

**THE CITY OF WEST JORDAN, UTAH
ORDINANCE NO. 22-28**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(ADDING ACCESSORY DWELLING UNITS TO THE A-1, A-5, AND A-20 ZONING
DISTRICTS AS A PERMITTED USE, SECTION 13-5A-2)**

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

WHEREAS, the City Council of the City (“City Council”) desires to amend certain sections of the City Code, regarding and related to adding Accessory Dwelling Units to the A-1, A-5, and A-20 zoning districts as a permitted use (“**proposed City Code amendments**”); and

WHEREAS, the Planning Commission of the City (“**Planning Commission**”) held a public hearing and provided a recommendation on April 19, 2022, regarding the proposed City Code amendments, since all the proposed City Code amendments are land use regulations, including City Code Section 13-5A-2; and

WHEREAS, the City Council held a public meeting on May 11, 2022 and a public hearing on May 25, 2022 regarding the proposed City Code amendments; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

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

Section 1. Amendment of Code Provisions. City Code Section 13-5A-2 is amended to read as shown on Attachment 1 below.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.



PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 25TH DAY OF MAY 2022.

CITY OF WEST JORDAN

By: 
Kayleen Whitelock (Jun 7, 2022 18:23 MDT)

Kayleen Whitelock
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

(continued on the following page)

Attachment 1

[Attachment to ORDINANCE NO. 22-28

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (ADDING ACCESSORY DWELLING UNITS TO THE A-1, A-5, AND A-20 ZONING DISTRICTS AS A PERMITTED USE, SECTION 13-5A-2)]

Legislative Version:

3-5A-2: PERMITTED AND CONDITIONAL USES:

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

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

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

Use	A-1	A-5	A-20
<u>Accessory Dwelling Unit</u>	<u>P</u> ³	<u>P</u> ³	<u>P</u> ³
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C

Use	A-1	A-5	A-20
Cannabis production establishments			P ²
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this Code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Note:

1. A manufactured or modular housing structure, constructed to applicable Federal or State construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the International Building Code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

2. A cannabis production establishment may not be located:

Within 1,000 feet of a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park in or; within 600 feet of a district that is zoned as primarily residential.

The proximity requirements shall be measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.

(2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014; Ord. 19-18, 5-1-2019)

3. ACCESSORY DWELLING UNITS:

A. All accessory Dwelling Units.

1. Accessory dwelling units shall comply with all applicable zoning, building, health, and fire codes.

2. Only one accessory dwelling unit is allowed per property either internal or external. At no time will both an internal and external accessory dwelling unit be allowed on the same lot or parcel.
3. Accessory dwelling units are prohibited on properties if the primary dwelling is served by a failing septic tank.
4. The property owner shall maintain a valid business license if renting the primary or accessory dwelling unit.
5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space constructed of asphalt or concrete, in addition to those already required, shall be provided for accessory dwelling units. Accessory dwelling unit parking may not be in tandem with required parking of the primary dwelling or obstruct the required parking of the primary dwelling.
6. The primary dwelling is required to maintain the minimum parking standards for the primary dwelling including the two car garage parking requirement where applicable. Attached garages required and approved as part of the primary dwelling unit may not be converted to an accessory dwelling unit unless the required two car garage is replaced on the property meeting all requirements of 2009 City Code.
7. Accessory dwelling units are not allowed with any multi-family, mobile homes, or any form of attached housing units.
8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to the primary dwelling unit.
9. An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the primary dwelling unit.
10. The installation of a separate utility meters for accessory dwelling units is prohibited.
11. A notice of present condition will be recorded on the title of any property that has an accessory dwelling unit.

B. External Dwelling Units.

1. External Accessory Dwelling Units (EADU) are only Permitted on parcels or platted lots 10,000 square feet and larger.
2. Detached accessory dwelling structures must be built on a permanent foundation which meets the Building Code.
3. External Accessory dwelling units shall be located on the same parcel or lot with the principal building and the footprint area shall be less than the principal building.
4. External Accessory Dwelling Units shall meet setback, height, lot coverage and separation requirements of 13-5A-3: LOT AND BULK STANDARDS of this article.
6. External Accessory Dwelling Units (EADU) design and materials shall be similar to and compatible with the design of the primary dwelling.











Ordinance No. 22-28 ADUs in Agricultural Zones


Final Audit Report

2022-06-08


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