



NOTICE AND AGENDA

SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, AUGUST 10, 2023

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on Thursday, August 10, 2023, beginning at 6:15 p.m. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; anyone interested is welcome to attend. Some members of the commission may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogdencity.

A briefing session will be held at 5:30 pm in the conference room and is open to the public.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES - Chair Jeremy Howe

II. ZONING ITEMS

Discussion on Driveways and Off-Street Parking

III. SPECIAL ITEMS

- A. Consideration of Application for Second Driveway Located at 4628 Porter
- B. Discussion on City Council Strategic Initiative 6.3- Create or Allow For, And Reduce Regulations Related To, Internal or Detached Accessory Dwelling Units in Residential Zones

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of July 13, 2023 Planning Commission Minutes

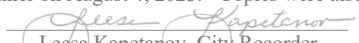
V. STAFF REPORTS

VI. OTHER BUSINESS

VII. PUBLIC COMMENTS

VIII. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on August 4, 2023. Copies were also delivered to each member of the Planning Commission.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



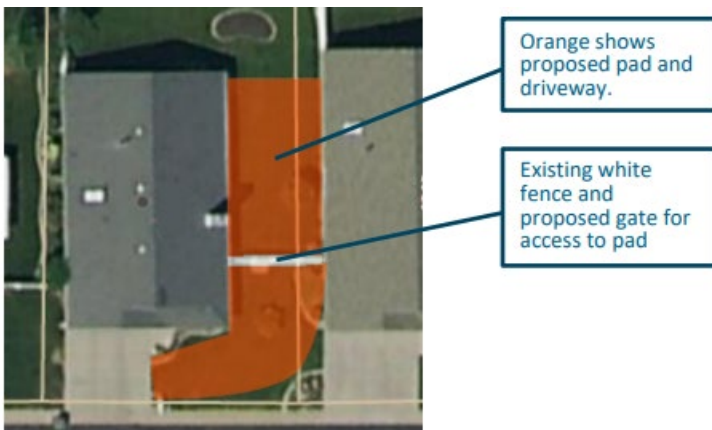
SUBJECT: Off-Street Parking Ordinance Revision
AUTHOR: Madison Merrill / Mark Vlasic
DEPARTMENT: Planning
DATE: August 10, 2023

SUMMARY

Staff has amended [TITLE 10-17-2: Off-Street Parking and Driveway Requirements for Dwellings](#) of the South Ogden City Code to address issues regarding accessory vehicle parking pads in residential zones.

BACKGROUND

Several residents have requested to build accessory vehicle parking pads this year, including one to create a pad on the opposite side of the house from the existing driveway. To do this, the current code requires them to tie into the existing driveway, even though it will effectively pave the entire front yard (see illustration below). There is nothing in the South Ogden Code that prohibits this.



During the June 8th Planning Commission Meeting, the Commission expressed interest in revising the ordinance and requested more information from staff. On July 13th, staff provided examples of other cities' requirements for secondary parking pads and front yard landscapes. The Planning Commission requested the ordinance be revised to include the following requirements:

- No more than 70% of the front yard may be hardscape.
- Second driveways may be permitted if the combined driveway width does not exceed 50% of the lot width.

RECOMMENDATION

Staff recommends the code be modified as indicated on the following pages:

10-17-2: Off Street Parking Space And Driveway Requirements For Dwellings

A. Applicability: Single-Family Residences, Mobile Homes And Multiple-Family Residences Of Four (4) Or Less Dwelling Units Per Building:

~~1.~~ B. Off Street Parking Requirements: For all zones referenced in section 10-17-1, ~~(see subsection 10-17-5C of this chapter for exception)~~:

~~a)~~ 1. For a single-family dwelling: two (2) parking spaces.

~~b)~~ 2. For a two-family dwelling: four (4) parking spaces.

~~c)~~ 3. For a three-family dwelling: six (6) parking spaces.

~~d)~~ 4. For a four-family dwelling: seven (7) parking spaces.

~~e)~~ 5. Housing exclusively for seniors, one parking space per unit.

~~2.~~ C. Increase: If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

~~3.~~ D. Paying Guests: In addition to the above parking space requirements, one parking space shall be provided for every two (2) paying guests residing in such dwelling units. Such paying guests refers to the rental of sleeping rooms within the dwelling unit.

~~4.~~ E. Location: Required off street parking shall be located on the same lot or parcel as the use it is intended to serve.

~~5.~~ F. Surfacing:

~~a)~~ 1. The first thirty feet (30') from the public right-of-way of all primary driveways used to access the required parking stalls ~~under subsection 11-17-2A1 for any residential unit~~ shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.

~~b)~~ 2. Off street parking stalls located in the side yard or rear yard setbacks of a structure shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.

