

ORDINANCE NO. 2009.03

ORDINANCE AMENDING THE DEVELOPMENT CODE; TITLE 16, CHAPTERS 16.08, 16.10, 16.14, 16.24 AND THE PLANNING AND LAND USE CODE; TITLE 17, CHAPTER 17.72 OF THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO APPROVED PLAN EXPIRATIONS.

WHEREAS, the South Jordan City Council has previously adopted Chapters 08, 10, 14 and 24 of Title 16 and Chapter 72 of Title 17 of the South Jordan City Municipal Code, which authorizes the regulation of uses in the City zones; and

WHEREAS, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendment to Sections 16.08.70, 16.08.130, 16.08.140, 16.10.070, 16.10.130, 16.10.140, 16.14.120, 16.14.130, 16.24.080, 16.24.090, 17.72.120.60, 17.72.130.60; and

WHEREAS, the City Council has held a public hearing and has reviewed the proposed amendment and considered the recommendation of the Planning Commission regarding the proposed amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed amendment will or may have on existing or future development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed amendment meets the purposes and objectives of the Development Code and the Planning and Land Use Code; and

WHEREAS, the City Council desires to amend the Development Code and the Planning and Land Use Code as proposed; and

WHEREAS, the City Council has found and determined that the proposed amendment to Sections 16.08.70, 16.08.130, 16.08.140, 16.10.070, 16.10.130, 16.10.140, 16.14.120, 16.14.130, 16.24.080, 16.24.090, 17.72.120.60, 17.72.130.60; of the South Jordan Municipal Code will support the best interests of the City and will promote the public health, safety and welfare.

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

Section 1. Amendment. Chapter 16.08.070 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.08.070: PRELIMINARY CONDOMINIUM MAP EXPIRATION:

A preliminary condominium map approval shall remain valid for one year from the date of approval. If a final condominium map is not approved within one year of the date of preliminary approval, the preliminary map shall be void automatically expire. Expired preliminary condominium maps shall return to the Planning Commission for a new preliminary condominium map approval with possible updated standards, and/or requirements.

Section 2. Amendment. Chapter 16.08.130 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.08.130: RECORDING OF FINAL MAP: APPEAL OF CONDOMINIUM MAP EXPIRATION:

~~The city recorder or his/her designee shall record the final condominium map at the office of the Salt Lake County recorder. The final condominium map may not be recorded until all of the following items have been completed:~~

~~A. The final map has been approved and signed by the city engineer, planner/community development director, and city attorney certifying that all requirements have been met.~~

~~B. The mayor's signature and city recorder's certification have been applied to the Mylar map drawing.~~

~~C. The improvement guarantee determined by the city engineer and approved by the city attorney has been properly posted with the city.~~

~~D. All necessary deeds and agreements have been executed and submitted to the city.~~

Applicants may apply for one extension of time for a preliminary or final condominium map approval prior to expiration pursuant to Section 16.08.070 above. The Community Development Director may grant one extension for up to one year from the date of expiration upon the applicant's showing of good cause (a reason rationally related to the development) and in the best interest of the City. Condominium plats are required to conform to current standards, ordinances and policies. An applicant may appeal the decision of the Director to the Planning Commission in writing, within fourteen (14) days if denied.

Section 3. Amendment. Chapter 16.08.140 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.08.140: RECORDING OF FINAL MAP:

The city recorder or his/her designee shall record the final condominium map at the office of the Salt Lake County recorder. The final condominium map may not be recorded until all of the following items have been completed:

A. The final map has been approved and signed by the city engineer, planner/community development director, and city attorney, or designee, certifying that all requirements have been met.

B. The mayor's signature and city recorder's attestation have been applied to the Mylar map drawing.

C. The improvement guarantee determined by the city engineer and approved by the city attorney, or designee, has been properly posted with the city.

D. All necessary deeds and agreements have been executed and submitted to the city.

Section 4. **Amendment.** Chapter 16.10.070 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.10.070: PRELIMINARY SUBDIVISION PLAT EXPIRATION:

A preliminary subdivision plat approval shall remain valid for one year from the date of approval. If a final subdivision plat is not approved within one year from the date of preliminary approval, the preliminary plat shall ~~be void~~ **automatically expire. Expired preliminary subdivision plats shall return to the Planning Commission for a new preliminary subdivision plat approval with possible updated standards and/or requirements.**

Section 5. **Amendment.** Chapter 16.10.130 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.10.130: RECORDING OF FINAL PLAT APPEAL OF SUBDIVISION PLAT EXPIRATION:

~~The city recorder or his/her designee shall record the final subdivision plat at the office of the Salt Lake County recorder. The final subdivision plat may not be recorded until all of the following items have been completed: (Ord. 2007-01, 1-16-2007)~~

- ~~A. The final plat has been approved and signed by the city engineer, city planner/community development director, and city attorney certifying that all requirements have been met. (Ord. 2007-01, 1-16-2007; amd. Ord. 2007-02, 1-16-2007)~~
- ~~B. The mayor's signature and city recorder's certification have been applied to the Mylar plat drawing.~~
- ~~C. The improvement guarantee determined by the city engineer and approved by the city attorney has been properly posted with the city.~~

~~D. All necessary deeds and agreements have been executed and submitted to the city.~~

Applicants may apply for one extension of time for a preliminary or final subdivision plat approval prior to expiration pursuant to Section 16.10.070 above. The Community Development Director may grant one extension for up to one year from the date of expiration upon the applicant's showing of good cause (a reason rationally related to the development) and in the best interest of the City. Subdivision plats are required to conform to current standards, ordinances and policies. An applicant may appeal the decision of the Director to the Planning Commission in writing, within fourteen (14) days if denied.

Section 6. **Amendment.** Chapter 16.10.140 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.10.140: RECORDING OF FINAL PLAT:

The city recorder or designee shall record the final subdivision plat at the office of the Salt Lake County recorder. The final subdivision plat may not be recorded until all of the following items have been completed:

A. The final plat has been approved and signed by the city engineer, city planner/community development director, and city attorney, or designee certifying that all requirements have been met.

B. The mayor's signature and city recorder's attestation have been applied to the Mylar plat drawing.

C. The improvement guarantee determined by the city engineer and approved by the city attorney, or designee, has been properly posted with the city.

D. All necessary deeds and agreements have been executed and submitted to the city.

Section 7. Amendment. Chapter 16.14.120 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.14.120: RECORDING OF AMENDED PLAT: APPEAL OF AN AMENDED SUBDIVISION PLAT EXPIRATION:

~~The city recorder or his/her designee shall record the amended subdivision plat at the office of the Salt Lake County recorder. The amended plat may not be recorded until all of the following items have been completed:~~

~~A. The plat has been approved by the city and all requirements of state law, city staff and the land use authority have been met.~~

~~B. The mayor's signature and city recorder's certification have been applied to the Mylar plat drawing.~~

~~C. The improvement guarantee determined by the city engineer and approved by the city attorney has been properly posted with the city.~~

~~D. All engineering fees have been paid including storm drain, streetlight and review fees.~~

~~E. All necessary deeds and agreements have been executed and submitted to the city.~~

~~F. Required water shares have been submitted to the city.~~

~~G. All other conditions of approval required for plat recordation have been met.~~

Applicants may appeal for one extension of time for an amended preliminary or final plat approval prior to the expiration of the approval. The Community Development Director may grant one extension for up to one year from the date of expiration upon the applicant's showing of good cause (a reason rationally related to the development) and in the best interest of the City. Amended subdivision plat are required to conform to current standards, ordinances and policies. An applicant may appeal the decision of the Director to the Planning Commission in writing, within fourteen (14) days if denied.

Section 8. Amendment. Chapter 16.14.130 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.14.130: RECORDING OF AMENDED PLAT:

The city recorder or designee shall record the amended subdivision plat at the office of the Salt Lake County recorder. The amended plat may not be recorded until all of the following items have been completed:

A. The plat has been approved by the city and all requirements of state law, city staff and the land use authority have been met.

B. The mayor's signature and city recorder's attestation have been applied to the Mylar plat drawing.

C. The improvement guarantee determined by the city engineer and approved by the city attorney, or designee, has been properly posted with the city.

D. All engineering fees have been paid including storm drain, streetlight and review fees.

E. All necessary deeds and agreements have been executed and submitted to the city.

F. Required water shares have been submitted to the city.

G. All other conditions of approval required for plat recordation have been met.

Section 9. Amendment. Chapter 16.24.080 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.24.080: PAD DEVELOPMENT: APPEAL OF A SITE PLAN EXPIRATION:

~~A "pad" is a lot or parcel established for development of a freestanding use and building, typically near a~~

~~street, which is subordinate or related to a shopping center, office complex or other nonresidential development. A pad may only be created and developed as part of a larger shopping center or development which exists or is or will be under construction (foundation installed) at the time a building permit is issued for the pad. The following regulations shall apply to pads:~~

- ~~A. Development Review Required: Pads proposed for development shall be governed by this section and the development review requirements of this title and title 17 of this code.~~

- ~~B. Site Plan Approval Required: All uses proposed on pads may be established only with a site plan approved by the planning commission. Approval will be required at the time a pad or pads are proposed with the larger development or at the time a specific pad use is proposed. The planning commission may evaluate proposed pads and pad uses and their potential effects on traffic circulation, safety, visibility and function of surrounding development.~~

- ~~C. Plat Required: If a pad is to be sold, a lot or condominium space must be created through plat approval procedures and meet all requirements of this code and state law.~~

- ~~D. Density: The total of the lengths and widths of all of the pad buildings may not exceed fifty percent (50%) of the total length of the street frontage of the entire development in which the pads are located. Building separations may be determined by the planning commission to preserve sightlines and/or traffic circulation in the development. Pad buildings may not be located within a one hundred foot (100') triangular area as measured from the top backs of curb of intersecting streets.~~

Applicants may apply for one extension of time for a site plan approval prior to the expiration of the approval. The Community Development Director may grant one extension for up to one year from the date of expiration upon the applicant's showing of good cause (a reason rationally related to the development) and in the best interest of the City. Site plans are required to conform to current standards, ordinances and policies. An applicant may appeal the decision of the Director to the Planning Commission in writing, within fourteen (14) days if denied.

Section 10. Amendment. Chapter 16.24.090 of Title 16, "Development Code", of the South Jordan Municipal Code is hereby amended as follows:

16.24.090: PAD DEVELOPMENT:

A "pad" is a lot or parcel established for development of a freestanding use and building, typically near a street, which is subordinate or related to a shopping center, office complex or other nonresidential development. A pad may only be created and developed as part of a larger shopping center or development which exists or is or will be under construction (foundation installed) at the time a building permit is issued for the pad. The following regulations shall apply to pads:

- A. Development Review Required: Pads proposed for development shall be governed by this section and the development review requirements of this title and title 17 of this code.

- B. Site Plan Approval Required: All uses proposed on pads may be established only with a site plan approved by the planning commission. Approval will be required at the time a pad or pads are

proposed with the larger development or at the time a specific pad use is proposed. The planning commission may evaluate proposed pads and pad uses and their potential effects on traffic circulation, safety, visibility and function of surrounding development.

C. Plat Required: If a pad is to be sold, a lot or condominium space must be created through plat approval procedures and meet all requirements of this code and state law.

D. Density: The total of the lengths and widths of all of the pad buildings may not exceed fifty percent (50%) of the total length of the street frontage of the entire development in which the pads are located. Building separations may be determined by the planning commission to preserve sightlines and/or traffic circulation in the development. Pad buildings may not be located within a one hundred foot (100') triangular area as measured from the top backs of curb of intersecting streets.

Section 11. Amendment. Chapter 17.72.120.60 of Title 17, "Planning and Land Use Code", of the South Jordan Municipal Code is hereby amended to be deleted in its entirety as follows:

~~17.72.120.60: FINAL SUBDIVISION PLAT EXPIRATION:~~

~~If a final subdivision plat is not recorded within one year from the date of final approval, the approval shall expire and the final plat shall be null and void.~~

Section 12. Amendment. Chapter 17.72.130.60 of Title 17, "Planning and Land Use Code", of the South Jordan Municipal Code is hereby amended to be deleted in its entirety as follows:

~~17.72.130.60: FINAL CONDOMINIUM MAP EXPIRATION:~~

~~If a final condominium map is not recorded within one year from the date of final approval, the approval shall expire and the final map shall be null and void.~~

Section 13. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 14. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH,
ON THIS _____ DAY OF _____, 2008 BY THE FOLLOWING VOTE.

	YES	NO	ABSTAIN	ABSENT
Brian Butters	_____	_____	_____	_____
Kathie L. Johnson	_____	_____	_____	_____
Larry Short	_____	_____	_____	_____
Aleta A. Taylor	_____	_____	_____	_____
Leona Winger	_____	_____	_____	_____

W. Kent Money, Mayor

ATTEST: _____
Anna M. West, City Recorder

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH,
ON THIS 17th DAY OF MARCH, 2009 BY THE FOLLOWING VOTE.

	YES	NO	ABSTAIN	ABSENT
Brian Butters	<u>X</u>	—	—	—
Kathie L. Johnson	<u>X</u>	—	—	—
Larry Short	<u>X</u>	—	—	—
Aleta A. Taylor	—	<u>X</u>	—	—
Leona Winger	<u>X</u>	—	—	—



W. Kent Money
W. Kent Money, Mayor

ATTEST: Anna M. West
Anna M. West, City Recorder