

ORDINANCE NO. 2023 - 07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 17.130.050 (PD ZONE REQUIREMENTS) OF THE SOUTH JORDAN CITY MUNICIPAL CODE CREATING AN EXCEPTION TO THE REQUIREMENT THAT THE APPLICANT ENTER INTO A DEVELOPMENT AGREEMENT IN THOSE INSTANCES WHERE THE APPLICANT IS THE CITY OF SOUTH JORDAN.

WHEREAS, Utah Code § 10-9a-102 grants the City of South Jordan (the “City”) authority to enact ordinances that the South Jordan City Council (the “City Council”) considers necessary or appropriate for the use and development of land within the City; and

WHEREAS, the subject text amendment recognizes the impossibility of the City entering into development agreements with itself and therefore removes the requirement that the Applicant for a zoning overlay creating a PD Zone enter into a development agreement in those instances where the Applicant is the City of South Jordan; and

WHEREAS, the City Council has held a public hearing and reviewed the subject text amendment; and

WHEREAS, the City Council finds that the subject text amendment will enhance the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. Section 17.130.050 of the South Jordan City Municipal Code, as shown in the attached **Exhibit A**, is hereby amended.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 2 DAY OF May, 2023 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<u>X</u>	___	___	___
Bradley Marlor	<u>X</u>	___	___	___
Donald Shelton	<u>X</u>	___	___	___
Tamara Zander	<u>X</u>	___	___	___
Jason McGuire	<u>X</u>	___	___	___

Mayor:

Dawn R. Ramsey
Dawn R. Ramsey

Attest:

Anna Craikston
City Recorder

Approved as to form:

[Signature]
Office of the City Attorney



EXHIBIT A

(Additions in **bold underline**, deletions in strikethrough)

17.130.050.020 A.2

Rezone: A PD District shall only be established upon approval by the City Council as a rezone according to the provisions of chapter 17.22, "Zoning Amendments", of this title and as may be required elsewhere in this title, except that the requirement for a conceptual plan in subsection 17.22.030D of this title shall be replaced with a development plan according to subsection B of this section. **Except in those instances where the Applicant is the City of South Jordan** ~~The~~ development plan shall be approved by development agreement in conjunction with the rezoning approval. **If the Applicant is the City of South Jordan the development plan may be approved as part of the rezone without a development agreement.**

17.130.050.030

Any application to amend an approved PD District shall be processed as a zone text amendment, except that an application to extend the district boundaries shall be processed as a rezone. **Except in those instances where the Applicant is the City of South Jordan a**Any amendment to an approved PD District requires that the corresponding development agreement also be amended. ~~(Ord. 2016-05, 5-3-2016)~~