

# SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 9/3/2024

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**Application:** TEXT AMENDMENT - AMENDING CITY CODE SECTION  
17.130.020 RESIDENTIAL CHICKENS FLOATING ZONE

**Ordinance No.:** 2024-17

**Applicant:** City of South Jordan

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

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**Staff Recommendation (motion ready):** I move that the Planning Commission recommend to the City Council that it **approve** Ordinance No. 2024-17.

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## **BACKGROUND:**

Earlier this year the City Council asked staff to propose changes to City Code § 17.130.020, the Residential Chickens Floating Zone (the “Floating Zone”), that would expand the Floating Zone to lots in all residential zones that are at least 10,000 square feet. As currently written, the Floating Zone only applies to properties that are at least 10,000 square feet in single-family residential zones.

## **ANALYSIS:**

If approved, the proposed text amendment would apply to all residential zones, including the Residential-multiple (R-M) Zone. Although the vast majority of properties in the R-M Zone do not qualify for keeping chickens under the Floating Zone because they are less than 10,000 square feet, there are some lots in the R-M Zone that are at least 10,000 square feet. This proposed change would allow those properties to keep chickens according to the rules of the Floating Zone. The proposed text amendment would not change existing requirements of the Floating Zone, which exist to protect neighboring properties that either do not choose to keep chickens or do not qualify under the Floating Zone to keep chickens. The proposed amendment would also clarify that roosters are prohibited on properties zoned R-1.8, even if those properties qualify for the keeping of other farm animals under the Farm Animal Floating Zone (City Code 17.130.040).

The proposed text amendment also changes the name from “Residential Chickens Floating Zone” to “Residential Chickens Overlay Zone.” This change brings the name of this zoning tool in line with the definition of “floating zone” and “overlay zone” in City Code § 17.130.010 (Definition and Purpose). City Planning staff changed this definition<sup>1</sup> as part of the original

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<sup>1</sup> The amended definition of “floating zone” and “overlay zone” is similar to how those zoning tools are defined across the country, including by the American Planning Association. (See <https://www.planning.org/divisions/planningandlaw/propertytopics.htm#:~:text=Basics%20%E2%80%94%20A%20floating%20zone%20is,amendment%20in%20the%20zoning%20ordinance.>)

Planned Development Floating Zone ordinance in 2016, but did not rename any of the existing floating zones.

### **PLANNING COMMISSION HEARING & RECOMMENDATION:**

The Planning Commission held a public hearing on Ordinance No. 2024-17 on Tuesday, August 27, 2024 and unanimously recommended that the City Council approve the Ordinance, including changing the name from “Residential Chickens Floating Zone” to “Residential Chickens Overlay Zone.”

### **STAFF FINDINGS, CONCLUSION & RECOMMENDATION:**

#### **Findings:**

- Utah Code § 10-9a-102 grants the 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.*)
- The proposed text amendment is consistent with the Floating Zones purpose “to encourage sustainable local and family food production, while establishing regulations that control the appropriateness of chickens.” (*See City Code § 17.130.020.*)
- City staff has observed that when property owners comply with all the provisions of the Floating Zone the City generally does not receive complaints about chickens kept on residential lots. Complaints to the City about chickens usually occur where there are roosters and where property owners do not properly site or maintain chicken coops. The Floating Zone already addresses those complaints.

**Conclusion:** The proposed text amendment allows all residentially zoned properties that meet the minimum requirements of the Floating Zone, including the minimum 10,000 square foot lot requirement, to keep chickens.

**Recommendation:** Recommend that the City Council approve Ordinance No. 2024-17.

#### **ALTERNATIVES:**

- Recommend approval of Ordinance No. 2024-17 with changes.
- Recommend denial of Ordinance No. 2024-17.

#### **SUPPORT MATERIALS:**

- Ordinance No. 2024-17
  - Exhibit A (Proposed Text Amendment)

**ORDINANCE NO. 2024 - 17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING PORTIONS OF SECTION 17.130.020 (RESIDENTIAL CHICKENS FLOATING ZONE) OF THE SOUTH JORDAN CITY MUNICIPAL CODE.**

**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 expands the Residential Chickens Floating Zone to all residential zones; and

**WHEREAS**, the subject text amendment allows all owners of lots that meet the requirements of the Residential Chickens Floating Zone, including the minimum lot size of 10,000 square feet, to keep chickens on their lots; and

**WHEREAS**, the subject test amendment changes the name of the zone from “Residential Chickens Floating Zone” to “Residential Chickens Overlay Zone” to align with the definition of floating and overlay zones in Section 17.130.010 of the South Jordan City Municipal Code; 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 purpose of the Residential Chickens Floating Zone.

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

**SECTION 1. Amendment.** Section 17.130.020 of the South Jordan City Municipal Code, as shown in the attached **Exhibit A**, is hereby amended. References to the “Residential Chickens Floating Zone” in Sections 17.18.030.030.A.3, 17.130.040.010 and 17.130.040.030.A.1 of the South Jordan City Municipal Code are hereby amended to “Residential Chickens Overlay Zone.”

