

**CITY OF SOUTH JORDAN**  
**PLANNING COMMISSION MEETING AGENDA**  
**CITY COUNCIL CHAMBERS**  
**TUESDAY, APRIL 23, 2024 at 6:30 PM**



Notice is hereby given that the South Jordan City Planning Commission will hold a Planning Commission Meeting on Tuesday, April 23, 2024, in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah with an electronic option via Zoom phone and video conferencing. Persons with disabilities who may need assistance should contact the City Recorder at least 24 hours prior to this meeting.

In addition to in-person attendance, individuals may join via phone or video, using Zoom. Note, attendees joining virtually may make public comments through video conferencing, and participant must have their video on and working to speak. Attendees who wish to present photos or documents to the Planning Commission must attend in person. Those who join via phone may listen, but not comment.

In the event the electronic portion of the meeting is disrupted in any way that the City in its sole discretion deems inappropriate, the City reserves the right to immediately remove the individual(s) from the meeting and, if needed, end virtual access to the meeting. Reasons for removing an individual or ending virtual access to the meeting include but are not limited to the posting of offensive pictures, remarks, or making offensive statements, disrespectful statements, or actions, and other any action deemed inappropriate.

Ability to participate virtually is dependent on an individual's internet connection. To ensure comments are received regardless of technical issues, please have them submitted in writing to City Planner, Greg Schindler, at [gschindler@sjc.utah.gov](mailto:gschindler@sjc.utah.gov) by 3:00 p.m. on the day of the meeting.

Instructions on how to join the meeting virtually are below.

**Join South Jordan Planning Commission Electronic Meeting April 23, 2024 at 6:30 p.m.**

- Join on any device that has internet capability.
- Zoom link, Meeting ID and Meeting Password will be provided 24 hours prior to meeting start time.
- Zoom instructions are posted <https://www.sjc.utah.gov/254/Planning-Commission>

THE MEETING WILL BEGIN AT 6:30 P.M. AND THE AGENDA IS AS FOLLOWS:

- A. **WELCOME AND ROLL CALL – Commission Chair Michele Hollist**
- B. **MOTION TO APPROVE AGENDA**
- C. **APPROVAL OF THE MINUTES**
  - [C.1.](#) April 09, 2024 - Planning Commission Meeting Minutes
- D. **STAFF BUSINESS**
- E. **COMMENTS FROM PLANNING COMMISSION MEMBERS**
- F. **SUMMARY ACTION**
- G. **ACTION**

**H. ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. DAYBREAK VILLAGE 15 PLAT 2 PRELIMINARY SUBDIVISION**

Address: Generally located south and west of the intersection of Lake Avenue and Prosperity Road (11555 S. 6490 W.)

File No: PLPP202400006

Applicant: Perigee Consulting on behalf of Miller Family Real Estate

**I. LEGISLATIVE PUBLIC HEARINGS**

**I.1. TEXT AMENDMENT - AMENDING CITY CODE 17.08.010 (DEFINITIONS) AND 17.130.030 (ACCESSORY LIVING UNIT FLOATING ZONE)**

Ordinance No: 2024-10

Applicant: City of South Jordan

**J. OTHER BUSINESS**

**ADJOURNMENT**

**CERTIFICATE OF POSTING**

STATE OF UTAH )

: §

COUNTY OF SALT LAKE )

I, Cindy Valdez, certify that I am the duly appointed City Deputy Recorder of South Jordan City, State of Utah, and that the foregoing Planning Commission Agenda was faxed or emailed to the media at least 24 hours prior to such meeting, specifically the Deseret News, Salt Lake Tribune and the South Valley Journal. The Agenda was also posted at City Hall, on the City's website [www.sjc.utah.gov](http://www.sjc.utah.gov) and on the Utah Public Notice Website [www.pmn.utah.gov](http://www.pmn.utah.gov).

Dated this 18th day of April, 2024.

Cindy Valdez

South Jordan City Deputy Recorder

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
April 9, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevans, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Ray Wimmer, Commissioner Sam Bishop, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, GIS Coordinator Matt Jarman, IS Specialist Ken Roberts, Planner Damir Drozdek, Planner Miguel Aguilera, Meeting Transcriptionist Diana Baun

Others: Chris Watson, Michael Walker, Justin Jones, Patrick Lowdes, Terry Bouck, Chris Rowllins, Jackson, badam's iPhone, Samantha W., Judy

Absent:

**6:33 P.M.  
REGULAR MEETING**

**A. WELCOME AND ROLL CALL – *Chair Michele Hollist***

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting.

**B. MOTION TO APPROVE AGENDA**

**Chair Hollist motioned to amend tonight's agenda as published. Commissioner Gedge seconded the motion; vote was 5-0, unanimous in favor. Commissioner Wimmer was absent from the vote.**

**C. APPROVAL OF THE MINUTES**

**C.1. March 26, 2024 - Planning Commission Meeting Minutes**

Chair Hollist noted that Commissioner Gedge was missing from the attendee list on the minutes, and staff noted he will be added to the final draft.

**Commissioner Gedge motioned to approve the March 26, 2024 Planning Commission Meeting Minutes with the noted amendment. Commissioner Catmull seconded the motion; vote was 5-0, unanimous in favor. Commissioner Wimmer was absent from the vote.**

**Commissioner Ray Wimmer joined the meeting.**

**D. STAFF BUSINESS - None**

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS - None**

**F. SUMMARY ACTION – None**

**G. ACTION – None**

**H. ADMINISTRATIVE PUBLIC HEARINGS – None**

**H.1. THE MIX AT SOUTH JORDAN SUBDIVISION SITE PLAN**

Address: 11147 S. Redwood Rd.

File No.: PLSR202300200

Applicant: Justin Jones, Civil Science

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked who will be responsible long-term for the water retention areas of the property, and if there is a chance the city could have to take those over in the future.

Deputy City Engineer Jeremy Nielson responded the HOA will be responsible. There is a process for that type of public takeover, and the process is all spelled out in the city code including approvals from the City Manager and other staff.

Commissioner Nathan Gedge asked for specifics about the drainage system under Beckstead Lane.

Engineer Nielson reviewed those details, much of the water will be detained in underground storm water chambers, with what is released going into a pipe that flows to the north, and eventually to the east down 1030 South into a creek on Cody Circle off 1300 West which is an existing system.

Commissioner Laurel Bevans asked about a shared parking agreement and whether the buildings facing Beckstead will have rooftop decks.

Planner Drozdek responded there will be a note on the plat versus an agreement for simplicity. He also noted that any restrictions on rooftop deck locations didn't make it into the agreement, but the applicant can answer that question when he speaks.

Chair Hollist invited the applicant forward to speak.

**Justin Jones (Applicant – Civil Science)** – regarding the rooftop decks on the units adjacent to Beckstead, there were back and forth discussions with the result being they raised the wall on

those decks to be higher to restrict views. The project, with those walls, is still under the 35 foot height limit.

Chair Hollist opened the public hearing for comments.

**Chris Rowlin (Resident)** – I am the owner of the land to the southeast of this development with the cutout. I appreciate a lot of the things I see in here, like the privacy trees and things like that. I had a question similar to Commissioner Bevans about the end units, the ones that will overlook my property, I don't believe there are any rooftop decks on those. I am looking at page 19 and don't see any stairs leading up to the end units and that's why I'm asking. There was also a note on the plat that might impact me that I had a question about, which is the fence along the south side where it mentions there is a water line underneath and that the fence will be moved five feet away; I am not sure if that refers to the fence or just the footing of the fence that might interfere with the water line. That is a question, if that means that fence will be moved closer to those buildings, and would that imply as well that the waterline cuts across. I appreciate the steps they have taken to make sure the property works with my intended use of building a house there.

Mr. Jones noted the end units similarly will have that taller parapet wall around the balconies to shield Mr. Rowlin's property. Regarding the water line, that was a last minute comment from staff, realizing that there is an existing water line that runs down that property line. Across their frontage it is closer to the property line than across Mr. Rowlin's frontage, so by the time it gets to his property it veers back to the south. Potentially their wall will need to shift north, but they haven't worked through that needing marking by Blue Stakes and actual locations identified still. There is potential that wall will need to shift to the north along their frontage, but he believes once it gets to Mr. Rowlin's property, any fencing he puts up would still be the necessary five feet away.

**Commissioner Gedge motioned to approve File No. PLSPR202300200, Subdivision Plan. Commissioner Catmull seconded the motion.**

#### **Roll Call Vote**

**Yes – Commissioner Gedge**  
**Yes – Commissioner Catmull**  
**Yes – Commissioner Bishop**  
**Yes – Chair Hollist**  
**Yes – Commissioner Wimmer**  
**Yes – Commissioner Bevans**

**Motion passes 6-0, unanimous in favor.**

#### **H.2. DOLLAR TREE SITE PLAN APPLICATION**

Address: 10494 S River Heights Dr

File No.: PLSPR202300203

Applicant: Lance Ridges

Planner Miguel Aguilera reviewed background information from the Staff Report.

Commissioner Sam Bishop asked about the planned bike racks and what kind of requirements or guidance the city gives in terms of their construction, if any.

City Planner Greg Schindler responded there are no city standards for types or locations of bike racks. The city always encourages them, but they are not required anywhere in the city.

Chair Hollist invited the applicant forward to speak, he had nothing to add to the Staff Report. She then opened the public hearing for comments.

**Commissioner Bevans motioned to approve File No. PLSPR202300203, Site Plan Application. Commissioner Bishop seconded the motion.**

#### **Roll Call Vote**

**Yes – Commissioner Bevans**

**Yes – Commissioner Bishop**

**Yes – Commissioner Gedge**

**Yes – Commissioner Catmull**

**Yes – Chair Hollist**

**Yes – Commissioner Wimmer**

**Motion passes 6-0, unanimous in favor.**

### **H.3. CONDITIONAL USE PERMIT FOR NEW HOT YOGA STUDIO**

Address: 10975 S. Sterling View Dr. #100

File No.: PLCUP202400047

Applicant: Severyn Jack Hughes

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist invited the applicant forward to speak, they were not present. She then opened the Public Hearing for comments. There were no comments and the hearing was closed.

**Commissioner Gedge motioned to approve File No. PLCUP202400047, Conditional Use Permit, based on tonight's discussion and the Staff Report at the location listed above, specifically Suite #100. Chair Hollist seconded the motion.**

#### **Roll Call Vote**

**Yes – Commissioner Gedge**

**Yes – Chair Hollist**

**Yes – Commissioner Bishop**

**Yes – Commissioner Catmull**  
**Yes – Commissioner Wimmer**  
**Yes – Commissioner Bevans**

**Motion passes 6-0, unanimous in favor.**

## **I. LEGISLATIVE PUBLIC HEARINGS**

### **I.1. TAMMY LOERSTCHER/CHARLES BOUCK REZONE FROM A-5 TO R-2.5**

Address: 905 W 10400 S

File No.: PLZBA202400042

Applicant: Charles Bouck/Tammy Loerstcher

Commissioner Nathan Gedge asked to be recused and to join the public as a resident for this item.

Planner Miguel Aguilera reviewed background information from the Staff Report.

Commissioners and staff discussed the need for a concept plan on this rezone and it was explained that it was only necessary for the lot being rezoned, and there were currently no development plans for that lot.

Commissioner Laurel Bevans asked about emergency access on the private road.

City Planner Greg Schindler responded that a hammerhead was proposed as an option for that road, and will be required when development begins.

Chair Michele Hollist invited the applicant forward to speak.

**Tammy Loerstcher and Charles Bouck (Applicants)** – Ms. Loerstcher noted that this is her father, Mr. Bouck's, property, and she was given a small part of it to build on.

Mr. Bouck added that he has no current plans to develop anything on the big lot. The rezone is being done because Salt lake County is taxing him Commercial-Residential anyway since it's not in compliance with A-5, and none of the lots in the A-5 zoning area are five acre lots. He also explained the reason for the small piece on the property, it had to do with the adjacent development and a new survey that caused the parcel to be marked as his property since the developer at the time went under, it was given to someone else who went under as well and was eventually given to the bank, who then tried to get him to buy it but it was already his. He ended up using it, through purchase, to pay off back taxes and it is now his land. He then asked about keeping his current animals on the lot once rezoned.

Planner Aguilera responded that if the rezone goes through, the property will lose its animal rights.

City Planner Greg Schindler added that animals currently on the property can stay until the begin development.

Chair Hollist opened the public hearing for comments.

**Terry Bouck (Resident)** – I live at the end of the road on the dirt lane, to the south of the lane. I am just curious how they are going to access that property back there. On his deed for the property there is only a 15 foot access that goes for 440 feet down to my father's house, which is the first house on the lane, and then it widens to 30 feet and goes down into his field. Are they going to widen and make it a public road like they did across the street with sidewalk, curb and gutter, making it 45 feet. I own almost two-thirds of the lane that everyone is driving on; we have been to court and had surveys done. Surveys are the interpretation of the man doing the survey, they are not an exact science, so there are probably seven or eight surveys going along and if you look at the survey just shown it doesn't show him going clear to the subdivision fence, and that is a part of his property; that was proven in court in 2020.

**Nathan Gedge (Resident)** – I am the property owner directly to the north of Lot 2. I am in favor of the rezone to 2.5, and I am glad that staff answered one of my concerns, which was to protect the animal rights of Mr. Bouck for his remnant of Lot 2. My other concern is the road, which was just addressed by Mr. Terry Bouck. Lastly, thank you to staff for answering some questions regarding the maps in the Staff Report referencing a survey the County has from 2009. Mr. Chuck Bouck also has a survey that was conducted earlier this year which alleviates all concerns I have regarding properties, including my own property, and I have no concerns with this application. This is probably the best venue for my personal residence.

Chair Hollist closed the public hearing.

Deputy City Engineer Jeremy Nielson addressed the private lane, noting this is a fairly long, dead end road, but it is in existing condition so staff is trying to be sensitive to land owners. There is no concern with adding one more home to the street and a hammerhead at the end. He has no information regarding the ownership of the private lane and that's a civil matter.

**Commissioner Catmull motioned to approve File No. PLZBA202400042, Rezone from A-5 to R-2.5, based on tonight's discussion and the Staff Report. Chair Hollist seconded the motion.**

#### **Roll Call Vote**

**Yes – Commissioner Catmull**

**Yes – Chair Hollist**

**Yes – Commissioner Bishop**

**Yes – Commissioner Wimmer**

**Yes – Commissioner Bevans**

**Abstain – Commissioner Gedge**

**Motion passes 5-0, unanimous in favor.**



## **J. OTHER BUSINESS**

City Planner Greg Schindler reviewed potential items for the next meeting's agenda.

## **ADJOURNMENT**

**Chair Hollist motioned to adjourn the April 9, 2024 Planning Commission Meeting. Commissioner Gedge seconded the motion; vote was 6-0, unanimous in favor.**

**The April 9, 2024 Planning Commission Meeting adjourned at 8:04 p.m.**

UNAPPROVED

# SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 04-23-2024

**Issue:** DAYBREAK VILLAGE 15 PLAT 2  
PRELIMINARY SUBDIVISION

**Location:** Generally located south and west of the intersection of Lake Avenue and Prosperity Road (11555 S. 6490 W.)

**Project No:** PLPP202400006

**Applicant:** Perigee Consulting on behalf of Miller Family Real Estate

Submitted By: Greg Schindler, City Planner  
Chris Clinger, Senior Engineer

Staff Recommendation (Motion Ready): Approve Project No. PLPP202400006 subject to the following:

1. That all South Jordan City requirements are met prior to recording the plat.

## STANDARDS FOR SUBDIVISION REVIEW

The Planning Commission shall receive public comment at a public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions or if the proposed subdivision does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application.

## BACKGROUND

<b>ACREAGE</b>	6.335 Acres
<b>CURRENT ZONING</b>	Planned Community (PC)
<b>CURRENT USE</b>	Vacant

Perigee Consulting on behalf of Miller Family Real Estate, has filed an application for preliminary subdivision Daybreak Village 15 Plat 2. The applicant is requesting the South Jordan Planning Commission review and approve the 6.335 acres subdivision containing 32 residential lots, 2 park lots (P-Lots) and associated public and private rights-of-way.

The residential density of this proposal is 5.0 units per acre (gross density) and 8.4 units per acre (net density), which is consistent with the P-C zone and adopted Community Structure Plan for Daybreak. The proposed lot sizes range from 2,625 sq. ft. to 9,161 sq. ft. with an average lot size of 5,154 sq. ft. It appears that the proposed subdivision will contain only single family detached homes.

## **STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

### Findings:

- The Daybreak Community Structure Plan designates this area as Village.
- Section 17.72.020 describes the Village Land Use Designation as follows: "This category is designed for medium density mixed use development that includes residential (single and multi-family), office, commercial, industrial, public/semipublic

and recreation/open space uses, without a predetermined emphasis on any single use. This category may accommodate gross residential density of twenty five (25) units per acre.”

- All PC zone and Kennecott Master Subdivision requirements will be met regarding the preliminary subdivision plat.
- All State and Local subdivision review requirements have been followed.
- The proposal meets all City ordinances and complies with the General Plan.
- All lots in the proposed subdivision will have culinary water (South Jordan City) and sanitary sewer available (South Valley Sewer District).

**Conclusions:**

- The proposed subdivision is consistent with both the Daybreak Community Structure Plan the South Jordan General Plan and meets the standards of review for subdivisions in the P-C zone.

**Recommendation:**

- Based on the Findings and Conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the Subdivision, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

**FISCAL IMPACT:**

- Minimal.

**ALTERNATIVES:**

- Approve the preliminary subdivision.
- Deny the preliminary subdivision.
- Schedule the application for a decision at some future date.

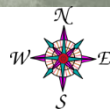
**SUPPORT MATERIALS:**

- Aerial Map
- Proposed Subdivision Plat

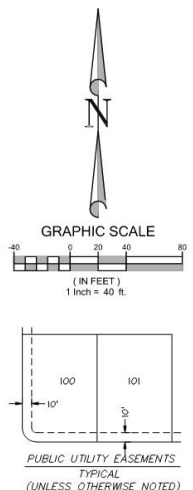
Item H.1.

**Lake Avenue**






# Location Map







**LEGEND**

	FOUND SALT LAKE COUNTY SECTION CORNER
	PROPOSED STREET MONUMENT
	EXISTING STREET MONUMENT
	ADDRESS WITH ABBREVIATION OF STREET OR LANE
	1" DRAINAGE EASEMENT PARALLEL TO LOT LINE (UNLESS NOTED OTHERWISE)

**PUBLIC RIGHT-OF-WAY:**  
 SOUTH JORDAN CITY WILL NOT PROVIDE SIGN REMOVAL, STREET SHEEPING OR GARBAGE COLLECTION IN THE AREAS SIGN REMOVAL AND STREET SHEEPING ARE THE RESPONSIBILITY OF THE ADJACENT LOT OWNERS. GARBAGE CANS MUST BE PLACED ON THE THROUGH PORTION OF THE ADJACENT LANE OR STREET.

DAYBREAK VILLAGE 15 PLAT 2  
AMENDING A PORTION OF LOT Z101 OF THE VP DAYBREAK  
OPERATIONS-INVESTMENTS PLAT 1 SUBDIVISION

Located in the Southeast Quarter of Section 22, T3S, R2W,  
Salt Lake Base and Meridian

SALT LAKE COUNTY RECORDER      RECORDED #  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE  
REQUEST OF: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FEE \$ \_\_\_\_\_ DEPUTY, SAL \_\_\_\_\_  
13

13



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# SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 4/23/2024

**Application:** TEXT AMENDMENT - AMENDING CITY CODE §§ 17.08.010 (DEFINITIONS) AND 17.130.030 (ACCESSORY LIVING UNIT FLOATING ZONE)

**Ordinance No.:** 2024-10

**Applicant:** City of South Jordan

**Submitted By:** Steven Schaefermeyer, Director of Planning

**Presented By:** Greg Schindler, City Planner

**Staff Recommendation (Motion Ready):** I move that the Planning Commission recommend to the City Council that it approve Ordinance No. 2024-10 amending City Code §§ 17.08.010 and 17.130.030.

## **BACKGROUND:**

On January 21, 2020 the City Council adopted an updated General Plan that includes the South Jordan Moderate Income Housing Plan. These plans contain a goal to “ensure development of well-designed housing that qualifies as Affordable Housing to meet the needs of moderate-income households within the City.” Both plans recommend a review and update to the South Jordan City Municipal Code (City Code) regulating accessory dwelling units (ADUs) as a strategy to accomplish this goal.

Since 2020, the City has twice amended its ADU regulations to clarify rules and comply with various Utah state law changes. Those amendments largely affected internal ADUs (IADUs), not detached ADUs. The current proposal would expand where a detached ADU (called “Guesthouse” in City Code) can be built throughout single-family neighborhoods. Ordinance 2024-10 does not change ADU regulations for the PC Zone where the Daybreak development is located.

## **ANALYSIS:**

If approved, the proposed text amendment would allow Guesthouses in all single-family zones on conforming lots that are at least 14,520 square feet (approximately 1/3 acre). Currently Guesthouses are only allowed in the A-5, A-1 and R-1.8 Zones. Although those zones have the largest minimum lot size requirements (14,520 square feet or greater), there are lots throughout the City in other single-family zones that could easily accommodate a Guesthouse. Many of these property owners have approached City staff requesting that the City allow them to build a Guesthouse on their property.

The proposal does not change any other design requirements for Guesthouses including height and size limitations, and minimum setback requirements. The proposed changes also do not change any requirements for IADUs or the City Code limitation that only one ADU—IADU or Guesthouse—is allowed per residential lot.

The proposed text amendment also deletes from the definition of IADU language that is no longer allowed under Utah state law.

## **STAFF FINDINGS & CONCLUSIONS:**

### **Findings:**

- Utah Code § 10-9a-102 grants City Council general land use authority to enact regulations it considers necessary or appropriate for the use and development of land in the City, including maintaining the aesthetics of the City and protecting the tax base, and the City Council has the power to amend its land use regulations. (*See Utah Code § 10-9a-501 et seq.*)
- In compliance with Utah’s moderate income housing requirements, the 2020 South Jordan Moderate Income Housing Plan, as amended, requires the City to “create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.” (Utah Code § 10-9a-403(2)(b)(iii)(E).) By adopting Ordinance 2024-10 the City will reduce regulations related to detached ADUs and give more property owners the choice between building an IADU or a Guesthouse.
- South Jordan allowed IADUs (and detached ADUs) throughout its single-family neighborhoods long before the Utah State Legislature required cities to allow IADUs in most single-family zones.
- Ordinance 2024-10 does not change the impact that ADUs already have on the City and its single-family neighborhoods because the number of possible ADUs throughout the City would not increase, and there are existing Guesthouse design requirements and limitations that exist to protect neighboring properties.
- Ordinance 2024-10 brings the City’s definition of IADU into greater compliance with Utah state law.

### **Conclusion:**

- The changes proposed in this text amendment are consistent with the City’s goal to “ensure development of well-designed housing that qualifies as Affordable Housing to meet the needs of moderate-income households within the City” without detrimentally impacting the City’s neighborhoods.

### **Recommendation:**

- The Planning Commission should recommend to the City Council that it approve Ordinance No. 2024-10 amending City Code §§ 17.08.010 and 17.130.030.

## **ALTERNATIVES:**

- Recommend approval of Ordinance No. 2024-10 with changes.
- Recommend denial of Ordinance No. 2024-10.

## **SUPPORT MATERIALS:**

- Ordinance No. 2024-10

Steven Schaefermeyer  
Steven Schaefermeyer (Apr 17, 2024 16:54 MDT)

Steven Schaefermeyer, Director of Planning

**ORDINANCE NO. 2024 - 10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING PORTIONS OF SECTIONS 17.08.010 (DEFINITIONS) AND 17.130.030 (ACCESSORY DWELLING UNIT FLOATING ZONE) OF THE SOUTH JORDAN CITY MUNICIPAL CODE RELATED TO THE DEFINITION OF INTERNAL ACCESSORY DWELLING UNIT AND SINGLE-FAMILY ZONES WHERE GUESTHOUSES MAY BE BUILT.**

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

**WHEREAS**, the subject text amendment brings the definition of Internal Accessory Dwelling Unit (“IADU”) in the South Jordan City Municipal Code (“City Code”) into compliance with Utah state law; and

**WHEREAS**, the subject text amendment allows detached accessory dwelling units (defined by City Code as a “Guesthouse”) to be built in all single-family zones on lots that are at least 14,520 square feet; and

**WHEREAS**, the Planning Commission held a public hearing and reviewed the subject text amendment before forwarding a recommendation to the City Council that it adopt the text amendment; and

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

**WHEREAS**, the City Council finds that the subject text amendment will enhance the public health, safety, and welfare, and will promote the goals of the General Plan and South Jordan Moderate Income Housing Plan.

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

**SECTION 1. Amendment.** Sections 17.08.010 and 17.130.030 of the South Jordan City Municipal Code, as shown in the attached **Exhibit A**, are hereby amended.

**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 or posting as required by law.

[SIGNATURE PAGE FOLLOWS]



**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie L. Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

Gregory Simonsen  
Gregory Simonsen (Apr 18, 2024 10:19 MDT)  
Office of the City Attorney

## EXHIBIT A

(Additions in **bold underline**, deletions in strikethrough)

### 17.08.010: DEFINITIONS

ACCESSORY DWELLING UNIT OR ADU: A Life Safety and Building Code compliant dwelling unit with contiguous floor space that is incidental and subordinate to a single-family residential unit of one of the following two (2) types:

Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one (1) unit, that includes a kitchen and bathroom ~~separated from the primary dwelling by a wall, door, finished entryway, or other physical barrier that limits or restricts continuous free flow access to the ADU.~~

Guesthouse: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.

### 17.130.030: ACCESSORY DWELLING UNIT FLOATING ZONE

#### 17.130.030.010: PURPOSE

#### 17.130.030.020: REVIEW PROCESS

#### 17.130.030.030: PROHIBITIONS

#### 17.130.030.040: INSPECTIONS

#### 17.130.030.050: PRIOR USE

#### 17.130.030.060: APPEALS

#### **17.130.030.010: PURPOSE**

Accessory dwelling units or ADUs, as defined in section 17.08.010 of this Title, are intended to provide affordable housing units, economic relief to homeowners, and create desirable housing forms that appeal to households and individuals at a variety of stages in the life cycle. The Accessory Dwelling Unit Floating Zone provides regulations and design standards for ADUs. Acceptable ADUs shall be one of the following two (2) types (see section 17.08.010 of this Title for definitions):

Internal Accessory Dwelling Unit ~~or IADU~~: An ADU, that qualifies as an internal ADU under Utah State ~~Code~~**Law**, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one unit, that includes a kitchen and bathroom ~~separated from the primary dwelling by a wall, door, finished entryway, or other physical barrier that limits or restricts continuous free flow access to the ADU.~~

Guesthouse: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.

#### **17.130.030.020: REVIEW PROCESS**

The use of the Accessory Dwelling Unit Floating Zone may only be established in conformance with the review procedures of this section. Applicants shall follow the procedures, requirements,

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(Additions in **bold underline**, deletions in strikethrough)

and standards of this Code. The use of the Accessory Dwelling Unit Floating Zone shall be conducted in accordance with approved plans.

A. Planning Department Approval: All Internal Accessory Dwelling Units and ~~g~~**G**uesthouses shall require the approval of the Planning Department before they are occupied. Applicants shall electronically submit to the Planning Department an accessory dwelling unit application that includes (1) a site plan that is drawn to scale that clearly shows the location of all existing and new structures, parking, driveways, and walkways; and (2) a floor plan that is drawn to scale with room labels and indicating designated use.

1. Resident Occupancy: For all accessory dwelling units, the owner of the property, as reflected in title records, shall make his or her legal residence on the property as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.
2. Standards: The Planning Department shall approve accessory dwelling unit applications upon the following standards being met:
  - a. Zoning: The Accessory Dwelling Unit Floating Zone shall be applied to conforming single-family dwellings in the following zones: A-5, A-1, R-1.8, R-2.5, R-3, R-4 and R-5. ~~Guesthouses shall only be approved in the A-5, A-1, and R-1.8 Zones.~~ Approved accessory dwelling units shall meet the requirements of the underlying zone. Only one (1) ADU is allowed per lot. ADUs are not allowed in conjunction with mobile homes or any form of attached housing units.
  - b. Lot Size: An internal ADU shall only be approved on a lot that is greater than six thousand (6,000) square feet in area. A ~~g~~**G**uesthouse shall only be approved on a lot that is equal to or greater than fourteen thousand five hundred twenty (14,520) square feet in area. The addition of an accessory dwelling unit shall not violate the maximum building coverage requirements outlined in ~~s~~**S**ections 17.40.020 and 17.30.020 of this Title.
  - c. Parking: A minimum of one (1) off-street parking spaces, in addition to those already required for the single-family home, shall be provided for an accessory dwelling unit and shall not render the required parking spaces for the single-family home inaccessible. All parking spots shall meet the requirements of Chapter 16.26 of this Code.
  - d. Setbacks: All ADUs that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling or construction of a ~~g~~**G**uesthouse) shall comply with the following requirements:
    - (1) Setbacks, ADUs shall comply with the setbacks of the underlying zone or as approved with the subdivision. Guesthouses shall comply with the required setbacks of the underlying zone for an accessory building, however, in no case shall a ~~g~~**G**uesthouse be located closer than ten feet (10') from a side or rear property line.

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- (2) Exterior Appearance: ADUs shall be designed so that the appearance of the lot, building structure, and landscaping retain the character of a single-family neighborhood.
  - (3) Architectural Compatibility: ADUs shall be designed and constructed to be compatible with the exterior of the primary dwelling (e.g., exterior materials, colors, and roof pitch) in order to maintain the appearance of the primary dwelling as a single-family dwelling.
- e. Guesthouse Maximum Size: In all cases a ~~g~~**G**uesthouse shall remain subordinate and incidental to the primary dwelling. No ~~g~~**G**uesthouse shall have more than three (3) bedrooms. The floor space of a ~~g~~**G**uesthouse shall comprise no more than thirty-five percent (35%) of the living area of the primary dwelling or be greater than one thousand five hundred (1,500) square feet, whichever is less, unless, in the opinion of the Planning Commission, a greater amount of floor area is warranted.
3. Affidavit: Applicants for ADUs shall sign and record an affidavit stating that the owner will comply with all regulations of the Accessory Dwelling Unit Floating Zone and will live in either the primary or accessory dwelling unit as their permanent residence. The affidavit shall also include authorization of annual inspections of the ADU by City Staff to ensure compliance with all regulations of the Accessory Dwelling Unit Floating Zone.
- B. Building Permit Requirements: In addition to the approval required from the Planning Department, all accessory dwelling units that propose construction or remodeling shall require a building permit from the Building Division and shall conform to all applicable standards in the City's adopted Building Codes. The applicant shall obtain all necessary building permits and pay applicable fees prior to any construction, remodeling, or use of any ADU. ADUs shall not be approved on properties that have outstanding ordinance or building violations or are nonconforming uses or structures. Floor plans, architectural elevations, and structural calculations, as may be required, shall be submitted to the Building Division.
- C. Guesthouse Planning Commission Approval: In addition to the requirements of subsections A and B of this section, ~~g~~**G**uesthouses that propose a floor area greater than thirty-five percent (35%) of the living area for the primary dwelling or one thousand five hundred (1,500) square feet shall require review and approval by the Planning Commission.

### **17.130.030.030: PROHIBITIONS**

The installation of additional outside entrances visible from the street, separate utility meters, mailboxes, and addresses, is not permitted as such elements may compromise the appearance of the primary dwelling as a single-family dwelling. Internal ADUs shall not be rented or offered as rental units for any period less than thirty (30) consecutive days.

### **17.130.030.040: INSPECTIONS**

Yearly interior and exterior inspections may be required to determine compliance with all regulations of the Accessory Dwelling Unit Floating Zone, as may be deemed appropriate by City Staff. If the owner of the property containing an ADU violates the provisions of this Code, the City may hold a lien against the property as allowed in the Utah State Code.

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**17.130.030.050: PRIOR USE**

An existing accessory dwelling unit may be approved if the ADU complies with the requirements of this section 17.130.030. If a certificate of occupancy was not issued at the time of construction or remodeling, the applicant shall apply for a building permit and the chief building official, or his designee, shall inspect the ADU for Code compliance. All documented violations shall be corrected prior to approval of the ADU. Any uses or dwellings which previously conformed to prior ordinances, including having obtained all necessary and applicable permits, but do not now conform due to adoption of this section 17.130.030, shall be permitted to continue as a legal nonconforming use.

**17.130.030.060: APPEALS**

Decisions by the Planning Department and/or the Planning Commission regarding the issuance or denial of an accessory dwelling unit may be appealed to the Appeals and Variance Hearing Officer in accordance with section 17.16.020.020 of this Code.