohol because they would not be covered by a permitted use in the zone it sits in. (This is 22% of all licenses in the city that would be non-conforming)
- The ordinance would not treat similarly situated businesses the same. New business could not go next to a business that is non-conforming, even though they would be involved in the same industry.
- The ordinance as written would not allow restaurants or other businesses that manufacture alcohol from being in areas where restaurants allowed. (Would not allow restaurants like Hoppers, Eight Settlers, Red Rock, Squatters, Wasatch except in the CM zone)
- The current ordinance is out of date and this would create conflicts between Title 4-2A and Title 13.
- This amendment fixes the problem for one business that gives the Council time to do a complete re-write for both sections of code. That proposed re-write has been

distributed to key staff to being the process of sending back to Planning Commission and staff review.

4. BUDGET IMPACT

Minimal impact to revenue for licensing

5. PACKET ATTACHMENT(S) *(if larger than 25 mb, embed electronically)*

6. OTHER INFORMATION *(if applicable)*

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 21-05

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY
CODE REGARDING ALCOHOL LICENSES,
IN THE SC-3 COMMERCIAL ZONE**

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

WHEREAS, the City desires to amend the City Code Regarding Alcohol Licenses; in particular, for a Permitted Use designation regarding an Alcohol-related use in the SC-3 Zone (“proposed code amendments”); and

WHEREAS, the Planning Commission of the City of West Jordan (“Planning Commission”) held a public hearing on January 19, 2021 regarding the proposed code amendments and forwarded a positive recommendation to the City Council of the City of West Jordan (“City Council”) regarding the proposed code amendments; and

WHEREAS, after reviewing the Planning Commission’s recommendation, and after holding its own public hearing on February 24, 2021 regarding the proposed code amendments, the City Council finds it to be in the best interest of the public health, safety, and welfare to adopt the following amendments to the City Code; and

WHEREAS, the City Council desires to have a comprehensive overhaul of the alcoholic beverage ordinances in the near future.

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

Section 1. Amendment. Subsection 13-5E-3A is hereby added at the end of Section 13-5E-3 of the City Code as follows (inserted after the table):

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

Section 2. 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 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and either (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 him.

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

CITY OF WEST JORDAN

By: _____
Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

	"YES"	"NO"
Council Chair Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice Chair Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Chad R. Lamb	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Chris McConnehey	<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"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton

Date

ATTEST:

Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OR PASSAGE (check one)

_____ The Mayor approved and signed Ordinance No. 21-05.

_____ The Mayor vetoed Ordinance No. 21-05 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 21-05 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 the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2021 pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan
City Recorder









Request for Substitute Ordinance No. 21-05 - KG

Final Audit Report

2021-02-22

Created:	2021-02-22
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAdoQ0CIXAPvZX9JY3TvbbymJ3cbMqsnKn

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2021-02-22 - 7:06:28 PM GMT- IP address: 207.225.200.66
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2021-02-22 - 7:06:49 PM GMT
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2021-02-22 - 7:07:08 PM GMT- IP address: 73.52.173.73
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Signature Date: 2021-02-22 - 7:11:25 PM GMT - Time Source: server- IP address: 73.52.173.73
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2021-02-22 - 7:12:54 PM GMT- IP address: 207.225.200.66
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