

SOUTH JORDAN CITY  
CITY COUNCIL ELECTRONIC MEETING

September 15, 2020

**Present:** Mayor Pro Tempore Don Shelton, Council Member Patrick Harris, Council Member Jason McGuire, Council Member Tamara Zander, CM Gary Whatcott, City Attorney Ryan Loose, Assistant City Attorney Greg Simonsen, ACM Dustin Lewis, Public Works Associate Director Jerimie Thorne, Engineering Director Brad Klavano, City Recorder Anna Crookston, City Commerce Director Brian Preece, Deputy Fire Chief Ryan Lessner, Communications Manager Rachel VanCleave, Strategic Services Director Don Tingey, Police Chief Jeff Carr, Administrative Services Director Spencer Kyle, Planning Director Steven Schaefermeyer, CDBG Coordinator Katie Olson, Long Range Planning Intern Meadow Wedekind, CFO Sunil Naidu, Executive Assistant Melanie Edwards, IT Director Jon Day, GIS Coordinator Matt Jarman, City Council Secretary MaryAnn Dean

**Excused:** Mayor Dawn R. Ramsey, Council Member Brad Marlor

**Others:** Attendance electronically via Zoom

6:30 PM

REGULAR ELECTRONIC MEETING

**A. Welcome, Roll Call and Introduction to Electronic Meeting:** *Mayor Dawn R. Ramsey*

Mayor Pro Tempore Shelton welcomed everyone present. He excused Mayor Ramsey and Council Member Marlor. He said they will hear from Mayor Ramsey with a prerecorded video message later in the meeting. He sent prayers and well wishes to the Mayor and her family. Earlier this evening, the City Council elected him as Mayor Pro Tempore.

Mayor Pro Tempore Shelton reviewed the protocol for the electronic meeting.

**B. Invocation** – *By Council Member Patrick Harris*

Council Member Harris offered the invocation.

Mayor Pro Tempore Shelton recognized Susan Pulsipher who was present.

**C. Pledge of Allegiance** – *By Council Member Jason McGuire*

Council Member McGuire led the audience in the Pledge of Allegiance.

**D. Minute Approval**

D.1. September 1, 2020 Council Study Meeting

D.2. September 1, 2020 City Council Meeting

**Council Member McGuire made a motion to approve the September 1, 2020 Council study meeting minutes, and the September 1, 2020 City Council meeting minutes, as printed. Council**

**Member Harris seconded the motion. The vote was 4-0 in favor, with Council Member Marlor absent.**

#### **E. Mayor and Council Reports**

Council Member Zander said she attended a South Valley Mosquito Abatement District meeting. Things are good and conditions are improving. She also met with some candidates for elected office and expressed an appreciation to those willing to run for office.

Council Member Harris said he met with CM Whatcott on some issues, nothing that needs to be reported to the City Council.

Council Member McGuire said he met with Peterson Development to discuss the project that they reviewed in tonight's study session.

Mayor Pro Tempore Shelton said he also met with Peterson Development. He appreciates their efforts to be sensitive to the community. He visited with a candidate for the US House of Representatives. He also expressed appreciation to those willing to run for office.

#### **F. Public Comment:**

None.

**G. Proclamation:** The 233<sup>rd</sup> Anniversary of the Constitutional Convention and Constitution Week 2020. *(By Mayor Dawn R. Ramsey)*

A prerecorded video was played of Mayor Ramsey reading the proclamation.

Mayor Pro Tempore Shelton read a statement submitted by Mayor Ramsey that read, "I love our Constitution and the Republic it was designed to govern and protect. Thank you to the Daughters of the American Revolution for coming to visit with me and for their shared love for this sacred document. I am proud to proclaim September 17-23, 2020 as Constitution Week 2020 in the City of South Jordan." (Attachment A).

**H. Public Hearing: Resolution R2020-52,** approving the 2019 Consolidated Annual Performance and Evaluation Report and authorizing submittal to the U.S. Department of Housing and Urban Development. *(By CDBG Coordinator, Katie Olson)*

Katie Olsen, CDBG Coordinator, reviewed a prepared presentation (Attachment B).

Mayor Pro Tempore Shelton opened the public hearing.

Peggy Daniel, South Valley services, thanked the city for the partnership that they have provided. She said they are a crisis shelter for homeless domestic violence survivors. In the past year, they served 34 residents with 249 services. With the pandemic, they have seen a 20 percent rise in domestic violence throughout the world. She said they work in partnership with other agencies. She reviewed some of the services they provide including the hotline, victim advocates, lap assessment,

shelter, case managers, on site therapists, and classes. She said the statistics provided were between July 1, 2019 - June 30, 2020.

Council Member Zander said there is a lot of need in the community. It is good to see the funds go in the right place. Council Member McGuire concurred.

Mayor Pro Tempore Shelton asked how they figure out how many people they help from South Jordan? Ms. Olson said there is a substantial intake process where they get phone numbers, addresses, income, etc. It was noted that there are not enough services located in the south part of the valley. Most providers are in West Jordan. The food pantry is further away than they would like.

**Council Member Zander made a motion to approve Resolution R2020-52. Council Member McGuire seconded the motion. The vote was 4-0 in favor, with Council Member Marlor absent.**

- I. **Public Hearing:** Otto Jones Property Rezone – Located at 10431 South 3200 West (PLZBA202000131). **Resolution R2020-51**, authorizing Mayor to sign a Development Agreement; and **Rezone Ordinance 2020-07-Z**, rezoning the property from R-1.8 Single-Family Residential, 1.8 lots per acre to R-2.5 Single-Family Residential, 2.5 lots per acre Zone. Applicant Justin Jones. *(By Planning Director, Steven Schaefermeyer)*

Planning Director Schaefermeyer reviewed the background information on this item. He reviewed a prepared presentation (Attachment C). He said there was some concerns about the quality of homes and width of lots; the proposal meets the requirements of the R-2.5 zone and the existing zone. The architectural and size requirements for the R-2.5 and R-1.8 are the same, the difference is the minimum lot size and setbacks. Many of the lots are bigger than the minimum requirement for R-2.5.

Justin Jones, applicant, said they have worked with staff to get a good plan moving forward for the neighborhood and the city.

Paxton Guyman said Mr. Schaefermeyer did a good job explaining why this rezone makes sense. He said the increase in density is only a difference of 3-4 lots. It allows for the developer to have a density that works, and the city to have some benefits that have been outlined.

Mr. Schaefermeyer said the Planning Commission vote was 2-2. The chair had concerns with upzoning any existing property because of school crowding. The other no vote was because they were concerned if it would fit with the surrounding neighborhood. They also received a handful of public comments. He said they received a comment from UDOT asking that a 10 ft. buffer be placed on the 2 lots next to South Jordan Parkway, just in case the road is widened in the future. That would need to be added to the development agreement.

Mr. Guyman said the applicant is willing to provide the 10 ft., and will accept that as a condition of approval.

Mayor Pro Tempore Shelton opened the public hearing.

**Ryan Benson**, 10531 S. Alexander Park Lane, said he lives across from lot 1. The Jones family talked with him about their plans. His family is excited for the proposal and to be part of the neighborhood. They are sad to see the elk and bison go, but they are thrilled with the proposal.

There were several written comments submitted for this public hearing (Attachment D).

Mayor Pro Tempore Shelton closed the public hearing.

Council Member McGuire asked if HOA's will be formed for snow removal for the private lanes? The city does not do snow removal on stub ends. Mr. Schaefermeyer said it will be similar to a flag lot situation. There are easements over the lots for access, paving, snow removal and other types of maintenance.

Council Member Harris asked if an HOA will be formed? Mr. Guyman said there is not a need for an HOA because the lots that benefit from the easements will be responsible to maintain the lots. Council Member McGuire asked if one person does not want to remove snow, it could cause problems for the others. Mr. Guyman said it is a 40 ft. easement; people can clear what is adjacent to their property and that should be adequate.

Mr. Schaefermeyer said they have not gotten into the design of the 40 ft. driveways yet, but they will be designed to allow for emergency vehicle access and they need the ability to pull out safely onto 3200 West. He said the private accesses are not ideal. In this case, they make sense because of the shape of the property and the large lot requirements of the zone.

Council Member Zander asked what will be done with the lot on the northwest corner? Mr. Jones said they do not know at this time. The change is hard for the family; they can't give a definitive answer at this time. Council Member Zander asked if either keeping the home or removing that home would be okay with this approval tonight? Mr. Jones said yes.

