

ORDINANCE NO. 2017 - 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTIONS 16.04.160, 17.04.270, 17.04.290, 17.08.010, 17.18.030, 17.30.020, 17.40.020, 17.54.190, 17.60.020, 17.62.020, 17.70.130, 17.74.080, 17.90.020, AND 17.130.030 OF THE SOUTH JORDAN CITY MUNICIPAL CODE.

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

WHEREAS, the City Council has adopted Titles 16 & 17 of the South Jordan City Municipal Code (“City Code”); and

WHEREAS, the City Council desires to enact text amendments that clarifies language within Titles 16, & 17; and

WHEREAS, the City’s Planning Commission held a public hearing, reviewed and made a recommendation concerning the subject text amendments; and

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

WHEREAS, the City Council finds that the subject text amendments 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 SOUTH JORDAN CITY, UTAH:

SECTION 1. Amendment. The following sections of the City Code are hereby amended:

Section	Identified By
16.04.160(I)	Exhibit A
17.04.270(I)	Exhibit B
17.04.290	Exhibit C
17.08.010	Exhibit D
17.18.030.040(B)(1)	Exhibit E
17.18.030.050(16)	Exhibit F
17.30.020(H)(1)	Exhibit G
17.40.020(F)(1)	Exhibit H
17.40.020(H)(1)	Exhibit I
17.40.020(I)(2)(b)	Exhibit J
17.40.020(I)(3)(d)	Exhibit K
17.54.190(A)	Exhibit L
17.60.020(G)(1)	Exhibit M
17.62.020(G)(1)	Exhibit N
17.62.020(J)(1)	Exhibit O

17.70.130(A)	Exhibit P
17.74.080(C)(5)	Exhibit Q
17.90.020(G)(1)	Exhibit R
17.130.030.080	Exhibit S

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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 18 DAY OF July, 2017 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bradley Marlor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donald Shelton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tamara Zander	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christopher Rogers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor: 
David L. Alvord

Attest: 
City Recorder

Approved as to form:


Office of the City Attorney



EXHIBIT A

SECTION 16.04.160(I)

I. Property Line Adjustments: Consenting owners of adjoining properties that comply with this subsection may apply for a property line adjustment. The adjoining properties may be any combination of lots in recorded subdivisions and/or parcels described by metes and bounds, regardless of subdivision boundaries.

1. **Property line adjustments are subject to review by the land use authority, except that parcel boundary adjustments to resolve disputed property lines between adjoining properties, while subject to Utah Code, are exempt from review. The Development Services Director is the designated land use authority for property line adjustments.**
2. **Applications shall:**
 - i. **Be filed jointly by the owners of all subject properties.**
 - ii. **Include the legal description of each original property.**
 - iii. **Include the proposed adjusted legal description of each property as proposed. Legal descriptions shall be prepared by a certified surveyor or engineer.**
 - iv. **Include no more than three properties.**
3. **The development services director shall hold a public meeting following proper notice to all owners of property adjacent to the subject properties and according to Utah Code and other applicable sections of this code.**
4. **The development services director shall approve and provide a notice of approval to the applicants for applications that comply with the following requirements:**
 - i. **The property line adjustment will not result in a new parcel or remnant land of any kind.**
 - ii. **The properties as proposed will comply with the South Jordan City Municipal Code.**
5. **The property owners that are a party to the application shall record with the Salt Lake County Recorder's Office within thirty (30) days of the issuance of the notice of approval the notice of approval and a valid document of conveyance that results in the property boundaries described by the legal descriptions submitted with the property line adjustment application.**

EXHIBIT B

SECTION 17.04.270(I)

I. Any nonconforming ~~building or structure~~ **involuntarily demolished**~~damaged~~ **or allowed to deteriorate** to the extent of no more than fifty percent (50%) of its reasonable replacement value at the time of the damage may be restored or reconstructed and the occupancy or use of such building or structure may be continued. The city may not prohibit the reconstruction or restoration of a noncomplying structure, or terminate the nonconforming use of a structure, that is involuntarily destroyed in whole or in part due to fire or other calamity, unless the structure or use has been abandoned ~~or the structure is reconstructed or restored in compliance with all provisions of this title.~~ Nonconforming single-family dwellings ~~are~~**shall be** exempt from these requirements.

