

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTER 17.03 TO INCLUDE AND ESTABLISH A NEW TEMPORARY TRANSITIONAL BENEFICIAL USE (TTBU) OVERLAY DISTRICT, CREATING NEW SECTION 17.03.260, AND AMENDING THE ZONING MAP TO INCLUDE THE NEWLY ESTABLISHED TTBU OVERLAY DISTRICT.

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

WHEREAS, Strong Design, LLC and Edison Way, LLC have collaborated to request a pilot project on a portion of State Street frontage between Burton Avenue and Truman Avenue, to authorize a very temporary, transitional, beneficial use of their property to generate sales tax for the City of South Salt Lake for up to two years, in a manner that will encourage near term re-development of the property in accordance with the provisions of the Downtown District Code;

WHEREAS, on____, 2020, the Planning Commission held a legally notified public hearing to consider a proposed zoning map amendment and amendments to two chapters of the City's land use regulations to establish a pilot project overlay district to facilitate temporary, interim development of a one-half acre parcel located in the Mixed-Use Subdistrict of the Downtown District;

WHEREAS, the Planning Commission found that the proposed pilot program framework would enable the interim development of a Strong Audi Car Dealership within the Downtown District of the City—compatible with a short-term lease of the property to the Strong Design, LLC—and recommended City Council approval;

WHEREAS, the City Council finds that these amendments support the City's General Plan goals for (1) regulating land uses based on compatibility with surrounding uses, residential areas, and economic feasibility, (2) enhancing the quality of life in the City by improving the community's appearance, safety, education, positive outlook, gathering places, and positive momentum, and (3) actively pursuing redevelopment of property;

WHEREAS, the City Council finds that the recommended amendments, revisions, and insertions will facilitate desirable development and use of land within the City and will incentivize and encourage Edison Way LLC and Strong Design, LCC to temporarily put the property to beneficial use while incentivizing redevelopment of the property as soon as the 2-year pilot project has expired;

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

SECTION I: Amend Chapter 17.03 to include and establish a new Temporary Transitional Beneficial Use (TTBU) Overlay District, as follows:

17.03.010 – Land Use Matrix.

- A. Any Use not specifically permitted or conditionally permitted in this Land Use Matrix is prohibited. Only the following Uses are allowed:
 - 1. Uses indicated by the letter "P" below are Permitted Uses only where designated.
 - 2. Uses indicated by the letter "C" are Conditional Uses only where designated.
- B. All Permitted Uses are subject to the general and specific standards, as applicable, contained in Section 17.04, as well as the regulations of each particular zoning district where permitted.

- C. All Conditional Uses are subject to the general and specific standards, as applicable, contained in Section 17.05, as well as the regulations of each particular zoning district where conditional.

Land Use Categories	<u>TIBU</u>
Adult Daycare	
Alcoholic Beverage, Banquet and Catering	
Alcoholic Beverage, Bar Establishment	
Alcoholic Beverage, Beer Recreational	
Alcoholic Beverage, Beer Wholesaler	
Alcoholic Beverage, Hotel	
Alcoholic Beverage, Liquor Warehouse	
Alcoholic Beverage, Local Industry Representative	
Alcoholic Beverage, Manufacturer	
Alcoholic Beverage, Off-Premise Beer	
Alcoholic Beverage, Package Agency	
Alcoholic Beverage, Reception Center	
Alcoholic Beverage, Restaurant (Beer Only)	
Alcoholic Beverage, Restaurant (Limited Service)	

Alcoholic Beverage, Restaurant (Full Service)	
Alcoholic Beverage, Special Use (Educational)	
Alcoholic Beverage, Special Use (Industrial / Manufacturing)	
Alcoholic Beverage, Special Use (Scientific)	
Alcoholic Beverage, Special Use (Religious)	
Alcoholic Beverage, Tavern	
Alcoholic Beverage, State Liquor Store	
All-Terrain Vehicle (ATV), Motorcycle, Personal Watercraft (PWC), Snowmobile Sales and Service	
Amusement Device	
Animal Hospital / Veterinary Office (Small Animal)	
Animal Kennel / Day Care, Commercial	
Apiary	
Art Gallery	
Art Studio	
Assisted Living Facility	

ATM, Kiosk, Vending Machine (Self-Service, Interactive, Outdoors)	
Auction House	
Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent)	<u>P</u>
Auto Auction	
Auto Body Repair	
Automotive Restoration	
Automotive Service and Repair	
Automotive Service Station (Non-Mechanical)	
Aviary	
Bail Bonds	
Bakery, Commercial	
Bakery, Neighborhood	
Barber Shop / Hair Salon	
Blood / Plasma Donation Center	
Bowling Alley	
Car Wash	
Child Care Center	
City Building	