~~c)~~ ~~Multi-family units are required to utilize asphaltic concrete, pavement bricks, or cement concrete, or other materials approved by the City Engineer which complies with air quality and SWPPP standards.~~

G. Driveways:

~~6.~~ 1. Width: Primary driveways and access ways shall be not less than ten feet (10') wide for one-way traffic, and not less than twenty feet (20') wide for two-way traffic.

2. Number of Driveways: Single-family or duplex lots shall be allowed one driveway onto the public street for each lot.

a) One additional driveway may be permitted for single-family and duplex lots if used to service accessory vehicle parking.

~~7.3.~~ Accessory Vehicle Parking: If additional parking of accessory vehicles such as ~~and~~ trailers or takes place, including recreational vehicles is proposed, parking pads, such the parking ~~places spaces for such~~ shall meet the following standards:

~~b) The proposed parking space may not occupy areas required to meet the minimum number of required off-street parking spaces stipulated in subsection 10-17-2-B. The dwelling unit has the minimum number of required off-street parking spaces as stipulated by subsection A.~~

a)

b) The parking area must be ~~is~~ at least eight feet (8') wide. For corner lots, the parking area may not exceed, and in the case of corner lots, a maximum of twelve feet (12') in width when located in the corner side yard. wide in the side yard area, and is

c) The parking area must be located behind or to the side of the residence and be of sufficient length to accommodate the vehicle. with a ~~No~~ portion of the vehicle shall ~~extend beyond~~ ing forward of the front façade ~~face~~ of the dwelling.

~~a)d) For corner lots, in the case of a corner lot, no vehicle shall be parked within the required Clear View Area (see 10-14-14: Clear View of Intersecting Streets). in the forty-foot (40') sight triangle.~~

~~b) The appurtenant driveway to the slab must be tapered to use the existing driveway approach.~~

~~e)e) The accessory vehicle parking slab. Any slab constructed must remain open and unobstructed to the sky. If a roof or cover is desired, it must comply with all applicable codes and regulations, and an or appropriate building permit must be obtained to comply with all setbacks and other requirements of this code.~~

~~d)f) All storm water runoff from hard surfaces must be directed so as to to prevent drainage onto adjacent properties.~~

4. Coverage: In no case may the combined area of all driveways cover more than seventy percent (70%) of the front yard. If a second driveway is proposed, the combined width of both driveways shall not exceed 50% of the lot width.

~~8.5.~~ Maximum Yard Area Used For Parking: ~~And Vehicle Access Lanes: For all uses permitted in a residential zone, none of the~~ No portion of the required front yard ~~area required by the respective zones~~ shall be used for parking vehicles, but The front yard shall be left open in open green space, except for driveways that provide access across and over the required front yard is allowed to access to garages or the side or rear yard parking areas. (see 10-23: Landscape Regulations).

~~9-6. Screening:~~ All off street parking spaces and associated access lanes shall be screened ~~on any from side~~ adjoining ~~any property properties with~~ in a residential zone by a masonry wall or ~~solid~~ fence not less than four feet (4'), nor ~~greater than over~~ six feet (6') ~~high, in height. The use of shrubs or other live screening material except that some hedgerow shrubs, as identified by the City's arborist or building official, may be used in place of a wall or fence, if approved by staff. Such live plant materials must extend along the length of the adjoining property line and meet the same minimum and maximum height requirements of a wall or fence at maturity without impacting or extending into the adjacent property. provided the hedge is continuous along adjoining property and at maturity is not less than five feet (5') nor more than six feet (6') high. Hedgerow shrubs shall be maintained and replaced where necessary in order that the hedge may become an effective screen from bordering property within a maximum five (5) year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.~~

~~10. A driveway may be expanded to include the space between the drive and the nearest property line. In addition, for existing dwellings, a drive may be twenty feet (20') wide to include required off street parking if access from the existing drive cannot otherwise provide access to required parking.~~

~~B. Access: Parking spaces shall have direct and unblockable access to a driveway and shall not include any space that can only be used by obtaining access through another parking space. (Ord. 17-23, 11-21-2017, eff. 11-21-2017; amd. Ord. 20-04, 2-18-2020)~~

10-17-5: Exceptions

- A. Exception one: An existing residential use, which is nonconforming because of not satisfying the minimum parking requirement, may provide additional parking in the front yard area for up to two (2) vehicles providing the side yard and/or the rear yard is not accessible by an eight foot (8') space or larger and if the existing location of public utilities does not otherwise prohibit travel through that area.
- B. Exception two: Notwithstanding anything in the foregoing to the contrary, residential lots that have a driveway with a twelve percent (12%) slope or greater may be granted one additional parking space in the front yard providing the parking space is accessed from the driveway and not part of the street right-of-way. No additional driveway access is intended unless the parking space is part of a circular drive. Parking space exceptions under this subsection ~~C2~~ must be approved by the Planning Commission as a special exception for good cause shown. (Ord. 17-23, 11-21-2017, eff. 11-21-2017; amd. Ord. 20-04, 2-18-2020)

REQUEST FOR SECOND DRIVEWAY ACCESS

Owners Name Jessica Webb Phone 801-452-1123 email jesswebb86@gmail.com

Address 4628 Porter Ave City S. Ogden State UT Zip 84403

Property Address: 4628 porter Ave.

Please attach a site plan to this application. The plan should show all existing approaches and driveways as well as the requested approach and driveway, including the width of the approaches. The site plan should also show the location of the existing house, garage, carports etc. as well as any proposed structures. Please use the lines below to give any details you would like the planning commission to consider with your request.

I plan to use the second driveway to park a trailer and an additional car. However, the first driveway has a steep incline that worries me during the winter months. I also request that the two driveways not be connected, as it would not be practical in this situation. Having most of the yard covered in cement would detract from the house's visual appeal.

Fee - \$75

The P.C. action is subject to appeal to the Hearing Officer. Appeal must be filed with the City Recorder, by any interested party, within 14 days from the date of the P.C. written decision.

OFFICE USE

Request for Recommendation sent to the following by copy and return of this form:

	Date	Received back
Public Works -	_____	_____
Building Inspector -	_____	_____
Other	_____	_____

RECOMMENDATION: (INCLUDE ATTACHMENT)

PLANNING COMMISSION ACTION:

APPROVED _____ DENIED _____ Date _____

Applicant notified - Date _____

OWNER AFFIRMATION

I (we) _____, the sole owner(s) of the real property located
at _____, South Ogden, Utah do hereby appoint
_____, as my (our) agent to represent me (us) with regard
to this application affecting the above described real property, and to appear on my (our) behalf before
any city boards considering this application.

I declare under criminal penalty of law of UCA 78B-18a-106 that the foregoing is true and correct.

Signed on the ____ day of _____, _____, at _____.
City or other location, and State or Country

Printed Name

Signature

APPLICANT'S AFFIRMATION

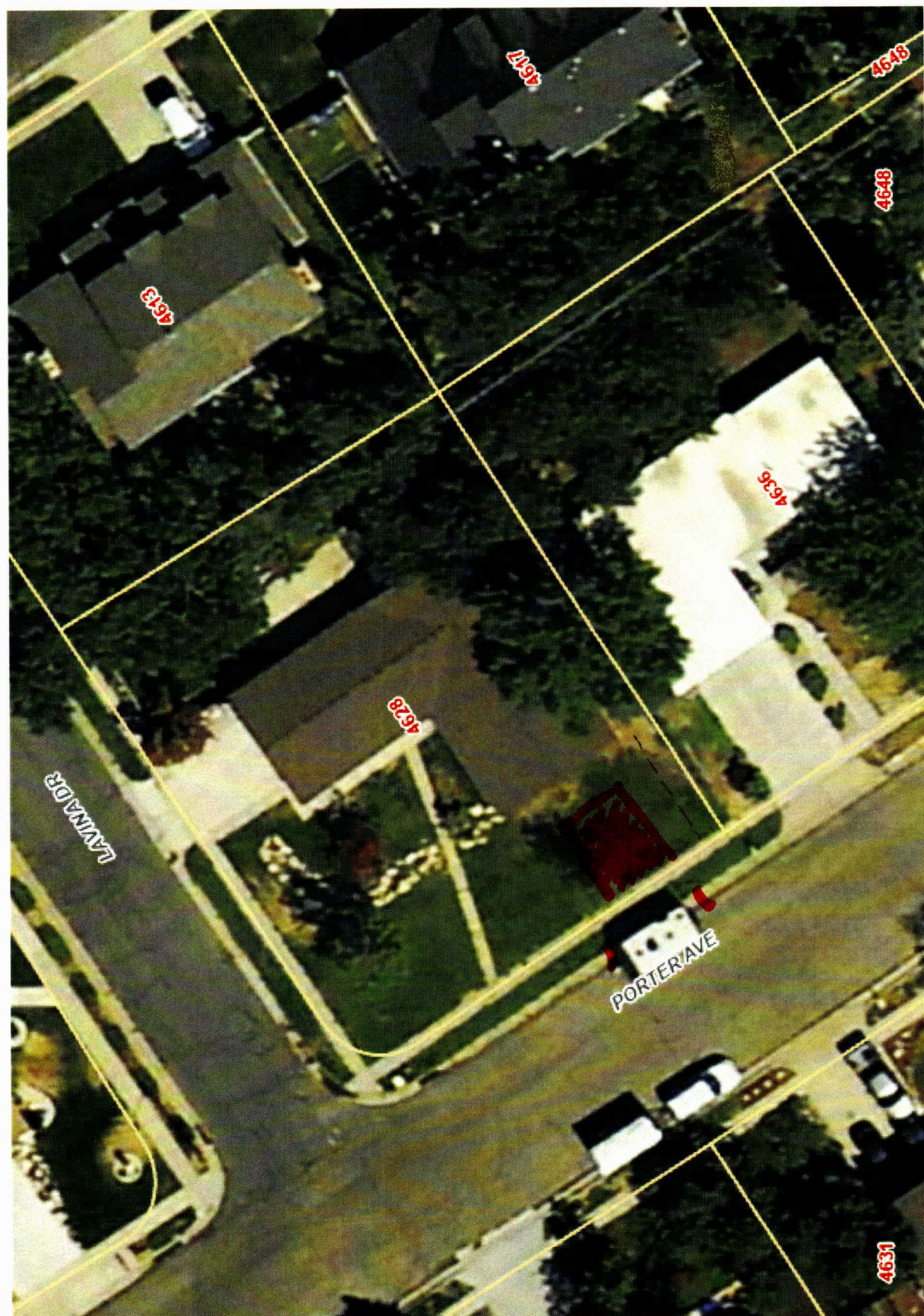
I (we) Jessica Webb & Amber Bradshaw, declare that I (we) am (are) the ☒ sole owner(s) or ☐ agent
of the owner(s), of the property involved in this application, to-wit, 4628 Porter Ave..
Property Owner(s) or Agent of Owner Property Address

I declare under criminal penalty of UCA 78B-18a-106 that the statements, answers, attached plans and
other exhibits, are to the best of my knowledge and belief true and correct.

Signed on the 18 day of July, 2023, at S Ogden.
City or other location, and State or Country

Jessica Webb & Amber Bradshaw
Printed Name

[Signature]
Signature





STAFF REPORT



SUBJECT: Second Driveway Application for Residence at 4628
Porter Avenue
AUTHOR: Mark Vlastic/ Madison Merrill
DEPARTMENT: Planning
DATE: August 10, 2023

BACKGROUND

This is an application to construct a second driveway for a residential home. The home is located on a corner lot where Lavina Drive (4600 South) and Porter Avenue intersect. Both are lightly-trafficked local streets. An existing driveway is located in the side yard off of Lavina Drive, providing access to an internal two-car garage.

The applicant is requesting a second driveway on Porter Avenue to accommodate both a car and an accessory vehicle. According to the sketch provided, the second driveway is approximately 20' wide and terminates in front of the home. Parking would be located in the front yard, which currently has no driveway (see aerial photo with sketch provided by the applicant). The applicant indicates that the existing driveway and adjacent slopes are steep, making it difficult to widen, add additional parking, and navigate in winter months. The applicant is concerned that the side yard off Lavina Drive would be covered with too much pavement if the existing drive were widened to accommodate additional parking.

DISCUSSION

With limited exceptions, the zoning ordinance does not allow parking in the front yard. Title 10-17-5-B of the municipal code indicates that residential lots containing a driveway with a twelve percent (12%) slope or greater may be granted one additional parking space in the front yard, if the new parking space is accessed from the existing driveway. The application does not meet this requirement.

SPECIAL NOTE

The Planning Commission is currently considering modifications to the code that would clarify the location and layout of second driveways. The potential changes under consideration do not permit parking in the front yard as proposed in this application.

RECOMMENDATION

Staff recommends the application be denied since parking is not allowed as proposed.

POSSIBLE MOTIONS

Staff Recommended Option – DENIAL

I move to **deny** the application based on the findings contained in the Staff Report and any others deemed appropriate by the Planning Commission, as follow:

Alternative 2 – APPROVAL

I move to **approve** the application with the following findings:

Alternative 1 – CONTINUANCE

I move to **continue** the application to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

STAFF REPORT



SUBJECT: Discussion on City Council Strategic Initiative 6.3
to Create or Allow for, and Reduce Regulations
Related To, Internal or Detached Accessory
Dwelling Units in Residential Zones

AUTHOR: Mark Vlasic

DEPARTMENT: Planning

DATE: August 10, 2023

SUMMARY

A draft revision **TITLE 10-14-23: Accessory Dwelling Units (ADU)** of the South Ogden City Code is presented for review and discussion. The revised code expands the types and of ADUs that would be permitted in South Ogden.

BACKGROUND

This is a continuation of discussions held during the July Planning Commission meeting. To summarize, the City Council has asked that the planning commission to review and discuss expanding ADU options as suggested in Strategy 3 of the adopted Housing Chapter of the 2023 General Plan. The meeting concluded with the following decisions and directives to staff:

1. The planning commission would like the existing ADU ordinance to be revised to include external units as well as internal. They would like a simple code, but not a comprehensive re-write. Instead, they suggest that the existing ordinance is modified to resemble the Heber City ADU ordinance with a bit more specificity
2. Other considerations for the revised ordinance include:
 - Owner-occupancy requirement for one of the units;
 - No more than one ADU per property;
 - All ADUs should be permitted (no conditions beyond what is stated in the ordinance);
 - Specific size requirements (1,500 sf as indicated in the Heber code is too large)
 - Minimum lot size requirement

RECOMMENDATION

Staff recommends the code be modified as indicated below

10-14-23: Accessory Dwelling Units (ADU)

The purposes and objectives of this section are to provide reasonable regulations for supplementary living accommodations in internal Accessory Dwelling Units (ADUs) located in residential areas of the city. An accessory dwelling unit (ADU) is a second dwelling unit in an owner-occupied single-family property that is clearly incidental and accessory to the main dwelling on the property, and can be either internal, detached or attached.

