

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL REPEALING AND REPLACING CHAPTER 17.09 OF THE SOUTH SALT LAKE MUNICIPAL CODE TO COMPLY WITH STATE LAW ESTABLISHING CRITERIA FOR GENERAL CONDITIONAL USE PERMIT REVIEW AND ADDITIONAL CRITERIA FOR SPECIFIC CONDITIONAL USE PERMIT APPLICATION REVIEW, REVISING COORDINATING DEFINITIONS AND REVISING THE COMMERCIAL LAND USE MATRIX TABLE OF USES AND TABLE REFERENCE REQUIREMENTS IN SECTION 17.15.030 AND THE RESIDENTIAL LAND USE TABLE OF USES AND TABLE REFERENCE REQUIREMENTS IN SECTION 17.15.040.**

WHEREAS: the City Council is authorized by law to enact ordinances for the protection of the health, safety and welfare; and

WHEREAS: The City is authorized by law to enact ordinances establishing regulations for land use; and

WHEREAS: The Planning Commission held a legally notified public hearing as per section 10-9a- 205 of the Utah Code and 17.07.080 of the South Salt Lake Municipal Code on December 7, 2017 and thereafter positively recommended that the Council repeal and replace Chapter 17.09 of the South Salt Lake Municipal Code to comply with state law, establish criteria for general conditional use permit review and additional criteria for specific conditional use permit application review, and revise the Land Use Matrix Table of Uses and Table Reference Requirements in Sections 17.15.030 and .040 of the South Salt Lake Municipal Code;

WHEREAS: The City Council finds that the recommended revisions, including coordinating definitions are necessary to comply with state law and to foster orderly and compatible development and use of land in the City;

WHEREAS: The City Council finds that its conditional use regulations must be plainly stated to be effective;

WHEREAS: The City Council finds that specific evaluation criteria for certain conditional uses should be reorganized, amended and enacted to prevent the adverse affects of a variety of conditional uses, including the state mandated homeless shelter;

WHEREAS: Upon thorough review of Salt Lake City's experience with the concentration of homeless services in a single area and the degradation of the public health, safety and welfare that has resulted from the concentration and operation of poorly planned and

managed facilities that serve the homeless, the City Council finds that it is essential to enact reasonable and specific standards and criteria, consistent with state law, to ensure that South Salt Lake City does not experience the primary and secondary adverse affects of the concentration of homeless services in South Salt Lake City.

WHEREAS: The City Council finds that these amendments and codification implement the City’s General Plan goal for regulating land uses based on compatibility with surrounding uses, residential areas, and economic feasibility; and

BE IT ORDAINED, therefore, by the City Council of the City of South Salt Lake that Chapter 17.03 Definitions of the South Salt Lake Municipal Code is hereby revised, that Chapter 17.09 is hereby repealed and replaced and that Sections 17.15.030 and 040 are amended to remove table references for specific conditional use criteria that are hereby transferred to, amended and enacted in full in Chapter 17.09.

**SECTION I: Revise Chapter 17.03 Definitions to amend or replace certain definitions as follows:**

**17.03 – Definitions**

“Compatible or compatibility”. Characteristics of different uses, intensities of uses, or designs, that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, intensity of use, height, scale, mass and bulk of building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive areas, and building patterns.

~~“Category I conditional uses.” means any conditional uses which are not listed as category II conditional uses.~~

~~“Category II conditional uses” means the following uses:~~

- ~~1. Residential conditional land uses;~~
- ~~2. Conditional uses that require design review and are within or adjacent to R1-5, R1-6, RM, Mixed or TOD zones, regardless of the size of the development; or~~
- ~~3. Conditional uses which result in the development of one acre of land or greater, except in the light industrial zone~~

“Conditional use”. A land use that, because of its unique characteristics, intensity or potential for detrimental impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**SECTION II: Repeal and replace Chapter 17.09 as indicated on Exhibit 1**

**SECTION III. Remove** all conditional use table reference notes from Sections 17.15.030 and 040.

**SECTION IV. 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 V. Conflict with Existing Ordinances, Resolutions, or Policies.** To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

**SECTION VI. Effective Date.** This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this \_\_\_\_ day of December, 2017.

BY THE CITY COUNCIL:

\_\_\_\_\_  
Ben Pender, Council Chair

ATTEST:

\_\_\_\_\_  
Craig D. Burton, City Recorder

City Council Vote as

Recorded: Beverly

\_\_\_\_\_  
Kindred \_\_\_\_\_

McConnell \_\_\_\_\_

Mila \_\_\_\_\_  
Pender \_\_\_\_\_  
Rapp \_\_\_\_\_  
Siwik \_\_\_\_\_

Transmitted to the Mayor's office on this \_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Craig D. Burton, City Recorder

MAYOR'S ACTION: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Cherie Wood, Mayor

ATTEST  
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\_\_\_\_\_  
Craig D. Burton, City

Recorder