Mayor Pro Tempore Shelton asked about garbage removal for the homes with the private access? Engineering Director Klavano said they could possibly get a garbage truck on the road. That will be addressed in the design phase. Mr. Schaefermeyer said there will be a garbage plan done in conjunction with public works.

**Council Member McGuire made a motion to approve Resolution R2020-51, and to add language to the Development Agreement to increase the buffer on South Jordan Parkway by an additional 10 ft. Council Member Zander seconded the motion. Roll call vote. The vote was 4-0 in favor, with Council Member Marlor absent.**

**Council Member McGuire made a motion to approve Rezone Ordinance 2020-07-Z. Council Member Zander seconded the motion. Roll call vote. The vote was 4-0 in favor, with Council Member Marlor absent.**

- J. Public Hearing: Ordinance 2020-03, File PLZTA201900519 Text Amendment adding subsection 17.130.060 regarding the creating of the Flag Lot Overlay Zone. (By Planning Director, Steven Schaefermeyer)**

Planning Director Schaefermeyer reviewed the background information on this item.

Mayor Pro Tempore Shelton opened the public hearing. There were no comments. He closed the public hearing.

Mr. Schaefermeyer noted that the Planning Commission recommended approval of this Ordinance 4-0.

**Council Member Harris made a motion to approve Ordinance 2020-03. Council Member Zander seconded the motion. Roll call vote. The vote was 3-1 in favor, with Council Member McGuire opposed and Council Member Marlor absent.**

**K. Public Hearing: Ordinance 2020-10, Text Amendment, amending Chapter 17. 130.030 regulating the Accessory Living Unit Floating Zone. (By Long Range Planning Intern, Meadow Wedekind)**

Long Range Planning Intern Meadow Wedekind reviewed the background information on this item. She reviewed the proposed changes (Attachment E). It was noted that the Planning Commission recommended approval of this Ordinance 4-0.

Mayor Pro Tempore Shelton opened the public hearing. There were no comments. He closed the public hearing.

Council Member Harris asked what changes were recommended by staff, and what was recommended by the Planning Commission? Ms. Wedekind said a lot of the changes came from staff. The Planning Commission did discuss the removal of the Planning Commission approval. In phase 2 of the amendment, a lot of the changes will come from the Planning Commission.

Council Member Harris asked how many ADU's (Accessory Dwelling Unit) do we have in the city? Mr. Schaefermeyer said that is hard to answer. It is a balance of the city regulating it and recognizing that people are going to do what they are going to do in their homes. They know there are ADU's that are happening. They find ADU's from complaints from neighbors about parking or noise. From an enforcement standpoint, it is hard to get into a home and understand their relationships between people. He said they get about 10 applications a month. That does not account for those doing it illegally. They get fewer requests for guest houses. He has seen an uptick in the last 2 years to do ADU's in a new construction, largely due to the price of homes. He said they do not include ADU's in Daybreak; they have their own rules.

Council Member Harris asked what are the main violations regarding ADU's? Mr. Schaefermeyer said sometimes size. There was a situation where the owner was not living in the home; they had an Air B & B in the upper part of the home, and permanent renters in the basement. He said there are some violations with the number of people living in the ADU. There are sometimes concern when people rent rooms, not entire ADU's. He said if the owner lives in the home, they are more sensitive to neighbor complaints. He said parking is a big complaint. There are concerns with privacy with guest houses at times.

Council Member Harris asked if they are in compliance with the Utah Fair Housing Act? Mr. Schaefermeyer said there is not a limit to individuals living in the home, if the individuals are related. He believes they are in compliance.

Assistant City Attorney Greg Simonsen said they are in compliance in terms of the city code.

They reviewed the definition of family and household. Mr. Schaefermeyer said understanding the relationships is difficult to enforce. He said other issues such as parking and noise are easier to enforce. He said the primary unit has to comply and the ADU also has to comply.

Council Member Harris asked what is the concern with an ADU being greater than 1500 sq. ft.? Mr. Schaefermeyer said that limits the number of people that can live there, and therefore limits parking and other impacts. Ms. Wedekind said as the ADU's become larger, they are less affordable, and that is one of the purposes of ADU's. Mr. Schaefermeyer said they want the ADU's to be a minor accessory dwelling unit, not a duplex.

Council Member Harris asked why restrict ADU's on the flag lots? Mr. Schaefermeyer said they already have access to a lot that is nonstandard. The planning staff is not in favor of flag lots, and they don't add to a neighborhood. There are typically access issues for emergency vehicles. They don't want to add more people to those homes. That is something that the City Council can change.

CM Whatcott said they also need to make sure they are not overloading the sewer and water system for the way the subdivision was designed.

Council Member Zander asked what is the difference between a mother in law apartment and an ADU? Ms. Wedekind said an accessory apartment is an ADU. There are different types of ADU's, defined as attached (an accessory apartment) and detached (guest house).

Council Member Zander said if there is a mother in law apartment in the basement, is it illegal to have that without the city approving it? Ms. Wedekind said yes. Council Member Zander asked how is that word getting out? CM Whatcott said that is a similar issue as people finishing a basement in their home, or building a certain size shed or garage. They are supposed to get a permit, but not everyone does. The primary reason for the permit is to make sure the electrical and plumbing are done properly.

It was noted that ADU's are transferrable because they are having an affidavit on the property. Mr. Schaefermeyer said the purpose is to make sure the new owners are notified of the regulations.

Council Member Zander asked about the stipulation to not have a separate house number or separate entrance? Mr. Schaefermeyer said they can't have those things visible from the street. He said they are not allowed to have separate meters. The purpose is to soften the impact on the neighborhood. He said they look more at the structure, and not rely on landscaping to hide the access to the ADU.

Council Member Harris asked if they want to change the requirement for the 1500 sq. ft. limit? Council Member McGuire said he is okay with the limitation. They are supposed to be smaller units. Council Member Zander said if she had a 1700 sq. ft. ADU in a basement and that is not allowed, the city may have overstepped in that case. If they have a large home and want the entire basement as an ADU, she is not comfortable prohibiting that. They could say 1500 sq. ft., or an area equal to 1 level of the home. Mr. Schaefermeyer it could be addressed in a number of ways. They could change the percentage of the home that an ADU is allowed.

Council Member Zander said she would be more comfortable passing this without the limit on the size of the ADU. She does not want to make the process more cumbersome. Council Member Harris

concurring. He does not like to get into people's business, and he wants to be sensitive to people who have a need to have family move back home.

Council Member Harris asked if they should strike the 1500 sq. ft. requirement all together?

Mayor Pro Tempore Shelton said that was also a red flag for him, but over the course of the discussion, he feels it might make sense. Do they really want to open it up so every home in the city could be a duplex? He recommended they set that requirement aside for tonight, and discuss it further at a later time.

Assistant City Attorney Simonsen said whatever they decide, once they approve the ADU, it is a land use entitlement and will continue for years. Mr. Schaefermeyer said that is why they try to focus on the structure because that is what remains, not the family or their specific circumstances.

Council Member Zander said she is not comfortable with 1500 sq. ft. limit. She would like to delay that part so she can think it over more.

**Council Member Zander made a motion to approve Ordinance 2020-10, with the amendment to keep the process of the Planning Commission approving anything over 1500 sq. ft. Council Member Harris seconded the motion. Roll call vote. The vote was 4-0 in favor, with Council Member Marlor absent.**

They determined to bring back the issue to a work session, along with the phase 2 amendments. Mr. Schaefermeyer said he would send the City Council the survey done by Salt Lake County. That will give them a good indication of what other cities are doing regarding ADU's. Staff has also looked at the codes of a lot of the surrounding cities.

**L. Public Hearing: Ordinance 2020-12, vacating a 15' Public Utility Easement located at 913 W. Baxter Drive. (By Planning Director, Steven Schaefermeyer)**

Planning Director Schaefermeyer reviewed the background information on this item (Attachment F).

Ryan Daw, applicant, said they have owned the property for 16-17 years. They have made an agreement to do about a 6000 sq. ft. building. He said in the time that they've owned the property, there has never been water in the retention basin. This plan will accommodate more than what the basin would have.

Mayor Pro Tempore Shelton opened the public hearing. There were no comments. He closed the public hearing.

Council Member Harris said he is happy to have a successful business owner planning to keep his business in the city.

**Council Member Harris made a motion to approve Ordinance 2020-12. Council Member McGuire seconded the motion. Roll call vote. The vote was 4-0 in favor, with Council Member Marlor absent.**

Mr. Daw said he believes the address for the property is 919 W., not 913 W.

