**Single-Family Residential Zones – Staff Summary**

**Summary of Changes:**

Schedule of Uses

Among the most important parts of the ordinance project is updating the use tables to combine uses, eliminate obsolete uses, and define uses. The use tables now combine permitted and conditional uses and now include administrative conditional uses. The uses defined are typically more general in nature to both shorten the list by combining like uses and to include future like uses.

Golf Courses, Cemeteries, pigeons, animals and fowl for family food production and single-family project developments have been eliminated from the use table.

* There are no parcels zoned for single family development that are large enough to create a golf course or cemetery.
* Animals and fowl for family food production allowed a property owner to have an excessive number of animals on relatively small properties. This has been replaced by “animal rights” as a use and an animal unit scheme that allows for a more appropriate number of animals and fowl.
* Pigeons have been eliminated as a use, but chickens, ducks and apiary have been added.
* Single family project developments are an old-fashioned use whereby a number of homes are placed on one parcel with one owner, usually a family. Eventually someone will want to sell one or more of these houses and the configuration of these single-family projects rarely lends itself to a clean subdivision of the property. It is better to create development in a well thought our manner in the beginning rather than try to make it work years later.

Development Standards

* Grouped location and massing regulations for main buildings in one section and those for accessory structures in another to create clarity.
* Created a single rear yard standard for all lots in a zone rather than different setbacks that depended on having a garage.
* Clarify and modernize accessory structure standards, eliminating the rear yard rule and the oversized garage rule.
* Modernize the ordinance to include lot and impervious surface coverage maximums and establishing fencing standards.
* Removed allowable projections into required yards from the definitions section and modified it based on more modern practices.
* Created fencing standards.

Resources Utilized

* Ogden Zoning Ordinance
* Vineyard Zoning Ordinance
* South Jordan Zoning Ordinance
* Midvale Zoning Ordinance
* Mapleton Zoning Ordinance

Specific to Magna

The R-1-15 and R-1-43 Zones were removed from this Chapter. Neither Zone currently applies in Magna, and with their large minimum lot sizes and extremely low densities, they are unlikely to be desirable. The R-1-21 Zone has been left in this Chapter as a legacy Zone because there is still one parcel in the community with this designation. However, if those properties are re-zoned in the future, we advise removing the R-1-21 Zone from this Ordinance.

**Chapter 19.28: SINGLE-FAMILY RESIDENTIAL ZONES**

DRAFT for Review Purposes Only – August 20, 2022 (Post Magna Workshop Draft) Magna has indicated that they wish to eliminate the R-1-3 and R-1-4 zones but the parcels currently zoned this way must first be rezoned to another zone.

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**Sections:**

## 19.28.010 - Purpose of Provisions.

The purpose of the Single-Family Residential Zones is to establish primarily single-family neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment.

## 19.28.020 – Schedule of Permitted Uses.

1. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
2. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P) review, the entire development shall be reviewed and approved by the Conditional Use process.
3. Abbreviations. The abbreviations used in the schedule mean:
   1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
   2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
   3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.XX.030 is prohibited in this zone.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Table 19.28.020 - Uses Allowed in Residential Zoning Districts** | | | | | | | | |
| **Use Categories** | **R-1-3** | **R-1-4** | **R-1-5** | **R-1-6** | **R-1-7** | **R-1-8** | **R-1-10** | **R-1-21** |
| RESIDENTIAL: |  |  |  |  |  |  |  |  |
| Dwelling, Single Family | P | P | P | P | P | P | P | P |
| Dwelling, Manufactured Home | P | P | P | P | P | P | P | P |
| Planned Unit Development subject to Chapter 19.18 | C | C | C | C | C | C | C | C |
| Residential facilities for persons with a disability | P | P | P | P | P | P | P | P |
|  | **R-1-3** | **R-1-4** | **R-1-5** | **R-1-6** | **R-1-7** | **R-1-8** | **R-1-10** | **R-1-21** |
| ACCESSORY USES: |  |  |  |  |  |  |  |  |
| Accessory Uses and Buildings Subject to Section 19.28.050 | P | P | P | P | P | P | P | P |
| Accessory Dwelling Unit, Internal, subject to Section 19.XX.XX | X | X | X | P | P | P | P | P |
| Accessory Dwelling Unit, Detached, subject to Section 19.28.050 and 19.XX.XX | X | X | P | P | P | P | P | P |
| Guesthouse, the square footage must be less than one thousand two hundred square feet | X | X | X | X | X | X | X | P |
| Home Occupations, subject to Section 19.XX.XX | P | P | P | P | P | P | P | P |
| Home Day Care/Preschool, subject to Section 19.XX.XX | P | P | P | P | P | P | P | P |
| Household Pets, not including kennels | P | P | P | P | P | P | P | P |
| Kennels, private | X | X | X | P | P | P | P | P |
|  | **R-1-3** | **R-1-4** | **R-1-5** | **R-1-6** | **R-1-7** | **R-1-8** | **R-1-10** | **R-1-21** |
| INSTITUTIONAL USES: |  |  |  |  |  |  |  |  |
| Parks/Open Space | P | P | P | P | P | P | P | P |
| Public Utilities, Major | C | C | C | C | C | C | C | C |
| Public Utilities, Minor | P | P | P | P | P | P | P | P |
| Religious Institutions and Uses | P | P | P | P | P | P | P | P |
| Schools, Public | P | P | P | P | P | P | P | P |
| Schools, Private/Charter | C | C | C | C | C | C | C | C |
|  | **R-1-3** | **R-1-4** | **R-1-5** | **R-1-6** | **R-1-7** | **R-1-8** | **R-1-10** | **R-1-21** |
| OTHER USES: |  |  |  |  |  |  |  |  |
| Apiary | X | X | P | P | P | P | P | P |
| Agricultural/Gardening, excluding animal rights | P | P | P | P | P | P | P | P |
| Animals and Fowl for family food production established prior to (the date of the adoption of this ordinance) | X | X | X | X | X | X | X | C |
| Bed and Breakfast Inn | X | X | X | X | X | X | X | C |
| Residential Keeping of Chickens and Ducks, Subject to Section 19.XX.XX | X | X | X | P | P | P | P | P |
| Child Care, Residential and Licensed Family | P | P | P | P | P | P | P | P |
| Fences, walls and hedges subject to Section 19.XX.XX | P | P | P | P | P | P | P | P |
| Private, nonprofit recreational grounds and facilities | P | P | P | P | P | P | P | P |
| Sportsman’s Kennel (one-acre minimum lot area) | X | X | X | X | X | X | X | C |
| Temporary Construction Office associated with a permitted development project | P | P | P | P | P | P | P | P |

## 19.28.030 - Lot Area, Width and Maximum Density.

The minimum lot area and width requirements and maximum density are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Table 19.28.030 - Lot Area, Width and Yard Requirements.** | | | |
| Zone | Minimum Lot Area | Minimum Lot Width | Density |
| R-1-3 | 3,000 Square Feet | 35 feet at a distance 20 feet from the front lot line | 11.0 Units per acre |
| R-1-4 | 4,000 Square Feet | 40 feet at a distance 20 feet from the front lot line | 9.0 Units per acre |
| R-1-5 | 5,000 Square Feet | 50 feet at a distance 20 feet from the front lot line | 7.0 Units per acre |
| R-1-6 | 6,000 Square Feet | 60 feet at a distance 25 feet from the front lot line | 6.0 Units per acre |
| R-1-7 | 7,000 Square Feet | 65 feet at a distance 25 feet from the front lot line | 5.0 Units per acre |
| R-1-8 | 8,000 Square Feet | 65 feet at a distance 25 feet from the front lot line | 4.5 Units per acre |
| R-1-10 | 10,000 Square Feet | 80 feet at a distance 30 feet from the front lot line | 4.0 Units per acre |
| R-1-21 | 21,7800 Square Feet | 100 feet at a distance 30 feet from the front lot line | 2.0 Units per acre |

1. Density for Planned Unit Developments. The allowable density for planned unit developments shall be determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of municipal and reviewing agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable General Plan. Notwithstanding the above, the Planning Commission may not approve a planned unit development with density higher than the that enumerated in Table 19.28.030.

## 19.28.040 – Primary Structure Development Standards.

The following development standards apply to all primary residential and non-residential structures.

1. Required Yards:
   1. Dwellings: The minimum yard requirements for a Primary Residential Dwelling are as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Table 19.28.040A - Primary Residential Dwelling Setbacks.** | | | | |
| Zone | Front Yard | Side Yard, Interior | Side Yard, Corner Lot | Rear Yard |
| R-1-3, R-1-4, R-1-5 | 20 Feet | 5 Feet1 | 20 Feet | 20 Feet3 |
| R-1-6, R-1-7, R-1-8 | 25 Feet | 8 Feet or 11/5 split2 | 20 Feet | 25 Feet3 |
| R-1-10, R-1-21 | 30 Feet | 10 Feet | 20 Feet | 30 Feet3 |

1 unless attached to a dwelling on an adjacent lot.

2 5 feet on one side and 11 feet on the garage or driveway side.

3 homes with a garage existing prior to (the adoption of this ordinance) may maintain a 15’ rear setback.

2. The minimum yard requirements for a main building other than residential are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Table 19.28.040B - Non-Residential Main Building Setbacks.** | | | |
| Zone | Front Yard | Side Yard | Rear Yard |
| R-1-3, R-1-4, R-1-5 | 20 Feet | 20 Feet | 20 Feet |
| R-1-6, R-1-7, R-1-8 | 25 Feet | 20 Feet | 25 Feet |
| R-1-10, R-1-21 | 30 Feet | 20 Feet | 30 Feet |

3. Projections into Required Yards. The following structures may be erected on or projected into any required yard:

* + 1. Fences and walls that conform with this code.
    2. Landscape elements including trees, shrubs and other plants.
    3. Necessary appurtenances for utility services associated with minor public utilities.
    4. Planter boxes or masonry planters not exceeding twenty-four inches (24”) in height.
    5. Cornices, eaves, belt courses, buttresses and other similar architectural features may project into any yard not more than two feet (2’).
    6. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2’), provided that they are not wider than eight feet (8’) wide.
    7. Porches, door stoops, awnings, fire escapes and stairways may project into an interior side yard not more than two-feet (2’) and a front, rear, or corner side yard not more than four-feet (4’).
    8. An attached deck may encroach up to four feet (4’) into a rear yard if it is accessed from and appurtenant to the ground floor of a residential structure.
    9. Accessory structures subject to Section 19.28.050.

1. Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed the following height:
   1. Thirty feet (30’) on property where the slope of the original ground surface exceeds fifteen percent (15%), or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet (15’) or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet (2’).
   2. Thirty-five feet (35’) on properties other than those listed in number one of this subsection.
   3. No dwelling shall contain less than one story or more than two stories except as part of a Planned Unit Development, subject to Chapter 19.18 of this title.

## 19.28.050 – Accessory Structure Development Standards.

1. Accessory Structure Location and Setback Requirements. The location and minimum setback requirements for an accessory building in a single-family residential zone are as follows:
   1. Shall be located in the side or rear yard and six feet (6’) away from the dwelling. No accessory building may be located within the required front yard or between the main building and a street.
   2. Shall be located at least one foot (1’) from an interior side property line, measured from the nearest portion of the structure, including eaves and overhangs. When the accessory building is located in a side yard between two existing main buildings, the accessory building must be located at least five feet (5’) from the property line.
   3. Shall be twenty feet (20’) from a street facing side property line. No accessory building may be located between the main building and a street.
   4. Shall be located at least one foot (1’) from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback shall be ten feet (10’) from the adjoining side yard.
   5. No part of any accessory structure may be placed within one foot (1’) of the property line, including eaves, cantilevers and other protrusions from the structure.
2. Accessory Structure Height requirements:
   1. No building which is accessory to a single-family dwelling may exceed twenty feet (20’) in height. For each foot (1’) of height over fourteen feet (14’), accessory buildings shall be set back from the side and rear property lines an additional foot (1’) to allow a maximum height of twenty feet (20’).

## 19.28.060 - Lot Coverage.

1. No combination of buildings, including accessory buildings and other structures, shall cover more than forty percent (40%) of the area of the lot or parcel of land.
2. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.
3. Concrete, asphalt and other impervious surfaces may not cover more than fifty percent (50%) of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the main building and the property boundary. Any lot less than forty feet (40’) wide may install one driveway that exceeds the fifty percent (50%) impervious surface rule as long as that driveway does not exceed twenty feet (20’) in width.

## 19.28.070 - Fencing Standards.

The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge, or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the municipal engineer.

1. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed a maximum of ten feet (10').
2. Rear Yard: A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.
3. Corner Lots: A fence not more than seven feet (7') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.
4. Clear Sight Triangle: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of ten feet (10') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of forty feet (40') from the intersection along the property lines.
5. Larger Clear Sight Triangle: Larger clear sight triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.
6. Grade Differences: Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.
7. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
8. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.
9. Fire Hydrants and Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. Location of the fire hydrant shall be in accordance with the uniform fire code.
10. Exceptions: The provisions of this section may not apply to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances.

**19.28.080 - Informational.**

For additional information refer to the zoning ordinance and in particular the following sections:

(Will be completed at the end of the project when final locations of associated regulations are complete)