



REQUEST FOR COUNCIL ACTION

Action: Provide information to Council

Meeting Date Requested : 7/28/2021

Presenter: Larry Gardner

Deadline of item : 7/28/2021

Department Sponsor: Community Development

Agenda Type: New Business

Time Requested: 5 minutes presentation, 10 minute Council

(Council may elect to provide more or less time)

Approval Signatures *(required for all transmittals)*

Submitter: Larry Gardner
Larry Gardner (Jul 19, 2021 15:57 MDT)

Dept. Head: Scott Langford
Scott Langford (Jul 19, 2021 15:59 MDT)

Reviewed as to Form: Duncan Murray
Duncan Murray (Jul 19, 2021 15:58 MDT)

Executive: [Signature]

Council Office: [Signature]

Council Committee: None

1. AGENDA SUBJECT:

Item a – Text Amendment – Accessory Living Quarters; Removal of Section 13-8-17 Accessory Living Quarters and amend Section 13-8-3 Accessory Uses chart removing Accessory Living Quarters and footnote; City-wide applicability; City of West Jordan (applicant)

2. SUMMARY:

Repeal of Section 13-8-17 Accessory Living Quarters and amend Section 13-8-3 Accessory Uses chart removing Accessory Living Quarters and footnote.

3. TIME SENSITIVITY / URGENCY:

No urgency

4. BUDGET IMPACT:

None

5. DEPARTMENT RECOMMENDATION:

Approval

6. PLANNING COMMISSION RECOMMENDATION:

Positive recommendation

7. MOTION RECOMMENDED

Motion to approve Ordinance 21-33 repealing Section 13-8-17 Accessory Living Quarters and amend Section 13-8-3 Accessory Uses chart removing Accessory Living Quarters and footnote.

8. PACKET ATTACHMENT(S):

Staff Report
Ordinance 21-33
Planning Commission Minutes – July 6, 2021

I. BACKGROUND

The proposed ordinance will repeal Section 13-8-17 Accessory Living Quarters and amend Section 13-8-3 Accessory Uses chart removing Accessory Living Quarters and footnote. The approval of the Internal and External Accessory Dwelling Unit ordinance has made these sections obsolete.

To be repealed:

13-8-17: ACCESSORY LIVING QUARTERS:

Accessory living quarters are conditionally permitted in the VLSFR, R-E-40, R-R-40, A-20, A-5 and A-1 districts, provided the following conditions are met:

- A. Shall be limited to one accessory living quarter per principal dwelling unit.
- B. Shall be architecturally compatible with the principal dwelling in order to maintain the appearance of the property as a single-family residence. A material and color board shall be required to ensure compatibility.
- C. Shall not be served by separate metered utility services or by separate mailboxes.
- D. Shall have no entry into the living space, which is visible from the public right of way.
- E. Shall have a gross floor area less than thirty three percent (33%) of the gross floor area of the principal dwelling unit.
- F. Shall not be leased or rented separately from the principal dwelling unit, except to family members related by blood, marriage or adoption.
- G. Shall be limited to lots that are forty thousand (40,000) square feet or larger.
- H. Shall be required to have a minimum of one paved off street parking space. Said space shall be located outside the required front yard and corner side yard.
- I. Shall record a deed restriction on the property indicating the restricted uses of the accessory living quarters.
- J. Shall require an affidavit from property owner stating the accessory living quarter is not leased or rented separately from the principal dwelling, except to family members related by blood, marriage or adoption.
- K. Shall not be used for home occupations as outlined in section 13-11-3 of this title. Caretaker living in accessory living quarters does not constitute a home occupation.
- L. Shall conform to the rear and side yard setbacks required for the principal dwelling unit.
- M. Shall be located in the rear yard and prohibited in the front, side and corner side yards.
- N. Shall not be temporary in nature and shall be placed on a permanent foundation.
- O. Shall be subject to all other applicable requirements of this title, unless otherwise stated in this section. (2001 Code §89-6-119; amd. 2009 Code)

To be repealed:

13-8-3 Accessory Uses chart removing Accessory Living Quarters and footnote.

II. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to making a positive recommendation to the City Council for a Zoning Ordinance text amendment, the Planning Commission must make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

“GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that are consistent with State Code, and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed amendment will repeal an ordinance that is obsolete.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: Staff has not found, at this point, any conflicts with any other sections of the 2009 City Code.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The ordinance repeal will not relieve a particular hardship or confer special privilege on any particular person.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 21-33

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(ACCESSORY LIVING QUARTERS, SECTIONS 13-8-3 AND 13-8-17)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and

WHEREAS, titles 5, 8, 9, 10, 11, 12, 13, 14, and 15 of the City Code have been adopted as “Land Use Regulations”, as defined by Utah Code Ann. Subsection 10-9a-103(32) or successor provisions; and

WHEREAS, the City desires to adopt, amend, and/or repeal certain sections of the City Code, which have been and/or which are being adopted as Land Use Regulations (“proposed City Code amendments”); and

WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public hearing(s) on July 6, 2021 regarding the proposed City Code amendments and forwarded a positive recommendation to the City Council of the City (“City Council”) regarding the proposed code amendments; and

WHEREAS, after reviewing the Planning Commission’s recommendation, and after the City Council held its own public hearing on August 11, 2021 regarding the proposed City Code amendments, the City Council finds it to be in the best interest of the public health, safety, and welfare to adopt the following amendments to the City Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Repeal of Land Use Regulations. City Code Section 13-8-17, which is a Land Use Regulation section, is hereby repealed in its entirety.

Section 2. Amendment of Land Use Regulations. City Code Section 13-8-3, which is a Land Use Regulation section, is hereby amended, so that it shall now read as shown on Attachment 1 to this Ordinance.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and either (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to him.

(Continued on the following pages)

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS
DAY OF _____, 2021.

CITY OF WEST JORDAN

By: _____

Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

Council Chair Zach Jacob
Council Vice Chair Kelvin Green
Council Member Chad R. Lamb
Council Member Chris McConnehey
Council Member David Pack
Council Member Kayleen Whitelock
Council Member Melissa Worthen

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PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

_____ The Mayor approved and signed Ordinance No. 21-33.

_____ The Mayor vetoed Ordinance No. 21-33 on _____ and the
City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 21-33 became effective by operation of law without the
Mayor's approval or disapproval.

Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and
that a short summary of the foregoing ordinance was published on the Utah Public Notice Website
on the _____ day of _____, 2021. The fully executed copy of the ordinance
is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan
City Recorder

(Attachment on the following page)

Attachment 1

[Attachment to ORDINANCE NO. 21-33
AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(ACCESSORY LIVING QUARTERS, SECTIONS 13-8-3 AND 13-8-17)

Legislative Version:

13-8-17: ACCESSORY LIVING QUARTERS:

Accessory living quarters are conditionally permitted in the VLSFR, R-E-40, R-R-40, A-20, A-5 and A-1 districts, provided the following conditions are met:

- A. Shall be limited to one accessory living quarter per principal dwelling unit.
- B. Shall be architecturally compatible with the principal dwelling in order to maintain the appearance of the property as a single-family residence. A material and color board shall be required to ensure compatibility.
- C. Shall not be served by separate metered utility services or by separate mailboxes.
- D. Shall have no entry into the living space, which is visible from the public right of way.
- E. Shall have a gross floor area less than thirty three percent (33%) of the gross floor area of the principal dwelling unit.
- F. Shall not be leased or rented separately from the principal dwelling unit, except to family members related by blood, marriage or adoption.
- G. Shall be limited to lots that are forty thousand (40,000) square feet or larger.
- H. Shall be required to have a minimum of one paved off street parking space. Said space shall be located outside the required front yard and corner side yard.
- I. Shall record a deed restriction on the property indicating the restricted uses of the accessory living quarters.
- J. Shall require an affidavit from property owner stating the accessory living quarter is not leased or rented separately from the principal dwelling, except to family members related by blood, marriage or adoption.
- K. Shall not be used for home occupations as outlined in section 13-11-3 of this title. Caretaker living in accessory living quarters does not constitute a home occupation.
- L. Shall conform to the rear and side yard setbacks required for the principal dwelling unit.
- M. Shall be located in the rear yard and prohibited in the front, side and corner side yards.
- N. Shall not be temporary in nature and shall be placed on a permanent foundation.
- O. Shall be subject to all other applicable requirements of this title, unless otherwise stated in this section. (2001 Code §89-6-119; amd. 2009 Code)