### **M. Staff Reports and Calendaring Items**

CM Whatcott said the Fire Department is available to give flu shots to the employees and Council if needed.

CM Whatcott said they had the Mulligans open house for the employees and it went well. He said they can take the family to get ice cream through Friday.

Council Member Zander asked how long do they keep the miniature golf course open? CM Whatcott said as long as weather permits.

### **ADJOURNMENT**

**Council Member Zander made a motion to adjourn. Council Member Harris seconded the motion. The vote was 4-0 in favor, with Council Member Marlor absent.**

The September 15, 2020 City Council meeting adjourned at 9:16 p.m.

**This is a true and correct copy of the September 15, 2020 City Council Meeting Minutes, which were approved on October 6, 2020.**

*Anna Crookston*

**South Jordan City Recorder**



# 2019 CAPER Public Hearing

Sept. 15, 2020

Katie Olson, CDBG Coordinator



## 2019–2020 Activities

- Received \$235,263
- Reprogrammed \$37,983 to 2019 projects
- Expended \$60,702 (25%)
- Benefited 482 South Jordan residents
- ADA ramps will be completed in Nov. 2020, benefitting an additional 172 residents

## Prior Year Activity

- Revived 2015 activity with unspent funds: Assist, emergency housing repairs
- One household was benefited
- \$7,631 is still available to applicants
- <https://assistutah.org/>

2019-2020 Projects		Allocated	Expended	Reported Benefit
Project Provider		(\$)	(%)	
Public Services	<b>Homeless shelter and services</b>			
	The Road Home	\$6,000	100%	12 individuals
	<b>Domestic violence victim shelter and services</b>			
	South Valley Sanctuary	\$6,000	100%	34 individuals
	<b>Homeless hospice services</b>			
	The INN Between	\$5,000	100%	3 individuals
	<b>Case management and housing program</b>			
	Salt Lake Community Action Program	\$5,500	100%	70 individuals
	<b>Food bank services</b>			
	Salt Lake Community Action Program	\$4,500	100%	155 individuals
	<b>Domestic violence victim legal support</b>			
	Legal Aid Society	\$3,000	100%	41 individuals
<b>Health Clinic Services</b>				
Community Health Centers	\$3,000	100%	167 individuals	
Facilities	<b>Sidewalk accessibility ramps</b>			
	Development Services Department	\$196,246	0%	
Other	<b>Accessory living units</b>			
	(approved applications)	\$0		23 units
Admin/Planning	<b>Administration</b>			
	Finance Department	\$29,000	78%	N/A
	<b>Planning</b>			
Development Services	\$15,000	35%	N/A	
<b>TOTAL</b>		<b>\$270,246</b>	<b>22%</b>	

# 2021-2022 Community Needs

## Consolidated Plan Goals

- **Support mental health programs and resources**
- **Support training, prevention, and education programs**
- **Increase access to affordable housing**
- Maintain existing housing
- Improve senior facilities and services
- Correct accessibility deficiencies
- Provide improvements in deficient neighborhoods
- Support services for vulnerable populations
- Support COVID-19 response efforts as needed

**Applications Due  
Jan. 31, 2021  
11:59 p.m.  
ZoomGrants**

# Need Help?



*September 15, 2020*



SOUTH JORDAN  
U T A H

*City*

*Council*

*Meeting*

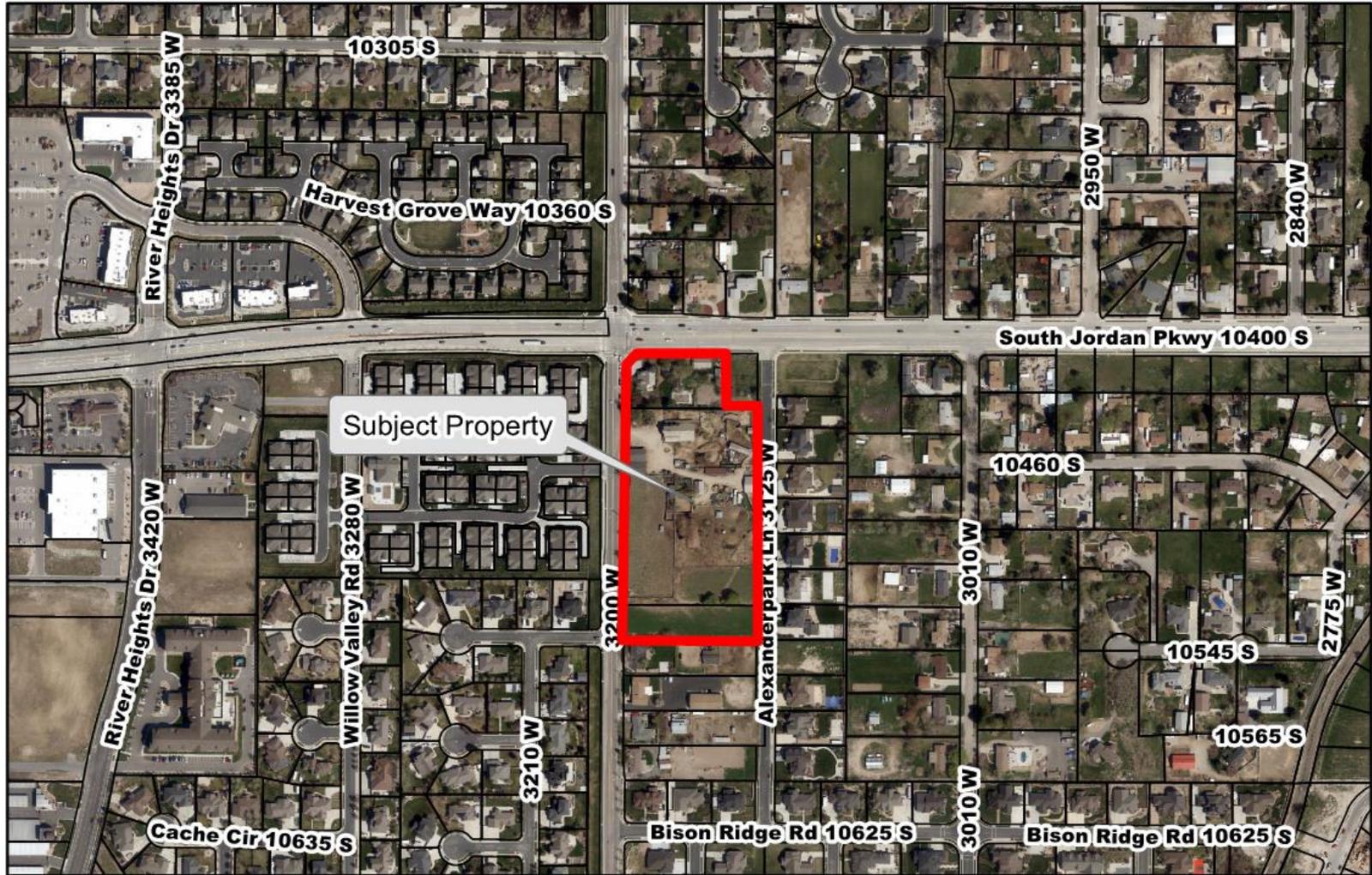
# OTTO JONES

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## REZONE

10431 South 3200 West

Justin Jones



Legend	
	STREETS
	PARCELS

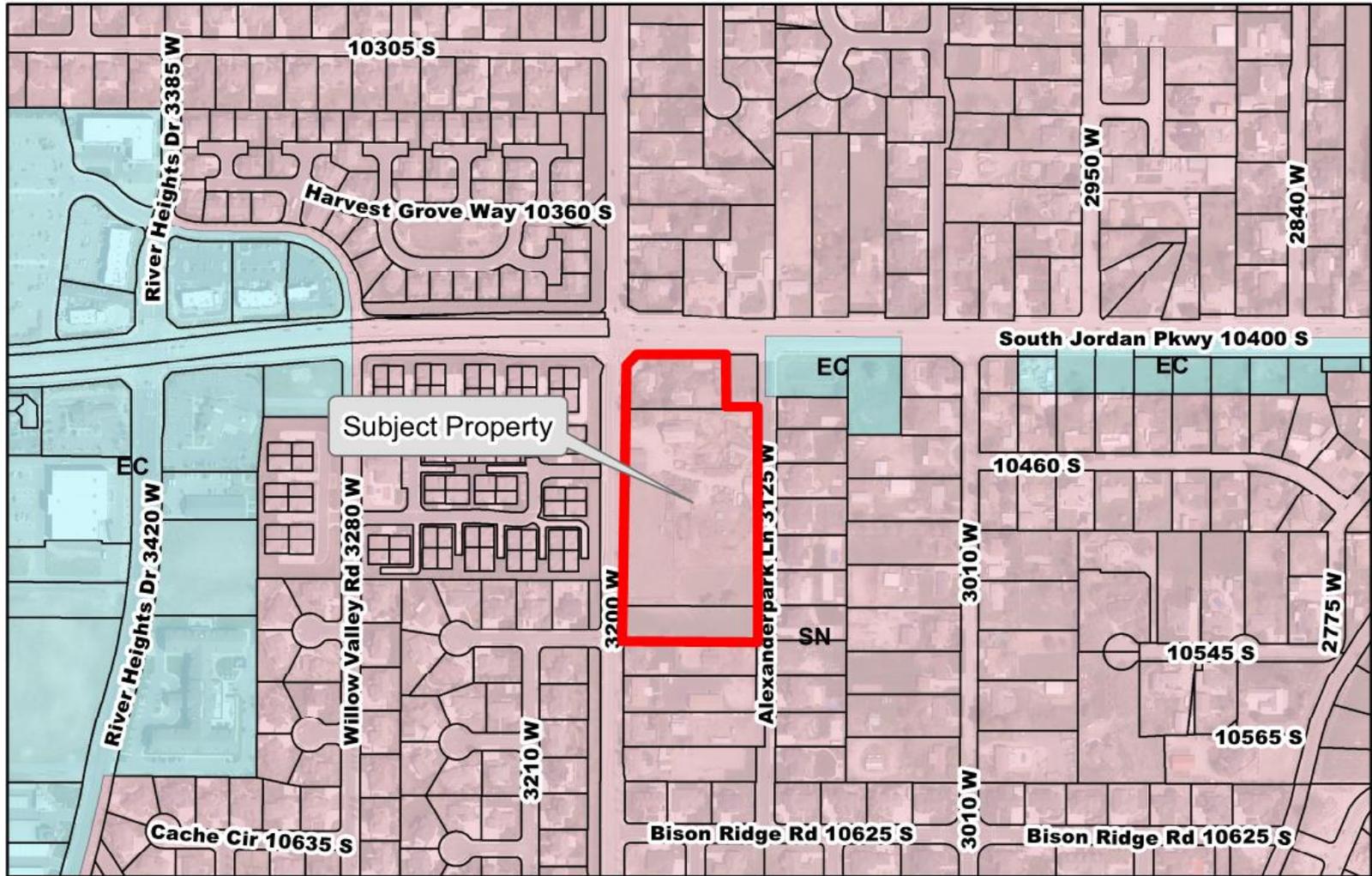
## Aerial Map

### City of South Jordan



Aerial Imagery  
2019





**Legend**

- STREETS
- PARCELS

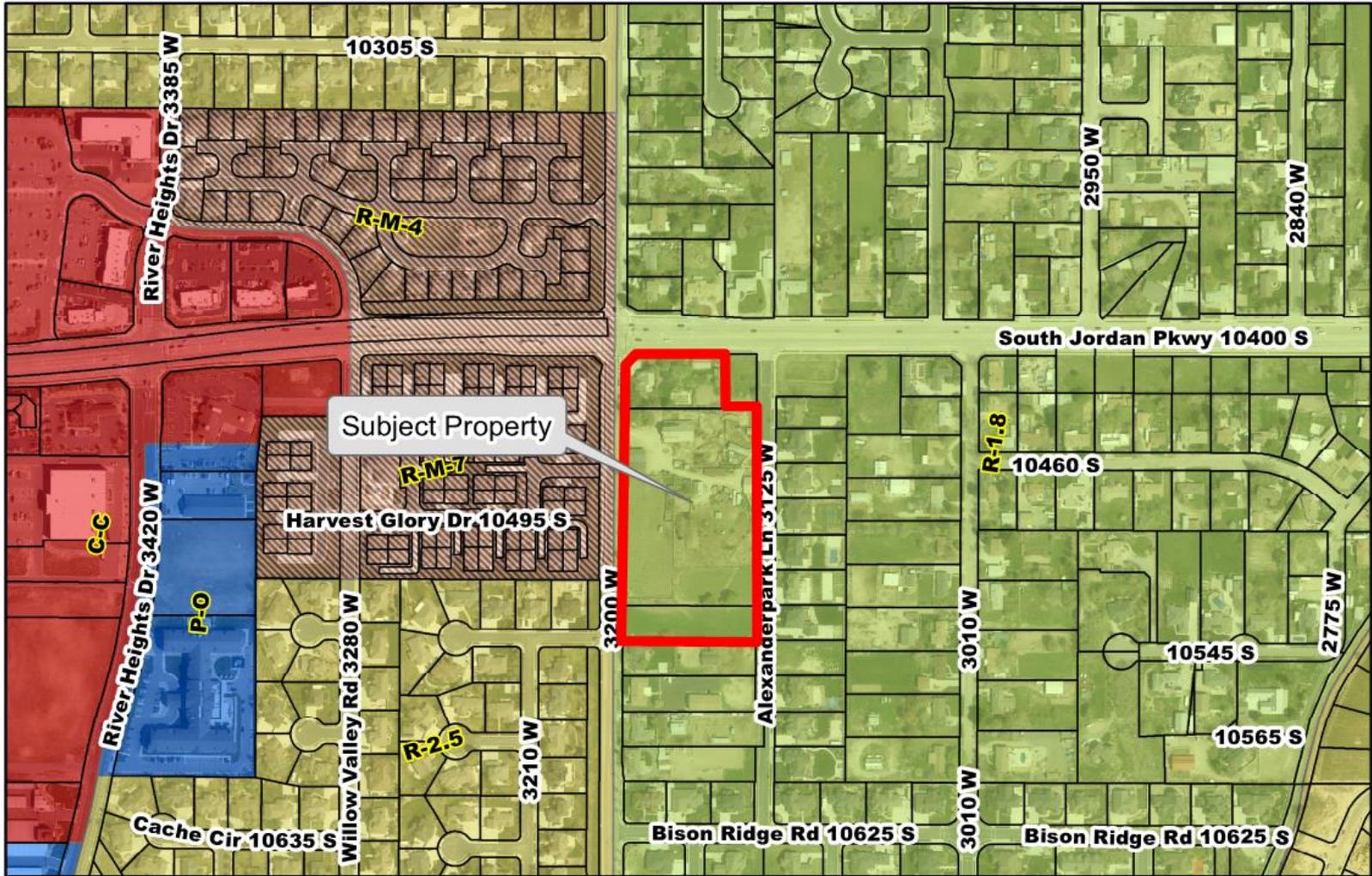
## Future Land Use Map

### City of South Jordan



Aerial Imagery  
2019





Legend	
	STREETS
	PARCELS

## Zoning Map

### City of South Jordan



Aerial Imagery  
2019







## Anna Crookston

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**From:** Damir Drozdek  
**Sent:** Monday, September 14, 2020 9:21 AM  
**To:** Anna Crookston  
**Subject:** FW: Regarding public hearing for zoning change for Justin Jones 10431 South 3200 West

Public comment for the Otto Jones project.  
Thanks,

**Damir Drozdek, AICP | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



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**From:** Rebecca Belisle <BeckyBelisle@comcast.net>  
**Sent:** Monday, September 14, 2020 8:55 AM  
**To:** Damir Drozdek <DDrozdek@sjc.utah.gov>  
**Subject:** Regarding public hearing for zoning change for Justin Jones 10431 South 3200 West

To whom it may concern,

My husband and I received notice of a hearing on a zoning change submitted by Justin Jones. I want our opinion noted in the meeting that is to take place on Tuesday, September 15, 2020. I am opposed to the change because it creates another higher density of housing and South Jordan would be ruining some of the best nicest neighborhoods that it has by increasing density. The neighborhoods between Redwood Road and 3200 West from 10400 South to 114000 are probably the nicest neighborhoods in South Jordan. The rest of the city is a hodgepodge of high density housing that will look like a ghetto in the future. Honestly, we need space and the planning committee is bowing to the will of developers for the sake of money! Boo Hiss! Please don't ruin this neighborhood!

