

**WOODS CROSS CITY
PLANNING COMMISSION AGENDA
TUESDAY, SEPTEMBER 8, 2026, AT 6:30 P.M.**



This meeting is held in person at 1555 South 800 West, Woods Cross, Utah and via Zoom.

To join using Zoom, click here <https://us02web.zoom.us/j/9358074960> or go to zoom.us and select JOIN A MEETING. Meeting ID: 935 807 4960. Please mute your microphone except during the open comment period. Questions and comments are best made in the CHAT feature.

The public is invited to participate in all Planning Commission Meetings. If you require accommodation or assistance to participate, please call the Community Development Department at 801-292-4421

1. Pledge

Michael Doxey

2. Meeting Minutes from August 25, 2026

Joe Rupp

- Review
- Action

3. Open Session

Joe Rupp

4. Internal Accessory Dwelling Unit at 1609 South 580 West

Applicant: Alexandre Fonseca

Presenter: Curtis Poole

- Review
- Action

5. Accessory Dwelling Unit Code Text Amendment

Presenter: Curtis Poole

- Review
- Public Hearing

- Discussion
- Action

6. Discussion: Second Driveway / Hard Surface

Presenter: Curtis Poole

- Review
- Discussion

7. Director's Report

Curtis Poole

8. Adjourn

**WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 25, 2026**

The Woods Cross Planning Commission met on August 25, 2026, at 6:30 P.M. at Woods Cross City Hall, located at 1555 South 800 West, Woods Cross, Utah.

COMMISSION MEMBERS PRESENT:

Joe Rupp, Chairman
LeGrande Blackley
Mike Doxey

Robin Goodman
David Lewis IV

COMMISSION MEMBERS EXCUSED:

Jake Hennessy
Mariah Wall

STAFF PRESENT:

Curtis Poole, Community Development Director
Bonnie Craig, Administrative Assistant

VISITORS:

Michael Koseki
Emerald Baker

PLEDGE OF ALLEGIANCE:

Robin Goodman

MINUTE APPROVAL

Chairman Rupp called for the review of the minutes for the Planning Commission meeting held August 11, 2026.

Following the review of the minutes, Commissioner Blackley made a motion to approve the minutes as written with Commissioner Lewis seconding the motion and all voted in favor of the motion through a roll call vote. Chairman Rupp abstained from voting since he was not in attendance at the meeting.

OPEN SESSION

Chairman Rupp opened the meeting for public comments regarding items not on the agenda.

There were no public comments, and Chairman Rupp closed the open session.

CONDITIONAL USE PERMIT FOR WILBUR ELLIS COMPANY—1237 WEST 2285 SOUTH—MICHAEL KOSEKI

Mr. Curtis Poole, the Community Development Director, reviewed this item with the Commission. He noted Mr. Michael Koseki is requesting approval of a conditional use permit for the purpose of establishing an office/warehouse business that would store prepackaged agricultural products such as fertilizers, herbicides, and insecticides. He said the applicant has indicated that business activities will be maintained

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 25, 2026
PAGE 2**

within the building and there is no anticipation for outside storage. He noted the hours of operation will be from 9:00 A.M. to 5:00 P.M. He also noted the use requires 1 parking stall, and the proposed business has two employees. He said the proposed property has 6 designated parking stalls.

Following the information given by the Community Development Director, Chairman Rupp asked Mr. Koseki if he had any concerns with the conditions as presented and Mr. Koseki responded that he had no concerns with the conditions.

Chairman Rupp asked about Mr. Koseki if there were any odors that would be coming from the business because of the nature of the products that are shipped. Mr. Koseki said there are no heavy odors that would affect the neighbors because they are all packaged goods.

Mr. Koseki said he needed to make a correction to what the hours of operation for the business would be. He said the hours of operation would be Monday through Friday from 6:00 A.M. to 3:00 P.M.

Mr. Poole said he wanted to make sure Mr. Koseki was aware the Woods Cross City noise ordinance would be in force before 7:00 A.M. and to make sure any business activities such as loading or unloading trucks which might make noise, be done after 7:00 A.M. Mr. Koseki said that would not be a problem.

There were no further questions or comments, and Commissioner Lewis made a motion to approve the conditional use permit located at 1237 West 2285 South with the following conditions:

1. Apply, obtain, and maintain a business license including the required documentation.
2. Obtain a South Davis Metro Fire inspection, if required, and submit a copy to the city prior to the issuance of a business license.
3. Business shall be in compliance at all times with any government entity having jurisdiction over the business or the subject property.
4. Business operations shall not negatively impact the adjacent businesses and properties.

Commissioner Blackley seconded the motion, and all voted in favor of the motion through a roll call vote.

**CONDITIONAL USE PERMIT FOR RESILIENT ROOTS—563 WEST 500 SOUTH SUITE 230—
EMERALD BAKER**

Mr. Poole then reviewed this item with the Commission. He noted that Emerald Baker is requesting approval of a conditional use permit for the purpose of establishing a non-residential treatment facility business. He said the proposed facility business would focus on mental health therapy focusing on individuals, couples, and occasional families. He noted the hours of operation would be from 10:00 A.M. to 8:00 P.M. He also noted the use requires one parking stall per 200 square feet, requiring 11 designated parking stalls. He said the proposed business has one employee, and the proposed business has 4 designated parking stalls and 435 shared parking stalls.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 25, 2026
PAGE 3**

Following the information given by the Community Development Director, Commissioner Lewis asked what the conditional use this falls under. Mr. Poole said there had been no mental health office operating from this office space before now, so it would require a conditional use.

Commissioner Goodman asked if just one of the rooms in suite #230 would be leased by Ms. Baker.

Ms. Baker addressed the Commission and said it was just the once room she is leasing and said she will be in private practice for mental health services.

Chairman Rupp asked if she had any concerns with the conditions, and Ms. Baker said she had no concerns with the conditions as stated.