13-8-3: ACCESSORY USES, BUILDINGS AND STRUCTURES:

A. Permitted And Conditional Uses Chart: Accessory uses allowed in all zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with title 15 of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the respective zones.

ACCESSORY PERMITTED AND CONDITIONAL USES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

[illegible]

Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses of up to 12 clients per session	AC	AC	AC	AC	AC	AC	AC	AC	AC													AC	AC	AC		AC	AC	AC	AC	AC
Home occupation listed in section 13-11-3 of this title	P	P	P	P	P	P	P	P	P													P	P	P		P	P	P	P	P
Outdoor exhibits, displays or sales areas																						P								P
Outside storage and operations ²													C					AC	AC											
Produce or flower stands									P													P		AC						P
Produce stand, selling farm products grown on the premises (not exceeding 300 sq. ft. in area and limited to 1 stand per lot)	P																													
Retail warehouse outlet																		AC												
Solar energy system, building mounted ³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar energy system, ground mounted ³	AC	AC	AC	AC	AC	AC	AC	AC	AC	P	P	P	P	P	P	P	P	P	P	P	P	P	P	AC	AC	AC	AC	AC	AC	P
Wind energy system, micromodel ³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind energy system, rooftop mounted ³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind energy system, small ³										AC	AC	AC	AC	AC	AC	AC	P	P	P	AC	AC									

Notes:

- ~~Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this chapter are met.~~
- Outside storage and operations shall be conditionally permitted, provided the requirements of subsections 13-5F-4D and 13-14-3B of this title are met.
- Wind and solar energy systems shall be conditionally permitted, provided the requirements of section 13-8-22 of this chapter are met.

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JULY 6, 2021 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Trish Hatch, Kent Shelton, Jay Thomas, Matt Quinney, Corbin England, Ammon Allen, and Pamela Bloom.

STAFF: Scott Langford, Larry Gardner, Mark Forsythe, Julie Davis, Duncan Murray (remotely)

OTHERS: Mayor Burton, Rosanne Webster, Dale VanWagoner, Jared Mitchell, Cordon Capell

I. Text Amendment – Accessory Living Quarters - Removal of Section 13-8-17 Accessory Living Quarters and amend Section 13-8-3 Accessory Uses chart removing Accessory Living Quarters and footnote; City-wide applicability; City of West Jordan (applicant) [#24588]

Larry Gardner said the approval of the new ADU ordinance made this section of the code obsolete. The new ordinance will allow this type of use with fewer restrictions.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council.

Trish Hatch opened the public hearing.

Further public comment was closed at this point for this item.

MOTION: Pamela Bloom moved that the Planning Commission forward a positive recommendation to the City Council for the Text Amendment regarding Accessory Living Quarters. The motion was seconded by Ammon Allen and passed 7-0 in favor.












NB a - Accessory Living Quarters


Final Audit Report

2021-07-20

Created:	2021-07-19
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOanPRPXPRQApmOVg3F7tBujESd-DzMmB

"NB a - Accessory Living Quarters" History

-  Document created by Cindy Quick (Cindy.quick@westjordan.utah.gov)
2021-07-19 - 9:52:35 PM GMT- IP address: 207.225.200.66
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2021-07-19 - 9:53:28 PM GMT
-  Email viewed by Larry Gardner (larry.gardner@westjordan.utah.gov)
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 Agreement completed.

2021-07-20 - 4:00:03 PM GMT