

ORDINANCE NO. 2018-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING REQUIRED IMPACT CONTROL MEASURES FOR SPECIFIC USES IN 17.18.040 OF THE SOUTH JORDAN CITY MUNICIPAL CODE.

WHEREAS, Utah Code § 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”), including the City’s aesthetics; and

WHEREAS, the City Council has adopted Title 17 (Planning and Zoning Code) of the City of South Jordan Municipal Code (“City Code”), which regulates use of land in the City; and

WHEREAS, since the adoption of the “impact control measures” in City Code § 17.18.040, the City has identified the need to clarify and make more reasonable the requirements so that they do not unduly burden landowners and prohibit otherwise acceptable commercial development; and

WHEREAS, the changes to City Code § 17.18.040 included herein will allow the City to consistently and fairly apply the impact control measures and ensure continued mitigation of negative impacts associated with certain uses and circumstances; and

WHEREAS, the South Jordan Planning Commission held a public hearing, and reviewed and made a recommendation to the City Council regarding the text amendment; and

WHEREAS, the City Council held a public hearing and reviewed the text amendment; and

WHEREAS, the City Council finds that this Ordinance will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Adoption. The City Council hereby adopts the amendments to City Code as shown in Exhibit A.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication and posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 16 DAY OF October, 2018 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<u>X</u>	_____	_____	_____
Bradley Marlor	<u>X</u>	_____	_____	_____
Donald Shelton	<u>X</u>	_____	_____	_____
Tamara Zander	<u>X</u>	_____	_____	_____
Jason McGuire	<u>X</u>	_____	_____	_____

Mayor: Jason T. McGuire
~~Dawn R. Ramsey~~ Jason T. McGuire

Attest: Anna M. West
 City Recorder

Approved as to form:

[Signature]
 Office of the City Attorney



EXHIBIT A

17.18.040: IMPACT CONTROL MEASURES:

Impact control measures, as explained by this section, generally apply to allowed uses when the context or scale of a proposed project increases the potential for negative impacts (e.g., traffic, sound, hazardous waste, light, vibration, odor, glare, etc.) on surrounding properties or on the public health, safety, and welfare. Additional measures may be required of conditional uses, according to section 17.18.050, "Conditional Uses", of this chapter. **Impact control measures do not apply to permitted uses that are accessory to an established residential primary use.** The **city engineer and development services planning** director may require impact control measures during the review of a proposed use or project not otherwise listed or to modify the requirements of a required impact control measure according to identifiable extenuating circumstances **upon the applicant's showing of good cause (a reason rationally related to the development) and in the best interest of the city.** With all required impact control measures, the applicant shall be required to provide the applicable documentation, at the applicant's expense, and demonstrate that the design of a project and operation of the use will adequately mitigate the contextual impact. If the **city engineer or planning director determine that the** regulations of this section are determined to be in conflict with other regulations of this code, the more restrictive regulations shall apply.

- A. Traffic Study: The purpose of a traffic study is to identify the extent of traffic impacts generated by a use or project on transportation system capacity, level of service, and safety. **At applicant's expense, the city shall commission** ~~A~~ traffic study ~~shall be commissioned from a licensed professional engineer by the city, at the expense of the applicant.~~ The **applicant shall pay the** fee for the traffic study ~~shall be paid prior to the commencement of the study.~~ Proposed uses and projects that meet any of the following criteria shall provide a traffic study:
1. Initial establishment of uses identified in the required impact control measures table in this section.
 2. Project **that** may generate more than one hundred (100) trips in a peak hour or one thousand (1,000) total daily trips.
 3. New construction project that exceeds ten (10) acres.
 4. All uses proposing to access residential streets and that may generate more than twenty five (25) trips in a peak hour or two hundred fifty (250) total daily trips.
- B. Circulation And Access Plan: The purpose of a circulation plan is to identify **a proposed project's** potential traffic conflicts generated by proposed access points and vehicular, pedestrian, and bicycle routes ~~of a proposed project.~~ The circulation plan shall show adjacent roads, access points, primary travel routes, drop off and pick up areas, stacking and queuing areas, connections with adjacent properties, and pedestrian and bicycle routes. All projects that meet any of the following criteria shall provide a circulation and access plan:

1. Initial establishment of uses identified in the required impact control measures table in this section.
2. New construction projects proposing the use of a drive-through, car wash, or vehicle bay.
3. Projects that require a traffic study per subsection A of this section.
4. Projects that include proposed private streets in residential areas.

C. Operations Plan: The purpose of an operations plan is to identify the potential sound, vibration, light, glare, odor, crime, ~~access, traffic,~~ hazardous materials, fire, and environmental impacts generated by a use or project based on the operational nature, scale, or practices of an establishment. The operations plan shall include the following information, if applicable: date of commencement of operations; proposed hours and days of operation; a general description of the operation; a projection of the number of persons on site (e.g., employees and customers); types of accessory uses anticipated; hazardous materials to be used or produced on site; and all other relevant information to describe the nature, scale, practices of the establishment. ~~All projects that meet any of the following criteria shall provide an operations plan:~~

- ~~1. Initial establishment of uses identified in the required impact control measures table in this section **shall provide an operations plan.**~~
- ~~2. Initial establishment of all nonresidential uses that involve animals, when located less than three hundred feet (300') from the property line of a residential zone or existing dwelling unit.~~

D. Sound Study: The purpose of a sound study is to determine the potential for detrimental effects from sound generated by the proposed use or project. A sound study shall be commissioned, at the expense of the applicant, from a member of a national acoustical association (i.e., National Council Of Acoustical Consultants, Acoustical Society Of America, or Institute Of Noise Control Engineering) or an expert consultant with demonstrated experience and capacity as determined by the development services director. The sound study shall include sufficient information to determine the likelihood of compliance with Salt Lake County health department noise regulations and the requirements of this title. All uses that meet any of the following criteria shall provide a sound study:

1. Initial establishment of uses identified in the required impact control measures table in this section.
- ~~2. All gun ranges.~~
3. All nonresidential uses that anticipate using outdoor speakers or public address systems.

43. Initial establishment of the following uses shall require a sound study when located within three hundred feet (300') of a property line of a residential zone, an existing dwelling unit, a religious assembly use, or an elementary, secondary education use:

- a. Outdoor animal activities associated with nonresidential uses, including kennels, runs and corrals.
- b. Drive-through facilities.
- c. Car washes or car vacuums.
- d. ~~Nonresidential outdoor accessory uses.~~

E. Rehabilitation And Containment Plan: A containment plan shall be prepared by a qualified expert document hazardous materials to be stored, used, or produced in significant quantities and the policies and practices to prevent and contain the accidental or inappropriate discharge of those materials. The plan shall demonstrate that the proposed use will comply with all state and federal requirements and that the public and the environment will be protected from hazardous conditions. A rehabilitation plan shall also include actions that will be taken upon cessation of activities or uses involving potentially hazardous materials to ensure that the site is free from hazardous materials for future activities or uses. A containment and rehabilitation plan shall be provided for the following uses:

1. Uses identified in the required impact control measures table in this section.
2. Accessory uses that involve significant quantities of hazardous materials.

F. Additional Notice: The purpose of the additional notice control measure is to ensure that property owners are notified of uses and projects with a greater likelihood for negative impacts on properties beyond the immediate vicinity. Uses and projects requiring additional notice according to this section shall provide notice to all property owners of record within six hundred feet (600') of the boundary of the subject property for any statutorily required public hearing, in addition to other noticing requirements of this code and state law. The additional notice requirement shall apply to the following uses and projects:

1. Initial establishment of uses identified in the required impact control measures table in this section.
2. New construction projects that exceed ten (10) acres.

G. Residential Protection Area:

1. The purpose of a residential protection area is to minimize the impact of a use on existing residential areas **that are planned to remain residential and areas that are planned to become residential in the future. A residential protection area minimizes impacts on**

residential areas by applying additional restrictions to a use or prohibiting a use with the protection area as outlined below.

2. A residential protection area is the area within a ~~prescribed distance~~ **prescribed by the required impact control measure table in subsection H of this section. A residential protection area is measured from the boundary of a residential land use designation into the adjoining non-residential land use designation on the future land use map** ~~from a residential use where additional restrictions apply to a use or a use is prohibited.~~
3. Uses ~~and~~ **or** buildings that were compliant ~~upon~~ **when** initially established ~~ment shall~~ **are** not be considered nonconforming **uses or buildings**, according to the requirements of this chapter, due to subsequent rezoning and development of a residential use within the residential protection area.
4. Residential protection areas shall be applied according to the following:
 - ~~1~~ **a.** Uses are prohibited, except for associated parking or open space, within the distance identified in the required impact control measures table in this section ~~as measured from the property line of properties with a residential zone.~~
 - ab.** Stadium/Theater/Auditorium: The residential protection area identified in the required impact control measures table of this section may be reduced to one hundred feet (100') when the activities associated with the use are conducted within completely enclosed structures and the floor area of the structure is less than one thousand (1,000) square feet.
 - bc.** Gas Station: Underground fuel storage tanks are prohibited within the residential protection area for the gas station use as identified in the required impact control measures table in this section. The following exceptions to the residential protection area are allowed:
 - (1) The residential protection area is reduced to one hundred feet (100') from the property line of ~~residential zone properties~~ **with a residential land use designation** that do not have an existing ~~single family~~ **residential** dwelling unit.
 - (2) The residential protection area shall not apply to properties located on the opposite side of a minor collector road or greater, as classified by the city's master transportation plan, from the gas station use.
- ~~2.~~ Indoor gun ranges shall be located no closer than one hundred feet (100') from the property line of a residential zone. The range portion of an outdoor gun range shall be located no closer than one thousand five hundred feet (1,500') from a property line and no closer than two thousand five hundred feet (2,500') from the property line of a residential zone or existing dwelling unit.