1. Internal ADU - an accessory dwelling unit located within the footprint of the primary dwelling unit.
2. Detached ADU - an accessory dwelling unit that is located on the residential property and within or attached to the principal dwelling unit.
3. Attached ADU - an accessory dwelling unit that is constructed as a physical expansion or addition to the primary dwelling, sharing one or more common walls.

An Accessory Dwelling Unit may be permitted subject to the following conditions:

1. No more than one ADU may be permitted on a single lot.
2. ADUs are not permitted on residential lots that comprise an area of 6,000 square feet or less.
3. The ADU or the principal residence shall be occupied by the owner of the property, except for temporary bona-fide absences.
4. There shall be no obvious evidence that more than one family is living on the property containing the ADU. The ADU shall be clearly incidental to the primary dwelling and the property it is located.
5. Each ADU unit shall have the same address as the main structure. Homes with an ADU may designate mail to occupants of the ADU with a unit or apartment number.
6. The ADU may not be used as a short-term rental.
 - a. Short-term rental is defined as a property that is rented for a period of less than 30 days.
7. ADU size requirements:
 - a. Maximum size: no maximum size for ADUs located within or attached to a main building.
 - b. Detached ADUs shall not exceed 1,200 square feet.
8. Site Design and Height Requirements

- a. Internal and attached ADUs must meet the setback and height requirements of the primary building;
 - b. External Buildings must meet the setback and height requirements of garages and other accessory buildings permitted in the specific zone.
9. The ADU shall provide at least one (1) off-street parking space in addition to the required parking for the primary residential unit.
 - a. The required ADU off-street parking spaces shall meet the requirements contained in Title 10, Chapter 17 Parking and Loading Space, Driveway, Vehicle Traffic and Access Regulations of the South Ogden City Code.
 - b. Garage or carport spaces count as approved spaces.
 - c. Required ADU parking stalls may not be located in a front yard or required setback area.
10. A single-family dwelling with an ADU shall have only one meter per utility service. Each meter shall be in the property owner's name.
11. All construction and remodeling to accommodate the ADU shall be in accordance with all building codes, as amended and in effect at the time of construction or remodeling.
12. A person desiring construct an ADU shall obtain a building permit as applicable.
13. The property owner must obtain a South Ogden City Rental Dwelling Business License for ADUs that they receive any monetary compensation.
14. ADUs may inspected upon receipt of complaints by any appropriate department of South Ogden City or other governmental agency to ensure compliance with building, fire and health and safety codes.
15. No ADU shall be approved without all required inspections and approval of the City Building Inspector in compliance with UCA 10-9a-511.5 and its subsequent amendments.
16. No Rental Dwelling Business License shall be granted without providing evidence of a Certificate of Occupancy.
17. Prior Uses: No ADU existing prior to the enactment of this Section shall be "grandfathered" or considered legal solely based on the fact they were used as such.
18. Other Rental Units Prohibited: There shall be no other type of accessory dwelling unit allowed except as provided in this Section. Any portion of the primary residence or accessory dwelling unit that is sectioned off so that any occupant of said dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, shall be prohibited unless it meets all of the requirements and standards of this Section, and an application has been made pursuant to the requirements and conditions of this Section.
19. The ownership of an ADU shall not be separated from the principal dwelling.
20. Decisions of South Ogden City not to issue a permit for an ADU can be appealed to the Appeal Authority.

10-14-23: Accessory Dwelling Units (ADU)

The purposes and objectives of this section are to provide reasonable regulations for supplementary living accommodations in internal Accessory Dwelling Units (ADUs) located in residential areas of the city. ~~An internal Accessory Dwelling Unit (ADU)~~

1. ~~An Accessory Dwelling Unit may be permitted subject to the following conditions:~~

- ~~1. No more than one ADU may be permitted within each single family dwelling.~~
- ~~2. ADUs are not permitted on residential lots that comprise an area of 6,000 square feet or less.~~
- ~~3. Either the ADU or the principal residence shall be occupied by the owner of the property except for temporary bona fide absences.~~
- ~~4. ADUs are permitted only in owner-occupied single family dwellings.~~
- ~~5. There shall be no external evidence of occupancy by more than one family. The ADU shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.~~
- ~~6. Each ADU unit shall have the same address as the main structure. Homes with an ADU may designate mail to occupants of the ADU with a unit or apartment number.~~
- ~~7. No ADU may be used as a short term rental.~~
 - ~~1. Short term rental is defined as a property that is rented for a period of less than 30 days.~~
- ~~8. Each ADU shall provide at least one (1) off street parking space in addition to the required parking for the primary residential unit.~~
 - ~~1. The required ADU off street parking spaces shall meet the requirements contained in Title 10, Chapter 17 Parking and Loading Space, Driveway, Vehicle Traffic and Access Regulations of the South Ogden City Code.~~
 - ~~2. Garage or carport spaces count as approved spaces.~~
 - ~~3. Required ADU parking stalls may not be located within a front yard setback area.~~
- ~~9. A single family dwelling with an ADU shall only have one meter per utility service. Each meter shall be in the property owner's name.~~
- ~~10. All construction and remodeling to accommodate the ADU shall be in accordance with all building codes, as amended, in effect at the time of construction or remodeling.~~
- ~~11. ADU size requirements are:~~
 - ~~1. Minimum size: no minimum size.~~
 - ~~2. Maximum size: no maximum size.~~
- ~~12. ADUs must include the following:~~
 - ~~1. A kitchen separate from the main dwelling.~~

- ~~2. Sanitation facilities (at least a 3/4 bathroom) separate from the main dwelling.~~
- ~~13. A person desiring to add an ADU to their house shall obtain a building permit when applicable.~~
- ~~14. The owner of the property must obtain a City Rental Dwelling Business License for ADUs for which they receive any monetary compensation.~~
- ~~15. ADUs licensed in South Ogden City may be inspected upon receipt of complaints for compliance with building, fire, and health codes by any appropriate department of the City or other governmental agency to ensure compliance with building, fire and health and safety codes. No ADU shall be approved without all required inspections and approval of the City Building Inspector in compliance with UCA 10-9a-511.5 and its subsequent amendments.~~
- ~~16. No Rental Dwelling Business License shall be granted without providing evidence of a Certificate of Occupancy.~~
- ~~17. Prior Uses: No ADU existing prior to the enactment of this Section shall be "grandfathered", or considered legal solely because they were previously used as such.~~
- ~~18. Other Rental Units Prohibited: There shall be no other type of accessory dwelling unit allowed except as provided in this Section. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, shall be prohibited unless it meets all of the requirements and standards of this Section, and an application has been made pursuant to the requirements and conditions of this Section.~~
- ~~19. The ownership of an ADU shall not be separated from the principal dwelling.~~
- ~~20. Decisions of South Ogden City not to issue a permit for an ADU can be appealed to the Appeal Authority.~~



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, JULY 13, 2023

COUNCIL CHAMBERS, CITY HALL –6:15 pm

PLANNING COMMISSION MEMBERS PRESENT

Chair Jeremy Howe, Commissioners Robert Bruderer, Steve Pruess, Nic Mills, Stephen Dredge, and Brian Mitchell

PLANNING COMMISSION MEMBERS EXCUSED

John Bradley

STAFF PRESENT

Assistant City Manager Doug Gailey, Planner Madison Merrill, and Recorder Leesa Kapetanov

OTHERS PRESENT

No one else attended this meeting

Note: The time stamps indicated in blue correspond to the audio recording of this meeting which can be found at:

https://files4.1.revize.com/southogden/document_center/Sound%20Files/2023/PC230713_1814.mp3

or requested from the office of the South Ogden City Recorder.

A briefing session was held before the planning commission meeting and was open to the public as well as available through Facebook Live. The audio recording for the briefing meeting can be found by clicking this link:

https://files4.1.revize.com/southogden/document_center/Sound%20Files/2023/PC230713_1738.mp3

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

- Chair Jeremy Howe called the meeting to order at 6:15 pm and called for a motion to open the Planning Commission meeting

00:00:00

Commissioner Pruess moved to open the Planning Commission meeting for July 13. The motion was seconded by Commissioner Mills. Commissioners Bruderer, Dredge, Mitchell, Pruess, and Mills all voted aye.

- Chair Howe introduced and welcomed Brian Mitchell as the newest Planning Commission member 00:00:47

II. ZONING ITEMS

A. Discussion on Driveways and Off-Street Parking

- Staff overview 00:01:18
- Discussion 00:02:23
- The Commission directed staff to prepare an ordinance for the next meeting based on their discussion

III. SPECIAL ITEMS

A. Discussion on City Council Strategic Initiative 6.3- Create or Allow For, And Reduce Regulations Related To, Internal or Detached Accessory Dwelling Units in Residential Zones

- Overview by Ms. Merrill 00:46:31
As part of her overview, Ms. Merrill used a visual presentation. See Attachment A.
- Discussion 00:58:59
- During the discussion, the Commission identified elements they would like to see in a detached ADU ordinance and asked staff to prepare an ordinance for the next meeting

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of June 8, 2023 PC Minutes

- Chair Howe asked if there were any comments on the minutes. Commissioner Pruess stated he was glad to see that the chair and vice-chair positions remained the same based on last month's election. The chair then called for a motion to approve the minutes. 01:28:32

Commissioner Bruderer so moved. The motion was seconded by Commissioner Mills. All present voted aye.

V. STAFF REPORTS

- There were no reports on projects by staff

VI. OTHER BUSINESS

- The Commission had no other business to bring forward

90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131

- ## VIII. ADJOURN

- Commissioner Pruess moved to adjourn, followed by a second from Commissioner Brian Mitchell. The voice vote was unanimous in favor of the motion.**


Leesa Kapetanov, City Recorder

Planning Commission Minutes July 13, 2023

132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173

Attachment A

Visual Presentation by Ms. Merrill



SOUTH OGDEN ACCESSORY DWELLING UNIT ORDINANCE DISCUSSION

**Planning Commission
13 JULY 2023**

ACCESSORY DWELLING UNITS (ADU)

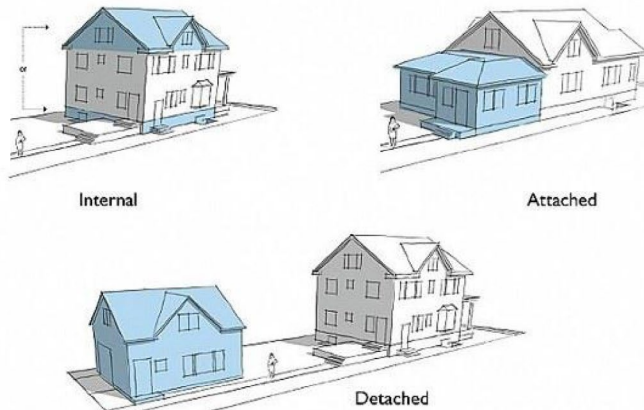
**For many Utahns, finding an affordable home is harder than ever.
As a result, state policymakers have become increasingly involved in
the search for solutions for improving access and supply of
affordable housing.**

ACCESSORY DWELLING UNITS (ADU)

Accessory dwelling units (ADUs) — small rental units that can be added to existing properties and ease housing shortages — are at the forefront of these efforts. ADUs are an attractive option because they represent a type of housing that are typically hundreds of dollars less than apartments in the same neighborhood. They are also gaining popularity because they can potentially provide a reasonable fit and only limited impacts in established neighborhoods.

TYPES OF ADUs

ONLY INTERNAL ADUS
(IADU) LOCATED WITHIN
EXISTING HOMES ARE
PERMITTED IN SOUTH
OGDEN

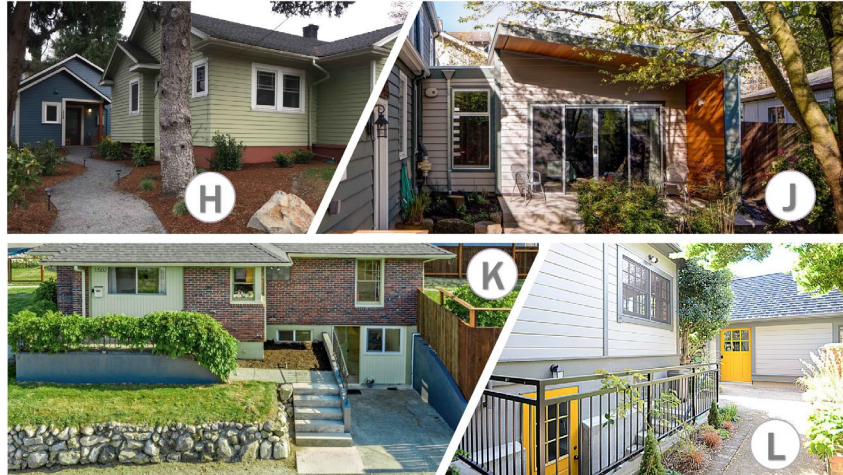




- A** External ADU – Detached / Located in Rear Yard (New)
B External ADU – Detached / Located in Rear Yard (Converted Garage)
C External ADU – Detached / Located Above Side Yard Garage (New Unit Replaces Existing Garage)
D External ADU – Detached / Located Above Rear Yard Garage (New Unit with Alley Access)



- E** External ADU – Detached / Located in Rear Yard (Converted Garage)
F External ADU – Attached to Primary Residence / Side Yard Addition
G External ADU – Detached / Located in Rear Yard



- H** Detached/Located in Rear Yard (Converted Garage)
- J** External ADU – Attached to Primary Residence / Rear Yard Addition
- K** Internal ADU – In Basement (Converted Attached Garage)
- M** Internal ADU – One IADU in Basement AND a Detached Unit Located in a Converted Garage)