Sincerely,

Stephen and Rebecca Belisle  
3222 West Harvest Run Dr.  
South Jordan, Utah 84095

## Anna Crookston

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**From:** Damir Drozdek  
**Sent:** Monday, September 14, 2020 9:23 AM  
**To:** Anna Crookston  
**Subject:** FW: Rezoning of property located at 10431 South 3200 West

Public comment for the Otto Jones project.  
Thanks,

**Damir Drozdek, AICP | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



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**From:** Mirabela Eliason <bel\_a\_sch@yahoo.com>  
**Sent:** Tuesday, August 25, 2020 2:52 PM  
**To:** Damir Drozdek <DDrozdek@sjc.utah.gov>  
**Subject:** Rezoning of property located at 10431 South 3200 West

Dear members of the South Jordan Planning Commission,

My name is Mirabela Eliason and I live across the street from the property to be rezoned, located at 10431 South 3200 West. I just wanted to give you my input and let you know that, after reviewing the SOUTH JORDAN CITY PLANNING COMMISSION REPORT, I agree with the proposed rezoning of the property, as long as the main conditions mentioned in the report are being kept, especially:

- "Alexander Park Lane will be fully improved along the project frontage and the sidewalk will be extended from the northeast project boundary on Alexander Park Lane to South Jordan Parkway.
- Lot sizes in the project will be comparable to the lot sizes in adjacent subdivisions.
- The project density will be slightly higher than the density in the neighborhoods to the east of the project. However, the density will be considerably lower than density of the project across 3200 West (Harvest Crossing Villas), will accommodate the efficient use of land and will help create more of a neighborhood feel along Alexander Place Lane."

I am in favor of the concept plan submitted with the application that shows a single row of homes along Alexander Park Lane, which will be the eastern boundary of the subdivision and that these homes will have direct access onto and will front the road.

Thank you !

Mirabela Eliason

## Anna Crookston

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**From:** Damir Drozdek  
**Sent:** Monday, September 14, 2020 9:20 AM  
**To:** Anna Crookston  
**Subject:** FW: Comment on 10431 South 3200 W property zone change

Public comment for the Otto Jones project.  
Thanks,

**Damir Drozdek, AICP | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



**From:** Grant Farnsworth <gfarnsworth@utah.gov>  
**Sent:** Thursday, September 10, 2020 11:16 PM  
**To:** Damir Drozdek <DDrozdek@sjc.utah.gov>  
**Subject:** Comment on 10431 South 3200 W property zone change

Damir,

I was interested in making this comment. The Utah Department of Transportation recommends that the developer have a written agreement to maintain a 10' buffer behind the sidewalk adjacent to the South Jordan Parkway for the land use amendment to be approved. This will accommodate future widening of South Jordan Parkway that is identified in the regional transportation plan.

Let me know if you have any questions.  
Grant

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**Grant Farnsworth, PE, PTOE**

Region Two Planning Manager

**Mobile** 801-663-9985

## Anna Crookston

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**From:** Damir Drozdek  
**Sent:** Monday, September 14, 2020 9:23 AM  
**To:** Anna Crookston  
**Subject:** FW: Staff Report for the "Otto Jones Rezone" request

Public comment for the Otto Jones project.

Thanks,

**Damir Drozdek, AICP | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



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**From:** Steven Schaefermeyer <SSchaefermeyer@sjc.utah.gov>  
**Sent:** Tuesday, August 25, 2020 12:51 PM  
**To:** Ryan Benson <bensryan@gmail.com>; Damir Drozdek <DDrozdek@sjc.utah.gov>  
**Subject:** RE: Staff Report for the "Otto Jones Rezone" request

Ryan,

Thanks for your comments.

I don't know what can be done to restrict construction vehicles on Alexander Park Lane, but Damir can pass on your concerns to the assigned engineer. At the least, maybe the engineer can bring it up with the developer when he submits grading plans.

Thanks,

**Steven R. Schaefermeyer | Director of Planning | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.253.5203 Ext. 1260 | F: 801.254.3393



**From:** Ryan Benson  
**Sent:** Monday, August 24, 2020 1:51 PM  
**To:** Damir Drozdek ; Steven Schaefermeyer  
**Subject:** Re: Staff Report for the "Otto Jones Rezone" request

Hello Damir,

I wanted to say thank you to both Steve and yourself for the information that has been provided concerning the zone change request for the property located at 10431 South 3200 West (Jones Farm). As the property owner located at 10531 S Alexander Park Lane, situated across from Lot 1 on the Sagewood Ranch Subdivision

concept plan, I am in support of the rezone request from R 1.8 to R 2.5 as long as the concept plan does include the development agreement that would hold the future developer to this concept. I have seen instances in other cities where concepts are presented and approved, the land sold, and then the developers have quickly changed to another concept that is not appealing to the city or the neighborhood, but gets approved because the zoning change was approved. I would not appreciate seeing that happen here. As a resident on Alexander Park Lane, we built and had always desired to have homes facing us from the West side of the street. This Sagewood Ranch Subdivision concept really brings that together and would complete a unified neighborhood. I also appreciate the concession for the right turn lane on 3200 W. This will help the traffic on 3200 W to not use Alexander Park Lane as a cut through during rush hour traffic.

The only added request that I might suggest is that if approved, sold and development were to begin, would it be possible to have the large share (if not all) of the land development vehicles enter the development off of 3200 West to avoid big vehicles and small children interactions. I understand that during home construction this would not be feasible, but during land development, I believe it might be a reasonable request.

Thank you again for the time, energy, and foresight the city staff put into bringing this possible concept as a real option to our neighborhood,

Ryan Benson  
10531 S Alexander Park Lane  
South Jordan, UT 84095

On Thu, Aug 20, 2020 at 5:10 PM Steven Schaefermeyer <[SSchaefermeyer@sjc.utah.gov](mailto:SSchaefermeyer@sjc.utah.gov)> wrote:

As promised, I have attached the completed staff report for the Otto Jones Rezone across the street from your homes. Please feel free to share this with your neighbors. If you would like to join the meeting, please go to this webpage <https://www.sjc.utah.gov/planning-commission/> the day of the hearing where you will find an update link to join the Zoom meeting.

Thanks,

**Steven R. Schaefermeyer | Director of Planning | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.253.5203 Ext. 1260 | F: 801.254.3393



## Anna Crookston

---

**From:** Damir Drozdek  
**Sent:** Monday, September 14, 2020 9:19 AM  
**To:** Anna Crookston  
**Subject:** FW: Rezoning request for 10431 S 3200 W (Jones)

Public comment for the Otto Jones project.

Thanks,

**Damir Drozdek, AICP | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



---

**From:** Zundel <cz5778@gmail.com>  
**Sent:** Sunday, September 13, 2020 4:01 PM  
**To:** Damir Drozdek <DDrozdek@sjc.utah.gov>  
**Subject:** Re: Rezoning request for 10431 S 3200 W (Jones)

Hello again, I understand this proposal is now going to the city council. Will my comments and concerns and suggestions be considered in that discussion?

Thank you,

Clint.

Sent from my iPhone

On Aug 24, 2020, at 8:29 AM, Damir Drozdek <[DDrozdek@sjc.utah.gov](mailto:DDrozdek@sjc.utah.gov)> wrote:

I will.

Thanks,

**Damir Drozdek, AICP | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377

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<image003.gif>

<image004.gif>

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**From:** C Zundel <[cz5778@gmail.com](mailto:cz5778@gmail.com)>  
**Sent:** Wednesday, August 19, 2020 6:59 PM  
**To:** Damir Drozdek <[DDrozdek@sjc.utah.gov](mailto:DDrozdek@sjc.utah.gov)>  
**Subject:** Re: Rezoning request for 10431 S 3200 W (Jones)

Thank you for your reply. I understand what you are saying and have already seen the proposed development map. My Biggest concern is the thinness of the lots facing Alexander Park Lane that seems to limit the size of homes that could be built there. The homes in this neighborhood are well over 5000 sq ft in most cases and those lots look to be very thin for comparable homes. I ask that the commission please consider removing one of those lots from the plan and create larger, wider lots. The lots on the other side of Alexander are all .5 acres.

Thank you Again for your consideration. Please forward my additional comments.

Thank you,

Clint Zundel  
8015993843

On Aug 19, 2020, at 5:42 PM, Damir Drozdek <[DDrozdek@sjc.utah.gov](mailto:DDrozdek@sjc.utah.gov)> wrote:

I will forward your email with your comments and concerns to the City Planning Commission. I forgot to mention this in my previous email.  
Thanks,

**Damir Drozdek | Planner III | City of South Jordan**  
1600 W. Towne Center Drive | South Jordan, UT 84095  
O: 801.253.5203 Ext. 1290 | C: 801.946.4377  
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<image002.gif>  
<image003.gif>  
<image004.gif>

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**From:** Damir Drozdek  
**Sent:** Wednesday, August 19, 2020 5:25 PM  
**To:** 'C Zundel' <[cz5778@gmail.com](mailto:cz5778@gmail.com)>  
**Subject:** RE: Rezoning request for 10431 S 3200 W (Jones)

Mr. Zundel,  
Please check the attached draft project plan for some additional information. As you are probably aware, the current zoning on the property is R-1.8. The minimum lot size in the zone is 14,520 sq. ft. As you can see from the attached document, all but one lot are meeting and exceeding that requirement. The lots facing Alexander Park Lane are over 1/3 acre in size. As a matter of fact, they are all in between 1/3 and 1/2 acre in size. There are only eight lots facing Alexander Park Lane. In terms of traffic, eight additional homes should not generate unsafe driving conditions on the road. The

reason for these homes to be facing the street is to create and promote neighborhoods, and not just pods of housing that are separated and disconnected from each other. Residential streets should have homes facing the street and each other for safety (eyes on the street), neighborly/community togetherness, etc.

The two rows of homes along the western edge will be accessed off 3200 West via private lanes. Please keep in mind that a lot of gated/high end communities have private lanes and streets. This will also limit the number of people driving down Alexander Park Lane.

The agreement, if approved, will lock the developer into this specific design and thus give you some predictability in terms of future development of the property. With no concept plan, a developer could develop the property some other way. In addition please keep in mind that the City zoning ordinance requires certain architectural and setback requirements that are no different from the ones used for your development (see City Code 17.40 for said standards).

Hopefully this sheds some additional light on the proposal and please let us know if you have additional questions or concerns.

Thanks,

**Damir Drozdek | Planner III | City of South Jordan**

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.253.5203 Ext. 1290 | C: 801.946.4377

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<image002.gif>

<image003.gif>

<image004.gif>

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**From:** C Zundel <[cz5778@gmail.com](mailto:cz5778@gmail.com)>

**Sent:** Sunday, August 16, 2020 3:00 PM

**To:** Damir Drozdek <[DDrozdek@sjc.utah.gov](mailto:DDrozdek@sjc.utah.gov)>

**Cc:** C Zundel <[cz5778@gmail.com](mailto:cz5778@gmail.com)>

**Subject:** Rezoning request for 10431 S 3200 W (Jones)

To Whom It May Concern:

I am writing to express my opinions and possible concerns regarding the proposed rezoning of the Jones' property on 10431 S 3200 W and the letter dated August 11, 2020, and public hearing scheduled for August 25.

I live across the street from the proposed development on 10453 S Alexander Park Lane. While I am not opposed to the development of the property, I would like to request from the Council and the developer that the following needs are considered and met:

1. Alexander Park lane is part of one of the most high end neighborhoods in the city of South Jordan (Bison Ridge) and the homes on this street are some of the largest, highest valued, and larger lots in the city. I would ask that you consider ensuring that the development keeps to this same level of size and quality (or better), as to not negatively impact existing home values. The lots in the proposed plan seem to be quite a bit smaller than those in the rest of the neighborhood.

2. The proposed development map looks to have many homes facing Alexander park lane with driveways coming off of the Alexander Park Lane street. I worry that design could cause a public safety issue, as Alexander Park is not an easy road to access coming from the east (most often accessed direction). Most often, drivers will make a U-turn off of 3200 W to access the street. Please consider an alternative route to access these homes, for example a through street from 3200 W to Alexander on the south side of the development with a cul-de-sac or dead end street running through the middle (with houses on both sides, with the back of the property bordering Alexander. The road receives a lot of traffic already from the overall neighborhood and I worry this could cause an unsafe situation. Having a street in the middle may be safer. If that is not possible, please consider larger lots to reduce the numbers of houses facing that direction.

3. I would like to understand more about how the access streets from 3200 West will work? Will they look like track homes with a shared driveway, which would be concerning for the reasons mentioned in number 1.

In summary, my main concerns are ensuring that the quality and size of the homes do not negatively impact the values of the existing homes on Alexander Park Lane and to ensure the traffic levels and public safety concerns are addressed. Currently, the design seems to have a lot of relatively thin lots facing the road, I'm not sure that would allow for the same size of homes to be built.

Please help us to keep one our highest end neighborhoods as valuable as possible, not just for the current homeowners on the street, like myself, but I also think it helps with the overall reputation of our city and keeps our reputation as an elite place to live intact.

Thank you for your considerations. If you have questions or would like to discuss further, please contact me.

I am not sure if I'll be able to make the meeting for public comment, but would like this to be considered for the record.

Sincerely,

Clint Zundel

10453 S Alexander Park Lane  
South Jordan, UT 84095

801-599-3843 (Cell)

## Exhibit "A"

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

### 17.08.010: DEFINITIONS:

ACCESSORY ~~DWELLING~~~~LIVING~~ UNIT **OR ADU**: A **Life Safety and Building Code compliant dwelling**~~living~~ unit ~~that~~~~which~~ is ~~an extension of (being attached or detached), and~~ incidental and subordinate to, a single-family residential unit ~~and shall be~~**of** one of the following ~~two~~~~three~~ (~~2~~~~3~~) types:

Accessory Apartment: An **ADU**~~life safety compliant "accessory living unit"~~, **contained within or attached to the primary dwelling by at least one shared wall so that the ADU and the primary dwelling appear to be one unit**~~allowed within applicable zones by approval from the Planning Department and with applicable building permits, ~~that~~~~which~~ may include~~ a kitchen, ~~and~~ bathroom, and sleeping areas **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.** ~~It is contained within the primary dwelling, may be separated with a dedicated access, and may be occupied by no more than four (4) individuals related by blood, marriage, adoption, or approved foster care; or no more than two (2) unrelated individuals in addition to the "family or household" that occupies the primary dwelling.~~

Extended Living Area: A ~~life safety compliant "accessory living unit"~~ which may include a kitchen, bathroom, and living areas, and shall provide continuous free flow access between living areas within the primary dwelling, which may not be occupied by individuals in addition to the "family or household" that occupies the primary dwelling.

Guesthouse: An **ADU**~~life safety compliant "accessory living unit"~~ **that is detached from the primary dwelling**, ~~allowed within applicable zones by approval from the Planning Department and with applicable building permits, ~~that~~~~which~~ may include~~ a kitchen, ~~and~~ bathroom, and sleeping areas. It is typically detached from the primary dwelling and may be occupied by no more than four (4) individuals related by blood, marriage, adoption, or approved foster care; or no more than two (2) unrelated individuals in addition to the "family or household" that occupies the primary dwelling.

**CONTINUOUS FREE FLOW ACCESS: A continuous and open path between the primary dwelling area and the second kitchen or potential accessory apartment 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.**

**KITCHEN: Any room or space used, intended to be used, or designed to be used for cooking or for the preparation of food. Facilities that establish the use of a room or space as**

a kitchen include refrigerators, stoves, microwaves, other cooking appliances, built-in cabinets, sinks, garbage disposal, and electrical, water, and/or natural gas supply lines, in any combination intended to permit any room or space to be used as a kitchen.

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 17.130 OVERLAY AND FLOATING ZONES

17.130.010: DEFINITION AND PURPOSE:

17.130.020: RESIDENTIAL CHICKENS FLOATING ZONE:

17.130.020.005: STANDARDS FOR RESIDENTIAL CHICKENS:

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

17.130.020.015: TRANSFERABILITY:

17.130.030: ACCESSORY ~~DWELLING~~LIVING UNIT FLOATING ZONE:

17.130.030.010: PURPOSE:

17.130.030.020: REVIEW PROCESS:

17.130.030.030: PROHIBITIONS:

17.130.030.040: APPLICABILITY:

17.130.030.050: INSPECTIONS:

17.130.030.060: PRIOR USE:

17.130.030.070: TRANSFERABILITY:

17.130.030.~~070~~080: APPEALS:

17.130.040: FARM ANIMAL FLOATING ZONE:

17.130.040.010: PURPOSE:

17.130.040.020: DEFINITIONS:

17.130.040.030: FARM ANIMALS, EXCLUDING BEES AND PIGEONS:

17.130.040.040: BEEKEEPING:

17.130.040.050: PIGEONS:

17.130.040.060: WILD ANIMALS:

17.130.050: PLANNED DEVELOPMENT FLOATING ZONE:

17.130.050.010: PURPOSE:

17.130.050.020: ESTABLISHMENT:

17.130.050.030: AMENDMENTS:

17.130.030: ACCESSORY ~~DWELLING~~LIVING UNIT FLOATING ZONE:

### 17.130.030.010: PURPOSE:

Accessory ~~dwelling living~~ units ~~or ADUs~~, as defined in ~~S~~section 17.08.010 of this ~~T~~title, ~~are intended to~~~~may be approved in order to~~ provide affordable housing units, economic relief to homeowners, and create ~~desirable~~ housing ~~forms that appeal to~~~~types appropriate for~~ households and individuals at a variety of stages in the life cycle. The Accessory ~~Dwelling Living~~ Unit Floating Zone provides regulations and design standards for ~~ADUs~~~~accessory living units~~. Acceptable ~~ADUs~~~~accessory living units~~ shall be one of the following ~~two~~~~three~~ (~~2~~~~3~~) types (see ~~S~~section 17.08.010 of this ~~T~~title for definitions):

Accessory apartments: ~~An ADU, contained within or attached to the primary dwelling by at least one shared wall 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.~~

~~Extended living areas.~~

Guesthouses: ~~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 Living~~ Unit Floating Zone may only be established in conformance with the review procedures of this ~~S~~section. Applicants shall follow the procedures, requirements, and standards of this Code. The use of the Accessory ~~Dwelling Living~~ Unit Floating Zone shall be conducted in accordance with ~~approved plans~~~~the documents submitted for approval~~.

- A. Planning Department Approval: All accessory apartments and guesthouses 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~~~~A site plan shall be submitted to the Planning Department, that is~~ drawn to scale ~~that~~~~and~~ clearly shows~~ing~~ the location of all existing and new structures, parking, driveways, and walkways; ~~and (2) a~~~~A floor plan shall be submitted, that is~~ drawn to scale with room labels and indicating designated use, ~~in order to determine compliance with the requirements herein~~.

~~Extended living areas may be allowed by the underlying zone and do not need additional approval for the use itself by the Planning Department, however a building permit may still be required whenever construction is involved.~~

1. Resident Occupancy: ~~For a~~~~All~~ accessory ~~dwelling living~~ units, ~~approved under this section 17.130.030 require that~~ the owner of the property, ~~as reflected in title records, shall live~~ ~~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 within the primary dwelling, except for legitimate temporary absences.

~~a. Accessory Apartments: The owner of the property on which an accessory apartment has been approved may occupy the primary dwelling unit or the accessory apartment.~~

~~b. Guesthouses: The owner of the property shall be required to live in the primary dwelling on the property for which the guesthouse is approved.~~

2. Standards: The Planning Department ~~shall~~ may approve accessory dwelling ~~living~~ units applications ~~based~~ upon the following standards being met:

a. Zoning: The Accessory Dwelling ~~Living~~ Unit Floating Zone ~~shall~~ may 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. In no case shall a guesthouse be approved on a single-family lot that is less than fourteen thousand five hundred twenty (14,520) square feet in area. ~~Except for standards herein allowed under the Accessory Living Unit Floating Zone, A~~ Approved accessory dwelling ~~living~~ units shall meet the requirements of the underlying zone. Only one (1) ADU ~~accessory apartment or guesthouse~~ is allowed per lot. ADUs ~~Accessory living units~~ are not allowed in conjunction with mobile homes or any form of attached housing units.

b. Maximum Size: In all cases an accessory dwelling ~~living~~ unit shall remain subordinate and incidental to the primary dwelling. No ADU ~~accessory living unit~~ shall have more than three (3) bedrooms.

(1) The floor space of an accessory dwelling living unit 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. All floor space of an ADU shall be contiguous. Utility closets shall be omitted from the calculation of an accessory apartment floor space area.

(2) The addition of an accessory dwelling unit shall not violate the maximum building coverage requirements outlined in Sections 17.40.020 and 17.30.020 of this Title.

c. Parking: A minimum of ~~two~~ one (2) off-street parking spaces, in addition to those already required, shall be provided for an accessory dwelling ~~living~~ units. Only one (1) of the additional parking spaces may be located in front of the existing parking spaces. The second additional parking space must be located to the rear or side of the already required parking so as not to block parking access. All parking spots shall meet the requirements of Chapter 16.26 of this Code. Additional spaces shall be provided, as needed, to ensure that all additional occupant vehicles will be accommodated on site, reserving on-street parking for visitors.

- d. Setbacks: All ADUs~~accessory living units~~ that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling, or construction of a guesthouses) 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 guesthouse be located closer than ten feet (10') from a side or rear property line.

(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).

- g. Occupancy: Accessory dwelling units may be occupied by no more than four (4) individuals related by blood, marriage, adoption, or approved foster care; or no more than two (2) unrelated individuals in addition to the “family or household” that occupies the primary dwelling.

3. Affidavit~~approval Letter:~~ Applicants for ADUs shall sign and record an affidavit~~For all approved accessory living units, a letter shall be required from the owner, and sworn before a public notary,~~ stating that the owner will comply with all regulations of the Accessory Dwelling~~Living~~ Unit Floating Zone and will live in either the primary or accessory dwelling unit as their permanent residence~~occupy the property.~~ The affidavit~~letter~~ shall also state that the owner assumes responsibility to comply with further restrictions that may be imposed by a homeowners' association and/or codes, covenants, and restrictions (CC&Rs) and include authorization of annual inspections of the ADU by City Staff to ensure compliance with all regulations of the Accessory Dwelling Unit Floating Zone. ~~Upon approval of the accessory living unit, the original letter shall be stamped, documenting approval, and kept on file with the Planning Department. A copy may be provided to the homeowner.~~

- B. Building Permit Requirements: In addition to the approval required from the Planning Department, all accessory dwelling~~living~~ 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~~accessory living unit.~~ ADUs~~Accessory living units~~ 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. Planning Commission Approval: In addition to the requirements of subsections A and B of this section, accessory living units 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, accessory apartments that propose the alteration of the exterior or expansion of the primary dwelling (including the addition of doors, stairs, walkways, etc.), and all guesthouses shall require review and approval by the Planning Commission.~~

~~1. Standards: The Planning Commission may approve accessory living units affecting the exterior of the primary structure or lot based on the following standards:~~

~~a. Exterior Appearance: Any new construction or alteration of the exterior of the existing structure required to add an accessory living unit shall be designed so that the appearance of the lot, building structure, and landscaping shall retain the character of a single family neighborhood.~~

~~b. Architectural Compatibility: An accessory living unit with proposed construction or remodeling shall be designed and constructed to be compatible with the exterior of the primary dwelling (i.e., exterior materials, colors, roof pitch, etc.).~~

~~c. Additional Requirements: The Planning Commission may impose other appropriate requirements, more stringent than those requirements contained within this section 17.130.030, if deemed necessary to ensure the public health, safety, and welfare.~~

#### **17.130.030.030: PROHIBITIONS:**

The installation of **additional outside entrances visible from the street**, separate utility meters, mailboxes, **and** addresses, ~~and additional outside entrances visible from the street~~ is not permitted. **ADUs shall not be permitted on flag lots.**

#### **17.130.030.040: APPLICABILITY:**

Regardless of an approval granted by the City, accessory **dwelling living** units may be further restricted by homeowners' association agreements and/or codes, covenants, and restrictions (CC&Rs). It is not the City's responsibility to ensure or enforce compliance with such agreements or CC&Rs. Homeowners are responsible to ensure that they are in compliance with applicable homeowners' association agreements and/or CC&Rs.

#### **17.130.030.050: INSPECTIONS:**

~~Periodic~~ **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 **S**taff.

#### **17.130.030.060: PRIOR USE:**

An existing accessory **dwelling living** unit may be approved if the **ADU** use 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 accessory living unit~~ for Code compliance. All documented violations shall be corrected prior to approval of the ~~ADU accessory living unit~~. 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.

#### ~~17.130.030.070: TRANSFERABILITY:~~

~~Accessory living unit approval is not transferable. Upon the sale of the home or the change of primary occupant, the approval for an accessory apartment or guesthouse shall expire, unless otherwise renewed by the new owner.~~

#### ~~17.130.030.070~~**080: APPEALS:**

Decisions by the Planning Department and/or the Planning Commission regarding the issuance or denial of an accessory ~~dwelling~~ living unit may be appealed to the Appeals and Variance Hearing Officer in accordance with Section 17.16.020.020 of this Code.

#### **17.18.030.030: RESIDENTIAL USE REGULATIONS:**

##### A. General Residential Use Regulations:

1. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles. Containers or enclosures containing said items shall not be located in a front yard area, except for temporary use as needed for construction or disposal.
2. Home occupations may be licensed in an approved residential dwelling and according to the provisions of title 5, chapter 5.38, "Home Occupations", of this Code.
3. Farm animals may be allowed as regulated in sections 17.130.020, "Residential Chickens Floating Zone", and 17.130.040, "Farm Animal Floating Zone", of this title.
4. Household pets may be allowed as regulated by title 6, "Animals", of this Code.

##### B. Specific Regulations By Residential Use:

1. Group Living Uses: All group living uses (community residential facility, dormitory, institutional facility) shall require site plan review according to title 16, chapter 16.24, "Site Plan Review", of this Code and shall be located no closer than one-half (1/2) mile to another group living facility of the same use, unless otherwise approved by the Planning Commission with a conditional use permit pursuant to section 17.18.050 of this chapter.

- a. P-O Zone: Community residential facility uses shall not exceed two (2) stories.
- b. R-M Zone: Community residential facility uses shall not exceed sixteen (16) occupants and shall be located on a legal lot or parcel with frontage and access to a collector or arterial street.
2. Institutional Facility: Excluding temporary emergency shelter as determined necessary by the City, institutional facility uses shall be located no closer than one mile from any elementary/secondary education use or any other institutional facility use.
3. Live-Work:
  - a. Where allowed, live-work units shall be specifically indicated on, and approved with, an associated subdivision or site plan. Live-work units are not allowed in an existing development, unless the subdivision or site plan is amended.
  - b. Allowed nonresidential uses shall be established with the approval of the project and shall be consistent with other nonresidential uses allowed in the associated zone. The following activities are prohibited: sexually oriented businesses; uses involving animals on site; vehicle service and repair; welding/woodworking; storage or distribution of flammable liquids and hazardous materials beyond that normally associated with a residential use; drive-through and other uses and activities that are not compatible with residential uses due to potential adverse health or safety effects from dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts.
  - c. The floor area of the nonresidential use shall not exceed fifty percent (50%) of the total floor area of the unit.
  - d. Employees may only consist of the residents of the dwelling and not more than one additional nonresident person.
  - e. Each nonresidential use shall comply with all requirements of this Code.
  - f. The exterior of live-work units shall be designed to be compatible with surrounding residential uses.
  - g. One wall sign may be allowed. The sign shall not exceed five percent (5%) of the facade of the unit and shall comply with all other requirements of title 16, chapter 16.36 of this Code.
  - h. Garage and/or exterior areas shall not be used for the nonresidential use, except that a garage area may be used to park one vehicle related to the nonresidential use.
4. Neighborhood Residential Facility: Neighborhood residential facility uses shall comply with title 5, chapter 5.62, "Residential Facilities", of this Code.

5. Single-Family, Attached: Lots or parcels may be occupied by only one single-family dwelling unit as the primary dwelling.
  - a. R-M Zone: Single-family, attached uses may only be approved as part of a development agreement approved by the City Council.
6. Single-Family, Detached: Lots or parcels may be occupied by only one single-family dwelling unit as the primary dwelling. Accessory **dwelling living** units may be permitted according to the provisions of section 17.130.030, "Accessory **Dwelling Living** 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 shall have only one (1) front entrance, one (1) address, one (1) mailbox, and one (1) electrical meter.**
  - c. 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.**

#### **17.18.030.070: ACCESSORY USE REGULATIONS:**

##### **A. General Accessory Use Regulations:**

1. Accessory uses and buildings are permitted only in conjunction with the regulations of this Code and only when commonly and customarily associated with and incidental and secondary to allowed and approved primary uses.

2. When more than one accessory use is associated with a primary use, the accessory uses shall cumulatively remain incidental and secondary to the allowed uses.

B. Specific Regulations By Use Type:

1. Residential accessory uses and buildings may include, but are not limited to, accessory dwelling living units, yard sales, caretakers, garages, sheds, swimming pools, recreational equipment, gardens and greenhouses.

DRAFT

# BANASKY RENTAL LLC

# SITE PLAN

---

## PUE VACATION

913 West Baxter Dr.

Jeff Jeppson, PGAW Architects



<b>Legend</b>
STREETS
PARCELS

## Aerial Map

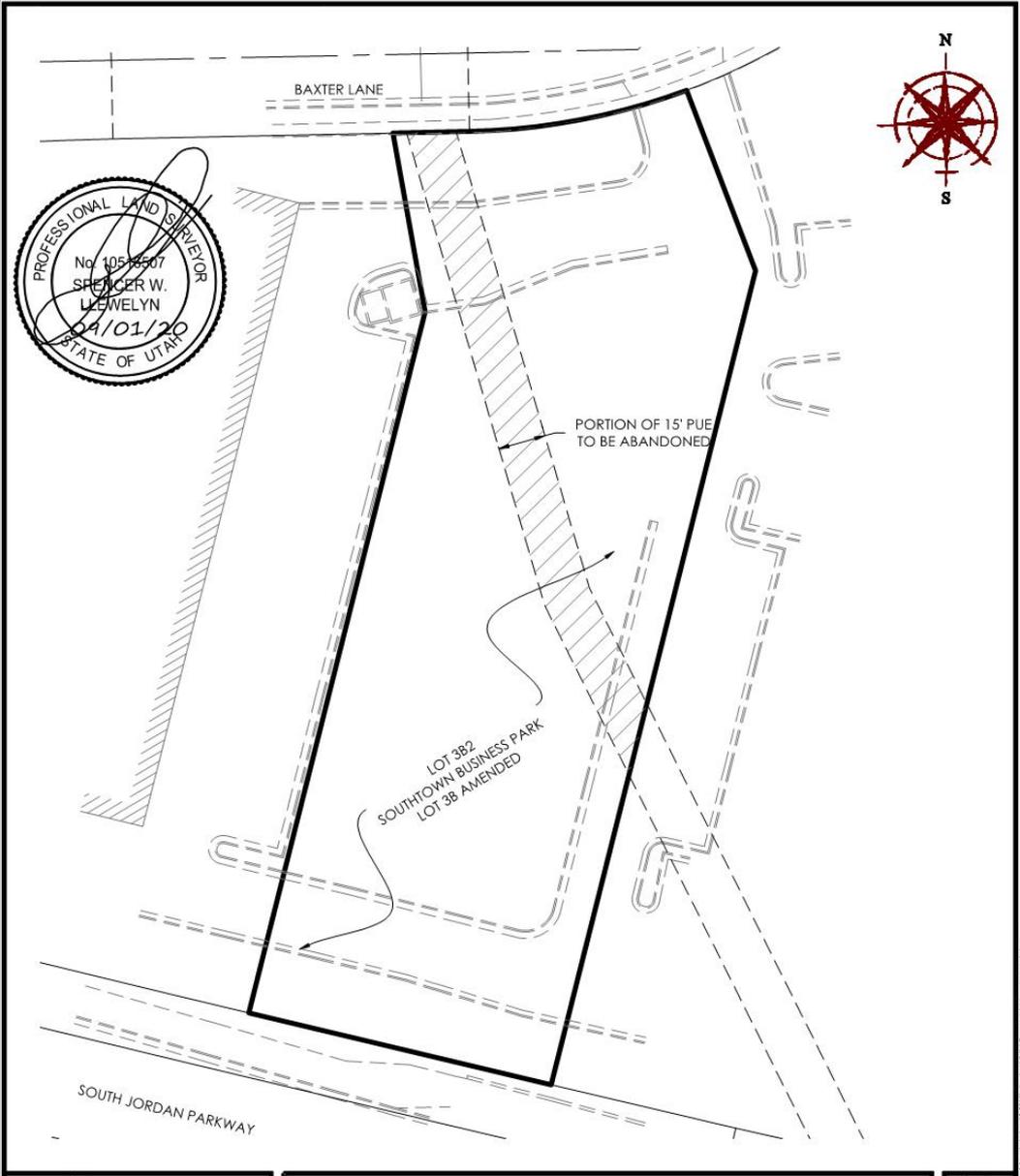
### City of South Jordan



Aerial Imagery  
2019







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www.focusutah.com

**SOUTHTOWN BUSINESS PARK  
LOT 3B2 - PUE ABANDONMENT**

Date Created	8/31/2020
Scale	1"=XX'
Drawing	SWL
Job	19-0011
Sheet	
1 OF 1	

*End of Presentation*