

ORDINANCE NO. 2011-01

AN ORDINANCE ENACTING CITY CODE SECTION 5.62 TO REGULATE RESIDENTIAL FACILITIES AND DELETING REFERENCES TO RESIDENTIAL FACILITIES AND GROUP HOMES WHICH CURRENTLY APPEAR IN OTHER PORTIONS OF THE CODE

WHEREAS, UCA 10-9a states a “municipality shall adopt” ordinances for residential facilities; and

WHEREAS, currently South Jordan City does not have such ordinances in place; and

WHEREAS, Staff has prepared Ordinance 2011-01 which is not contrary to applicable laws; and

WHEREAS, portions of current Code in sections 17.24.020, 17.24.030, 17.28.020, 17.28.030, 17.32.020, 17.32.030, 17.36.020, 17.36.030, 17.40.020, 17.40.030, 17.45.020, 17.45.030, 17.46.020, 17.46.030, 17.48.020, 17.54.090, 17.54.120, 17.54.130, and 17.72.030 need to be amended to be consistent with Ordinance 2011-01; and

WHEREAS; the South Jordan City Council finds it to be in the best interest of the health, safety, and welfare of the residents of the City of South Jordan to enact Ordinance 2011-01 and amend the current sections of City code as outlined below;

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

SECTION 1. Enactment. South Jordan City Code 5.62 and 17.04.310 shall be enacted as follows:

Chapter 5.62 RESIDENTIAL FACILITIES

5.62.010: PURPOSE:

The purpose of this chapter is to establish guidelines that are not contrary to law for residential facilities for disabled persons, assisted living facilities for elderly persons, residential facilities for elderly persons, sober living homes, and youth transitional homes (collectively referred to herein as “Facility” or “Facilities”) in order to promote the health, safety, morals and general welfare of the public.

It is the intent of this chapter that all efforts be made to maintain the residential feel of a residential neighborhood according to the general plan.

5.62.020: PROVISIONS APPLICABLE TO ALL FACILITIES:

A. The following provisions (listed in B) are applicable to all Facilities. To see specific requirements applicable to each type of Facility refer to 5.62.030 for residential facilities for

disabled persons, 5.62.040 for assisted living facilities for elderly persons, 5.62.050 for residential facilities for elderly persons, 5.62.060 for sober living homes, and 5.62.070 for youth transitional homes.

B. Upon application to Business Licensing, the Business Licensing Official shall grant a permit for the establishment of a Facility in a zone that allows residential uses if the applicant meets the following requirements:

1. **Conform To Relevant State Standards And Have Appropriate License.** The Facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.

2. **Conform To Applicable State and Local Requirements.** The Facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures in the zone in which it is located.

3. **Business License.** The owner/operator of the Facility possesses the appropriate City business license. A business license is required for all Facilities except for residential facilities for elderly persons.

4. **Voluntary Residency.** Residency in the Facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility, nor a condition of probation or parole. A Facility shall not include any persons referred by the Utah State Department of Corrections or any adult or juvenile court.

5. **Residential Character of Facility.** A Facility located in an existing residential dwelling shall be capable of use as a Facility without structural or landscaping alterations that would change the structure's residential character. Any new structure constructed for use as a Facility shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity and will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.

6. **No Tenants who Constitute Direct Threat to Health or Safety.** The Facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others

7. **Reasonable Dispersion of Facilities.** The Facility shall not be located closer than 2640 feet (1/2 mile) to any other Facility permitted under this ordinance, as measured in a straight line between the closest property lines of the lots on which they are located.

C. Any permit issued pursuant to 5.62 shall be nontransferable and shall terminate if the structure is devoted to a use other than the permitted Facility, or the structure fails to comply with all building, safety, health, and zoning requirements of City Code applicable to similar structures.

Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as that Facility.

