

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,

EXHIBIT A

(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.

EXHIBIT A

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

- (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.

EXHIBIT A

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

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.