PROS & CONS OF ADUS

PROS

Versatile Space & Form

They may be located internally within the primary residence, attached to it or detached from it on the same site

Value

Some studies indicate that having an ADU on your property adds value to the home

Income

A popular reason for building an ADU is the rental income opportunity

PROS & CONS OF ADUS

CONS

Loss of Space

When using an existing space, such as a garage or backyard area, you ultimately suffer the loss of that space

Cost

Building an ADU is a considerable cost

Disruption

An ADU will affect the homeowners' daily life

STATE ADU REGULATIONS

- Recent state legislation (2023) mandates that all Internal ADUs shall be permitted uses
- It also removes restrictions on unit size, lot size, street frontage, and internal connectivity for IADUs
- Municipalities still have some control regarding the design, parking, utilities, safety and occupancy requirements of IADUs

OTHER MUNICIPALITIES

- Staff previously reviewed ADU ordinances from 25 other Utah communities. Staff has since undertaken a more limited assessment of ADU trends and issues in comparable cities, with the following findings:
 - Most have removed IADUs as a conditional use
 - The size of detached ADU additions is a common concern
 - “Grandfathered” units and building code compliance are also issues
 - Some communities desire to remove/revise parking and/or owner-occupancy requirements

OTHER MUNICIPALITIES

- Staff has specifically reviewed recent and on-going ADU code modifications for four communities of comparable size, each of which have addressed allowing attached and detached ADUs:
 - West Point
 - North Logan
 - Heber
 - Tremonton



1-WEST POINT ADU ORDINANCE

- Comprehensive revision of IADU ordinance allows all types of ADUs
 - Internal
 - Attached
 - Detached
- All are permitted (no conditional use requirements)
- Each type has slightly different site requirements
 - IADU requirements are the least onerous, followed by attached ADUs

2- NORTH LOGAN ADU ORDINANCE

- Comprehensive revision of IADU ordinance that allows Internal and Detached ADUs
 - Attached ADU is not specified
- IADUs are permitted according to state requirements
- Detached are permitted as a conditional use
 - Detached accessory dwelling unit shall not exceed 50% of the building of the single-family dwelling, up to a maximum Gross Area of 1,000 square feet.
 - If the Accessory Dwelling Unit is built entirely over a garage for the primary structure, the entire structure shall not exceed a maximum Gross Area of 1,500 square feet.



3-HEBER ADU ORDINANCE

- Ordinance does not specify the type of ADU that is permitted
 - Requirements extend to internal, attached and detached equally
- Requirements are simple and easy to understand
- Permits the largest ADUs (up to 1,500 SF) as long as site and building code requirements are met

4-TREMONTON ADU ORDINANCE

- **Similar to North Logan Ordinance**
- **IADUs are permitted according to state requirements**
- **Detached are permitted as a conditional use**
 - Attached ADU is not specified
 - Detached accessory dwelling unit shall not exceed 50% of the building of the single family dwelling, up to a maximum Gross Area of 1,000 square feet.
 - If the Accessory Dwelling Unit is built entirely over a garage for the primary structure, the entire structure shall not exceed a maximum Gross Area of 1,500 square feet.

QUESTION 1

- **Should South Ogden revise and expand the ADU Ordinance to include attached and detached units?**
 - If not, how does this impact the housing chapter of the general plan, which includes a specific strategy to consider such changes?

QUESTION 2

- **Are all types of detached ADUs are appropriate? Are some more appropriate than others?**
 - Many communities in Utah are now allowing for detached ADUs, as this is a relatively easy way to meet affordable housing requirements.
 - If attached and detached ADUs are determined not to be appropriate, what is the rationale(s) for reaching this conclusion?



QUESTION 3

- IADUs are a permitted use in the current code. If attached and detached units are to be allowed, should they also be permitted uses?

QUESTION 4

- If attached and detached ADUs are to be allowed, where should they be permitted ?
 - In all residential zones, only zones with lots of space, same zones as IADUs, only areas with access to transit and services?
 - Communities such as West Point and Salem have created size restrictions on detached ADUs based on lot size – is this a good idea?
 - Mixed-use/downtown/transit-oriented areas commonly remove certain requirements such as parking



QUESTION 5

- What specific parameters should be considered for the ordinance?
 - Size, height, kitchen/bathroom requirements, materials, rooflines
 - Parking requirements, setbacks
 - Owner-occupancy requirements
 - Process, administration, and review (permitted vs conditional use)

OTHER CONSIDERATIONS

Code changes only go so far. If ADUs are allowed, should South Ogden go further to encourage them?

EXAMPLES:

- Simplify the zoning and application process
- Prepare educational and marketing materials to clarify the application process and building requirements
- Incentivize ADU development – possibilities include identifying loan options, providing financial grants, waiving application and permit fees

174

175