



NOTICE AND AGENDA

SOUTH OGDEN CITY PLANNING COMMISSION MEETING

Thursday, December 12, 2024

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on Thursday, December 13, 2024, 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.youtube.com/@southogdencity.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES - Chairman Nic Mills

II. ZONING ITEMS

- A. Discussion on Proposed Amendments to Section 10-14-22, 10-14-23, and 10-14-8 on Requiring Land Use Permits

III. SPECIAL ITEMS

- A. Moderate Income Housing Recap Presentation
- B. 2025 Planning Commission Meeting Schedule

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of November 14, 2024 Planning Commission Minutes

V. STAFF REPORTS

- A. City Council Updates
- B. Short-Term Rentals
- C. Catalytic Projects Review and Active Transportation Plan

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, December 5, 2024. 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: Code Change Discussion - Land Use Permits for
Accessory Buildings, ADUs, and Fencing
AUTHOR: Alikia Murphy
DEPARTMENT: Planning Administration
DATE: December 12, 2024

BACKGROUND

As planning staff gets accustomed to plan review procedures in the city, staff found that the city code does not clearly state that a Land Use Permit application needs to be filled out and approved by planning staff for fencing, accessory buildings and accessory dwelling units. It has been the practice of city staff to encourage residents to fill out a land use application to check that the fences, ADU and accessory structure under 200 square feet are placed according to the code.

ANALYSIS

It is important to be clear about our processes, especially for common items such as accessory buildings, ADUs or fences. Adding language to the respective ordinances will make it mandatory to fill out a land use permit application. The application does not have a fee associated with it and is more so used as a tool to make sure that the code is being followed and can reduce the number of residents that are not complying with the city code. They can also help residents identify if there are any easements and make sure that they don't build within them.

After the November 14th planning commission meeting, planning staff looked into what other cities are doing for land use applications and found that each one has different approaches. West Haven has a land use application for ADUs, short-term rentals (STR), temporary RV parking for construction, and temporary storage units. Ogden did not have an overarching land use application and instead had individual applications for residential chickens, short-term rentals, ADUs, and conditional uses along with other land use applications. North Ogden did have a land use application similar to ours and provided articles talking about the purpose of a land use application. They stated that land use permits are tools to help balance the interests of property owners by making sure that everyone is adhering to regulations laid out in the zoning code. Roy did not have any land use application on their website, but they did have a conditional use permit application. Marriot-Slaterville has a list of applications under community development, but the only applications that would fall under a land use application are their conditional use permit application and the land use permit home business application. Riverdale does not have a specific land use application, but it does have a conditional use permit application, and a fence permit application. I also looked at Layton's applications, handouts and illustrations. Layton had one land use

application that covered many items, but none were in relation to accessory structures, fencing or ADUs. They did, however, show examples of a few scenarios for acceptable ADUs, attached garages or additions, detached garages and shed, driveways, projections into setbacks, along with a few other visuals. If land use permits don't become part of the code, then having visuals will be beneficial for residents to reference. Either way, planning staff will still offer to look over any sketch for any proposed structure or addition to help give the resident peace of mind and the application will still be available for those residents that may need formal approval from the city.

Sites:

West Haven:

https://www.westhavencity.com/departments/planning_department/applications.php
<https://cms3.revize.com/revize/westhavenutah/Land%20Use%20Permit%20Application.pdf>

Ogden: <https://www.ogdencity.com/1138/Applications>

North Ogden:

https://www.northogdencity.com/departments/planning_zoning/applications_and_forms/applications_resources/index.php#outer-796
<https://northogdenconnection.com/navigating-land-use-permits-knowing-when-and-why/>

Roy: https://www.royutah.gov/departments/planning_zoning_2/index.php

Marriot-Slaterville: <https://www.marriott-slaterville.org/forms>

Riverdale: https://www.riverdalecity.com/uploads/1/3/3/6/133630718/fence_permit.pdf

Layton: <https://www.laytoncity.org/LC/PlanningZoning/ApplicationsHandouts>

During the last planning commission meeting, there was discussion about only adding the requirement of a land use application to the accessory dwelling unit (ADU) ordinance instead of all three initially proposed ordinances since we are required to track ADUs, and they involve someone living in that structure. We can proceed with this route and can possibly have applications based on the specific land use. A recent example is the separate chicken permit application that was created for residents interested in housing chickens. If there is another specific use that we feel would benefit from planning staff review then we can look at adding a separate application for that specific use and make sure that it is codified.