There were no further comments or questions, and Commissioner Goodman made a motion to approve the conditional use permit for Resilient Roots at 563 West 500 South with the following conditions:

1. Apply, obtain, and maintain a business license including the required documentation.
2. Obtain a South Davis Metro Fire inspection, if required, and submit a copy to the city prior to the issuance of a business license.
3. Business shall be in compliance at all times with any government entity having jurisdiction over the business or the subject property.
4. Business operations shall not negatively impact the adjacent businesses and properties.

Commissioner Doxey seconded the motion, and all voted in favor of the motion through a roll call vote.

DIRECTOR'S REPORT

Mr. Poole noted that at the next meeting the Commission will be having a discussion on second driveways and hard surfaces.

Mr. Poole said ADU's will be reviewed at the next meeting.

Mr. Poole said the second meeting in September will be reviewing the business license code for changes and updates.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 25, 2026
PAGE 4**

ADJOURNMENT

There being no further business before the Commission, Commissioner Goodman made a motion to adjourn the meeting at 6:53 P.M.

Joe Rupp, Chairman

Bonnie Craig, Administrative Assistant

STAFF REPORT

To: Planning Commission

From: Sam Harris, Community Development

Date: September 8, 2026

Re: Internal Accessory Dwelling Unit



Location: 1609 South 580 West

Zoning: R-1-8 (Residential) Zone

Background:

The applicant, Alexandre Fonseca, is requesting approval for a home renovation for the purpose of adding an Internal Accessory Dwelling Unit at this location. The property is surrounded by other single-family homes in the R-1-8 zone. An internal accessory dwelling unit is a permitted use within the R-1-8 zone subject to a conditional use review.

City code authorizes the Planning Commission to review Internal Accessory Dwelling Unit requests and section 12-28-123 outlines the standards by which the Commission may impose conditions to mitigate potential adverse impacts to surrounding property owners.

Staff Review:

The applicant will continue to reside at this address. The applicant will be adding the internal accessory dwelling unit to their home and will be going through the building permit process. The applicant indicates they will be cutting out a basement window and foundation to make an entrance to the ADU at the back of the house. The applicant has two parking stalls for the internal accessory dwelling unit and five parking stalls for the residence. The proposed internal accessory dwelling unit will meet the minimum parking standard required by code.

The standards and regulations for establishing and permitting internal accessory dwelling unit are provided to the applicant along with the application. The intent of these standards is to protect the characteristics of the single-family home and minimize any potential negative impacts to the adjacent property owners.

Staff finds that the internal accessory dwelling unit is compliant with City Code.

Staff Recommendation:

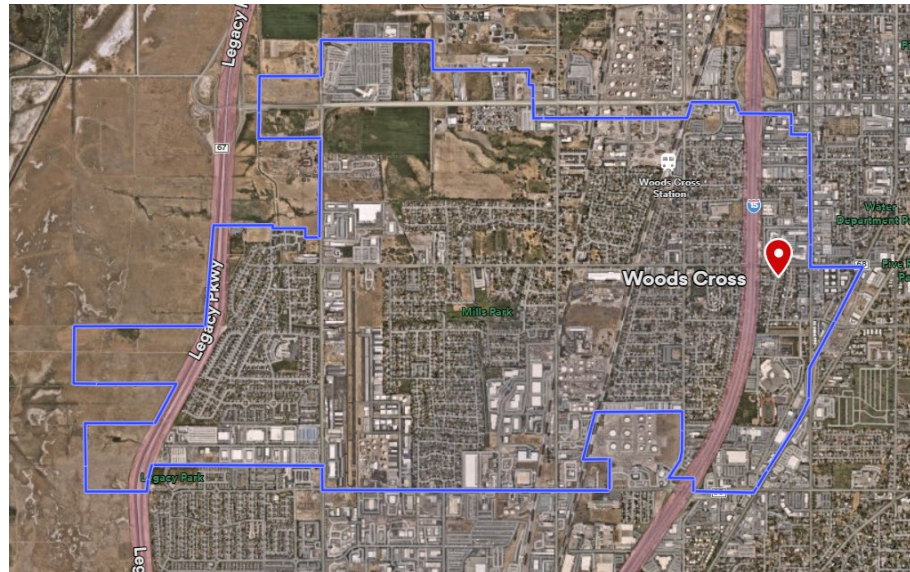
Staff recommends the Planning Commission approve the conditional use request for a internal accessory dwelling unit with the following conditions:

1. Obtain all licenses and permits required by the Davis County Health Department and the State.
2. Obtain all necessary building permits required by Woods Cross City.

Address: 1609 South 580 West

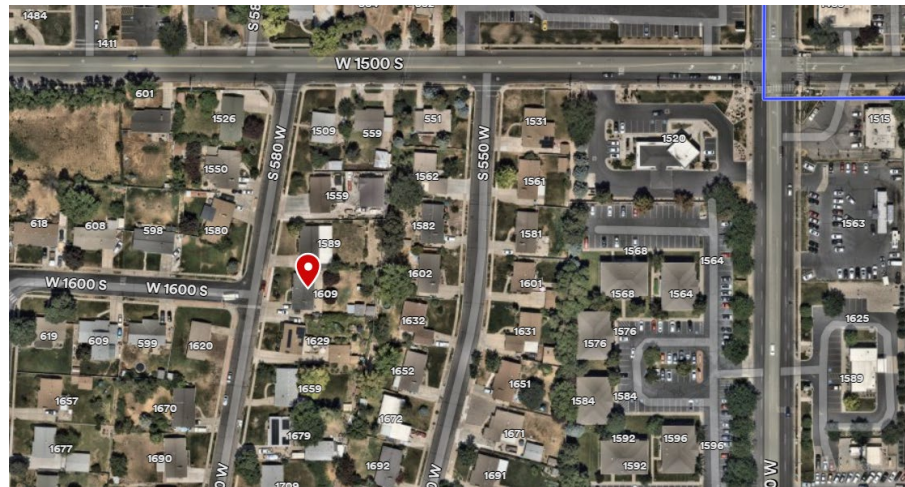
Map 1

Citywide



Map 2

Neighborhood



STAFF REPORT

To: Planning Commission

From: Curtis Poole, Community Development Director

Date: September 8, 2026

Re: Code Text Amendment – Accessory Dwelling Units (ADUs)



Background

During the 2026 General Session, the Utah Legislature adopted S.B. 284, which created Utah Code § 10-21-304 addressing detached accessory dwelling units (DADUs). The new requirements become effective October 1, 2026.

