

ORDINANCE NO. 2021 - 20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTIONS 17.08.010, 17.18.030.030, 17.30.020 AND 17.40.020 OF THE SOUTH JORDAN MUNICIPAL CODE REGULATING RESIDENTIAL USES AND DEVELOPMENT DESIGN STANDARDS.

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 Utah State Legislature recently passed House Bill 1003 (“H.B. 1003”) “Government Building Regulation Amendments,” which prohibit a municipality from regulating certain building design elements of one and two family dwellings; and

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

WHEREAS, the City Council desires to amend City Code Sections 17.08.010, 17.18.030.030, 17.30.020 and 17.40.020 of Title 17, regulating uses of land in residential zones and development and design standards in agricultural and residential zones, to bring those Sections in conformity with the newly enacted State law; and

WHEREAS, the South Jordan Planning Commission held a public hearing, and 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 THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. City Code Sections 17.08.010, 17.18.030.030, 17.30.020 and 17.40.020 of the South Jordan municipal code are amended as shown in Exhibit A to this Ordinance.

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 5 DAY OF October, 2021 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: *Dawn R. Ramsey*
 Dawn R. Ramsey

Attest: *Anna Creston*
 City Recorder

Approved as to form:

[Signature]
 Office of the City Attorney



EXHIBIT A

(Deletions in ~~strikethrough~~ new language in **bold underline**)

Chapter 17.08 DEFINITIONS GENERALLY

17.08.010 DEFINITIONS

CONTINUOUS FREE FLOW ACCESS: A continuous and open path between the primary dwelling area and the ~~second kitchen or~~ potential internal accessory dwelling unit contained in a primary dwelling unit. The access path shall allow two-way access through entryways (which shall not be finished to facilitate the addition of a door), open spaces, hallways, stairways, or other open access ways that remain uninhibited by doors, walls, or any other physical barrier. The path shall have openings of at least forty-eight (48) inches wide or the standard width of the connecting corridor so as not to limit or restrict access.

~~**SECOND KITCHEN:** A second kitchen, contained within the primary dwelling unit that provides continuous free flow access between the primary dwelling area and the second kitchen. Second kitchens are not considered accessory dwelling units as long as continuous free flow access is maintained.~~

Chapter 17.18 USES

17.18.030.030 RESIDENTIAL USE REGULATIONS

6. Single-Family, Detached: Lots or parcels may be occupied by only one single-family dwelling unit as the primary dwelling. Accessory dwelling units may be permitted according to the provisions of section 17.130.030, "Accessory Dwelling Unit Floating Zone", of this title. ~~A second kitchen, as defined in section 17.08.010 of this Title, is not considered an accessory dwelling unit and may be allowed as a permitted use in a single family detached dwelling unit provided that it complies with the following:~~

- ~~a. Only one (1) second kitchen shall be permitted per lot.~~
- ~~b. The residence **Single-Family dwellings** shall have only one (1) front entrance, one (1) address, one (1) mailbox, and one (1) electrical meter.~~
- ~~e. Continuous free flow access shall be maintained at all times between the primary dwelling area and the second kitchen.~~
- ~~d. The second kitchen shall be contained within the primary dwelling so as to be one (1) unit and shall not be installed in an accessory building or detached from the primary dwelling.~~
- ~~e. Construction of any second kitchen shall meet standards of the current building codes adopted by the City.~~

- ~~f. Approval of a second kitchen within a single family dwelling unit shall not be an approval of a second dwelling unit or accessory dwelling unit.~~
- ~~g. Upon request by the City, the owner shall allow inspection of the dwelling unit and second kitchen to determine compliance with this section.~~

Chapter 17.30 AGRICULTURAL ZONES

17.30.020 DEVELOPMENT AND DESIGN STANDARDS

I. Architecture: The following exterior materials and architectural standards are required in Agricultural Zones:

1. General Architectural Standards:
 - a. All building materials shall be high quality, durable and low maintenance.
 - b. The exteriors of buildings in Agricultural Zones shall be properly maintained by the owners or owners' association.
 - c. Signs shall meet the requirements of title 16, chapter 16.36, "Sign Ordinance", of this Code and shall be constructed of materials that are consistent with the buildings they identify.
 - d. Main buildings shall be no greater than thirty five feet (35') high.
2. Architectural Standards For Main Buildings:
 - ~~a. Main buildings, excluding main buildings used for agricultural uses, shall be constructed with a minimum amount of brick or stone that is calculated by multiplying two (2) by the perimeter of the foundation (including garage).~~
 - ~~b. Main buildings shall be constructed with a majority of the roof to be a minimum five to twelve (5:12) pitch, except that roofs of agricultural main buildings may be constructed to be a minimum four to twelve (4:12) roof pitch over the majority of the building.~~
 - a.** ~~e.~~ Residential main buildings shall include a minimum two car garage (minimum 22 feet x 22 feet, or an approved equivalent area).
 - b.** ~~d.~~ The minimum total floor area, finished and unfinished, of any residential main building shall be two one thousand four hundred (2,400 1000) square feet **not including a garage.**
 - c.** ~~e.~~ Residential main buildings shall include architectural elements (i.e., main entrance, porch) that distinguish the side of the building oriented toward the front yard as the front of the house. The front of the house shall be accessible by a pedestrian from the adjacent right-of-way.

CHAPTER 17.40

RESIDENTIAL ZONES

17.40.020 DEVELOPMENT AND DESIGN STANDARDS

I. Architecture: The following exterior materials and architectural standards are required in Agricultural Zones:

1. General Architectural Standards:

- a. All building materials shall be high quality, durable and low maintenance.
- b. The exteriors of buildings in Agricultural Zones shall be properly maintained by the owners or owners' association.
- c. Signs shall meet the requirements of title 16, chapter 16.36, "Sign Ordinance", of this Code and shall be constructed of materials that are consistent with the buildings they identify.
- d. Main buildings shall be no greater than thirty five feet (35') high.

2. Architectural Standards For Main Buildings:

- ~~a. Main buildings shall be constructed with a minimum amount of brick or stone that is calculated by multiplying two (2) by the perimeter length of the foundation (including garage).~~
- ~~b. Main buildings shall be constructed with a majority of the roof to be a minimum roof pitch of three to twelve (3:12), except that main buildings of a contemporary design with a parapet wall enclosing the roof deck may be constructed with a lower roof pitch when done so in compliance with applicable Building Codes.~~
- a.** ~~e.~~ Residential main buildings shall include a minimum two car garage (minimum 22 feet by 22 feet, or an approved equivalent area).
- b.** ~~d.~~ The minimum total floor area, finished and unfinished, of any residential main building shall be ~~two~~**one** thousand four hundred ~~(2,400)~~**1000** square feet **not including a garage.**
- c.** ~~e.~~ Residential main buildings shall include architectural elements (i.e., main entrance, porch) that distinguish the side of the building oriented toward the front yard as the front of the house. The front of the house shall be accessible by a pedestrian from the adjacent right-of-way.