

CITY COUNCIL STAFF REPORT

SUBJECT: Amending Criteria for Conditional Use Permit approvals to be comply with changes to Utah State Code

SUMMARY: Text Amendment – Conditional Use Permits Development Procedures; Amend the 2009 West Jordan City Code Section 13-7E-8 “Conditional Use Permits” amending the criteria for approval to conform to the recent changes to section 10-9a-507 of Utah State Code annotated; city-wide applicability; City of West Jordan (applicant) [Duncan Murray]

PLANNING COMMISSION RECOMMENDATION: Based on the information and determinations set forth in the Staff Report and upon the evidence and explanations received on October 18th, 2022 the Planning Commission recommended approval of the Text Amendment to the West Jordan City Council by a vote of 7-0

MOTION RECOMMENDED: “Based on the provided information and determinations of the Planning Commission, and upon the evidence and explanations received today, I move that the City Council approve ordinance 22-49; amending conditional use permits development procedures, including the criteria for approval to conform to the recent changes to Utah State Code annotated section 10-91-507, amending city code section 13-7E-8”

I. BACKGROUND

The proposed ordinance will amend section 13-7E-8. The purpose of the amendment is to update the criteria for approval for Conditional Use Permits within West Jordan City to comply with recent changes to Utah State Code Section 10-9a-507.

II. GENERAL INFORMATION & ANALYSIS

The proposed ordinance will amend the 2009 West Jordan City Code Sections 13-7E-8. Deleting paragraphs, A-G and replacing them with new paragraphs A-F:

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.

III. FINDINGS OF FACT

Section 13-7D-7B, requires that prior approving a Zoning Ordinance text amendment, the City Council must make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that are consistent with State Code, and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English.”

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed ordinance will amend the 2009 West Jordan City Code Section 13-7E-8. The amendment is appropriate because it brings us into compliance with recent changes to State Code.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: Staff has not found any conflicts with other sections or with the general plan.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

Criteria 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.*

Discussion: The proposed amendment will not relieve a particular hardship or grant special privileges to any one person or entity, as it updates Criteria for Approval of Conditional Use Permits for all properties within West Jordan City.

Finding: 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 accordance with recent changes to Utah State Code.