



CITY COUNCIL STAFF REPORT

MEETING DATE: August 22, 2018
PROJECT NUMBER: T-18-002
REQUEST: Ordinance Amendment to Title 15.12
APPLICANT: South Salt Lake City
PREPARED BY: Michael Florence

SYNOPSIS:

South Salt Lake City is petitioning the City Council for an ordinance amendment to modify Title 15.12 – Subdivision and Development Standards. The Planning Commission gave a unanimous recommendation to amend the ordinance. The proposed amendment updates definitional language as well as amends ordinance language under the Regular Subdivisions requirements. Currently under this form of subdivision, the City is limited to subdivisions for owner occupied residential, commercial and industrial development. Removing the owner occupied residential requirement provides the City a process to be able to review subdivision proposals as long as they meet engineering standards, front on a public street, meet the minimum lot size of the respective zone and are supported by required public infrastructure.

STAFF and PLANNING COMMISSION RECOMMENDATION:

A recommendation to the City Council to amend Title 15.12, Subdivision and Development Standards, based on the following findings:

1. The proposed ordinance is consistent with the General Plan goals of regulating land uses based on compatibility with surrounding uses and to determine economic advantages and capitalize on them.
2. The proposed ordinance is consistent with the goal of the land use code to provide for health, safety, and welfare and promote the prosperity, improve the morals, peace, good order, comfort, convenience, and aesthetics of the City of South Salt Lake and its present and future inhabitants and businesses. As well as to enhance the quality of life in South Salt Lake by improving the community's appearance, safety, education, positive outlook, gathering places and positive momentum.

Proposed Ordinance:

ORDINANCE NO. 2018-_____

**AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL
AMENDING CHAPTER 15.12 -- SUBDIVISION AND DEVELOPMENT
STANDARDS**

WHEREAS, the City Council is authorized by state law to enact and amend ordinances establishing land use regulations to foster a broad array of public purposes;

WHEREAS, the city's current Subdivision and Development Standards Ordinance precludes orderly economic development and dedication of public infrastructure by excluding a variety of authorized land uses from the subdivision process;

WHEREAS, this codified limitation can be revised to harmonize with the plain language of SSLC Code Title 17 Zoning and thereby facilitate the orderly subdivision and development of authorized land uses;

WHEREAS, on _____, 2018 the Planning Commission held a properly noticed public hearing to consider the proposed amendment to SSLC Code Sections 15.12.040 and 15.12.710;

WHEREAS, the Planning Commission thereafter positively recommended that the Council adopt the proposed amendment as described below;

WHEREAS, the City Council finds that the proposed amendment promotes economic development and facilitates the orderly subdivision of land; and

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake City as follows:

SECTION I: Amendment. Amend selected provisions of SSLC Code Section 15.12.040 as follows:

15.12.040 Definitions

"Cul-de-sac" means a minor terminal (dead end) street ~~provided~~ with a turn-around.

"Development" means any building activity or clearing of land; any modification of any lot or parcel boundary; or any subdivision of land, including the creation of separate development pads, common areas, condominium units, multi-family residential dwellings, commercial or industrial structures. ~~a proposed or approved improvement to land or buildings which shall be done as a regular subdivision, nonresidential development, rental residential development or PUD development. The use of the term development herein shall be interchangeable with any and all of the types of development named in this definition.~~

"Lot" means a legally subdivided parcel or tract of land development pad. ~~abutting a public or private street or which has a legal existing lot right-of-way access to a street, which is or may~~

~~be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces and parking areas as are arranged and designed to be used in connection with the building according to the requirements of this chapter and/or the zone within which the lot is located.~~

"Mixed use development" means any development containing residential and commercial/industrial uses within the project area. ~~Such developments shall be done as a PUD.~~

"Multi-tenant development" means any commercial/industrial (nonresidential) development of land where more than one tenant will occupy a single building or series of adjoining buildings ~~or where more than one building is located on a single parcel of land or multiple parcels wherein each building does not have its own lot. Shall include such developments as strip malls, business parks and other similar developments.~~

"Owner occupied residential development" means those developments wherein ~~the type of each dwelling unit is customarily sold subdivided and recorded with an unique tax parcel identification number. to individual owners and includes such developments as regular single family home subdivisions meeting the requirements of the respective zone in which they are located. Other types of ownership developments such as townhomes, twin homes, condominiums and others including those with private streets shall be treated as PUD developments.~~

"Planned unit development (PUD)" means an integrated design for subdivision and development that is authorized within a Planned Unit Development Overlay Zone. ~~of residential, commercial or industrial uses, or limited combinations of such uses, in which one or more of the zoning regulations or development standards may be varied or waived to allow flexibility and creativity in site and building design and location in accordance with an approved plan and imposed requirements.~~

"Public improvements" means streets, curb, gutter, sidewalk, trails, parks, water and sewer lines, storm sewers, flood control facilities, and other similar facilities which are required to be dedicated to the city or a separate public entity in connection with development, conditional use or site plan approval.

"Public right-of-way" means any right-of-way, road, street, alley, lane, court, place, viaduct, tunnel, culvert, trail, or bridge laid out or erected as such by the public or dedicated to or abandoned to and accepted by the public or made such in any action by the development of real property, ~~and includes the entire area within the right-of-way.~~

"Rental residential development" means ~~residential~~ development of equivalent residential units that are not subdivided and recorded with separate tax parcel identification numbers. ~~is one owner in nature; one parcel of property, or a contiguous property area made up of two or more parcels; and being residentially occupied by rent or lease methods. Commonly referred to as apartments but may be other types.~~

"Right-of-way" means any improved and defined recorded access ~~way~~ for vehicular traffic, such as streets, roads, alleys, lanes and other similar descriptions, which provides access to a property or building consistent with City standards. ~~May be public or private and includes the entire area within the right-of-way.~~

"Small development" means a subdivision of not more than three lots or units, or a multi-tenant development of less than one-half acre or four tenants whichever is the smaller, ~~or a PUD development of less than four owner occupied dwelling units or one-half acre whichever is the smaller, and which meets the requirements for such development as specified herein.~~

"Street" means any improved public right-of-way for vehicular traffic or any private right of way dedicated and improved to city standards ~~which that~~ provides ~~the principle~~ access to a property. ~~May be public or private and includes the entire area within the right-of-way.~~

Street, Arterial. "Arterial street" means a street ~~existing or proposed to serve as a major traffic way and is~~ designated in the master street plan as a controlled-access highway or major street parkway, ~~or other equivalent term to identify those streets comprising the basic structure of the street plan.~~

Street, Freeway. "Freeway street" means a street with ~~a~~ fully controlled access designed to link major destination points. ~~A freeway is designed for high speed traffic with a minimum of four travel lanes.~~

~~Street, Half. "Half street" means the portion of a street within a development comprising at least one-half of the minimum required right-of-way on which improvements are constructed and in accord with one-half of an approved typical street section. Half streets are not allowed in South Salt Lake City.~~

Street, Local. "Local street" means a ~~minor~~ street ~~which that is~~ provides access to abutting properties and protection from through traffic. designated as such in the master street plan.

Street, Major Collector. "Major collector street" means a street that is designated as such in the master street plan, ~~existing or proposed, which is the main means of access to the major street system.~~

Street, Minor Collector. "Minor collector street" means a street, ~~existing or proposed,~~ which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood that is designated as such in the master street plan.

Street, Private. "Private street" means a right-of-way ~~which that~~ has been improved to City standards and reserved by dedication dedicated by a recorded plat unto the developer or lot owners to be used as a private access, with the right of public use, to serve specific property. ~~All private streets shall be approved by the city and maintained by the developer or other private agency.~~

Street, Public. "Public street" means a right-of-way ~~which that~~ has been dedicated to the city ~~and accepted by the city council by plat,~~ or ~~which that~~ the city has acquired by prescriptive right, deed, or other form of legal by dedication. ~~or a thoroughfare which has been made public by use and which affords access to abutting property, including highways, roads, lanes, alleys, avenues, boulevards and other similar descriptions.~~

"Subdivider" means any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or, who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease or development a subdivision, or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing. ~~Usually synonymous with developer.~~

"Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, pads, condominium units, tracts, or interests for the purpose of offering, selling, leasing, or developing whether immediate or future, either on the installment plan or upon any and all other plans, terms and conditions. "Subdivision" includes: (1) the division, assembly, or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; (2) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes; and (3) re-subdivision and condominium creation or conversion.

Subdivision, Regular. "Regular subdivision" means a subdivision wherein all streets are public and built according to city development specifications, all lots front on public streets and meet the minimum lot requirements. ~~+ developments is for owner-occupied units only.~~

SECTION II: Amendment. Amend SSLC Code Section 15.12.710 as follows:

Article VII. - Subdivisions—Regular

15.12.710 - Limitations.

Regular subdivisions ~~shall be~~ are limited to ~~owner-occupied residential~~ development wherein all streets are or will be public and built according to city engineering and development specifications, all lots front on a public streets and meet the minimum lot requirements of the respective zone, and all development is supported by required public infrastructure.; ~~and to commercial/industrial developments with lots for single tenant buildings only, which lots meet the minimum requirements of the respective zone and which are developable and capable of being built upon including consideration for the required parking, landscaping and other facilities required in the respective zone and by the use anticipated, and wherein all lots front on public streets which are or will be built according to city development specifications.~~

SECTION III. 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 IV. 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 V. 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 _____ 2018.

BY THE CITY COUNCIL:

Ben Pender, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as

Recorded:

Beverly	_____
deWolfe	_____
Kindred	_____
Mila	_____
Pender	_____
Siwik	_____
Thomas	_____

Transmitted to the Mayor's office on this ____ day of _____ 2018.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2018.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

DRAFT