

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.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS
DAY OF _____, 2022.

CITY OF WEST JORDAN

By: _____
Kayleen Whitelock
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

Council Chair Kayleen Whitelock

☐☐

Council Vice-Chair Kelvin Green

☐☐

Council Member Zach Jacob

☐☐

Council Member Pamela Bloom

☐☐

Council Member Christopher McConnehey

☐☐

Council Member David Pack

☐☐

Council Member Melissa Worthen

☐☐

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan
City Recorder

80
81 **STATEMENT OF APPROVAL OR PASSAGE** (check one)
82

83 _____ The Mayor approved and signed Ordinance No. 22-49.
84

85
86 _____ The Mayor vetoed Ordinance No. 22-49 on _____ and the
87 City Council timely overrode the veto of the Mayor by a vote of _____ to _____.
88

89
90 _____ Ordinance No. 22-49 became effective by operation of law without the
91 Mayor's approval or disapproval.
92

93
94 _____
95 Tangee Sloan
96 City Recorder
97
98
99

100 **CERTIFICATE OF PUBLICATION**

101 I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and
102 that a short summary of the foregoing ordinance was published on the Utah Public Notice Website
103 on the _____ day of _____, 2022. The fully executed copy of the ordinance
104 is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.
105

106
107 _____
108 Tangee Sloan
109 City Recorder
110
111

112
113
114
115
116 *(Attachment on the following pages)*
117
118
119

Attachment 1

[Attachment to ORDINANCE NO. 22-49

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

Legislative Version:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clean Version:

13-7E-8: CRITERIA FOR APPROVAL:

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

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

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

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

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

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

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

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