

COTTONWOOD HEIGHTS

ORDINANCE No. 233

AN ORDINANCE AMENDING CHAPTERS 19.04 (DEFINITIONS) AND 19.46 (O-R-D – OFFICE, RESEARCH AND DEVELOPMENT ZONE) OF THE COTTONWOOD HEIGHTS CODE TO ADD BLOOD PLASMA FACILITIES AS A CONDITIONAL USE

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated proposed amendments (the “*Amendments*”) to Chapter 19.04 (Definitions) and Chapter 19.46 (O-R-D--Office, Research and Development Zone) of the Code adding new section 19.04.355 defining “blood plasma facility” and amending section 19.46.030 to include blood plasma facilities as a conditional use and to provide guidelines for such conditional use in the City; and

WHEREAS, on 4 November 2014 and 3 December 2014, public hearings were held before the Planning Commission, where citizens were given the opportunity to provide written or oral comment concerning the proposed Amendments; and

WHEREAS, such public hearings before the Planning Commission were preceded by all required legal notices; and

WHEREAS, following the public hearings, the Planning Commission recommended the Amendments to the Council for adoption; and

WHEREAS, on 16 December 2014, the Council met in regular meeting to consider, among other things, amending Title 19 of the Code to include the Amendments as proposed; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing, and other relevant input, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so adopt the Amendments as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Adoption of Amendments.*** The Council hereby amends the Code as shown on the attached exhibit, which shows deletions to the current Code ~~struck through~~, and additions to the current Code underlined.

Section 2. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 233 (this "Ordinance"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. ***Severability.*** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. ***Repealer.*** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. ***Effective Date.*** This Ordinance, assigned no. 233, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 16th day of December 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By 
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:




Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 16th day of December 2014.

POSTED this 18 day of December 2014.

**PROPOSED AMENDMENTS TO TITLE 19
CONCERNING BLOOD PLASMA FACILITIES**

Proposed Amendment to Chapter 19.04--Definitions

19.04.355 Blood plasma facility.

A building and premises used primarily for the performance of plasmapheresis, which is the procedure whereby whole blood is removed from a plasma donor by venipuncture or phlebotomy, the plasma is separated therefrom for sale or transfer, and the formed elements of the blood are returned to the donor. "Blood plasma facility" does not include blood donation centers in which primarily whole blood is extracted from donors and used, transferred or sold, such as blood donation centers sponsored by the American Red Cross.

Proposed Amendments to Chapter 19.46—O-R-D – Office, Research and Development Zone

19.46.030 Conditional uses.

Conditional uses in the O-R-D zones are as follows:

A. Indoor and outdoor recreational facilities, provided that:

1. Such uses are incidental to a permitted use;

2. All accessory buildings and incidental uses shall be planned as an integral part of the office building development; and

3. All such facilities comply with the building and siting restrictions as set forth in this chapter;

B. In-service training schools for employees, provided that such use is incidental to a permitted use and its employees;

C. Any special uses customarily incidental to the operation of other permitted uses;

D. Quarters for a caretaker or for security;

E. Nursery schools or day care centers;

F. Private parks and recreational grounds;

G. Public and quasi-public use;

H. Radio and/or television tower;

I. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

J. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

K. Public schools;

L. Wireless telecommunication towers;

N. Hospitals; and

O. Blood plasma facilities, provided that:

1. All equipment, samples and products must be stored inside the building;

2. Retrieval areas must be located in the rear of the building, accessible by van, and not adjacent to a public right-of-way;

3. Facilities must provide and follow a management plan for handling litter, outdoor queuing, security and loitering;

4. Facilities must be at least 1,000 feet from the nearest residential, church and/or school property boundary line;

5. Facilities may be considered a permitted use if they are a clearly subordinate and ancillary part of a city-authorized medical clinic where a doctor is present at all times and other traditional medical services are conducted as the primary business purposes in at least 90% of the useable floor area;

6. Facilities shall comply with all applicable laws and regulations for safe disposal of blood products and human tissues, and shall provide and follow written protocols for such compliance;

7. Facilities shall provide appropriate certification of employees drawing blood, and shall assure that all such employees are, at minimum, licensed phlebotomists;

8. Facilities shall continuously comply with all applicable licensing and certification requirements, including those of the Salt Lake County Health Department; and

9. Parking shall be provided at the rate of two spaces for each collection station, plus one space for each person permitted to occupy the waiting area(s), plus one space for each employee in the largest working shift. Additional parking may be required for processing rooms/booths, staging and testing areas, etc. to be located in the proposed facility.