**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 \_\_\_\_\_ 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 (Aug 29, 2024 15:17 MDT)  
Office of the City Attorney

## EXHIBIT A

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

### 17.130.020: RESIDENTIAL CHICKENS ~~FLOATING~~**OVERLAY** ZONE

The Residential Chickens ~~Floating~~**Overlay** Zone is established to provide regulations and standards for the raising of chickens and egg production in certain Residential Zones in the City. The ~~Floating~~**Overlay** Zone is intended to encourage sustainable local and family food production, while establishing regulations that control the appropriateness of chickens in a ~~semirural~~**residential** environment as needed to protect the health, safety, and welfare of the community. Except for standards herein allowed under the “Residential Chickens ~~Floating~~**Overlay** Zone,” land use and development standards shall meet the requirements of the underlying zone.

#### 17.130.020.005: STANDARDS FOR RESIDENTIAL CHICKENS

The Planning Department may approve requests for the raising of residential chickens and egg production for family food production based upon the following standards being met:

- A. Residential Land Use Requirement: The raising of chickens in Residentially zoned areas is permitted, subject to the regulations established herein, for minimum ten thousand (10,000) square foot residential lots within the P-C and ~~Single-Family~~ Residential R Zones. Standards for raising chickens on Agriculturally zoned properties are regulated based upon animal requirements under the A-1 and A-5 Zones set forth in **Section 17.130.040, “Farm Animal Floating Zone,” of this Chapter.**
- B. Number and Type of Chickens Allowed: Up to six (6) chickens per residential lot may be kept for the purpose of family food production. The keeping of roosters in Residential Zones is expressly prohibited, **including on properties zoned R-1.8 that qualify under Section 17.130.040, “Farm Animal Floating Zone,” of this Chapter.** ~~Roosters, as part of pullet stock, may be kept temporarily until such stock is four (4) months old.~~
- C. Coop Size and Location: The size, height, and location of chicken coops shall be adequate to house the number of chickens on the property and shall meet the requirements for accessory buildings in the underlying zone, including setbacks and rear lot coverage. In addition to ~~said the~~ **residential accessory building** requirements, chicken coops (or the portion of a larger accessory structure used for the raising of chickens) shall be located at least ten feet (10') from the on-site dwelling, five feet (5') from the property line of an adjoining neighbor, and forty feet (40') from a dwelling on an adjoining property.
- D. Chicken Care and Maintenance Guidelines: The raising of residential chickens and egg production shall be done in such a way that the use is clearly subordinate to the residential character of the property with no significant impacts or nuisances being created for the residential neighborhood in general and adjoining property owners in particular.
  1. Education and Awareness: Residents interested in residential chickens and egg production are strongly encouraged to educate themselves as to appropriate chicken raising methods, Salt Lake County Board of Health requirements, and City ordinances before purchasing chickens and equipment, constructing facilities, and obtaining applicable City permits.

## EXHIBIT A

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

Residents are also encouraged to discuss their family food production plans with adjoining neighbors. Regardless of approvals by the City, the keeping of residential chickens may be further restricted civilly by homeowners' associations and recorded restrictive covenants.

2. Slaughtering: The slaughtering or processing of chickens outdoors for food production is expressly prohibited in Residential Zones.
3. Feed Containers: The storage and accessibility of chicken feed shall be so handled to discourage rodents, other vermin, and predators.
4. Nuisance: Property owners will ensure that the raising of residential chickens and egg production is properly conducted and monitored to not create impacts to neighbors. Approval to raise residential chickens shall include the construction and maintenance of adequate and comely coops, pens, enclosures, and property fencing that will confine chickens to the property and that do not adversely affect neighborhood property values. The maintenance and cleanliness of facilities and equipment shall be the ongoing responsibility of the property owner. If and when nuisance issues arise, property owners will work with neighbors, and City staff as necessary, to amicably resolve concerns. Complaints shall be considered prima facie nuisances with the burden upon property owners to resolve the same.

### **17.130.020.010: PLOT PLAN, PERMITS, FEES, INSPECTIONS, AND POTENTIAL REVOCATION**

A onetime residential chicken permit and fee (as established by the City Council) shall be required for the keeping of residential chickens in approved Residential Zones. In order to determine compliance with the requirements herein, ~~two (2) copies of~~ a plot plan shall be submitted to the Planning Department, drawn to scale, clearly showing the location of all existing and proposed structures, coops, pens, enclosures, and property fencing as may be needed depending on the proposed type of residential chicken setup. The plot plan shall also show building structures on adjoining residential lots. Distances to on-site and off-site structures as well as property lines shall be indicated to facilitate review and compliance.

Before any required building permits may be issued, appropriate building construction plans shall be submitted to the City for review and compliance with Building Codes, along with any applicable building permit fees. Periodic property inspections may be necessary to determine compliance with residential chicken standards, as may be deemed appropriate by City staff. Residential chicken permits may be revoked for noncompliance with the standards stated herein.

### **17.130.020.015: TRANSFERABILITY**

Residential chickens and egg production in Residential Zones is not transferable. Upon sale of the home or the change of primary occupant, the approval for residential chickens shall expire, unless otherwise renewed by the new owner or tenant. A renewed application and permit shall be required if previously approved residential chickens and egg production is discontinued for more than one year by the property occupant.