

ORDINANCE NO. 2012-02

ORDINANCE AMENDING THE PLANNING AND LAND USE CODE; TITLE 17, ADDING CHAPTER 130 TO THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO OVERLAY AND FLOATING ZONES AND IN PARTICULAR THE RAISING OF RESIDENTIAL CHICKENS FOR FAMILY FOOD PRODUCTION.

WHEREAS, the South Jordan City Council has previously adopted Title 17 of the South Jordan City Municipal Code, which authorizes the regulation of uses in the City zones; and

WHEREAS, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendment to Title 17 adding Chapter 130 to the Municipal Code; and

WHEREAS, the City Council has held a public hearing and has reviewed the proposed amendment and considered the recommendation of the Planning Commission regarding the proposed amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City staff, the City Planning Commission, and the City Council have taken into account the impact the proposed amendment will or may have on existing or future development, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed amendment meets the purposes and objectives of the Development Code and the Planning and Land Use Code; and

WHEREAS, the City Staff, the Planning Commission and the City Council have determined that the proposed amendment meets the goals and policies of the General Plan, including family food production; and

WHEREAS, the City Council desires to amend the Planning and Land Use Code as proposed; and

WHEREAS, the City Council has previously approved an ordinance providing for limited chickens on residential properties zoned R-1.8 and intends to expand the residential zones wherein chickens may be kept; and

WHEREAS, the City Council has found and determined that the proposed amendment to Title 17 by adding Chapter 140 to said Title of the South Jordan Municipal Code will support the best interests of the City and will promote the public health, safety and welfare.

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

Section 1. Enactment. Chapter 130 “Overlay and Floating Zones” of the Title 17 , “Planning and Land Use”, of the South Jordan Municipal Code is hereby enacted as follows:

CHAPTER 17.130

OVERLAY AND FLOATING ZONES

SECTION:

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

17.130.010: **DEFINITION AND PURPOSE:** An overlay zone represents a geographical area or district where additional standards, conditions, and/or uses are superimposed upon the underlying zones within that area or district. A floating zone may allow for additional uses within specific zones. It is not geographically located, but may be applied upon approval of specified standards and conditions having been met. The purpose of overlay zones and floating zones is to provide a zoning tool for the accomplishment of community goals and policies in the pursuit of the public health, safety, and welfare in ways not available through typical zoning.

17.130.020: **RESIDENTIAL CHICKENS FLOATING ZONE:** The Residential Chickens Floating Zone is established to provide regulations and standards for the raising of chickens and egg production in certain residential zones in the City. The floating zone is intended to encourage sustainable local and family food production, while establishing regulations that control the appropriateness of chickens in a semi-rural environment as needed to protect the health, safety, and welfare of the community. Except for standards herein allowed under the ‘**R**esidential **C**hickens **F**loating Zone,’ land use and development standards shall meet the requirements of the underlying zone.

17.130.020.005: **STANDARDS FOR RESIDENTIAL CHICKENS:** The **C**ommunity **D**evelopment **D**epartment may approve requests for the raising of residential chickens and egg production for family food production based upon the following standards being met:

A. **Residential Land Use Requirement.** The raising of chickens in residentially zoned areas is permitted, subject to the regulations established herein, **for minimum 10,000 square foot** on residential lots within the **single family Residential “R”-1.8-z Zones**, **excluding** lots located in PUD subdivisions. ~~The raising of chickens in PUD subdivisions is expressly prohibited.~~ Standards for raising chickens on agriculturally zoned properties are regulated based upon animal requirements as set forth under the A-1 and A-5 Zones.

B. **Number and Type of Chickens Allowed.** Up to six (6) chickens per residential lot may be kept for the purpose of family food production. The keeping of roosters in

residential zones is expressly prohibited. Roosters, as part of pullet stock, may be kept temporarily until such stock is four (4) months old.

C. Coop Size and Location. The size, height, and location of chicken coops shall be adequate to house the number of chickens on the property and shall meet the requirements for accessory buildings in the underlying zone, including setbacks and rear lot coverage. In addition to said requirements, chicken coops (or the portion of a larger accessory structure used for the raising of chickens) shall be located at least ten (10) feet from the on-site dwelling, ~~five ten~~ **(5 +0)** feet from the property line of an adjoining neighbor, and forty (40) feet from a dwelling on an adjoining property.

D. Chicken Care and Maintenance Guidelines. The raising of residential chickens and egg production shall be done in such a way that the use is clearly subordinate to the residential character of the property with no significant impacts or nuisances being created for the residential neighborhood in general and adjoining property owners in particular.