3d. Aircraft Transportation: Aircraft transportation landing and takeoff facilities shall be located no closer than one thousand feet (1,000') ~~to~~**from** the property line of a residential zone, except for rotor craft used by emergency services in temporary situations.

4. ~~The following shall apply to nonresidential uses located within one hundred feet (100') of the property line of a residential zone:~~

~~a. Individual uses shall not occupy an enclosed space that exceeds ten thousand (10,000) square feet.~~

~~b. Buildings that serve multiple tenants shall not exceed a total floor area of thirty thousand (30,000) square feet.~~

~~c. Buildings shall not exceed thirty five feet (35') in height and shall be set back from the common residential property line a minimum distance of twenty five feet (25').~~

~~d. P-O zone: Drive-through facilities shall be~~**are** prohibited.

H. Required Impact Control Measures Table:

X = Required

Category	Uses	Required Impact Control Measures						
		A. Traffic	B. Circulation And Access	C. Operations	D. Sound	E. Rehabilitation And Containment	F. Additional Notice	G. Residential Protection Area
Agricultural	Animal husbandry			X				100'
	Horticulture			X				100'
	Plant nursery			X			X	100' ¹
	Public agricultural facility		X	X	X		X	300' 150' ¹
Residential:								
Group living	Community residential facility		X	X			X	
	Dormitory	X	X	X			X	300'

	Institutional facility		X	X	X		X	1 mile
Household	Live-work	X	X	X			X	300'
	Multi-family	X	X				X	300'
	Neighborhood residential facility							
	Single-family, attached		X				X	
	Single-family, detached		X					
Public:								
Civic and community	Cemetery							
	Community services		X	X				
	Public safety		X	X	X		X	
	Religious assembly and worship		X	X				
Education	Elementary/secondary education	X	X	X			X	
	University/college	X	X	X			X	
	Vocational/professional	X	X	X			X	
Open space	Natural open space							
	Park open space							
Utility and communication	Energy conversion			X				100'
	Telecommunication facility			X				
	Utility services			X		X	X	1,000' ²
Commercial:								
Services	Animal services			X	X		X	100'
	Business support							
	Daycare		X	X				
	Financial institution			X			X ³	
	Hospital	X	X	X			X	100'
	Light service and repair			X				100'
	Lodging							100'
	Medical/dental office or clinic							
	Mortuary/funeral home							10050' ⁵
	Office							
	Personal services			X				
Professional services								

	Restaurant							40050 ⁵
	Self-storage		X	X				
	Vehicle repair		X	X	X	X	X	300200'
	Vehicle services		X	X	X	X	X	300150'
Recreation and assembly	Arts and recreation		X	X	X			
	<u>Indoor gun range</u>		X	X	X			100'
	<u>Outdoor gun range</u>		X	X	X			1,500'
	Convention/reception center	X	X	X			X	40050 ⁵
	Instruction and training		X	X				
	Outdoor recreation	X	X	X	X		X	40050 ⁵
	Stadium/theater/auditorium	X	X	X	X ⁴		X	500250'
Retail	Gas station	X	X	X		X	X	300'
	General retail							
	Kiosk, freestanding		X	X				40050 ⁵
	Shopping center/department store	X	X	X			X	
	Vehicle sales and rental							300200'
Industrial:								
Manufacturing and production	Assembly			X				100'
	Fabrication			X	X	X	X	300'
	Manufacturing			X	X	X	X	500'
	Mining			X	X	X	X	500'
Sales and service	Commercial service and repair		X	X	X	X	X	500'
	Food and drink preparation			X	X	X	X	500'
	Heavy equipment sales and rental			X			X	300200'
	Research and development			X	X		X	300 ⁴
	Storage yards			X	X	X	X	300'
	Wholesale and warehouse			X		X	X	300'
Transportation	Aircraft transportation	X	X	X	X	X	X	500'
	Parking facility	X	X	X			X	300150'
	Passenger terminal/station	X	X	X	X		X	100'
	Railroad facility			X	X	X	X	300'
Waste	Refuse			X	X	X	X	500'

Salvage			X	X	X	X	500'
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Notes:

1. When located in an R-1.8 zone, the residential protection area shall apply to adjacent residential properties.
2. Only applies to major utility facilities.
3. Only applies to nondepository financial institutions.
4. Only applies to outdoor or open air facilities.
- 5. Buildings used for nonresidential uses located within one hundred feet (100') of the property line of properties with a residential land use designation shall not exceed thirty five feet (35') in height.**