Utah Code § 10-21-304 requires cities to adopt land use regulations permitting a detached accessory dwelling unit on any lot or parcel that is at least 11,000 square feet and contains a single-family dwelling, when the single-family dwelling is a permitted use on the property. The statute also establishes regulations cities are required to include, limitations on regulations cities may impose, and additional standards cities may elect to adopt.

The city's existing Accessory Dwelling Unit ordinance, Section 12-28-123, currently prohibits external accessory dwelling units in all zones and only provides regulations for internal accessory dwelling units. As a result of S.B. 284, the city's ordinance must be amended to permit DADUs consistent with state law.

Staff is proposing amendments to Chapter 12-2, *Definitions*, and Section 12-28-123, *Accessory Dwelling Units*, to bring the city's regulations into compliance with state law and establish objective standards for the review and approval of both internal and detached accessory dwelling units.

Proposed Amendment

The following are highlights of the proposed amendment:

- Administrative Review and Approval (Change to Current Policy). Accessory dwelling units would be reviewed administratively as a permitted use rather than through a conditional use approval process. State law does not allow the city to require a conditional use permit for a qualifying DADU. Staff is recommending the same administrative review process for IADUs so that both types of accessory dwelling units are reviewed consistently.
- Minimum Rental Period (Change to Current Policy). The existing minimum rental period of 30 days would be increased to 90 consecutive days. The 90-day minimum is required under the new state requirements for DADUs, and staff is recommending that the same standard apply to IADUs for consistency.
- Detached Accessory Dwelling Units (New Code).
 - *Lot Size*. The amendment would establish regulations allowing DADUs on qualifying properties. A minimum lot size of 11,000 square feet is proposed,

which is the minimum lot size at which state law requires the city to allow a DADU. Although the city may allow DADUs on smaller lots, staff is not recommending a smaller minimum lot size at this time.

- *DADU Location and Setbacks.* A DADU would not be permitted within the required front-yard area. The proposed ordinance also establishes a minimum five-foot setback from side and rear property lines, subject to any greater separation required by applicable building or fire codes. The five-foot setback is the most common among cities, with some requiring more.
- *Windows and Privacy.* The proposed ordinance includes standards addressing DADU window placement and potential impacts to neighboring properties. Staff is recommending this provision because window placement and privacy have been a common concern associated with detached accessory dwelling units in other cities.
- *DADU Size, Height, Lot Coverage, and Design.* The proposed ordinance establishes standards addressing the size, height, lot coverage, and design of a DADU. A DADU may not be larger in size than the primary dwelling and must comply with applicable height and lot coverage requirements for accessory structures. The amendment also requires the DADU to be designed in a manner consistent with the single-family dwelling. These are regulations permitted under state law.
- *Parking.* The amendment establishes additional off-street parking requirements for DADUs consistent with the parking regulations permitted under state law.
- *Utilities.* The proposed ordinance requires a DADU to have adequate access to necessary utility services and incorporates the utility-related provisions permitted under state law.
- *Conversion of Existing Accessory Structures.* The ordinance establishes a process for converting a legally constructed accessory structure, including a detached garage, into a DADU when applicable setback, building, health, fire, parking, and permitting requirements are satisfied. Establishing such a conversion process is specifically required by state law.
- Definitions (New Code). ADU, IADU, and DADU definitions will be added to provide better clarification.

In addition to the substantive changes outlined above, the proposed amendment includes several revisions intended to clarify the existing regulations, improve consistency throughout the section, and remove language that may create ambiguity in the administration of the ordinance. These revisions are not intended to change existing city policy, but rather to make the requirements easier to understand and apply consistently. The amendment also reorganizes portions of the existing ordinance to better distinguish between requirements that apply to all accessory dwelling units and those that apply specifically to IADUs or DADUs.

Staff Recommendation

Staff recommends the Planning Commission review the proposed text amendment, hold a public hearing, and forward a positive recommendation to the City Council approving the accessory dwelling unit (ADU) amendment.

CHAPTER 12-2 DEFINITIONS

Purpose and Interpretation; Definitions Incorporated by Reference.

For the purpose of this Title, certain words and terms are defined as follows:

- (a) Words used in the present tense include the future.
- (b) Words in the singular number include the plural and the plural will include the singular.
- (c) Words which are not included herein, but are defined in the Uniform Building Code, shall have the meaning as defined within said Uniform Building Code.
- (d) The word “shall” is mandatory and not directory.
- (e) Chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.
- (f) Other definitions set forth in the various Chapters of this Title are incorporated herein by reference.
- (g) Where words are not defined in this Chapter or Title, reference should be made to well recognized dictionary sources such as Webster’s New Collegiate Dictionary and Black’s Law Dictionary.
- (h) All references to code provisions and provisions of ordinances, regulations and rules shall be deemed to include any amendments to the same as they may be amended or adopted from time to time.
- (i) The definitions set forth in the Land Use Development and Management Act, *Utah Code Ann.* §10-9a-101, et seq. are incorporated herein by reference.
- (j) The definitions set forth in the various chapters of this Title are incorporated herein by reference.

Accessory Dwelling Unit or ADU. A dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is subordinate to a primary dwelling unit, and is located on that same lot/parcel as the primary dwelling unit.

Accessory Dwelling Unit, Internal or IADU. An internal accessory dwelling unit is an ADU found within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created. These include a basement converted into a separate living space or a portion of an existing primary dwelling that is converted into separate living space.

Accessory Dwelling Unit, Detached or DADU. A stand-alone structure that includes an ADU separate from the primary dwelling. A DADU can be built as an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage. It can only be within the side yard or rear yard area of the primary dwelling.

CHAPTER 12-28 LAND USE AND SUPPLEMENTARY REGULATIONS

- 12-28-101. Land Use Table
- 12-28-102. Supplementary Regulations.
- 12-28-103. Administrative Review and Approval – Appeals.
- 12-28-104. Projections Into Yards.
- 12-28-105. Additional Height Regulations.
- 12-28-106. Annexation.
- 12-28-107. Clear View of Intersecting Streets.
- 12-28-108. Culinary Water and Sewage Disposal.
- 12-28-109. Fencing Regulations.
- 12-28-110. Yard, Landscaping, Maintenance and Storage.
- 12-28-111. Temporary Uses.
- 12-28-112. Self-Service Storage Facilities.
- 12-28-113. Flag Lots.
- 12-28-114. Noise Abatement Requirements.
- 12-28-115. Sexually Oriented Businesses.
- 12-28-116. Single-Family Dwelling Regulations.
- 12-28-117. Urban Chickens.
- 12-28-118. Apiaries (Beekeeping).
- 12-28-119. Westwood Mobile Home Subdivision.
- 12-28-120. Rail Spurs as a Conditional Use.
- 12-28-121. Development Agreements.
- 12-28-122. Public Utility Facilities.
- 12-28-123. Accessory Dwelling Units (ADU's).
- 12-28-124. Short-term Rentals.
- 12-28-125. Revocation Proceedings.
- 12-28-126. Shipping Containers

12-28-101 Land Use Table

....

12-28-123. Accessory Dwelling Units (ADUs).

~~(a) Purpose and Intent; Director Review. The purposes of this Section are to assist in the creation of new housing units; to support a more efficient use of existing housing stock and infrastructure; to provide housing that responds to changing family needs, smaller households, and increasing housing costs; and to provide reasonable regulations for the construction and use of Accessory Dwelling Units within the City.~~

~~The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application. Conditions imposed for approval shall be designed to mitigate any adverse effects of an ADU.~~

~~(b) Limitations on Accessory Dwelling Units~~

- ~~(1) External Accessory Dwelling Units ("EADU") are not allowed as a permitted or conditional use in any zone of the City. Mobile homes, recreational vehicles, travel/camp trailers and similar units are prohibited for use as an EADU or for any other dwelling purpose under this Title.~~
- ~~(2) Internal Accessory Dwelling Units (IADUs) — Use and Location. Subject to the requirements of this Section, one IADU is allowed as a permitted use in a single-family dwelling in any zone that is primarily for single-family residential uses, e.g., the City's R-1-8, R-1-15/20 and SFRT Zones; IADUs are also allowed in a single-family dwelling in the A-1 Zone~~
 - ~~(A) The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.~~
 - ~~(B) The IADU shall be used exclusively for the purpose of offering a long-term rental of thirty (30) days or longer.~~
 - ~~(C) The IADU may house a maximum of four (4) unrelated tenants.~~
- ~~(c) General Regulations. The following regulations shall apply to all IADUs in the City.~~
 - ~~(1) Parking. A primary dwelling with an IADU shall provide parking in a manner consistent with the City's parking ordinances, rules and regulations. In addition to the parking standards of the City and in the applicable Zone, there shall be at least one (1) off-street parking stall for an IADU. If an IADU is created within a garage or carport, the parking spaces previously contained within the garage or carport shall be replaced with similar facilities.~~
 - ~~(2) The minimum size of the IADU shall be four hundred (400) square feet of living space within the primary dwelling.~~
 - ~~(3) The IADU shall comply with all applicable building, health and fire codes.~~
 - ~~(4) The IADU shall be designed in a manner that minimizes any changes in the appearance of the primary dwelling as a single-family dwelling.~~
 - ~~(5) An IADU is prohibited within any mobile home (as defined by U.C.A. §57-16-3).~~
 - ~~(6) If the primary dwelling is served by a septic tank, written approval shall be required from the Davis County Health Department.~~
 - ~~(7) The lot or parcel on which the primary dwelling is located shall be at least 6,000 square feet in size.~~
 - ~~(8) An IADU shall provide kitchen, sleeping, and sanitary facilities that are separate from those provided within the primary dwelling unit.~~
 - ~~(9) The IADU shall share all utility meters with the primary residence.~~

~~(10) — An IADU will not be given a separate address by the City. Residences with IADUs may refer mail to the IADU by the same street address as the residence and refer to the owner-occupant as located in unit "A" and the tenant(s) in the IADU as located in unit "B," or by similar logical distinction.~~

~~(11) — An IADU shall not be used as a Short-term Rental, shall not be listed for rental on a short-term rental website or for rental in any other media or publication.~~

~~(d) — IADU Application and Permit:~~

~~(1) — Every owner of an IADU in the City shall obtain a permit before any portion of a single-family residence is used for that purpose. A permit issued under this Section does not run with the land and expires upon the residence failing to be owner-occupied or upon the sale of the residence.~~

~~(2) — An application for an IADU permit shall be filed with the Director and accompanied by the fee required by the Consolidated Fee Schedule.~~

~~(3) — An applicant shall file a site plan and floor plan with the application. The site plan and floor plan shall demonstrate that all requirements of this section are met, including without limitation requirements related to: compliance with all health, building and fire codes; parking requirements; size of the IADU; utility services; and kitchen, sleeping and sanitary facilities.~~