D. Revocation of a Permit.

1. **Process.** After a permit has been issued to a Facility, if the Facility is in violation of any provisions of this or other applicable City Code sections a warning will be issued. If the violation is not rectified within 15 days, the Business Licensing Official may revoke the Facility's permit.

2. **Appeals.** A permit holder who incurs a penalty for a violation of this ordinance, or an applicant who is denied a permit to operate a Facility, or an applicant requesting a reasonable accommodation from any of the requirements of this section as may be required by the provisions of the Fair Housing Amendments Act of 1988, 42 U.S.C., Section 3601 et. seq. shall have the right to appeal such action to the City Manager or his designee at an informal hearing. The hearing shall be held no later than twenty (20) business days following the City's receipt of the applicant's notice of appeal. The notice of appeal shall be in writing and shall be delivered to the City Recorder either in person or by certified U.S. mail within ten (10) business days of the person's receipt of notice of the imposition of the penalty or denial of the permit. The notice of appeal shall identify the appellant, set forth the nature of the action that is being appealed, and state the grounds for appeal. Within ten (10) business days of the hearing, the City Manager or his designee shall make written findings and issue a decision either affirming or reversing the imposition of the penalty or denial of the permit. Any person who is aggrieved by the City Manager's decision may file for relief in any court of competent jurisdiction within thirty (30) days of the City Manager's decision.

3. **Immediate Revocation.** Nothing in this section shall limit the Business Licensing Official from immediately revoking a permit if the violation of this or other applicable City Code section causes immediate danger to a Facility resident or to the public.

5.62.030: RESIDENTIAL FACILITY FOR DISABLED PERSONS:

A. Residential Facility for Disabled Persons shall mean a dwelling that houses only disabled persons and staff members serving disabled persons, which is licensed or certified as such by the Utah Department of Human Services. A Sober Living Home shall not be considered a Residential Facility for Disabled Persons.

B. Specific requirements applicable to residential facilities for disabled persons in addition to the general requirements listed in 5.62.020 include:

1. **Purpose.** The residential facility for disabled persons is operated for the primary purpose of providing a living arrangement for disabled individuals in a group home setting.

2. **Occupying Resident Restrictions.** The residential facility for disabled persons is occupied only by individuals with a disability and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the disabled individuals and not primarily a benefit of employment to the staff member. The

residential facility for disabled persons shall not house more than eight (8) disabled individuals. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.

3. Controlled Substance Use Prohibited. No individual who has impairment due to addiction to any controlled substance or alcohol, and currently uses such controlled substance or alcohol, will be a resident.

4. Parking. The residential facility for disabled persons shall provide at minimum three off street parking stalls or the same number of off street stalls as required for similar structures located in the same zoning district, whichever is greater, to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the residential facility for disabled persons, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.

5. Individualized Assessment of Residents The owner or operator of a residential facility for disabled persons shall conduct an individualized assessment of each person who desires to become a resident of the facility to determine if such person would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others prior to allowing occupancy of the facility by such person. The assessment shall consider any prior criminal or violent acts of each individual, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. In the case of any resident or potential resident who has committed an offense requiring registration with any sex offender registry, the individualized assessment shall include a psycho-sexual evaluation of such person performed by a duly licensed psychiatrist or an individual holding a PhD in psychology. The owner or operator of the facility shall be responsible to determine whether any resident or potential resident has been convicted of an offense requiring registration with any sex offender registry. Prior to the occupancy of any facility and at least quarterly thereafter, the person or entity licensed or certified by the applicable regulatory state agency shall certify in a sworn affidavit to the City that based on the individualized assessment performed for each resident, no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

6. Sufficient Documentation. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

5.62.040: ASSISTED LIVING FACILITY FOR ELDERLY PERSONS:

A. Assisted Living Facility for Elderly Persons shall mean an assisted living facility occupied exclusively by persons 60 years of age or older and paid professional staff members. Assisted Living Facility shall mean a facility licensed by the State of Utah that provides a combination of housing and personalized health care to its residents and is designed to respond

to the individual needs of those who require help with the activities of daily living such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence for each resident.

B. Specific requirements applicable to assisted living facilities for elderly persons in addition to the general requirements listed in 5.62.020 include:

1. **Purpose.** The assisted living facilities for elderly persons is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.

2. **Occupying Resident Restrictions.** The assisted living facility for elderly persons is occupied only by individuals 60 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The assisted living facility for elderly persons shall not house more than eight (8) elderly persons. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in an assisted living facility for elderly persons.

3. **Controlled Substance Use Prohibited.** No individual who has impairment due to addiction to any controlled substance or alcohol, and currently uses such controlled substance or alcohol, will be a resident.

4. **Parking.** The assisted living facilities for elderly persons shall provide at minimum three off street parking stalls or the same number of off street stalls as required for similar structures located in the same zoning district, whichever is greater, to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the assisted living facility for elderly persons, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.

5. **Sufficient Documentation.** The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

5.62.050: RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

A. Residential Facility for Elderly Persons shall mean a single-family or multiple-family dwelling unit housing elderly persons (age 60 or older) who desire or need to live with other elderly persons in a group setting, but who are capable of living independently.

B. Specific requirements applicable to residential facilities for elderly persons in addition to the general requirements listed in 5.62.020 include:

1. **Purpose.** The residential facility for elderly persons is operated for the primary purpose of providing a living arrangement for elderly individuals in a group home setting.

2. **Occupying Resident Restrictions.** The residential facility for elderly persons is occupied on a 24 hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. The facility is owned by one of the residents or by an immediate family member or one of the residents. No person being treated for alcoholism or drug abuse shall reside a residential facility for elderly persons.

3. **Not a Business.** The residential facility for elderly persons shall not be operated as a business.

4. **Parking.** The residential facility for elderly persons shall provide at minimum three off street parking stalls or the same number of off street stalls as required for similar structures located in the same zoning district, whichever is greater, to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the residential facility for elderly persons, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.

5. **Sufficient Documentation.** The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

5.62.060: SOBER LIVING HOMES:

A. Sober Living Home shall mean a residential dwelling that is operated pursuant to a program designed to provide a stable environment of clean and sober living conditions for individuals who are recovering from alcohol and/or drug addiction who do not require twenty-four hour supervision or therapeutic services on the premises. A sober living home shall include facilities licensed as a residential support program by the State of Utah as well as facilities for which no State license is required. However, a sober living home shall not include a facility licensed as a residential treatment program by the State of Utah.

B. The City shall prepare an administrative plan for the enforcement of the provisions of this Section.

C. A sober living home shall comply with all of the following specific requirements in addition to the general requirements listed in 5.62.020.

1. **Occupying Resident Restrictions.** No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a sober living home. The home shall be occupied by no more than six (6) individuals who meet all the criteria set forth below. The home may also be occupied by paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.

2. **Required Criteria for Non-Staff Residents of a Sober Living Home.** Non-Staff residents of a sober living home must be:

- a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Utah Code Section 58-37-2, as amended);
- b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a sober living home; and
- c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances for a continuous period of at least thirty (30) days immediately prior to becoming a resident of the home. A person who has abstained from the use of alcohol and controlled substances due to incarceration shall not be considered to have voluntarily abstained.

3. Verification Required. The permit holder shall not allow any person to become a resident of a sober living home until the permit holder has verified compliance with the requirements of subsection 2 above. For purposes of verifying compliance with subsections 2.a. and 2.b., the permit holder shall obtain written certification from an independent medical doctor, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), licensed psychologist or licensed psychiatrist that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection 1.c., the permit holder must obtain either:

(1) written certification from a licensed rehabilitation, treatment or similar facility that the proposed resident has abstained from alcohol and all controlled substances for at least the thirty days immediately preceding the proposed resident's occupancy of the sober living home, or

(2) written certification from an independent medical doctor, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), licensed psychologist or licensed psychiatrist that the proposed resident has taken a random urinalysis test (UA) at least once every week over the thirty days immediately preceding the proposed resident's occupancy of the sober living home and that the results of each such test administered during said thirty day period were negative for the presence of alcohol and all controlled substances.

4. Controlled Substance and Alcohol Use Prohibited. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the home. Any resident of a sober living home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted for a period of at least 60 days following the violation. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.

5. Controlled Substance and Alcohol not Allowed on Premises. No alcohol, controlled substances or drug paraphernalia shall be allowed on the premises of the home.

6. Unannounced Visits. The permit holder (or designee) shall make at least four unannounced visits to the sober living home every week to verify compliance with the requirements 3 and 4 above. In addition, upon receipt of notice of a possible violation, the permit holder (or designee) shall also immediately visit the home and investigate whether a violation has occurred and take

appropriate enforcement action. The permit holder shall maintain a record of the date and times of all such visits and their results and shall make such records available for inspection by the City upon request.

7. Random Urinalysis Tests. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least two random urinalysis tests per week that test residents for the consumption of alcohol and controlled substances. Each test shall be separated by at least two days from the previous test. Any resident who tests positive for alcohol or drugs or who refuses to submit to a test shall be immediately expelled from the home. The permit holder shall maintain records of the ongoing urinalysis test results and shall make such records available to the City for inspection upon request.

8. Individualized Assessment of Residents The owner or operator of a sober living home shall conduct an individualized assessment of each person who desires to become a resident of the facility to determine if such person would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage. The assessment shall be performed and certified by an independent medical doctor, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), licensed psychologist or licensed psychiatrist through a facility that is licensed and approved by the Utah Department of Human Services Division of Licensing (or other equivalent licensing board of another state) as a provider for substance abuse treatment. The person performing the assessment shall perform a criminal background check for each potential resident and shall consider any prior criminal or violent acts of each individual, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. In the case of any resident or potential resident who has committed an offense requiring registration with any sex offender registry, the individualized assessment shall include a psychosexual evaluation of such person performed by an independent, duly licensed psychiatrist or an individual holding a PhD in psychology. In addition, no individual who has committed an offense requiring registration with any sex offender registry may be a resident in a sober living home unless the permit holder has received written certification from a Utah Department of Corrections approved provider that the proposed resident has been determined to be no current risk to the community and not in need of sex offender treatment. The permit holder shall certify at least quarterly in a sworn affidavit to the City that based on the individualized assessment performed for each resident, no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

9. Parking. The sober living home shall provide at minimum three off street parking stalls or the same number of off street stalls as required for similar structures located in the same zoning district, whichever is greater, to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the sober living home, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.

10. Sufficient Documentation. The applicant for a permit and the holder of a permit shall maintain and provide sufficient documentation and other evidence reasonably required by the City to establish compliance with the requirements of this Section, 5.62.060. The City shall have the right to inspect such documentation at any time to verify compliance and the permit holder shall make such records available to the City upon the City's request. However, nothing herein shall be construed to allow the City to violate any resident's legally recognized right of privacy.

11. No Treatment for Nonresidents on Premises. No professional counseling, therapy or other treatment shall be provided in the sober living home for any person other than a resident of the sober living home.

12. Information Required from Applicant. An applicant for a license to operate a sober living home shall at a minimum provide the following information and shall notify the City whenever any of the information provided below changes:

- a. The name, address, and telephone number of the applicant;
- b. The address of the location of the proposed sober living home;
- c. The name, address, and telephone number of each person who has an interest in the ownership or operation of the sober living home whether personally or through a partnership, corporation, trust or other entity.
- d. The name, address, and telephone number of each person who will participate in the operation of the home, none of whom may have a history of operating a similar facility in violation of state or local law.
- e. The name and address of all other group homes or similar facilities currently or previously owned or operated by the applicant and all persons described 5.62.060 D subsection 11d above, in South Jordan or any other location.
- f. Whether the applicant or any person described in 5.62.060 D subsection 12.d. above has ever had a license to operate a group home suspended or revoked and the reasons therefore.