City Park	
Commercial Repair Services	
Convenience Store with Fuel Pumps	
Crematory / Embalming Facility	
Day Spa	
Day Treatment Center	
Drive-Up Window	
Dry Cleaning / Laundromat	
Dwelling, Live / Work	
Dwelling, Multi-Family	
Dwelling, Single-Family	
Dwelling, Townhome	
Education, After School (Children)	
Education, Elementary or Secondary	
Education, Higher (Public)	
Education, Preschool	
Education, Technical	
Employment Agency / Temporary Staffing	
Equestrian Facility	
Equipment Sales, Service, and Rental (Heavy and Farm)	

Escort Service	
Farmers Market	
Financial Institution	
Fitness Center	
Food Truck / Food Trailer	
Food Processing (Large-Scale)	
Food Processing (Small-Scale)	
Food Truck Park	
Funeral / Mortuary Home	
Grooming Services (Pets)	
Haunted House	
Home Occupation, Category I	
Home Occupation, Category II	
Homeless Shelter	
Horticulture / Produce Sales	
Hospital, Specialty	
Hotel	
Hotel, Extended-Stay	
Impound and Tow Lot	
Jail	
Juvenile Detention Facility	
Library	

Maintenance Facility, Vehicle / Transit	
Manufactured Home Park	
Manufacturing, Major	
Manufacturing, Minor	
Massage Therapy	
Medical, Dental, Health Care Office	
Motel	
Movie Studio / Sound Stage	
Museum	
Nature Center	
Non-Depository Institution	
Nursery, Commercial	
Nursing Home	
Office, Professional	
Park and Ride	
Parking Structure	
Pawn Shop	
Permanent Supportive Housing	
Pharmacy	
Place of Worship	
Portable Container	
Poultry, Urban	

Precious Metal Recycling	
Printing, Large-Scale	
Protective Housing	
Public Utility Facility	
Recreation Center	
Recycling Collection / Drop-Off Facility	
Rehabilitation Center	
Restaurant	

Retail, Accessory	
Retail, General	
Retail, Neighborhood	
Secondhand Merchandise Dealer	
Sexually Oriented Business	
Slaughterhouse / Animal Processing	
Storage Facility, Indoor	
Storage Facility, Outdoor	

Storage Facility, Warehouse	
Tattoo Shop / Parlor	
Temporary Use	
Theater, Live Performance	
Theater, Movie	
Tobacco Shop	
Transitional Care and Rehabilitation	
Transitional Housing	
Upholstery Shop / Tailoring Shop	

SECTION II: Add new Section 17.03.260 to create the TTBU Overlay District, as follows:

17.03.260 – Temporary Transitional Beneficial Use (TTBU) Overlay District.

- A. Purpose.** The Temporary Transitional Beneficial Use (TTBU) Overlay District provides Development standards to facilitate the short-term operation of an otherwise prohibited land use, during an economic recession, without disincentivizing redevelopment that is consistent with underlying master planned land use regulations.
- B. Establishment.** The TTBU Overlay District is established to:
 1. allow a short-term beneficial use of vacant property;
 2. stimulate business activity within and generate short-term tax revenues for the City;
 3. accomplish beneficial site beautification; and
 4. simultaneously encourage more beneficial redevelopment in the City.
- C. Applicability.**
 1. Unless otherwise provided herein, any Development or Change of Use within the TTBU Overlay District shall comply with all applicable provisions of the City Code.
 2. No person shall obtain any right to use the property within the TTBU Overlay District as a car dealership, after the expiration of the district.
 3. By applying for a zone change to the TTBU Overlay District, the Applicant, property Owner, lessee, or any successor in interest expressly waives any claim to status as a Nonconforming Use under the provisions of the TTBU Overlay District.
 4. No rights—including the right to operate as a Nonconforming Use—shall be created under the TTBU Overlay District following the expiration of the Overlay District.
- D. Uses.** A single car dealership shall be the only Primary Use allowed in the TTBU Overlay District. No RVs, boats, or trailers shall be sold, leased, or rented within the TTBU Overlay District. The

car dealership Use shall include new and/or used car sales and may include any of the following Accessory Uses:

1. reconditioning, detailing, and/or preparing used cars;
2. new car pre-delivery inspections;
3. car cleaning and repair; and
4. other uses typical of a car dealership.

