

ORDINANCE NO. 17-11

An ordinance amending Title 16 of the Wasatch County Code specifically regarding Chapter 16.41 section(s) 1.6, 2.1.2.1(table 1); 16.15.06 (J) and 16.04.02 Definition for commercial. In accordance with the pending ordinance signed February 16, 2017 the County council is proposing to eliminate the current ordinance that does not count commercial density.

WHEREAS, Title 16 of the Wasatch County Planning, Zoning and Development Code was amended to allow for commercial uses and their associated densities in the Jordanelle Basin Overlay Zone (JBOZ) and Jordanelle Specially Planned Area (JSPA) planning areas that would not count against density as provided for in the JSPA and JBOZ comprehensive plans; and

WHEREAS, it has come to the attention of the Planning Commission, County Council and planning staff that the allowance is causing problems with planning for infrastructure, traffic modeling, parking, land use planning and other issues; and

WHEREAS, the densities that were originally granted in the JBOZ and JSPA included commercial and that the original densities allowed are sufficient for the area; and

WHEREAS, any developer seeking additional density for a commercial use can apply for an amendment to the appropriate plans and ordinances in accordance with County and state codes; and

WHEREAS, the Wasatch County Planning Commission has held a public hearing to receive comment on the proposed additions, modifications, and amendments as required by §17-27a et. seq., Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Wasatch County Council regarding the modifications and amendments; and

WHEREAS, the Wasatch County Council conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Wasatch County Council has determined that it is in the best interest of the public health, safety, and welfare of Wasatch County citizens that that the following additions, modifications, and amendments to Title 16 be adopted.

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION I – ENACTMENT

The following sections of Chapter 41 of Title 16 of the Wasatch County Code are amended as follows:

1.6 ERU Calculations. Calculations of ERUs will be made pursuant to the procedures described and the chart in 2.1.2.1 of this code. ~~For density purposes, commercial ERU's shall not be counted. However, for purposes of the JSSD requirements, ERU's shall be counted in accordance with JSSD policies.~~

2.1.2.1 Equivalent Residential Unit (ERU) means the number of residential equivalents to determine density based on sewer, water and square footage of a structure, ~~not including commercial uses.~~ ERU calculations shall be based upon the Unit Equivalent Chart shown below. This does not, however, prevent the Special Service District from charging more for sewer and water. Notwithstanding the chart, if a use is proposed that is not specifically listed in the chart, the Planning Staff shall assign an ERU value to said use which most closely compares to the requested use. This assigned value may be adjusted by the Legislative Body, after a recommendation for or against by the JSPA Planning Commission, during the application review process as long as the adjustment is consistent with Title 16 and the General Plan.

CONFIGURATION	NOTES	ERU'S
Motel/Hotel Room	Not to exceed 500 sf including bathroom areas, but not including corridors outside of room	.25
Hotel Suite or One Bedroom Apartment	Not to exceed 700 sf including bathroom areas but not corridors outside of rooms	.33
One Bedroom Apartment or Two Bedroom Apartment	Not to exceed 1000 sf and not to exceed 1 ½ baths	.50
Apartment/Condo	Not to exceed 1500 sf	.75
All Other Residential Uses	Over 1500 sf	1.00
Commercial	For each 2,000 sf of gross floor area or for each part of a 2,000 sf interval	.86

The below code section is the asterisk under table 1

~~*For the purpose of calculating density only, commercial ERU's shall not be counted for commercial uses, when in compliance with the definition and requirements of commercial uses as stated in Title 16.~~

~~16.15.06 (J) Commercial ERU Calculation: For the purposes of calculating density only, ERUs for commercial uses will not be counted if the commercial use designation is located in a master planned area in the Jordanelle Basin overlay zone. Master plan commercial ERUs are not transferable to other property in the Jordanelle Basin or for additional residential uses. All applicable densities for underlying land uses must conform to the approved master plan.~~

16.04.02 COMMERCIAL USE: The purchase, sale or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions or recreation or amusement enterprises and intended to be conducted for profit, and also including the renting of hotel rooms, business offices and sales display premises. ~~For the~~

~~purposes of this code condo hotels will not be considered commercial and density will be counted in the total ERU calculation.~~

SECTION II – REPEALER

If any provisions of the Wasatch County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III – AMENDMENT OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code ' 17-53-208.

SECTION V – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.


SECTION VI – PUBLIC NOTICE

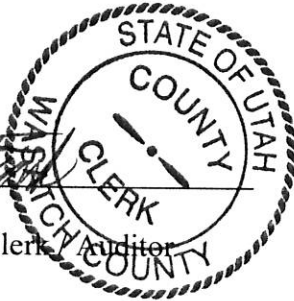
The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk; and
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

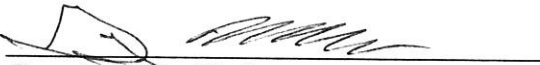
APPROVED and PASSED this 11th day of August, 2017.

Attest:


Brent R. Titcomb
Wasatch County Clerk



WASATCH COUNTY COUNCIL:


Greg McPhie, Chair
Wasatch County Council

Greg McPhie, Chairman
Mark Nelson
Spencer Park
Mike Petersen
Danny Goode
Steve Farrell
Kendall Crittenden

VOTE

 X
 X
 X
 X

 X
 X

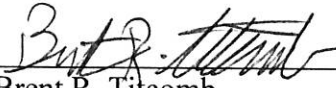
ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

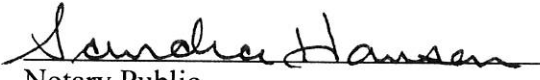
- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 21 day of November, 2017.



Brent R. Titcomb
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 21st day of November, 2017.



Notary Public

Residing in: Wasatch Co. Utah
My commission expires: 3-31-2019

