

**THE CITY OF WEST JORDAN, UTAH  
ORDINANCE NO. 24-33**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
(AMENDMENT PROCEDURES FOR THE SENIOR HOUSING OVERLAY DISTRICT  
AND OTHER ZONING OVERLAY DISTRICTS);  
AMENDING SECTIONS 13-6H-12, 13-7D-4, 13-7D-6, AND 13-7I-5)**

WHEREAS, the City of West Jordan (“**City**”) adopted West Jordan City Code (“**City Code**”) in 2009; and the City Council of the City (“**Council**” or “**City Council**”) desires to amend Sections 13-6H-12, 13-7D-4, 13-7D-6, and 13-7I-5 (“**proposed City Code amendments**”); and

WHEREAS, the Planning Commission of the City (“**Planning Commission**”) held a public hearing and provided a recommendation on August 20, 2024, regarding the proposed City Code amendments, which are all land use regulations in the land use titles; and determined the following, pursuant to City Code Section 13-7D-6B:

1. The proposed City Code amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein;
2. The proposed City Code amendments are appropriate given the context of the request and there is sufficient justification for a modification to the land use titles;
3. The proposed City Code amendments will not create a conflict with any other section or part of the land use titles or the General Plan; and
4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and they are only necessary to make a modification to the land use titles in light of corrections or changes in public policy; and

WHEREAS, the City Council held work sessions (committee of the whole meetings) on March 27, 2024 and July 17, 2024 and a public hearing on September 25, 2024, regarding the proposed City Code amendments, and finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

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

**Section 1. Amendment of City Code Provisions.** City Code Sections 13-6H-12, 13-7D-4, 13-7D-6, and 13-7I-5 are amended as shown in Attachment 1 (legislative version and clean version) to this Ordinance.

**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 upon (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 the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 25<sup>TH</sup> DAY OF SEPTEMBER 2024.

CITY OF WEST JORDAN

By:  (Sep 26, 2024 17:07 MDT)  
Chad Lamb  
Council Vice Chair

ATTEST:

   
Cindy M. Quick, MMC  
Council Office Clerk

**Voting by the City Council**

- Council Chair Zach Jacob
- Council Vice-Chair Chad Lamb
- Council Member Kelvin Green
- Council Member Pamela Bloom
- Council Member Kent Shelton
- Council Member Kayleen Whitelock
- Council Member Bob Bedore

"YES"	"NO"
~ absent ~	
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**PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON SEPTEMBER 26, 2024.**

Mayor's Action:   X   Approve             Veto

By:   
Mayor Dirk Burton

  Oct 3, 2024    
Date

ATTEST:



   
Tangee Sloan, CMC  
City Recorder

**STATEMENT OF APPROVAL/PASSAGE** (check one)

  X   The Mayor approved and signed Ordinance No. 24-33.

       The Mayor vetoed Ordinance No. 24-33 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.

       Ordinance No. 24-33 became effective by operation of law without the Mayor's approval or disapproval.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

**CERTIFICATE OF PUBLICATION**

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the   10th   day of        October        2024. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

*(Attachment on the following pages)*

**Attachment 1 to**

**ORDINANCE NO. 24-33**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
(AMENDMENT PROCEDURES FOR THE SENIOR HOUSING OVERLAY DISTRICT  
AND OTHER ZONING OVERLAY DISTRICTS);  
AMENDING SECTIONS 13-6H-12, 13-7D-4, 13-7D-6, AND 13-7I-5)**

*(See the following pages for the legislative version and the clean version)*

1 **Proposed City Code Text Amendment Regarding Changing or Removing the SHO Zoning District**  
2 **Designation or any other Overlay Zoning District Designation**

3 *[SHO Zone Provisions in the City Code]*

4

5 13-6H-3: SENIOR HOUSING OVERLAY BOUNDARIES; AND CONCURRENT ZONING  
6 APPLICATIONS:

7 A. Properties located within the following zoning districts shall be eligible for the SHO ~~District~~ district  
8 zoning subject to the permitted and conditional use tables associated with the specific underlying zoning  
9 district:

10 1. R-2 (Two-Family Residential), R-3 (Multi-Family Residential) and R-M (Mobile Home  
11 Residential) Zones;

12 2. The PC (Planned Community) and PRD (Planned Residential Development) Zones;

13 3. The LSFR (Low Density Single-Family Residential), MFR (Medium Density Multi-Family  
14 Residential) and the HFR (High Density Multi-Family Residential) Zones within the west side planning  
15 area; and

16 4. The P-O Professional Office Zone.

17 B. The SHO ~~District~~ district shall not be applied to any specific property until a rezone application has  
18 been approved by the ~~City Council~~ city council which affixes the overlay district ~~suffix~~  
19 property's underlying zoning designation.

20 C. If an applicant has submitted an application for a zone change to a specific underlying zoning district  
21 concurrently with an application for a zone change to the SHO district, each application shall be considered  
22 and voted upon by the city council as a separate agenda item, with the specific underlying zoning district  
23 application being considered and voted upon first, followed by the SHO district application. (Ord. 11-03, 2-  
24 9-2011; amd. Ord. 17-24, 5-24-2017)

25

26 13-6H-12: DEVELOPMENT PLAN REQUIREMENTS; AND CHANGING EXISTING SHO  
27 DESIGNATION:

28 A. Development Plan: A development plan is to be prepared for each proposed development (or phase)  
29 within the ~~senior housing overlay~~ SHO zone. The development plan shall provide pertinent information  
30 relative to public improvements, density, universal design concepts being utilized in the development,  
31 development standards and compliance therein, and design criteria.

32 B. Development Plan Review: The steps outlined in section 15-3-8 of this code shall be followed in  
33 connection with applications for approval of a development plan, along with the required fees and other  
34 specific processes required by this code to complete a specific project.

35 C. Development Plan Submittal Requirements: A developer seeking city approval of a development plan  
36 shall follow the submittal requirements as outlined in title 13, chapter 7, article I.

37 D. Zoning Map Amendment Application to Change or Remove an existing SHO Zoning District  
38 Designation: Consistent with subsections 13-7D-4(C)(2) and 13-7I-5(B)(4):

39 [1. If one or more platted lots in a development with an existing SHO overlay zoning district](#)  
40 [designation have been sold to an owner, who is not a developer, professional builder, or bank or](#)  
41 [financial institution, an applicant may not submit, and the city shall not accept, an application to](#)  
42 [change or remove the existing SHO overlay zoning district designation for said development or for any](#)  
43 [part of said development; and](#)

44 [2. An application seeking city approval to change or remove the existing SHO overlay zoning district](#)  
45 [designation, or part of such existing district designation, shall be placed on a city council work session](#)  
46 [agenda and is a major variation that requires an amended development plan \(with a planning](#)  
47 [commission recommendation and approval by the city council\).](#) (Ord. 11-03, 2-9-2011; amd. Ord. 22-  
48 13, 5-11-2022)

49

50 ***[Development Procedures (Zoning Amendments) Provisions in the City Code]***

51 13-7D-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY MAP  
52 MEETING:

53 A. Zoning Map Amendment: An applicant for an amendment to change the zoning on any property shall  
54 be one of the following:

55 1. The owner of the property;

56 2. One or more joint owners of property who own individually or as a group, a majority interest in the  
57 property;

58 3. Both of the property owners where property is held in joint tenancy;

59 4. Seventy five percent (75%) or more of the owners of property in the area covered by the application  
60 when the application covers more than one property; or

61 5. The community development department, the planning commission or the city council on its own  
62 motion.

63 B. Zoning Text Amendment: The applicant for an amendment to change the text of this title, or the text  
64 of any other title adopted as a set of land use regulations (titles 5, 8 through 15 inclusive, and 17), shall be  
65 the community development department, the planning commission or the city council on its own motion. If  
66 an applicant for such an amendment, in the applicant's discretion, submits an application primarily because  
67 of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an  
68 application) according to the consolidated fee schedule, as if said outside party was an applicant.

69 C. Signature, Work Session, And Quarterly Map Meeting Required: When the application is initiated by  
70 someone other than the community development department, the planning commission or city council,  
71 then:

72 1. The application shall be signed by the authorized applicant or an agent of any authorized applicant.  
73 The authority of the agent must be in writing, notarized, and filed with the application. The signature of  
74 such agent shall have the same force and effect as if the application were signed by the principal; and

75 2. If the zoning administrator determined that the application for an amendment to change the zoning  
76 does not conform to and is not consistent with the purposes, goals, objectives and policies of the adopted  
77 general plan and/or future land use map, or if the application requires a zoning text amendment or a waiver  
78 or exception, [or if the application, pursuant to subsection 13-7I-5\(B\)\(4\), proposes changing or removing](#)

79 [any existing overlay zoning district designation or part of such existing district designation](#), then the  
80 application, together with all concurrent applications, shall be placed on a city council work session  
81 ("committee of the whole") agenda and a planning commission quarterly map meeting agenda as follows:

Date Of Filing Of Complete Application	Date Of City Council Work Session	Date Of Planning Commission Public Hearing/Meeting
January 1 to March 31	On or before the last meeting of April	Soonest available meeting
April 1 to June 30	On or before the last meeting of July	Soonest available meeting
July 1 to September 30	On or before the last meeting of October	Soonest available meeting
October 1 to December 31	On or before the last meeting of January	Soonest available meeting

82 (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6,  
83 2020; Ord. 20-40, 10-28-2020; Ord. 23-05, 2-8-2023)

84

85 13-7D-6: CRITERIA TO RECOMMEND APPROVAL:

86 A. Zoning Map Amendment: [An a](#)Amendment to the zoning map may be recommended for approval by  
87 the planning commission to the city council only if affirmative determinations are made regarding each of  
88 the following criteria:

89 1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the  
90 adopted general plan and future land use map;

91 2. The proposed amendment will result in compatible land use relationships and does not adversely  
92 affect adjacent properties;

93 3. The proposed amendment protects the public health, safety and general welfare of the citizens of the  
94 city;

95 4. The proposed amendment will not unduly impact the adequacy of public services and facilities  
96 intended to serve the subject zoning area and property than would otherwise be needed without the  
97 proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways; and

98 5. The proposed amendment is consistent with the provisions of any applicable overlay zoning  
99 districts which may impose additional standards.

100 [6. An amendment to the zoning map regarding changing or removing any existing overlay zoning](#)  
101 [district designation, or part of such existing district designation, may be recommended for approval by the](#)  
102 [planning commission to the city council only if affirmative determinations are made regarding each of the](#)  
103 [following additional criteria:](#)

104 a. [The changing or removing of the existing overlay zoning district will not create or exacerbate](#)  
105 [one or more nonconforming \(or noncomplying\) uses or structures;](#)

106 b. [Properties and structures within the existing overlay zoning district will not be significantly](#)  
107 [negatively affected by a restriction or change of use or uses;](#)

- 108       c. Properties and structures within the existing overlay zoning district will not be significantly  
109       negatively affected by lessened or changed design standards; and
- 110       d. The design and layout of the properties and structures within the existing overlay zoning district  
111       will maintain the same or higher level of (i) functionality and (ii) compliance with applicable  
112       land use regulations.

113       B. Zoning Text Amendment: Amendment to the text of this title or of any other land use regulation title  
114       in this code shall be recommended for approval by the planning commission to the city council only if  
115       affirmative determinations are made regarding each of the following criteria:

116           1. The proposed amendment conforms to the general plan and is consistent with the adopted goals,  
117       objectives and policies described therein;

118           2. The proposed amendment is appropriate given the context of the request and there is sufficient  
119       justification for a modification to this title;

120           3. The proposed amendment will not create a conflict with any other section or part of this title or the  
121       general plan; and

122           4. The proposed amendment does not relieve a particular hardship, nor does it confer any special  
123       privileges to a single property owner or cause, and it is only necessary to make a modification to this title in  
124       light of corrections or changes in public policy. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-  
125       13-2013; Ord. 17-41, 7-12-2017; Ord. 23-05, 2-8-2023)

126

127       ***[Development Plan Process (including Amendments and Major Variations) in the City Code]***

128       13-7I-5: VARIATIONS FROM APPROVED PLANS AND DEVELOPMENT STANDARDS:

129       A. Qualified Variations: Variations or modifications to an approved development plan ("variation") are  
130       classified as either major or minor. Any variation of or change to an approved development plan, whether  
131       major or minor, may only occur as set forth in this section.

132       B. Major Variation:

133           1. A variation to an approved development plan is considered "major" if the variation requested would  
134       change, alter, or eliminate an issue or condition addressed in the approved development plan which:

135               a. Is unique to the approved development plan;

136               b. Was recommended and/or adopted as a condition of approval of the development plan by the  
137       Planning Commission;

138               c. Was adopted as a condition of approval of the development plan by the city council; or

139               d. Was suggested or offered by an applicant as part of the initial application or following submission  
140       of the initial application suggested or offered to be included in the development plan by the applicant.

141           2. A major variation to an approved development plan may only occur by an amendment to the  
142       approved development plan. The amendment may only be made by either the planning commission or the  
143       city council, whichever approved the original development plan.



144 3. A request for an amendment to an approved development plan shall require an application, the  
145 payment of the applicable fee, and submission of all information required by this chapter.

146 4. Regarding an application to change or remove an overlay zoning district designation, and consistent  
147 with subsection 13-7D-4(C)(2):

148 a. If one or more platted lots in a development with an existing overlay zoning district designation  
149 have been sold to an owner, who is not a developer, professional builder, or bank or financial  
150 institution, an applicant may not submit, and the city shall not accept, an application to change or  
151 remove the existing overlay zoning district designation for said development or for any part of said  
152 development; and

153 b. An application seeking city approval to change or remove the existing overlay zoning district  
154 designation, or part of such existing district designation, shall be placed on a city council work session  
155 agenda and is a major variation that requires an amended development plan (with a planning  
156 commission recommendation and approval by the city council).

157 C. Minor Variation:

158 1. A variation is considered "minor" only if the Zoning Administrator determines in writing that (i) the  
159 following conditions of the approved development will exist if the variation is approved, and (ii) that the  
160 following characteristics of the development will exist following the implementation of the variance in the  
161 development:

162 a. No additional uses are added to the approved development plan or the development (residential,  
163 commercial, office space, medical, or otherwise);

164 b. All footprints, setbacks, and other requirements of city ordinances, standards, and regulations are  
165 met;

166 c. The heights of the buildings are the same or lower than in the approved development plan and in  
167 the development;

168 d. The density of the housing units, if any, is the same or lower than in the approved development  
169 plan and in the development;

170 e. The amount of office space, commercial space, or other similar required space, if any, is the same  
171 or more than in the approved development plan and in the development;

172 f. The amount or number of improvements and amenities, if any, is the same or more than in the  
173 approved development plan and in the development; and

174 g. All other similar measurable criteria are the same or more or "better" on the approved  
175 development plan and in the development, as determined by the Zoning Administrator. For example:  
176 owner-occupied residential units are deemed to be better than leased or rented residential units; or vinyl  
177 fencing is not the same or better than pre-cast concrete decorative fence.

178 2. The request for a minor variation shall be submitted in writing to the Zoning Administrator and  
179 shall include the following:

180 a. A detailed description and/or depiction of the nature of the variation or modification request; and

181 b. A detailed explanation of how the variation will not affect the overall intent and purpose of the  
182 approved development plan.

- 183        3. The Zoning Administrator may reject any minor variation request that fails to include any required  
184 information.
- 185        4. The Zoning Administrator is authorized to grant a minor variation in his or her sole discretion only  
186 upon a written determination and explanation by the Zoning Administrator, including specific facts related  
187 to the development ("written determination"), as follows:
- 188            a. How and why the variation is consistent with the intent of this article;
- 189            b. That the variation does not increase the overall allowable maximum density granted to the  
190 development;
- 191            c. Why the variation does not affect an approved preliminary or final site plan;
- 192            d. Why the variation does not affect an approved preliminary or final subdivision or condominium  
193 plat;
- 194            e. Specific facts as to why the variation does not constitute a major variation and therefore may be  
195 granted by the Zoning Administrator; and
- 196            f. The written determination shall be provided to the council office. (Ord. 22-13, 5-11-2022)

**Proposed City Code Text Amendment Regarding Changing or Removing the SHO Zoning District Designation or any other Overlay Zoning District Designation**

***[SHO Zone Provisions in the City Code]***

**13-6H-3: SENIOR HOUSING OVERLAY BOUNDARIES; AND CONCURRENT ZONING APPLICATIONS:**

A. Properties located within the following zoning districts shall be eligible for the SHO district zoning subject to the permitted and conditional use tables associated with the specific underlying zoning district:

1. R-2 (Two-Family Residential), R-3 (Multi-Family Residential) and R-M (Mobile Home Residential) Zones;
2. The PC (Planned Community) and PRD (Planned Residential Development) Zones;
3. The LSFR (Low Density Single-Family Residential), MFR (Medium Density Multi-Family Residential) and the HFR (High Density Multi-Family Residential) Zones within the west side planning area; and
4. The P-O Professional Office Zone.

B. The SHO district shall not be applied to any specific property until a rezone application has been approved by the city council which affixes the overlay district onto the property's underlying zoning designation.

C. If an applicant has submitted an application for a zone change to a specific underlying zoning district concurrently with an application for a zone change to the SHO district, each application shall be considered and voted upon by the city council as a separate agenda item, with the specific underlying zoning district application being considered and voted upon first, followed by the SHO district application. (Ord. 11-03, 2-9-2011; amd. Ord. 17-24, 5-24-2017)

**13-6H-12: DEVELOPMENT PLAN REQUIREMENTS; AND CHANGING EXISTING SHO DESIGNATION:**

A. Development Plan: A development plan is to be prepared for each proposed development (or phase) within the SHO zone. The development plan shall provide pertinent information relative to public improvements, density, universal design concepts being utilized in the development, development standards and compliance therein, and design criteria.

B. Development Plan Review: The steps outlined in section 15-3-8 of this code shall be followed in connection with applications for approval of a development plan, along with the required fees and other specific processes required by this code to complete a specific project.

C. Development Plan Submittal Requirements: A developer seeking city approval of a development plan shall follow the submittal requirements as outlined in title 13, chapter 7, article I.

D. Zoning Map Amendment Application to Change or Remove an existing SHO Zoning District Designation: Consistent with subsections 13-7D-4(C)(2) and 13-7I-5(B)(4):

1. If one or more platted lots in a development with an existing SHO overlay zoning district designation have been sold to an owner, who is not a developer, professional builder, or bank or financial institution, an applicant may not submit, and the city shall not accept, an application to change or remove the existing SHO overlay zoning district designation for said development or for any part of said development; and
2. An application seeking city approval to change or remove the existing SHO overlay zoning district designation, or part of such existing district designation, shall be placed on a city council work session agenda and is a major variation that requires an amended development plan (with a planning commission recommendation and approval by the city council). (Ord. 11-03, 2-9-2011; amd. Ord. 22-13, 5-11-2022)

***[Development Procedures (Zoning Amendments) Provisions in the City Code]***

**13-7D-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY MAP MEETING:**

A. Zoning Map Amendment: An applicant for an amendment to change the zoning on any property shall be one of the following:

1. The owner of the property;
2. One or more joint owners of property who own individually or as a group, a majority interest in the property;
3. Both of the property owners where property is held in joint tenancy;
4. Seventy five percent (75%) or more of the owners of property in the area covered by the application when the application covers more than one property; or
5. The community development department, the planning commission or the city council on its own motion.

B. Zoning Text Amendment: The applicant for an amendment to change the text of this title, or the text of any other title adopted as a set of land use regulations (titles 5, 8 through 15 inclusive, and 17), shall be the community development department, the planning commission or the city council on its own motion. If an applicant for such an amendment, in the applicant's discretion, submits an application primarily because of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an application) according to the consolidated fee schedule, as if said outside party was an applicant.

C. Signature, Work Session, And Quarterly Map Meeting Required: When the application is initiated by someone other than the community development department, the planning commission or city council, then:

1. The application shall be signed by the authorized applicant or an agent of any authorized applicant. The authority of the agent must be in writing, notarized, and filed with the application. The signature of such agent shall have the same force and effect as if the application were signed by the principal; and
2. If the zoning administrator determined that the application for an amendment to change the zoning does not conform to and is not consistent with the purposes, goals, objectives and policies of the adopted general plan and/or future land use map, or if the application requires a zoning text amendment or a waiver or exception, or if the application, pursuant to subsection 13-7I-5(B)(4), proposes changing or removing

any existing overlay zoning district designation or part of such existing district designation, then the application, together with all concurrent applications, shall be placed on a city council work session ("committee of the whole") agenda and a planning commission quarterly map meeting agenda as follows:

Date Of Filing Of Complete Application	Date Of City Council Work Session	Date Of Planning Commission Public Hearing/Meeting
January 1 to March 31	On or before the last meeting of April	Soonest available meeting
April 1 to June 30	On or before the last meeting of July	Soonest available meeting
July 1 to September 30	On or before the last meeting of October	Soonest available meeting
October 1 to December 31	On or before the last meeting of January	Soonest available meeting

(2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-40, 10-28-2020; Ord. 23-05, 2-8-2023)

13-7D-6: CRITERIA TO RECOMMEND APPROVAL:

A. Zoning Map Amendment: An amendment to the zoning map may be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map;
2. The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties;
3. The proposed amendment protects the public health, safety and general welfare of the citizens of the city;
4. The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways; and
5. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
6. An amendment to the zoning map regarding changing or removing any existing overlay zoning district designation, or part of such existing district designation, may be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following additional criteria:
  - a. The changing or removing of the existing overlay zoning district will not create or exacerbate one or more nonconforming (or noncomplying) uses or structures;
  - b. Properties and structures within the existing overlay zoning district will not be significantly negatively affected by a restriction or change of use or uses;

- c. Properties and structures within the existing overlay zoning district will not be significantly negatively affected by lessened or changed design standards; and
- d. The design and layout of the properties and structures within the existing overlay zoning district will maintain the same or higher level of (i) functionality and (ii) compliance with applicable land use regulations.

B. Zoning Text Amendment: Amendment to the text of this title or of any other land use regulation title in this code shall be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

- 1. The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;
- 2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;
- 3. The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and
- 4. The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 17-41, 7-12-2017; Ord. 23-05, 2-8-2023)

***[Development Plan Process (including Amendments and Major Variations) in the City Code]***

**13-7I-5: VARIATIONS FROM APPROVED PLANS AND DEVELOPMENT STANDARDS:**

A. Qualified Variations: Variations or modifications to an approved development plan ("variation") are classified as either major or minor. Any variation of or change to an approved development plan, whether major or minor, may only occur as set forth in this section.

B. Major Variation:

- 1. A variation to an approved development plan is considered "major" if the variation requested would change, alter, or eliminate an issue or condition addressed in the approved development plan which:
  - a. Is unique to the approved development plan;
  - b. Was recommended and/or adopted as a condition of approval of the development plan by the Planning Commission;
  - c. Was adopted as a condition of approval of the development plan by the city council; or
  - d. Was suggested or offered by an applicant as part of the initial application or following submission of the initial application suggested or offered to be included in the development plan by the applicant.
- 2. A major variation to an approved development plan may only occur by an amendment to the approved development plan. The amendment may only be made by either the planning commission or the city council, whichever approved the original development plan.

3. A request for an amendment to an approved development plan shall require an application, the payment of the applicable fee, and submission of all information required by this chapter.

4. Regarding an application to change or remove an overlay zoning district designation, and consistent with subsection 13-7D-4(C)(2):

a. If one or more platted lots in a development with an existing overlay zoning district designation have been sold to an owner, who is not a developer, professional builder, or bank or financial institution, an applicant may not submit, and the city shall not accept, an application to change or remove the existing overlay zoning district designation for said development or for any part of said development; and

b. An application seeking city approval to change or remove the existing overlay zoning district designation, or part of such existing district designation, shall be placed on a city council work session agenda and is a major variation that requires an amended development plan (with a planning commission recommendation and approval by the city council).

C. Minor Variation:

1. A variation is considered "minor" only if the Zoning Administrator determines in writing that (i) the following conditions of the approved development will exist if the variation is approved, and (ii) that the following characteristics of the development will exist following the implementation of the variance in the development:

a. No additional uses are added to the approved development plan or the development (residential, commercial, office space, medical, or otherwise);

b. All footprints, setbacks, and other requirements of city ordinances, standards, and regulations are met;

c. The heights of the buildings are the same or lower than in the approved development plan and in the development;

d. The density of the housing units, if any, is the same or lower than in the approved development plan and in the development;

e. The amount of office space, commercial space, or other similar required space, if any, is the same or more than in the approved development plan and in the development;

f. The amount or number of improvements and amenities, if any, is the same or more than in the approved development plan and in the development; and

g. All other similar measurable criteria are the same or more or "better" on the approved development plan and in the development, as determined by the Zoning Administrator. For example: owner-occupied residential units are deemed to be better than leased or rented residential units; or vinyl fencing is not the same or better than pre-cast concrete decorative fence.

2. The request for a minor variation shall be submitted in writing to the Zoning Administrator and shall include the following:

a. A detailed description and/or depiction of the nature of the variation or modification request; and

b. A detailed explanation of how the variation will not affect the overall intent and purpose of the approved development plan.

3. The Zoning Administrator may reject any minor variation request that fails to include any required information.

4. The Zoning Administrator is authorized to grant a minor variation in his or her sole discretion only upon a written determination and explanation by the Zoning Administrator, including specific facts related to the development ("written determination"), as follows:

- a. How and why the variation is consistent with the intent of this article;
- b. That the variation does not increase the overall allowable maximum density granted to the development;
- c. Why the variation does not affect an approved preliminary or final site plan;
- d. Why the variation does not affect an approved preliminary or final subdivision or condominium plat;
- e. Specific facts as to why the variation does not constitute a major variation and therefore may be granted by the Zoning Administrator; and
- f. The written determination shall be provided to the council office. (Ord. 22-13, 5-11-2022)












# Ordinance No. 24-33 Senior Housing Overlay amendments-

Final Audit Report

2024-10-10

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