Things to consider:

- Do permitted land uses need to be reviewed by staff?
- If so, which ones and why?

- Should those use have their own application or be under one?
- Should we look at possible consequences, especially with the addition of a code enforcement officer?
- Would posting in the newsletter and images of examples on the website be beneficial?

The options for this item are the following:

- Keep the code the way it is and not add wording on requiring a land use permit
- Go forward with a public hearing in a future meeting to add the proposed wording to the three chosen ordinances
- Go forward with a public hearing in a future meeting to add the proposed wording to only the ADU ordinance

PROPOSED CHANGES:

10-14-22: Standards For Accessory Buildings In Residential Zones

1. Residents wanting to build an accessory building less than 200 square feet must obtain a Land Use Permit approval from planning staff.

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

2. Conditions: An Accessory Dwelling Unit may be permitted subject to the following conditions:
 14. The property owner must obtain a South Ogden City Rental Dwelling Business License for ADUs for which they receive any monetary compensation. A Land Use Permit approval must be obtained from planning staff.

10-14-8: Fence Regulations

5. Residents wanting to replace or put up a new fence must apply for and receive an approved for a Land Use Permit.

RECOMMENDATION

Staff recommends adding the proposed language in red, but is open to any modification suggestion.

MODERATE INCOME HOUSING REPORT RECAP



MIH Report

- Annually, cities that are in the first (100,000+), second (65,000-99,999), third (30,000-64,999), fourth class (10,000-29,999) are required to submit a report on their moderate-income housing element in their general plan.
- The deadline is August 1st to fill out a report talking about the progress/work that was done for the chosen strategies (10-9a-403). Municipalities without a fixed guideway are required to report on a minimum of three strategies.
- Municipalities that fail to report on the minimum will get fined \$250 a day and it can double to \$500 a day if they are noncompliant for a consecutive year.
- Our MIH report was submitted by the deadline this year and received a letter of compliance on October 24, 2024.
- 5 strategies were submitted and three were found to be in compliance



MIH Report Submitted

1. Strategy P: Demonstrate utilization of MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize MIH
 1. Analyze feasibility to develop moderate-income housing on city-owned property at 40th and Evelyn (deadline Spring 2025)
 2. Seek LIHTC funding to help with construction of deeply affordable housing (30% AMI) or other income-restricted housing projects (Springs 2025)

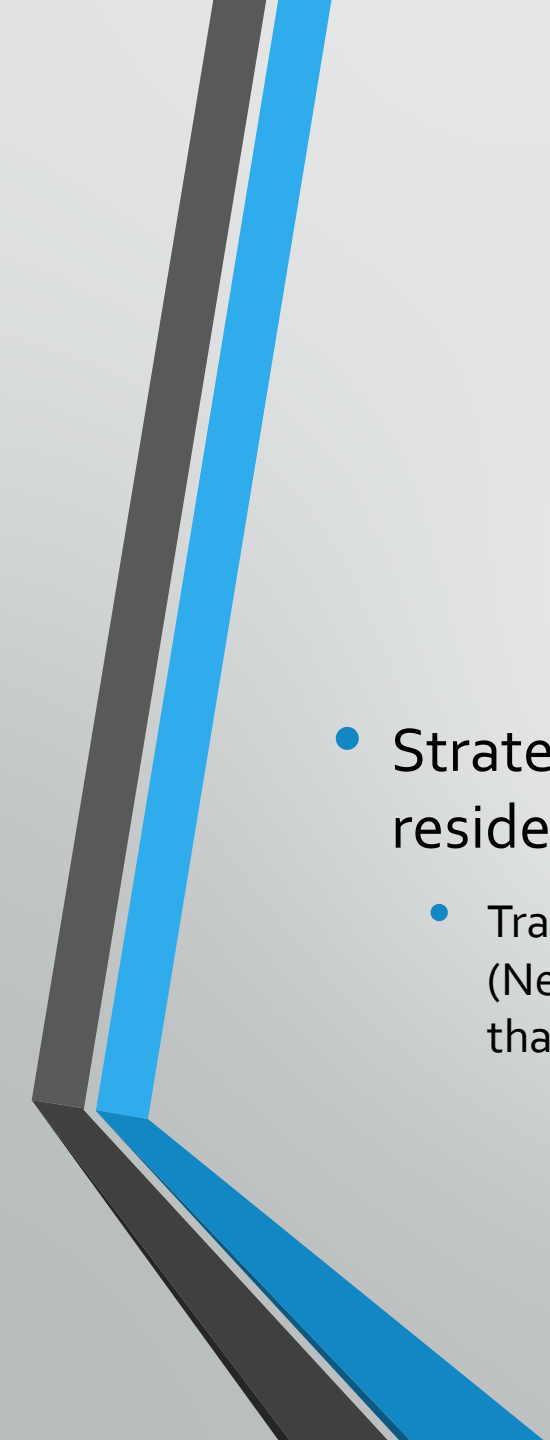
MIH Report Submitted

1. Strategy K: Preserve existing and new moderate-income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund.
 1. Explore policies that would incorporate/require deed-restricted housing units when a development agreement is utilized (Spring 2025)
 2. Explore cost/benefits of establishing a Housing Preservation Fund (Spring 2025)
 3. Explore cost/benefits of creating a Housing Loss Mitigation Fund (Spring 2025)
 4. Explore ways to utilize housing funds from the City Center CRA to incentivize landlords to deed-restricted units, subsidize development-related fees, etc. (Spring 2025)



MIH Report Submitted

- Strategy E: Create or allow for and reduce regulations related to internal ADUs
 - Begin to track building permits and rental licenses related to ADUs (Spring 2023)
 - Review ADU code with City Council and Planning Commission to determine the feasibility of extending policy to allow for attached and detached ADUs (Winter 2023)
 - Work with Planning Commission and City Council on drafting and adopting ADU code amendment (Spring 2024)



MIH Report Submitted

- Strategy F: Zone or rezone for higher density or moderate-income residential development
 - Track the number of new housing units established from the City's form-based code districts (Neighborhood Commercial, Wall Avenue, and South Gateway) to monitor the number of units that qualify as moderate income housing units (Spring 2023-Winter 2023)

MIH Report Submitted

- Strategy A: Rezone for densities necessary to facilitate the production of moderate-income housing
 - Review and update the zoning code to allow for higher density in redeveloping residential areas (Winter 2023-Spring 2024)
 - Work with Planning Commission, Community Development and Renewal Agency (CDRA), and the City Council to modify zoning in anticipation for redevelopment efforts (Spring 2024)

Letter of Compliance

- The city received a Notice of Compliance letter on October 24, 2024.
- The letter states that since the city does not have a fixed guideway transit station only three strategies are needed for the minimum.
- Since we are in compliance, we are eligible for Transportation Commission funding for transportation projects but since we do not have more than the minimum then we are not being considered for priority consideration. We would need to submit 5 strategies for priority consideration.

Deficiencies Identified

- Strategy P was not sufficient for compliance because the work was done prior to the amended plan.
 - Moving forward we can describe any progress that has been made toward the feasibility study or small area plan
- We are being asked to provide details and description to support that the reported progress did occur within the timeframe.
- City can demonstrate progress relevant to Strategies H or W.
 - Strategy H: amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
 - Strategy W: develop and adopt a station area plan in accordance with Section 10-9a-403.1;



Moving Forward

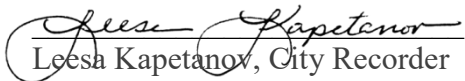
- Planning Staff will get the upcoming Moderate-Income Housing report updated to reflect new deadlines/timelines and possibly add or update existing strategies.
- Will be presented at the beginning of next year.



SOUTH OGDEN CITY PLANNING COMMISSION

NOTICE OF MEETING SCHEDULE

Pursuant to Section 52-4-202(2)(A) of Utah Code Annotated, South Ogden City gives notice that the South Ogden Planning Commission, in the year 2025, will hold commission meetings on the second Thursday of each month. Meetings will begin at 6:15 p.m. in the Council Chambers located at 3950 Adams Ave., South Ogden, Utah. They will also hold a briefing meeting at 5:30 pm prior to their regularly scheduled meeting. All meetings are open to the public. Anyone who wishes may attend.


Leesa Kapetanov, City Recorder

Posted December 18, 2024



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, NOVEMBER 14, 2024
COUNCIL CHAMBERS, CITY HALL –6:45 pm

PLANNING COMMISSION MEMBERS PRESENT

Chair Nic Mills, Commissioners John Bradley, Norbert Didier, Pete Caldwell, Robert Bruderer and Brock Gresham

PLANNING COMMISSIONERS EXCUSED

Brian Mitchell and John Bradley

STAFF PRESENT

Assistant City Manager Summer Palmer, Planner Alika Murphy, 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://www.southogdencity.com/document_center/Sound%20Files/2024/PC241114_1915.mp3

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

No briefing meeting was held before the planning commission meeting. This meeting was not live streamed or videoed.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

- Chair Nic Mills called the meeting to order at 6:15 pm and entertained a motion to open the meeting 00:00:00

Commissioner Bruderer so moved. The motion was seconded by Commissioner Didier. Commissioners Bruderer, Didier, Caldwell, and Gresham all voted aye.

II. ZONING ITEMS

A. Discussion/Recommendation on Proposed Amendments to Section 10-14-22, 10-14-23, And 10-14-8 On Requiring Land Use Permits

- Overview by Planner Alikia Murphy

00:00:19

- Discussion by Commission

00:04:01

- Chair Mills called for a motion concerning requiring land use permits

00:27:47

Commissioner Bruderer moved to require a land use permit for ADU's only, but not for sheds or fences, and to set a public hearing for the next meeting to make changes to 10-14-23. There was no second to the motion. The motion died.

- Motion

00:29:09

Commissioner Gresham moved to set a public hearing for changes to all the code sections proposed by staff to require land use permits. Commissioner Caldwell seconded the motion. Chair Mills called the vote:

Commissioner Didier- Yes

Commissioner Bruderer- Nay

Commissioner Caldwell- Yes

Commissioner Gresham- Yes

The motion needed four votes to pass. The motion died.

- Motion

00:30:22

Commissioner Didier moved to table the item until a full commission was present. The motion was seconded by Commissioner Bruderer. The chair called the vote:

Commissioner Bruderer- Yes

Commissioner Caldwell- Yes

Commissioner Gresham- Yes

Commissioner Didier- Yes

The motion stood.

- Discussion on the motion 00:31:24

B. Discussion/Recommendation on Short-Term Rentals

- Overview by Planner Alika Murphy 00:32:25
- Discussion by Commission 00:38:20
- Motion 01:03:45

Commissioner Bruderer moved to assess the interest of the City Council to allow short-term rentals. Commissioner Caldwell seconded the motion. There was discussion on the motion. **Chair Mills called the vote:**

Commissioner Gresham-	Yea
Commissioner Didier-	Yes
Commissioner Bruderer-	Yes
Commissioner Caldwell-	Yes

The motion passed.

- Further discussion on short term rentals 01:06:38

III. SPECIAL ITEMS

Code Enforcement Update

- Staff overview 01:08:12
- Discussion/questions 01:12:25

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

A. Approval of September 12, 2024 Planning Commission Minutes

B. Approval of October 10, 2024 Planning Commission Minutes

- Chair Mills called for a motion concerning both the minutes 01:14:46

Commissioner Caldwell moved to approve the minutes, followed by a second from Commissioner Didier. All present voted aye.