13. Denial of Permit. The City may deny the issuance of a permit to operate a sober living home to a person (including any entity) if the City reasonably finds that issuance of a permit to such person would likely create a direct threat to the health or safety of other individuals or would likely result in substantial physical damage to the property of others. The City may also deny the issuance of a permit if the applicant or any person described 5.62.060 C subsection 12.d. above has a history of operating a similar facility in violation of state or local law.

14. Penalties for Non-Compliance. Failure of the permit holder to comply with or to enforce any of the requirements of this Section 5.62.060 shall result in the following penalties: A first violation occurring in any eighteen (18) month period shall result in a fine of five hundred dollars to the permit holder. A second violation occurring within any eighteen (18) month period shall result in a fine of two thousand dollars to the permit holder. A third violation occurring within any eighteen (18) month period shall result in the revocation of the permit to operate a sober living home and no permit shall be reissued to the permit holder, the principals of the permit holder if the permit holder is an entity, or any alter ego of the permit holder for a period of at least two years following such revocation. The City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a sober living home.

15. **Appeals.** A permit holder who incurs a penalty for a violation of this ordinance or a person who is denied a permit to operate a sober living home shall have the right to appeal as set forth in 5.62.020 subsection D. subsection 2.

5.62.070: YOUTH TRANSITIONAL HOMES:

A. Youth Transitional Home shall mean a residential facility licensed by the State of Utah that provides twenty four hour staff supervision and a peer support structure to help individuals under the age of 18 acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such facilities provide supervision, counseling, and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions or impairments.

B. Specific requirements applicable to youth transitional homes in addition to the general requirements listed in 5.62.020 include:

1. **License.** The Youth Transitional Home is licensed by the State of Utah as either a “Residential Treatment Center” or a “Therapeutic School”.

2. **Purpose.** The facility is operated for the primary purpose of helping individuals under the age of 18 who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.

3. **Occupying Resident Restrictions.** The Youth Transitional Home is occupied only by individuals under the age of 18 and paid, professional staff members. Notwithstanding the foregoing, one of the residents may be 18 years of age provided that the State of Utah has provided a waiver of age as to such person. In no case, shall any resident be older than 18 years of age. The facility shall not house more than eight (8) individuals. No persons convicted of a sex-related offense, an offense involving violence, or the illegal manufacture or distribution of a controlled substance shall be an occupant in a youth transitional home.

4. **Parking.** The youth transitional home shall provide at minimum three off street parking stalls or the same number of off street stalls as required for similar structures located in the same zoning district, whichever is greater, to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the youth transitional home, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.

5. **No Outpatient Treatment on Premises.** A youth transitional home shall not provide outpatient treatment.

6. **Sufficient Documentation.** The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Chapter 17.04.310 RESIDENTIAL FACILITIES

17.04.310: RESIDENTIAL FACILITIES:

Residential Facilities as defined in City Code are permitted uses in every zone which allows residential uses.

SECTION 2. Amendment. South Jordan City Code Sections 17.24.020, 17.24.030, 17.28.020, 17.28.030, 17.32.020, 17.32.030, 17.36.020, 17.36.030, 17.40.020, 17.40.030, 17.45.020, 17.45.030, 17.46.020, 17.46.030, 17.48.020, 17.54.090, 17.54.120, 17.54.130, and 17.72.030 shall be amended as follows:

17.24.020: PERMITTED USES:

The following uses may be conducted in the A-5 zone as limited herein:

Agricultural and residential accessory uses and buildings.

Agricultural buildings not exceeding five thousand (5,000) square feet.

Crop production, horticulture.

Farm animals as regulated in section 17.24.130 of this chapter.

Home occupations according to city ordinances.

Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.24.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-5 zone:

Agricultural buildings exceeding five thousand (5,000) square feet in area.

Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.

Building other than single-family dwelling as a main building on the lot.

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural related structures and uses.

Cultural exhibits and activities.

Educational activities.

Golf courses and driving ranges.

Group daycare facility on minimum one acre lot.

Nature or zoological exhibits.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

17.28.020: PERMITTED USES:

The following uses may be conducted in the A-1 zone as limited herein:

Accessory structures not exceeding five thousand (5,000) square feet.

Agricultural and residential accessory uses.

Crop production, horticulture.

Farm animals as regulated in section 17.28.130 of this chapter.

Home occupations according to city ordinances.

Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.28.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-1 zone:

Accessory structures exceeding five thousand (5,000) square feet in area.

Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.

Building other than single-family dwelling as a main building on the lot.

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural structures and uses.

Cultural exhibits and activities.

Educational activities.

Golf courses and driving ranges.

Group daycare facility on minimum one acre lot.

Nature or zoological exhibits.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

17.32.020: PERMITTED USES:

The following uses may be conducted in the R-1.8 zone as limited herein:

Agricultural and residential accessory uses.

Home occupations according to city ordinances.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.32.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-1.8 zone:

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other agricultural related structures and uses.

Cultural exhibits and activities.

Educational activities.

Golf courses.

Group daycare facility on minimum one acre lot.

Nature or zoological exhibits.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

Single-family dwelling planned unit development (PUD) or condominium projects.

17.36.020: PERMITTED USES:

The following uses may be conducted in the R-2.5 zone as limited herein:

Home occupations according to city ordinances.

Residential accessory buildings, the footprints of which do not exceed sixty percent (60%) of the footprint area of the dwelling.

Residential accessory uses.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.36.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-2.5 zone:

Educational activities.

Golf courses.

Group daycare facility on minimum one acre lot.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

Single-family dwelling planned unit development (PUD) or condominium project.

17.40.020: PERMITTED USES:

The following uses may be conducted in the R-3 zone as limited herein:

Home occupations according to city ordinances.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.40.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-3 zone:

Educational activities.

Golf courses.

Group daycare facility on minimum one acre lot.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

Single-family dwelling planned unit developments (PUD) or condominium projects.

17.45.020: PERMITTED USES:

The following uses may be conducted in the R-4 zone as limited herein:

Home occupations according to city ordinances.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.45.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-4 zone:

Educational activities.

Golf courses.

Group daycare facility on minimum one acre lot.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

Single-family dwelling planned unit developments (PUD) or condominium projects.

17.46.020: PERMITTED USES:

The following uses may be conducted in the R-5 zone as limited herein:

Home occupations according to city ordinances.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

~~Residential facility for disabled persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.46.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-5 zone:

Educational activities.

Golf courses.

Group daycare facility on minimum one acre lot.

Parks and recreational activities.

Public facilities.

Religious activities.

~~Residential facility for elderly persons as required by state law.~~

Single-family dwelling planned unit developments (PUD) or condominium projects.

17.48.020: PERMITTED USES:

The following uses may be conducted in the R-M zone as limited herein:

Home occupations according to city ordinances.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

~~Residential facility for disabled or elderly persons as required by state law.~~

Single-family dwelling, detached, maximum one per lot or parcel.

17.54.090: MIXED USE-NORTH GATEWAY (MU-NGATE) ZONE:

A. Purpose: The mixed use-north gateway zone (MU-Ngate) is established to encourage primarily residential development which is representative of the residential character and lifestyle of the city. This zone will serve to identify and distinguish the city at the north boundary on Redwood Road.

B. Permitted Uses: The following use may be conducted in the MU-Ngate zone:

Single-family residential development R-2.5 standards. (Ord. 2007-02, 1-16-2007)

C. Conditional Uses: The following uses may be allowed in the MU-Ngate zone with approval of a conditional use permit:

Active parks, recreation facilities.

Group daycare.

Medical or dental office.

Office or commercial PUD or condominium, minimum five (5) acres.

Office service.

Passive parks.

Project smaller than five (5) acres, except residential PUD or condominium.

Public or quasi-public facilities.

~~Residential facility for disabled or elderly persons qualified under Utah Code Annotated.~~

Residential PUD or condominium with attached or detached single-family dwellings, not stacked, maximum eight (8) units per acre, project minimum five (5) acres, maximum ten (10) acres total in the zone.

Schools.

17.54.120: MU-HISTORIC AND LANDMARK (MU-HIST) ZONE:

A. Purpose: The mixed use-historic and landmark zone (MU-Hist) is established to preserve the historic and cultural heritage of the city while providing limited residential, commercial and

office opportunities. Uses established in the MU-Hist zone will reflect and be sensitive to the historic nature of this zone. Buildings should reflect the historic architecture of the state, possibly implementing Victorian characteristics. Historic buildings and sites shall be preserved as required by the city council.

B. Permitted Uses: The following uses may be conducted in the MU-Hist zone:

Bed and breakfast lodging.

Minor retail uses.

Restaurants. (Ord. 2007-02, 1-16-2007)

C. Conditional Uses: The following uses may be allowed in the MU-Hist zone with approval of a conditional use permit:

Active parks, recreational activities.

Cultural facilities.

Minor business services.

Office or commercial PUD or condominium, minimum five (5) acres.

Office service.

Passive parks.

Project smaller than five (5) acres.

Public or quasi-public facilities.

~~Residential facility for disabled or elderly persons qualified under Utah Code Annotated.~~

Schools.

Second or third story residential use above office or retail use on main level.

17.54.130: MU-COMMUNITY CENTER (MU-COMM) ZONE:

A. Purpose: The mixed use-community center zone (MU-Comm) is established to encourage centralized civic facilities with supporting and compatible office and commercial development. This zone should be characterized by a campus like environment with pedestrian amenities. (Ord. 2007-02, 1-16-2007)

B. Permitted Uses: The following uses may be conducted in the MU-Comm zone:

Cultural facilities.

Office service.

Restaurants.

Retail business.

C. Conditional Uses: The following uses may be allowed in the MU-Comm zone with approval of a conditional use permit:

Active parks, recreational facilities.

Buildings for religious activities.

Drive-through service.

Group daycare.

Health, beauty and fitness services.

Office or commercial PUD or condominium, minimum five (5) acres.

Passive parks.

Project smaller than five (5) acres.

Public or quasi-public facilities.

~~Residential facility for disabled or elderly persons qualified under Utah Code Annotated.~~

Residential PUD or condominium with attached or detached single-family dwellings, maximum eight (8) units per acre, minimum ten (10) acres.

Schools.

Second or third story residential use above office or retail use on main level.

17.72.030: PERMITTED USES:

The following uses may be conducted anywhere within the P-C zone:

Daycare facilities.

Healthcare facilities.

Home based occupations according to chapter 17.98 of this title.

Industrial and manufacturing uses.

Mix of permitted uses (including, without limitation, office/commercial, office/residential, retail/residential) within individual structures.

Open space, including landscaped areas and areas in natural vegetation, golf courses, parks, recreational areas.

Public facilities, such as schools, playgrounds and trails.

Religious activities.

Residential uses of all types on a range of lot sizes including, without limitation, single-family detached; single-family attached; multi-family residential; townhomes; loft apartments; residential units above ground floor retail, commercial or office uses; **and** condominiums; ~~and group homes as required by state law.~~

Retail, service, office, hotel, restaurant, entertainment and all other commercial uses of any type.

Other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses.

SECTION 3. 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 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2010 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Leona Winger	_____	_____	_____	_____
Larry Short	_____	_____	_____	_____
Kathy L. Johnson	_____	_____	_____	_____

Brian C. Butters
Aleta A. Taylor

Approved as to content: _____
City Manager

Legal Review: _____
Attorney for the City

Mayor: _____
W. Kent Money

ATTEST: _____
City Recorder