~~(4) — The site plan and floor plan shall be drawn accurately to scale showing property lines and dimensions, the location of existing buildings or additions, distances from buildings or additions to property lines, the location of parking stalls, utility meters, entrances to the home, and areas within the single-family residence to be used as an IADU.~~

~~(e) — Noncompliance; Revocation or Withdrawal of Permit. A permit for an IADU may be revoked or withdrawn in the following circumstances:~~

~~(1) — The conditions upon which the permit has been issued no longer are maintained by the property owner;~~

~~(2) — The requirements of this Section or the permit have been violated; or~~

~~(3) — The property owner applies for a withdrawal by submitting a sworn declaration that the property owner or lawful tenant is not and will not allow any occupant to use the accessory dwelling unit in violation of this section.~~

~~(f) — Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter.~~

(a) Purpose and Intent; Administrative Review. The purposes of this Section are to assist in the creation of additional housing units; to support the efficient use of existing housing stock, land, and infrastructure; to provide housing that responds to changing family needs, smaller households, and housing costs; and to establish reasonable regulations for the construction and use of Accessory Dwelling Units within the City consistent with applicable state law.

Accessory Dwelling Units authorized by this Section are permitted uses subject to compliance with the objective requirements of this Section and other applicable provisions of this Title.

The Director, or designee, is vested with authority to administratively review applications under this Section and to approve or deny an application based upon compliance with the requirements of this Section. An application that complies with the applicable requirements of this Section shall be approved.

(b) General Limitations on Accessory Dwelling Units.

(1) No more than one (1) Accessory Dwelling Unit, whether an IADU or DADU, is permitted on a lot or parcel.

(2) An ADU shall be accessory and subordinate to a legally established primary single-family dwelling.

(3) The owner of record of a lot or parcel on which an ADU is located shall reside as the owner's primary residence in either:

(A) the primary single-family dwelling; or

(B) the ADU.

(4) The primary dwelling or ADU shall not be rented to separate households while the owner of record resides elsewhere.

(5) An ADU shall not be rented, leased, offered, or advertised for occupancy for a period of less than ninety (90) consecutive days.

(6) Recreational vehicles, motor homes, travel trailers, camp trailers, mobile structures, shipping containers not converted and approved as permanent buildings, and other temporary or movable structures shall not be used as an ADU or for permanent dwelling purposes.

(7) An ADU shall comply with all applicable building, health, fire, and other codes applicable to residential occupancy.

(8) An ADU shall not be separately subdivided, condominiumized, or sold separately from the primary dwelling and underlying lot or parcel.

(c) Internal Accessory Dwelling Units (IADU).

Subject to the requirements of this Section, one IADU is allowed as a permitted use within a qualifying primary dwelling in any area in which an IADU is required to be permitted by Utah Code §10-21-303.

(1) An IADU shall be subject to the following

- (A) The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.
- (B) The primary dwelling shall be a detached single-family dwelling.
- (C) The IADU shall provide kitchen, sleeping, and sanitary facilities separate from those provided for the remainder of the primary dwelling.
- (D) An IADU is prohibited within a mobile home as defined by applicable Utah law.
- (E) If the primary dwelling is served by a septic system, the property owner shall provide evidence of approval from the applicable health department when required by applicable law or health regulation.
- (F) An IADU shall be prohibited on a lot or parcel six thousand (6,000) square feet or less.
- (G) An IADU shall be designed in a manner that does not materially change the appearance of the primary dwelling as a single-family dwelling.
- (H) A separate utility meter shall not be installed solely for the IADU.
- (I) The IADU shall not be assigned a separate street or mailing address.

(2) Internal Accessory Dwelling Unit Parking.

- (A) A primary dwelling containing an IADU shall provide at least one (1) additional on-site parking space for the IADU in addition to parking required for the primary dwelling.
- (B) If an IADU is created within a garage or carport and the conversion eliminates parking spaces otherwise required for the primary dwelling, the required parking spaces shall be replaced on-site.

(d) Detached Accessory Dwelling Unit (DADU).

Subject to the requirements of this Section, one DADU shall be permitted on a lot or parcel when:

- (1) The lot or parcel is eleven thousand (11,000) square feet or larger;

- (2) The lot or parcel contains a detached single-family dwelling;
- (3) No other IADU or DADU exists on the lot or parcel; and
- (4) The DADU complies with this Section and all other applicable requirements of this Title.

General requirements applicable to all DADU permits:

(A) Location and Setbacks.

- (i) A DADU shall not be located within the required front-yard area or corner side yard between the primary dwelling and the street of a lot or parcel.
- (ii) A DADU shall maintain a minimum setback of five (5) feet from an interior side, corner side, or rear property line and a minimum separation of six (6) feet from the primary dwelling and other structures on the same lot, except where a greater separation is required by applicable building or fire code. A DADU shall comply with all applicable street-side, clear-view, easement, utility, building, and fire-code requirements.
- (iii) Exterior windows of the DADU shall not negatively impact adjacent properties.
- (iv) A DADU shall not be located within a public utility easement or other recorded easement unless the easement holder has provided written authorization acceptable to the City.

(B) Size, Height, and Lot Coverage.

- (i) A DADU shall not be larger in gross floor area than the primary dwelling located on the same lot or parcel.
- (ii) A DADU shall comply with the height requirements otherwise applicable to accessory structures in the zoning district in which the property is located.
- (iii) A DADU shall comply with maximum lot coverage requirements of the underlying zoning district.
- (iv) A garage, storage area, or other uninhabitable space constructed in conjunction with a DADU shall be included when determining compliance with applicable accessory building size and lot coverage.

- (C) Design. A DADU shall be designed consistent with the single-family dwelling.
- (D) Parking. In addition to parking otherwise required for the primary dwelling:
- (i) A DADU containing less than six hundred fifty (650) square feet of habitable floor area shall provide one (1) additional on-site parking space.
 - (ii) A DADU containing six hundred fifty (650) square feet or more of habitable floor area shall provide two (2) additional on-site parking spaces.
 - (iii) Required parking may be provided within an approved driveway, garage, carport, or other approved on-site parking area.
 - (iv) If a detached garage is converted to a DADU, parking spaces required for the primary dwelling that were located within the detached garage shall be replaced on-site.
- (E) DADU Utilities and Infrastructure.
- (i) A DADU shall have lawful and adequate access to required utility services.
 - (ii) The City may prohibit or deny a DADU if the DADU will not have adequate access to a required utility service that constitutes a project improvement, including:
 - (1) Sanitary sewer;
 - (2) Culinary water;
 - (3) Electrical service; or
 - (4) Storm water facilities.
 - (iii) The City may prohibit or deny a DADU if a utility service constituting a system improvement to which the DADU is required to connect lacks sufficient capacity to support the DADU.
 - (iv) The property owner shall be responsible for lawful connection, extension, improvement, and utility costs associated with serving the DADU.
- (e) Conversion of a Legally Constructed Accessory Structure to a DADU.

An owner may apply to convert a legally constructed accessory structure, including a detached garage, to a DADU. Conversion shall be approved when:

- (1) The lot or parcel qualifies for a DADU under this Section;
- (2) The accessory structure was legally constructed or otherwise constitutes a lawful structure under this Title;
- (3) The structure complies with applicable dwelling and accessory structure setback requirements or otherwise has lawful nonconforming status that permits the proposed conversion;
- (4) The proposed conversion complies with all applicable building, health, and fire codes;
- (5) Parking required for the primary dwelling that is eliminated through conversion of a detached garage is replaced on-site; and
- (6) All required building permits and approvals have been obtained.

(f) ADU Application and Permit.

- (1) Before an IADU or DADU is rented or occupied as a separate dwelling unit, the property owner shall obtain an ADU and Building Permit.
- (2) An application shall be filed with the Director on a form provided by the City and shall be accompanied by the applicable fee established by the Consolidated Fee Schedule.
- (3) A complete application shall contain information reasonably necessary for the City to determine compliance with applicable requirements and may include:
 - (A) A site plan, which includes location of existing and proposed buildings, property lines and dimensions, setbacks, easements, and parking locations;
 - (B) A floor plan of the ADU and primary dwelling, if applicable;
 - (C) Building elevations, if applicable, to show dimensional requirements;
 - (D) Utility locations and connections;
 - (E) Square footage;
 - (F) Owner-occupancy documentation; and
 - (G) Other information reasonably necessary to demonstrate compliance with objective requirements of this Section.

(g) Change in Ownership.

- (1) A rental permit or registration issued under this Section shall remain valid only while the property complies with the requirements applicable to the ADU.
- (2) Upon transfer of ownership of a property containing an ADU, a new owner shall obtain any owner-occupancy affidavit, rental permit, registration, or license required by the City before renting the ADU.
- (3) Transfer of ownership does not by itself require removal of a lawfully established ADU, provided the ADU continues to comply with applicable land use, building, health, and fire requirements.

(h) Noncompliance; Revocation or Withdrawal of Permit.

A permit for an ADU may be revoked or withdrawn in the following circumstances:

- (1) The requirements upon which the permit was issued are no longer satisfied;
- (2) The requirements of this Section or other applicable law have been violated;
- (3) The ADU is altered or expanded in violation of applicable approvals; or
- (4) The property owner requests withdrawal or termination of the permit.

Prior to revocation, the City shall provide any notice and opportunity to cure or contest the alleged violation required by applicable law.

(i) Enforcement.

Violations of this Section may be enforced as provided by this Title and applicable state law.

12-28-124. Short-term Rentals.

- (a) Purpose; Allowed Locations. 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 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 allowed as a conditional use in any residential zone.

- (b) Planning Commission Review. The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application.
- (c) 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.
- (d) Permit Required. A Conditional Use Permit and all licenses and permits required by the Davis County Health Department and the State shall be required for all properties used as Short-term Rentals. The fee required by the consolidated fee schedule shall accompany the conditional use application.
- (e) Application for Permit. The application for a Conditional Use Permit shall be made on forms provided by the City and shall include a phone contact number and email address for the owner and, as applicable the Responsible Party. The application shall be accompanied by a site plan and floor plan that demonstrate that 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 by the application. The drawings shall also demonstrate compliance with all applicable building, health and fire codes. 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.
- (f) Prior to operating a Short-term Rental, the owner or Responsible Party shall obtain conditional use approval, and shall meet all requirements of the Conditional Use Permit. At the time of, or prior to, receiving conditional use approval, 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.
- (g) Review. The Planning Commission shall review complete applications for a Conditional Use Permit under this Section and shall approve, approve with conditions, or deny the application based on the criteria listed in this Section. In addition to the requirements of this Section, the Planning Commission may impose conditions that are necessary to mitigate the potential adverse effects of the Short-term Rental on neighbors and nearby uses.

- (h) 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.
- (i) 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 ten o'clock 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.
- (j) 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 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. Parking is prohibited within any landscape area.
- (k) 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.
- (l) Signage – Exterior and Interior. Exterior signage other than ordinary street address signage is prohibited.
- (m) The Responsible Party shall provide a prominent display within the dwelling unit that provides, at minimum, the following information:

¹ The maximum number of bedrooms in a Short-term rental is four (4). See Definitions; Chapter 12-2.