E. Standards.

1. Operator/manager. The site shall be operated and managed by a single operating/managing entity for the duration of the term of the TTBU Overlay District.
2. No entity other than the original Applicant may be substituted for the operating/managing entity. Any Change in Ownership of the Applicant, as defined in Title 5 of this Code, or substitution of the operating/managing entity shall immediately trigger expiration of the TTBU Overlay District and require cessation and removal of the car dealership Use(s).
3. The site shall be configured as depicted in Figure 1, below:

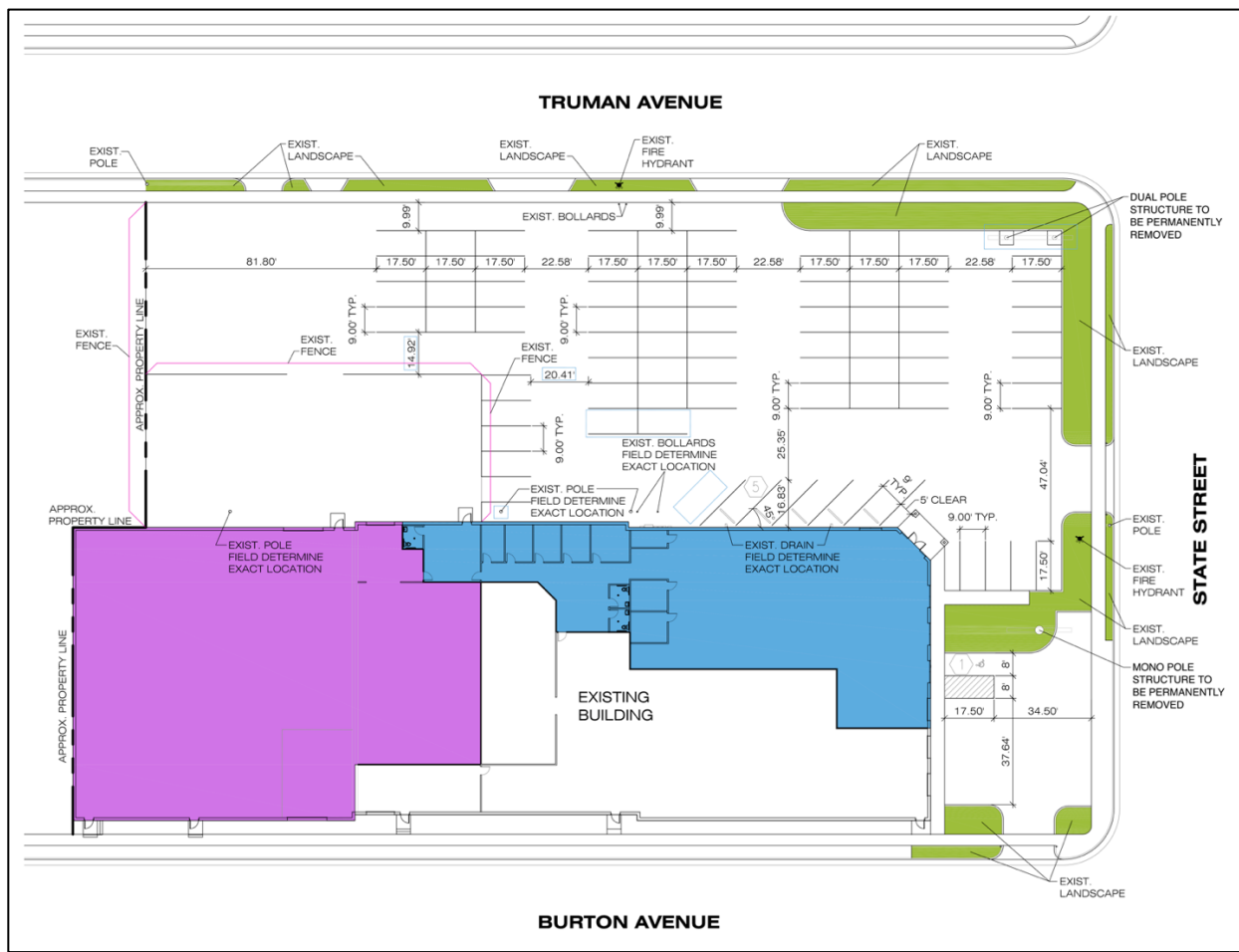


Figure 1: Project Site Plan

4. Operations.

- a. The site may operate for a maximum of fifteen (15) hours per day.



SECTION VII. 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 VIII. 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 IX. 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 June 2020.

BY THE CITY COUNCIL:

Sharla Bynum, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
deWolfe	_____
Huff	_____
Mila	_____
Pinkney	_____
Siwik	_____
Thomas	_____

Transmitted to the Mayor's office on this _____ day of _____ 2020.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2020.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder