

1 THE CITY OF WEST JORDAN, UTAH  
2 ORDINANCE NO. 22-49

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
4 (AMENDING CONDITIONAL USE PERMITS DEVELOPMENT PROCEDURES,  
5 INCLUDING THE CRITERIA FOR APPROVAL TO CONFORM TO THE RECENT  
6 CHANGES TO UTAH STATE CODE ANN. SECTION 10-9a-507;  
7 AMENDING CITY CODE SECTION 13-7E-8)

8 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City  
9 Code”) in 2009; and the City Council of the City (“City Council”) desires to amend a certain section  
10 of the City Code, regarding and related to Conditional Use Permits Development Procedures,  
11 including the criteria for approval to conform to the recent changes to Utah State Code Ann. Section  
12 10-9a-507 (“proposed City Code amendments”); and

13 WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public  
14 hearing and provided a recommendation on October 18, 2022, regarding the proposed City Code  
15 amendments, which are all land use regulations, including City Code Section 13-7E-8; and

16 WHEREAS, the City Council held a public hearing on November 16, 2022, regarding the  
17 proposed City Code amendments, and now determines the following:

18 1. The proposed City Code amendments conform to the General Plan and are consistent with  
19 the adopted goals, objectives and policies described therein;

20 2. The proposed City Code amendments are appropriate given the context of the request and  
21 there is sufficient justification for a modification to this title;

22 3. The proposed City Code amendments will not create a conflict with any other section or  
23 part of this title or the General Plan; and

24 4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer  
25 any special privileges to a single property owner or cause, and it is only necessary to make a  
26 modification to this title in light of corrections or changes in public policy; and

27 WHEREAS, the City Council finds it to be in the best interest of the public health, safety,  
28 and welfare of the residents of the City to adopt the following proposed City Code amendments.

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

31 **Section 1. Amendment of Code Provisions.** City Code Section 13-7E-8 is amended to read  
32 as shown on Attachment 1.

33 **Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a  
34 court of competent jurisdiction, the remainder shall not be affected thereby.

35 **Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting  
36 or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council  
37 duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto  
38 the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.



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

\_\_\_\_\_ The Mayor approved and signed Ordinance No. 22-49.

\_\_\_\_\_ The Mayor vetoed Ordinance No. 22-49 on \_\_\_\_\_ and the  
City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_ Ordinance No. 22-49 became effective by operation of law without the  
Mayor's approval or disapproval.

\_\_\_\_\_  
Tangee Sloan  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2022. 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  
City Recorder

*(Attachment on the following pages)*

120 Attachment 1

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122 [Attachment to ORDINANCE NO. 22-49

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124 (AMENDING CONDITIONAL USE PERMITS DEVELOPMENT PROCEDURES,  
125 INCLUDING THE CRITERIA FOR APPROVAL TO CONFORM TO THE RECENT  
126 CHANGES TO UTAH STATE CODE ANN. SECTION 10-9a-507;  
127 AMENDING CITY CODE SECTION 13-7E-8)  
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129 Legislative Version:

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131 13-7E-8: FINDINGS CRITERIA FOR APPROVAL:

132 Prior to approving any application for a conditional use permit, the planning commission or  
133 zoning administrator, as applicable, shall find that the use meets the following criteria:

134 ~~A. The proposed use is consistent with the intent of the goals and policies of the general plan  
135 and the purpose of the zone district in which the site is located;~~

136 ~~—B. The proposed use will not be materially detrimental to the health, safety or general welfare  
137 of persons residing or working in the neighborhood of the proposed use or have an adverse effect  
138 on the property, adjacent properties, the surrounding neighborhood, or the city as a whole as a  
139 result of the type of use or hours of operation;~~

140 ~~—C. The proposed site is adequate in size and shape to accommodate the proposed use and that  
141 all requirements for the zone district, including, but not limited to, setbacks, parking, on site  
142 circulation, screening, buffering and landscaping are being met;~~

143 ~~—D. The proposed site has adequate access to public streets and highways to carry the type and  
144 quantity of traffic which may be generated by the subject use and on site circulation is adequate to  
145 permit driveways, parking and loading requirements in a manner which is safe and efficient;~~

146 ~~—E. The proposed use will ensure compatibility with surrounding uses and will use building  
147 materials that are in harmony with the area; and~~

148 ~~—F. Adequate conditions or stipulations have been incorporated into the approval of the  
149 conditional use permit to ensure that any anticipated detrimental effects can be mitigated.~~

150 ~~—G. Where applicable, the proposed use will have appropriate connections to the city water and  
151 sewer utility systems, and its water meter and pipe design shall be reviewed by the city engineer  
152 with due regard to the public health, safety and welfare.~~

153 A. The reasonably anticipated detrimental effects of the proposed use have been identified,  
154 together with some of the reasons why each of the identified reasonably anticipated detrimental  
155 effects is anticipated to be detrimental;

156 B. Reasonable conditions have been identified, which, if imposed, would reasonably relate to  
157 mitigating each of the reasonably anticipated detrimental effects of the proposed use;

158 C. An analysis of the identified reasonable conditions has been conducted to select the most  
159 appropriate conditions to mitigate each of the reasonably anticipated detrimental effects of the  
160 proposed use;

161 D. Each of the selected conditions of the conditional use permit shall be consistent with the  
162 city code, including but not limited to this article, and with all federal and state law, including but  
163 not limited to Utah Code Ann. section 10-9a-507 or successor provisions;

164 E. Each of the selected conditions of the conditional use permit shall be stated on the record  
165 and shall reasonably relate to mitigating the reasonably anticipated detrimental effects of the  
166 proposed use; and

167 F. If stated on the record, requirements of the city code, Salt Lake County Health Department  
168 rules and regulations, state statutes and policies, and other applicable governmental policies, rules,  
169 and regulations shall not be listed as “conditions”; but rather, they shall be listed as “existing law”,  
170 without the need to identify how the “existing law” is related to mitigating any reasonably  
171 anticipated detrimental effects.

172 (2009 Code; amd. Ord. 10-24, 8-25-2010)

173 **Clean Version:**

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175 13-7E-8: CRITERIA FOR APPROVAL:

176 Prior to approving any application for a conditional use permit, the planning commission or  
177 zoning administrator, as applicable, shall find that the use meets the following criteria:

178 A. The reasonably anticipated detrimental effects of the proposed use have been identified,  
179 together with some of the reasons why each of the identified reasonably anticipated detrimental  
180 effects is anticipated to be detrimental;

181 B. Reasonable conditions have been identified, which, if imposed, would reasonably relate to  
182 mitigating each of the reasonably anticipated detrimental effects of the proposed use;

183 C. An analysis of the identified reasonable conditions has been conducted to select the most  
184 appropriate conditions to mitigate each of the reasonably anticipated detrimental effects of the  
185 proposed use;

186 D. Each of the selected conditions of the conditional use permit shall be consistent with the  
187 city code, including but not limited to this article, and with all federal and state law, including but  
188 not limited to Utah Code Ann. section 10-9a-507 or successor provisions;

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196 anticipated detrimental effects.

197 (2009 Code; amd. Ord. 10-24, 8-25-2010)