

ORDINANCE NO. 17-

13

Due to the pending ordinance approved by the County Council on January 18, 2017 the following ordinance is amended: section(s) 16.41, 2.1.6 of the JSPA code allowing for density bonuses for projects.

WHEREAS, Title 16 of the Wasatch County Planning, Zoning and Development Code was amended to eliminate the option for increased density in developments based on performance; and

WHEREAS, the code that allowed additional density was determined to be somewhat subjective and difficult to interpret; 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 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:

~~**2.1.6 Density Increase for Public Amenities.** Up to a 15% increase in density will be granted for landowners where dedication or contribution of approved school sites, or affordable housing is made. This will apply within the JSPA. Specifically, increased density will be granted for~~

~~contributions or development of parks, community centers, convention centers, affordable housing or other public amenities. The amount of the Density Increase within the JSPA for Public Amenities shall be an amount determined by the Density of the surrounding or comparable uses. In the case of a contribution or dedication of community space, the JSPA Planning Commission use its discretion in approving and recommending such density increases.~~

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

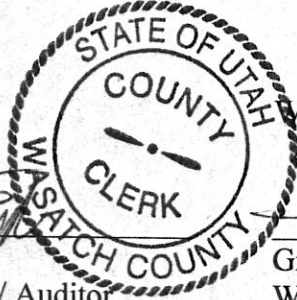
The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- 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 16 day of August, 2017.

Attest:



WASATCH COUNTY COUNCIL:

Brent R. Titcomb
Brent R. Titcomb
Wasatch County Clerk / Auditor

Greg McPhie
Greg McPhie, Chair
Wasatch County Council

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

VOTE

-
y
y
-
-
y
y

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
Brent R. Titcomb
Wasatch County Clerk / Auditor

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

Sandra Hansen
Notary Public

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