- (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; and
 - (3) any additional rules or regulations imposed by the Responsible Party.
- (n) 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, shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
 - (5) A fully functional fire extinguisher shall be located in an easily accessible location.
 - (6) A fire exit route plan and statement of the maximum occupancy number for the premises shall be prominently posted.
 - (7) The responsible party shall comply with all inspection requirements of the State, Davis County and the City.
- (o) 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 show cause proceedings to revoke the Conditional Use Permit and business license; or
 - (D) initiate revocation proceedings as provided in this Section
- (2) In the event of an order to show cause proceeding, the Responsible Party shall appear before the Planning Commission to demonstrate, by clear and convincing evidence, why the Conditional Use Permit should not immediately be revoked. If the Responsible Party fails to appear, the facts alleged in the notice for the show cause proceeding shall be deemed to be true and the Planning Commission may take such action as it deems appropriate, including revocation of the Conditional Use Permit. Appeals of a decision of the Planning Commission shall be made under the requirements of Section 12-4-103.
- (3) Notwithstanding any other remedy in this section, violations of Federal, State or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter.

STAFF REPORT

To: Planning Commission

From: Curtis Poole, Community Development Director

Date: September 8, 2026

Re: Code Text Amendment – Second Driveway and Front Yard Hard Surface Coverage



Background

The city has been reviewing its regulations governing second residential driveways and hard surface coverage within front yards. The issue was initially raised because existing city code did not provide clear standards for second driveways on all residential streets, even though second driveways have historically been permitted in various areas of the city.

During 2025, the Planning Commission reviewed proposed amendments addressing second driveways and related parking and hard surface standards. The proposed amendments were forwarded to the City Council for consideration. On October 21, 2025, the City Council voted to return the proposed text amendment to the Planning Commission for additional review.

Since that time, the Council has continued discussing the issue and has provided additional policy direction regarding how second driveways and front yard improvements should be regulated. As part of that discussion, staff also reviewed regulations from surrounding communities regarding multiple residential driveways, driveway surfacing materials, and maximum front yard hard surface coverage.

On July 21, 2026, the City Council adopted a temporary moratorium on the acceptance and approval of applications for second driveways in single-family residential zones. The purpose of the moratorium is to allow the City sufficient time to complete its review and consider amendments establishing clear and consistent standards before additional second driveways are approved under the potentially updated regulations.

Council Direction

Based on the Council's discussions since the proposed amendment was returned to the Planning Commission, the Council has generally indicated support for allowing second driveways in single-family residential zones, provided appropriate standards are established.

The following policy direction has been identified by the City Council for consideration as part of the revised text amendment:

- **Second Driveways:** Allow a second driveway on residential properties, subject to applicable dimensional, location, and safety requirements.
- **Driveway and Parking Surfaces:** Require driveways, parking pads, and other areas used for vehicle parking to be constructed with an approved hard surface. Gravel would not be permitted as a driveway, parking surface, or other vehicle parking area.

- **Front Yard Hard Surface Coverage:** Establish a maximum percentage of the front yard that may consist of driveways, parking areas, sidewalks, patios, or other hard surface improvements in order to preserve a reasonable amount of landscaped front yard area.
- **Parking Outside Approved Areas:** Continue to prohibit the creation or use of additional parking areas within the front yard unless the area complies with the city's driveway and hard surface requirements.
- **Clear and Consistent Standards:** Revise existing driveway provisions so the requirements apply consistently throughout the city's single-family residential zones and provide clear standards for property owners and staff.

Staff Review

Staff has reviewed driveway regulations from several Davis County communities. This review found that most communities permit two residential driveways under certain conditions but typically regulate driveway width, street frontage, separation, and overall front yard coverage.

The review also found that surrounding communities generally place an emphasis on maintaining landscaped front yards. Most of the communities reviewed limit hard surface coverage within the required front yard, with 50 percent being a common maximum.

The Council's direction to prohibit gravel would also provide a clear and enforceable standard for residential parking areas. Requiring an approved hard surface would help prevent the gradual expansion of informal gravel parking areas, provide greater consistency between properties, and make it easier to distinguish between an approved driveway or parking area and landscaped portions of a front yard.

The remaining policy question for the Planning Commission is the appropriate maximum amount of hard surface that should be permitted within the front yard. In considering a recommendation, the Commission should balance the ability of property owners to construct a second driveway and accommodate vehicle parking with the city's interest in preserving landscaped front yards and limiting excessive hard surface coverage.

Proposed Amendment

Staff recommends that the revised ordinance incorporate the Council's direction by allowing second driveways in single-family residential zones while establishing clear standards for their installation and use. The amendment should include provisions that:

- Allow no more than two driveways serving a single-family residential property.
- Require all driveways and vehicle parking areas to consist of approved hard surface materials.
- Prohibit gravel as a driveway or vehicle parking surface.
- Establish a maximum percentage of hard surface coverage within the front yard.
- Maintain appropriate driveway width, location, separation, property-line, utility, and access requirements.
- Prohibit vehicle parking on landscaped or other unimproved portions of the front yard.
- Clarify and consolidate existing driveway regulations so they are consistently applied throughout single-family residential zones.

Recommendation

Staff recommends the Planning Commission review and discuss the proposed amendment and provide direction to staff to schedule a public hearing for the Commission to receive public input.

CHAPTER 12-24 OFF STREET PARKING AND LOADING

- 12-24-101. Purpose and Objectives.
- 12-24-102. General.
- 12-24-103. Parking Design Standards.
- 12-24-104. Street Access.
- 12-24-105. Residential Zones and Uses – Parking Areas, Development and Maintenance.
- 12-24-106. Commercial, Industrial and Mixed-Use Zones – Parking Areas, Development and Maintenance.
- 12-24-107. Alternatives to On-Site Parking.
- 12-24-108. Location.
- 12-24-109. Stormwater Conveyance; Required Improvements and Maintenance.
- 12-24-110. Parking Spaces Required – Minimum Number.
- 12-24-111. Off-Street Loading – Commercial and Industrial Uses.
- 12-24-112. Parking and Storage of Commercial or Industrial Vehicles – Residential Zones.
- 12-24-113. Parking of Fleet Vehicles in I-1 Zone and AP Zone.

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12-24-104. Street Access.

Access between a public street and off-street parking facilities shall be provided as follows:

A. For single-family zones the following shall apply

a. Lots with less than 100 feet of frontage shall be limited to a maximum of two driveway approaches under the following circumstances:

- i. The front yard area including driveways shall not exceed 50% hard surface in total
- ii. Each driveway approach shall be a minimum of 10 feet wide and no more than 30 feet wide
- iii. Corner lots are allowed one driveway approach per frontage with a maximum of two approaches and shall not exceed the 50% hard surface total
- iv. No driveway approach shall be closer than 30 feet to an intersection of two streets, measured from the corner of the property line
- v. A maximum of one driveway approach for each platted lot on an arterial or collector street as identified in the City's General Plan

b. Lots with more than 100 feet of frontage shall be limited to a maximum of two driveway approaches. An additional approach may be added under the following circumstances:

- i. The front yard area including driveways shall not exceed 50% hard surface in total
- ii. Each driveway approach shall be a minimum of 10 feet wide and no more than 30 feet wide
- iii. Corner lots may be allowed an additional driveway approach on either street frontage for a maximum of three approaches

- iv. No driveway shall be closer than 30 feet to an intersection of two streets, measured from the corner of the property line
- v. A maximum of one driveway approach for each platted lot on an arterial or collector street as identified in the City's General Plan.

B. For all other zones the following shall apply:

- a. Two-way. For two-way traffic, a maximum of one driveway approach for each 150 feet of frontage on an arterial or collector street as identified in the City's General Plan. Such driveway approach shall not be less than 30 feet in width, no more than 40 feet in width.
- b. One-way. For one-way traffic, a maximum of one driveway approach for each 150 feet of frontage on an arterial or collector street as identified in the City's General Plan. Such driveway approach shall not be less than 15 feet nor more than 20 feet in width. The distance between one-way driveway approaches shall be at least 12 feet, measured from the closest exterior boundary of the driveway approach. If separated by a landscaped median, the median separating the one-way driveway approaches shall be at least 10 feet in width.
- c. Proximity to intersection. No driveway approach shall be closer than 40 feet to an intersection of two streets, measured from the corner of the property line.

C. Development Standards. Height, location, structural specifications, maximum and minimum curbs, radii permitted, and maximum roadway approach angles to the center line of the street shall be as required in the City's current design standards and development specifications.

D. All street access driveways shall be subject to the requirements of Appendix "24-A", the City's Design Standards and Construction Specifications and the requirements of the SDMFA.

E. All driveway approaches shall be a minimum of one foot from the side property line.

F. Utility access points shall not be located within driveway approaches.

a.—

- ~~(a) — Two-way. For two-way traffic, a maximum of one driveway for each 150 feet of frontage on an arterial or collector street.⁴ Such driveway shall not be less than 30 feet in width, nor more than 40 feet in width.~~
- ~~(b) — One-way. For one-way traffic, a maximum of one driveway for each 150 feet of frontage on an arterial or collector street. Such driveway shall not be less than 15 feet nor more than 20 feet in width. The distance between one-way driveways shall be at least 12 feet, measured from the closest exterior boundary of the driveways. If separated by a landscaped median area, the median separating the one-way driveways shall be at least ten (10) feet in width.~~
- ~~(c) — Proximity to Intersection. In commercial, industrial and airport zones, no driveway shall be closer than 40 feet to an intersection of two streets, measured from the~~

⁴ ~~Arterial and collector streets are designated in the City's General Plan~~

~~corner of the property line. In a residential zone, such minimum distance shall be 20 feet.~~

- ~~(d) Development Standards. Height, location, structural specifications, maximum and minimum curbs, radii permitted, and maximum roadway approach angles to the center line of the street shall be as required in the City's current design standards and development specifications.~~
- ~~(e) All street access driveways shall be subject to the requirements of Appendix "24-A", the City's Design Standards and Construction Specifications and the requirements of the SDMFA.~~

12-24-105. Residential Zones and Uses – Parking Areas, Development and Maintenance.

- (a) Driveway – Single Family and Two-family Homes. For all single-family and two-family residences in any zone a driveway connecting from the street or other entry way to an enclosed garage, covered carport or other authorized area used for the parking of motor vehicles shall be paved with an asphaltic or concrete surface that meets the City's current design standards and construction specifications. The City may require specific design features where deemed necessary based on vehicular or pedestrian traffic patterns, parking, loading, storage or other safety-related conditions. Driveways leading to a garage may be located in front of the primary dwelling; however, separate parking areas are not permitted to be installed between the primary dwelling and street. All approved parking areas must be connected to the street by a driveway meeting the city's design standards. At no time may the front yard area exceed 50% hard surface.
- (b) Recreational Vehicle and Trailer Parking – Single Family Homes and Two-Family Homes. For all single-family and two-family homes, where there is compliant side-yard setback space, the side yard or a portion of the yard adjacent to the driveway on the opposite side of the home may be used for the parking of usable and fully operational recreational vehicles and trailers. Said area shall be covered with a solid (asphaltic or concrete) surface. ~~gravel, road base of similar material. The use of non-solid surfaces shall require use and maintenance of a functional weed barrier or annual chemical treatment that will ensure the maintenance of said area is free of weeds and other vegetative materials.~~ Only recreational vehicles and trailers registered to the property owner or renter of the property, with the exception of trailers registered to a separate business and linked to an approved home occupation permit, may be parked on the property.
- (c) Multi-Family Homes. For all multi-family residences (for purposes of this section: triplex, 4-plex and multi-unit developments) a driveway connecting to an enclosed garage, covered carport or other authorized area used for the parking of motor vehicles shall be paved with an asphaltic or concrete surface that meets the City's current design standards and construction specifications. The City may require specific design features where deemed necessary based on vehicular or pedestrian traffic patterns, parking, loading, storage or other safety-related conditions. For all such uses, the parking of recreational vehicles and trailers is prohibited except when kept in a side yard behind the front line of the residence, and maintained on a pad that meets the requirements of Section 105(B) above.