V. STAFF REPORTS

A. City Council Updates 01:15:33

B. Upcoming Weber County Open House November 21st

01:16:23

C. Upcoming Planning Commission Meetings

- Staff overview 01:18:22
- Discussion 01:22:38
- During discussion, the Commission requested that staff report on progress made on the catalytic projects from the General Plan.

VI. OTHER BUSINESS

- City Recorder Leesa Kapetanov asked if the commissioners were interested in changing the meeting times for 2025. They chose to have them remain the same.

01:33:59

VII. PUBLIC COMMENTS

- There was no one present to comment

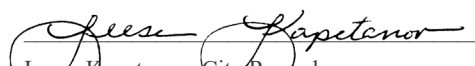
VIII. ADJOURN

- At 7:50 pm, Chair Mills called for a motion to adjourn

01:35:00

Commissioner Bruderer moved to adjourn. Commissioner Gresham seconded the motion. The voice vote was unanimous in favor of the motion.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, November 14, 2024.


Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

DEFINITION

10-2-1 Short-Term Rental.

Any approved dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of at least one 24-hour day and less than 30 consecutive days [max of 180 nights a year in total can be rented out] a Short-Term Rental shall not contain more than four bedrooms. [May be allowed in an ADU]

[Property must be owner occupied, and the owner must prove ownership by way of a copy of a deed and drivers license address]

ORDINANCE

10-14-24 Short-Term Rentals.

(a) Purpose. The purpose of this Section is to establish the process for permitting of short-term rentals whether as a vacation rental or otherwise. The intent is to protect the integrity and characteristics of established land use districts by ensuring that short-term or vacation rentals are located in appropriate land use districts and operated in a manner that minimizes negative impacts of those uses on neighbors, public services and the surrounding community. A short-term rental use is permitted in any zone that allows residential uses.

(B) Definitions:

(1) Responsible Party. The owner(s), agent(s) or management company responsible for the operation and maintenance of the Short-Term Rental property and for its compliance with all laws, rules and regulations applicable to the same.

(2) Occupant(s). The individual(s) renting or residing in a Short-Term Rental dwelling unit.

(3) Pets. Dogs, cats or other domesticated animals allowed under City ordinances that, with permission of the Responsible Party, accompany the occupants of the Short-Term Rental.

(C) License Required. A Short-Term Rental License and all licenses and permits required by the Weber County Health Department and the State of Utah shall be required for all properties used as Short-term Rentals. The fee required by the consolidated fee schedule shall accompany the Short-Term Rental License.

(1) Application for License. The application for a Short-Term Rental License shall be made on forms provided by the City and shall include a phone contact number and

email address for the owner and the Responsible Party, as applicable. The application shall be accompanied by a site plan [floor plan] and architectural drawings that demonstrate all requirements of this section are met. The plans shall be drawn to scale showing the location of all buildings, property lines, distances from property lines to all buildings, the location of all parking stalls, utility meters, entrances, and such other information as may be required for consideration of the application. The drawings shall also demonstrate compliance with all applicable building, health and fire codes.

[Needs to pass a Fire Code Inspection]

[If there is an HOA a letter from them is required]

If the application is made by any person other than the owner of the property, or if the property is not owner-occupied or owner-managed, the application shall be accompanied by a signed document demonstrating the owner's permission to use the premises as a Short-Term Rental, identifying the Responsible Party, and providing all details about the identity and business operations of the Responsible Party as may be required in the application.

(2) Prior to operating a Short-Term Rental, the owner or Responsible Party shall obtain a South Ogden City Short-Term Rental license. At the time of, or prior to, receiving approval of the license, the Responsible Party shall register the business with the State, and obtain a State Sales Tax ID number; proof of the same shall be filed with the City.

(3) Review. The business license official or his/her appointee shall review complete applications for a Short-Term Rental license under this Section and shall approve, or deny the application based on the criteria listed in this Section.