EXHIBIT C

SECTION 17.04.290

This section is to promote the general welfare of the city and its citizens, businesses and visitors. This section provides a means to enforce as a nuisance certain noise and disturbances to protect and preserve the well being of the city.

A. It shall be unlawful to perform the following between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.: (Ord. 2007-02, 1-16-2007)

1. Mechanically sweep parking lots ~~in the following zones: P-O, C-C, Redwood Road MU, C-N, C-I, C-F, I-F and BH MU.~~

2. Pick up commercial refuse trash receptacles ~~within the P-O, C-C, Redwood Road MU, C-N, C-I, C-F, I-F and BH MU zone districts.~~

3. **Construction, building, or other land development activities** ~~Operate construction sites within any zone district throughout the city.~~

4. Loading, unloading, deliveries, or other handling of containers or materials associated with a non-residential use and occurring outside of an enclosed building.

B. Excluded from the regulations of this section are:

1. Projects located in areas presenting no **adverse affects from light or** noise ~~impact to~~ **other nearby properties** ~~the surrounding areas.~~

2. Projects at the discretion of the city manager or designee, which **he or she determines there is good cause to exclude the projects from the regulations of this section and determines that the projects** benefits the city as a whole.

3. Public or private services rendered during an actual emergency situation.

~~C. A violation of this section is a class C misdemeanor and is punishable as such.~~

EXHIBIT D

SECTION 17.08.010

(Only affecting those portions of the Section included below.)

~~LOT LINE ADJUSTMENT: The relocation of a property boundary between two (2) adjoining lots in a subdivision with consent of the owners of record.~~

PROPERTY LINE ADJUSTMENT: The relocation of a property boundary between two (2) adjoining properties that does not create a new parcel or remnant land of any kind. Lot line adjustments and parcel boundary adjustments, as defined by Utah Code Section 10-9a-103, shall be considered property line adjustments.

SUBDIVISION: Any division of land into two (2) or more lots or parcels. Any subdivision shall be subject to city approval and recorded in the office of the Salt Lake County recorder.

"Subdivision" does not include **property line adjustments**~~the adjusting or combining of existing parcel or lot boundaries which does not result in an additional lot.~~

SUBDIVISION AMENDMENT OR CONDOMINIUM AMENDMENT: Any change to a recorded subdivision plat or condominium record of survey map as required under this title and Utah Code Annotated. A **property line adjustment**~~"lot line adjustment"~~ does not constitute an amendment.

TITLE: The **Planning and Zoning Code**~~planning and land use ordinance~~ of **the City of South Jordan**~~City~~.

EXHIBIT E

SECTION 17.18.030.040(B)(1)

1. Utility Service: Minor utility facilities are not considered a primary use and may be allowed in all zones and on all lots or parcels at the discretion of the city engineer according to Section 17.04.240 of this Title.

EXHIBIT F

SECTION 17.18.030.050(B)

16. Vehicle Services:

a. Where buildings in the MU Zone are built to the street, vehicle bays, and vacuums shall be located to the side or rear of the building.

b. Car washes are prohibited as a primary use, except that the use and structure of a car wash that was legally established and complied with this Title as of July 18, 2017, shall not be considered non-conforming by this subsection.

EXHIBIT G

SECTION 17.30.020(H)(1)

1. Utility Screening: In nonresidential **and nonagricultural** developments, all mechanical equipment, antennas (where possible), loading **areas** and utility areas, ~~and trash receptacles~~ shall be screened from view **at ground level along the property line of the subject property** with architectural features or walls consistent with materials used in the associated buildings.

Exterior trash receptacles in nonresidential developments shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.

EXHIBIT H

SECTION 17.40.020(F)(1)

1. Minimum yard area requirements for main buildings are as follows:

ZONE	FRONT YARD (interior and corner lots)	GARAGE OPENING ¹ (front or street side)	FRONT YARD (cul-de-sac lots)	SIDE YARD (standard)	SIDE YARD (corner lot street side)	REAR YARD (interior lot)	REAR YARD (corner lot)
R-1.8	30'	30'	25'	10'	30'	25'	10'
R-2.5	25'	30'	20'	10'	25'	25'	10'
R-3	25'	30'	20'	10'	25'	25'	10'
R-4	20'	25'	20'	8'	20'	20'	10'
R-5	20'	25'	20'	8'	20'	20'	10'
R-M-5	20'	25'	20'	8'	10'	20'	10'
R-M-6	20'	25'	20'	8'	10'	20'	10'

1. The Garage Opening minimum yard area requirement shall apply to garages when the garage opening faces the street, otherwise the Front Yard minimum yard area shall apply. The Garage Opening minimum yard requirement shall be twenty-five (25) feet to any street-facing garage opening in a cul-de-sac.

EXHIBIT I

SECTION 17.40.020(H)(1)

1. Utility Screening: In nonresidential developments, all mechanical equipment, antennas (where possible), loading **areas**, and utility areas, ~~and trash receptacles~~ shall be screened from view **at ground level along the property line of the subject property** with architectural features or walls consistent with materials used in the associated buildings. **Exterior trash receptacles in nonresidential developments shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.**

EXHIBIT J

SECTION 17.40.020(I)(2)(b)

b. Main buildings shall be constructed with a majority of the roof to be a minimum roof pitch of three~~five~~ to twelve (~~35:12~~)~~roof pitch~~.

EXHIBIT K

SECTION 17.40.020(I)(3)(d)

d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum ~~three~~five-to twelve (~~3~~5:12) roof pitch over a majority of the structure.

EXHIBIT L

SECTION 17.54.190(A)

A. All mechanical equipment, antennas, loading areas, and utility areas, ~~and trash receptacles~~ shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles shall be enclosed by masonry walls that are at least as high as the receptacle itself, but not less than six (6) feet in height, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.

EXHIBIT M

SECTION 17.60.020(G)(1)

1. All mechanical equipment, antennas (where possible), loading areas, and utility areas, ~~and trash receptacles~~ shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.

EXHIBIT N

SECTION 17.62.020(G)(1)

1. All mechanical equipment, antennas (where possible), loading areas, and utility areas, ~~and trash receptacles~~ shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.

EXHIBIT O

SECTION 17.62.020(J)(1)

1. A minimum of ~~fifteen~~^{thirty} **(15)** percent (~~30%~~) landscaped open space, which may include required landscaped yard areas, shall be provided with each development in the P-O zone.

EXHIBIT P

SECTION 17.70.130(A)

A. All mechanical equipment, antennas (where possible), loading **areas**, and utility areas, ~~and trash receptacles~~ shall be screened from view **at ground level along the property line of the subject property** ~~from a public street~~ with architectural features or walls consistent with materials used in the associated buildings. **Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.**

EXHIBIT Q

SECTION 17.74.080(C)(5)

5. Mechanical equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. **Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the top of the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be is consistent with colors used in the associated buildings.**

EXHIBIT R

SECTION 17.90.020(G)(1)

1. All mechanical equipment, antennas (where possible), loading areas, and utility areas, ~~and trash receptacles~~ shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six (6) feet tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.

EXHIBIT S

SECTION 17.130.030.080

17.18.030.080: APPEALS:

Decisions by the development services~~community development~~ department and/or the planning commission regarding the issuance or denial of an accessory living unit may be appealed to the appeals and variance hearing officer~~city council~~.