1. Education and Awareness. Residents interested in residential chickens and egg production are strongly encouraged to educate themselves as to appropriate chicken raising methods, Salt Lake County ~~b~~**B**oard of ~~h~~**H**ealth requirements, and ~~e~~**C**ity ordinances before purchasing chickens and equipment, constructing facilities, and obtaining applicable ~~e~~**C**ity permits. Residents are also encouraged to discuss their family food production plans with adjoining neighbors. **Regardless of approvals by the City, the keeping of residential chickens may be further restricted civilly by homeowners associations and recorded restrictive covenants.**
2. Slaughtering. The slaughtering or processing of chickens outdoors for food production is expressly prohibited in residential zones.
3. Feed Containers. The storage and accessibility of chicken feed shall be so handled to discourage rodents, other vermin, and predators.
4. Nuisance. Property owners will ensure that the raising of residential chickens and egg production is properly conducted and monitored to not create impacts to neighbors. Approval to raise residential chickens shall include the construction and maintenance of adequate and comely coops, pens, enclosures, and property fencing that will confine chickens to the property and that do not adversely affect neighborhood property values. The maintenance and cleanliness of facilities and equipment shall be the on-going responsibility of the property owner. If and when nuisance issues arise, property owners will work with neighbors, and ~~e~~**C**ity staff as necessary, to amicably resolve concerns. Complaints shall be considered prima facie nuisances with the burden upon property owners to resolve the same.

~~5. Additional Requirements. Regardless of approvals by the City, the keeping of residential chickens may be further restricted by homeowners associations and recorded restrictive covenants. The Community Development Department may impose other appropriate or more stringent requirements based upon the uniqueness of the subject property and as deemed necessary to protect the public health, safety, welfare, and residential character of the neighborhood.~~

17.130.020.010: PLOT PLAN, PERMITS, FEES, INSPECTIONS, AND POTENTIAL REVOCATION: A one-time ~~residential chicken~~ permit and fee (as established by the City Council) shall be required for the keeping of residential chickens in approved residential zones. In order to determine compliance with the requirements herein, two copies of a plot plan shall be submitted to the ~~Community Development Department~~, drawn to scale, clearly showing the location of all existing and proposed structures, coops, pens, enclosures, and property fencing as may be needed depending on the proposed type of residential chicken set-up. The plot plan shall also show building structures on adjoining residential lots. Distances to on-site and off-site structures as well as property lines shall be indicated to facilitate review and compliance.

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

17.130.020.015: TRANSFERABILITY: Residential chickens and egg production in residential zones is not transferable. Upon sale of the home or the change of primary occupant, the approval for residential chickens shall expire, unless otherwise renewed by the new owner or tenant. A renewed application and permit shall be required if previously approved residential chickens and egg production is discontinued for more than one (1) year by the property occupant.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 21 DAY OF February, 2012 BY THE FOLLOWING VOTE.

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	<u>X</u>	—	—	—
Chuck Newton	<u>X</u>	—	—	—
Brian C. Butters	<u>X</u>	—	—	—
Steve Barnes	<u>X</u>	—	—	—
Larry Short	<u>X</u>	—	—	—



Steve Barnes
Mayor

ATTEST: Anna M. West
Anna M. West, City Recorder

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ACCOUNT NAME	
SOUTH JORDAN CITY,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012543742	0000761649 /
SCHEDULE	
Start 01/29/2012	End 01/29/2012
CUST. REF. NO.	
Legal Notice	
CAPTION	
NOTICE OF PUBLIC HEARING Notice is hereby given that public hearings will be held before t	
SIZE	
33 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
60.44	



1000-160-42410

NOTICE OF PUBLIC HEARING
Notice is hereby given that public hearings will be held before the South Jordan City Planning Commission on Tuesday, February 14, 2012 at 6:30 p.m. and before the South Jordan City Council on Tuesday, February 21, 2012 at 6:00 p.m. in the South Jordan City Hall, located at 1600 W. Towne Center Drive, South Jordan, Utah, for the purpose of receiving public input on and reviewing the following:
1. An amendment to Section 17.130.020 of the South Jordan City Municipal Code pertaining to the Residential Chickens Floating Zone.
All those interested are invited to attend.
Questions may be addressed Monday through Friday during regular business hours at the South Jordan City Offices at 254-3742.
George Shaw, AICP
Community Development Director
761 649 UPAXLP

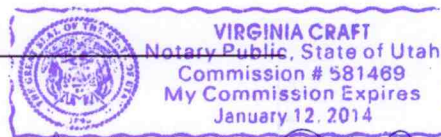
AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **NOTICE OF PUBLIC HEARING** Notice is hereby given that public hearings will be held before the South Jordan City Planning Commission on Tuesday, February 14, 2012 FOR **SOUTH JORDAN CITY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

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SIGNATURE

[Handwritten Signature]



DATE 1/30/2012

[Handwritten Signature: Virginia Craft]

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