(3) Reports and Taxes. The Responsible Party shall comply with all reporting requirements incident to the use as a Short-Term Rental property, and shall collect and remit all sales, resort and transient room taxes to the State Tax Commission.

(D) Noise, Nuisances and Adverse Effects of Use. The Responsible Party shall regulate the occupancy of the Short-Term Rental and ensure that:

(1) Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood;

(2) Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m.;

(3) Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties;

(4) Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and

(5) The premises, responsible party and all occupants strictly comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

(E) Parking. On-street parking is prohibited. An off-street parking stall shall be provided for each vehicle, including trailers, an Occupant brings to the premises of the Short-Term Rental. The number of Occupants' vehicles shall not exceed the number of bedrooms available in the Short-term Rental.¹ (max of four bedrooms allowed; see 10-2-1 of this Title). Vehicles parked at the Short-Term Rental shall not impede clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on the property rights of any adjacent or nearby property. Parking of vehicles shall be entirely within a garage or carport, or upon a driveway or other approved paved surface that meets established standards and norms. Parking is prohibited within any yard or landscaped area.

(F) Camping equipment, facilities and other temporary facilities. All Short-Term Rentals shall be conducted entirely within an approved residential dwelling unit. Occupied camp trailers, travel trailers, recreational vehicles, tents, yurts, or any similar structures are prohibited.

(G) Signage – Exterior and Interior. Exterior signage other than ordinary street address signage is prohibited.

(H) Renter's Packet: The Responsible Party shall also provide a prominent display within the dwelling unit that provides, at minimum, the following information:

(1) contact information for the Responsible Party at which it may be contacted at any time (24/7);

(2) all local regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct;

(3) contact information of local police, fire and emergency service; and

(4) any additional rules or regulations imposed by the Responsible Party.

¹ *The maximum number of bedrooms in a Short-term rental is four (4). See Definitions; Chapter 10-x-x.*

(5) copy of business license and parking site plan

(6) Emergency exits

(H) Maintenance and Standards. Any property licensed as a Short-Term Rental shall conform to the following standards:

(1) Structures shall be properly maintained and all facilities such as plumbing, HVAC equipment, appliances, etc. kept in a condition that is fully operational and otherwise in good repair.

(2) Grounds and landscaped areas shall be properly maintained to ensure that the use does not detract from the general appearance of the neighborhood or create any hazard or nuisance to the Occupants or to neighboring properties.

(3) Each habitable space shall meet current federal, state and local building and health codes, and shall be equipped with fully functional smoke and carbon monoxide detectors located at places within the dwelling unit that comply with applicable building codes.

(4) Garbage shall be placed in City-approved receptacles. Trash shall not be allowed to accumulate on the property and be removed on regularly scheduled pick up days.

(5) All requirements of the local fire authority shall be met

(6) A fire exit route plan and statement of the maximum occupancy number for the premises shall be prominently posted.

(7) A fully functional fire extinguisher shall be located in an easily accessible location.

(8) The responsible party shall comply with all inspection requirements of the State of Utah, Weber County and the City.

(I) Notification of Adjacent Property Owners. Property owners within one hundred fifty feet (150') of the premises proposed for a Short-Term Rental shall be notified of the application by the city.

(J) Complaints. Complaints received by the City for any violation of this chapter will be handled as follows:

(1) A first complaint will result in an investigation and, if warranted, the City will issue a written warning to the Responsible Party; said warning shall provide notice of the complaint, a description of any violation, and actions to be performed to correct a violation.

Upon receipt of a second complaint, the City will conduct an investigation, and if warranted, will take one of the following courses of action:

- (A) issue another warning;
- (B) issue a citation for violation of City ordinances or rules;
- (C) initiate revocation proceedings as provided in this Section

(2) In the event of a revocation or suspension proceeding, the Hearing Procedure found in 3-1A-5 of this code will be used.

(3) Notwithstanding any other remedy in this section, violations of Federal, State, County or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter.