



NOTICE AND AGENDA

SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, JUNE 10, 2021

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on, June 10, 2021, beginning at 6:15 p.m. in the Council Chambers located at 3950 Adams Avenue, South Ogden, Utah. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including wearing of masks, social distancing and number of people allowed to gather at one time. Some members of the planning commission may be attending the meeting electronically.

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 - Chairman John Bradley

II. SPECIAL ITEMS

- A. Overview of ADU Ordinance
- B. Overview of New Definitions for Buildings and Proposed Accessory Building Code and Code for Swimming Pools, Sports Courts, Etc.
- C. Review of Public Hearing Noticing and New State Noticing Requirements

III. OTHER BUSINESS

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

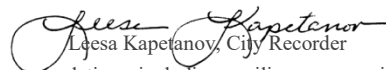
Approval of May 13, 2021 PC Minutes

V. PUBLIC COMMENTS

VI. ADJOURN

Posted and emailed to the State of Utah Public Notice Website on June 4, 2021

The undersigned, duly appointed city recorder, does hereby certify that a copy of the above notice and agenda was posted in three public places within South Ogden City limits on June 4, 2021. These public places being City Hall (1st and 2nd floors), the city website (www.southogdencity.com), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.


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 Leesa Kapetanov at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



SUBJECT: Review and Discuss Draft ADU Ordinance
AUTHOR: Mark Vlasic
DEPARTMENT: Planning and Zoning
DATE: June 10, 2021

BACKGROUND

In March 2021 HB 0082 H.B. 82 was passed by the State of Utah, requiring that all municipal codes be amended to comply with the new state law related to Internal ADUs (IADUs). According to the American Planning Association, an ADU is “a smaller, independent residential dwelling unit located on the same lot as a stand-alone ... single-family home.” While ADUs and short-term rentals have typically been regulated by cities and counties, the Utah State Legislature passed the legislation which “prohibits municipalities and counties from establishing restrictions for certain accessory dwelling units with limited exceptions.”

House Bill 82 addresses “internal” ADUs, e.g. accessory dwelling units that are located within or attached to the primary residence the premise that an accessory dwelling unit inside someone’s home, and do not address standalone ADUs or Ads attached to garages and other secondary structures on a residential property. The bill permits internal ADUs in all municipalities, and includes several changes to allow make it easier to create accessory dwelling units by removing some of the obstacles that often prevent such uses from being permitted.

Staff is currently preparing a draft code that addresses the new ADU requirements. Since South Ogden does not currently have an ADU code in place, a new section to the City Code will be developed and will need to be adopted by the City Council with recommendations made by the Planning Commission. Code changes must be in effect by October 1, 2021, otherwise the city risks losing the ability to modify key restrictions as outlined in the final legislation. Staff will also review existing codes to ensure conflicting language and directives are addressed.

See attached Draft Accessory Dwelling Unit Code

RECOMMENDATION

Once the Planning Commission has discussed the ordinance, Staff recommends that direction on specific changes and modifications are provided so a second draft of the ordinance can be prepared and a public hearing held to receive input as part of the adoption process.

Purpose and Objectives

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.

Definition

An Accessory Dwelling Unit (ADU) is a room or set of rooms located within or attached to a single-family home in a single-family zoning district that has been designed or configured to be used as a separate dwelling unit and has been established by permit.

Permitting Accessory Dwelling Units

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

- 1) No more than one ADU may be permitted within or attached to each single-family dwelling.
- 2) ADUs are not permitted on residential lots that comprise an area of 6,000 square feet or less.
- 3) ADUs are permitted only in owner-occupied single-family dwellings or owner-occupied single unit detached dwellings.
- 4) Either the ADU or the principal residence shall be occupied by the owner of the property except for temporary bona-fide absences.
- 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.
 - a) A short-term rental is defined is a property that is rented for a period of 30 days or less.
- 8) Each 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 within a front yard setback area.
- 9) A single family dwelling with an ADU shall have one but no more than two (2) meters for each water, and gas service. Each meter shall be in the property owner's name. There shall only be one (1) electric meter per building.
- 10) All construction and remodeling to accommodate the ADU shall be in accordance with both the International Residential and Building Codes, as amended, in effect at the time of construction or remodeling.
- 11) Landscaping
The lot on which the ADU is located shall have a landscaped yard in accordance with Title 10, Chapter 23 Landscape Regulations of the South Ogden City Code.
- 12) ADU size requirements
- a) Minimum size: no minimum size.
 - b) Maximum size: no maximum size.
 - c) ADUs must comply with all setback, site area limitations and other site development requirements and standards that apply to the applicable zoning district where the unit is located.
- 13) ADUs must include the following:
- a) A kitchen separate from the main dwelling.
 - b) Sanitation facilities (full bathroom) separate from the main dwelling.
- 14) A person desiring an ADU shall:
- a) Obtain a Building Permit from South Ogden City and provide the following in addition to standard submittal requirements for a permit:

- i) Site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings or additions, dimensions from buildings or additions to property line, and the location of parking stalls, and utility meters.
- ii) Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

b) Obtain a City business license for ADUs that are rented.

15) ADUs licensed in South Ogden City may be inspected annually as part of the business license renewal 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 such required inspections and approval of the City Building Official.

16) ADUs that were constructed legally before the adoption of this Code shall meet the building and safety codes required at the time of construction.

17) No ADU business license shall be granted without providing evidence of a Certificate of Occupancy.

18) 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.

19) 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.

20) Appeals

Decisions of South Ogden City not to issue a permit for an ADU can be appealed to the Appeal Authority.

21) Ownership of ADUs

The ownership of an ADU shall not be separated from the principal dwelling.

STAFF REPORT



SUBJECT: Proposed City Code Changes
AUTHOR: Bryce Haderlie, Building Official
DEPARTMENT: Building
DATE: June 10, 2021

BACKGROUND

As certain zoning clearances are being conducted for building permits, it appears that there is an opportunity to clarify some of the language. I have worked closely with Leesa to evaluate our ordinances and compare them against others in the area.

DISCUSSION

The code subjects are as follows:

1. Definitions - These proposed changes are recommended to clarify some ambiguity. The clarifications will resolve confusion of when certain setbacks are applied.
2. Accessory Buildings - New Proposed Section 10-14-22 - This section is proposed to ensure that all accessory building types are considered (i.e. pergolas, detached patio covers, etc. It is also intended to enhance the architectural appearance of accessory structures by moving away from full metalcovered buildings which tend to be more acceptable in agricultural settings (except less than 200 sq. ft.).
3. Private Swimming Pools, Tennis/Pickleball Courts, Skateboard Ramps, and Basketball Standards Or Courts - There are some side yards of homes that could accommodate a swimming pool and have no greater impact on adjacent properties than a rear yard, so this language is being proposed for your consideration. Our code is silent on private tennis/pickleball courts, skateboard ramps and Basketball standards or courts so this language is being proposed for your consideration.

RECOMMENDATION

Staff is recommending your consideration of these proposed ordinance changes to clarify code language for consistent application; to enhance the architectural appeal and integration of accessory buildings to the main building; and clarify the location of swimming pools, tennis/pickleball courts, skateboard ramps and basketball standards or courts.

Proposed changes to definitions:

SOC 10-2-1: DEFINITIONS:

BUILDING: Any structure ~~other than a boundary wall or fence.~~ having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY: ~~A subordinate building on a lot, the use of which is customarily incidental to that of the main or principal building.~~ A detached building that (a) is clearly incidental to and customarily found in connection with a principal or main building; (b) is subordinate to and serves a principal or main building; (c) is subordinate in area, extent, or purpose to the principal or main building served; (d) is located on the same lot as the principal or main building served; and (e) contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building.

BUILDING, ATTACHED: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

BUILDING, DETACHED: A building which is separated from another building or buildings on the same lot.

STRUCTURE: Anything constructed or erected, ~~the use of which requires location on the ground, or attachment to something having location on the ground.~~ which requires a fixed location on the ground, including a building or mobile building, but not including a fence or wall used as a fence.

Proposed addition to SOC 10-14: REGULATIONS APPLICABLE TO ALL ZONES:

SOC 10-14-22

STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

1. **Design and Materials:** The original design of the building must have been to function as a typical accessory residential structure, such as a patio cover, pergola, storage shed, garage or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.

1. **Metal accessory buildings** two hundred (200) square feet or less are allowed in all residential zones. Accessory buildings over 200 square feet are allowed with exterior finished walls constructed of up to 50% painted metal, with the remainder of the building covered in horizontal lap or vertical (board and batten) siding, brick, stucco, wood, or similar material as the main building, etc.

2. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.

1. Roofing materials including metal roofs shall have a similar color as the main building.

2. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.

3. Roof pitches shall be a minimum of a 4/12.

2. Location and Size:

1. No detached accessory building, other than trellises, shall be allowed in the front yard between the main residential building and the street.

2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front yard setback requirement for the zone is maintained and the garage or carport is integrated into the design of the residential building, with a similar residential exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.

A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of 6 feet from the main building, is integrated into the design of the residential building, with a similar residential exterior wall treatment and roofing material as the main building.

3. Accessory buildings may be located in a rear yard provided they meet the required setbacks of the zone.

3. Height: The building shall not exceed the maximum height allowed by other sections of the Zoning Ordinance.

~~1.4.~~ Prohibited Use: Accessory buildings shall not be used as living quarters. Accessory Dwelling Units are not considered accessory buildings.

Proposed changes to SOC 10-14-12: SWIMMING POOL, FAMILY

SOC 10-14-12: ~~SWIMMING POOL, FAMILY~~ PRIVATE SWIMMING POOLS, TENNIS/PICKLEBALL COURTS, SKATEBOARD RAMPS, AND BASKETBALL STANDARDS OR COURTS

~~A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:~~

~~—A. Location: The location of such family swimming pool or accessory machinery shall not be less than ten feet (10') from any interior property line. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.~~

~~—B. Enclosure: An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises. A substantial fence shall mean any fence that would not allow passage by any person and one that would feature a self-locking gate if a gate is utilized. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~

1. **Swimming Pool (private).** No such pool shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:

1. It is an accessory use to a main building and is located within the side or rear yard thereof and accessory structure setbacks do not apply to the swimming pool;
2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
3. It may not be located closer than fifteen feet to any side property line or 10' from a rear property line on the property on which it is located; the setback is measured from the water's edge to the property line;
4. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone;
5. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all current building codes. All gates on said fences shall be self-closing and fitted with a self-latching device located on the interior side of the gate;
6. Where a swimming pool is completely enclosed in a building, the location and setback requirements for an accessory structure shall apply. Any above ground pool lighting shall be installed and directed such that the light source or light bulb

is not directly visible from any point five feet high along the neighboring property line.

2. Tennis and/or Pickleball Court (private). No tennis/pickleball court shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:

1. It is an accessory use to a main building and is located within the side or rear yard thereof;
2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
3. It may not be located closer than fifteen feet to any property line of the property on which it is located. It shall not be less than 30' from any neighbor's dwelling or twenty feet (20') from any side lot line of any adjacent vacant lot;
4. On a corner lot where the rear lot line is coterminous with a side lot line of an adjoining lot, it shall be located not less than 20' from such lot line; and
5. Any court lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line.

3. Skateboard Ramp (private). No skateboard ramp shall be allowed in any zoning district in the City except as an accessory use and unless it complies with the following conditions and requirements:

1. It is an accessory use to a main building and is located within the side or rear yard thereof;
2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located. No commercial or advertised use of the ramp shall be permitted and no donations or contributions shall be solicited or received for use of or attendance at ramp activities;
3. It may not be located closer than fifteen feet to any property line of the property on which it is located. It shall be not less than thirty feet 30' from any neighbor's dwelling or 20' from any side lot line of any adjacent vacant lot;
4. On a corner lot where the rear lot line is coterminous with a side lot line of an adjacent lot, it shall be located not less than 20' from such lot line;

5. Ramp lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line;
 6. The ramp shall be of such a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with ramp usage. Portions of the ramp may be located below ground level, but in no case shall any portion of the ramp exceed six feet in height above ground level, excluding handrails.
 7. A set of written rules adopted to insure safe and reasonable usage and operation of the ramp shall be posted at all times and enforced by the owner of the property on which the ramp is located; and
 8. The ramp must be inside an enclosure or within an enclosed yard.
4. **Basketball Standard and Court.** A single basketball standard and court shall not be considered a structure or accessory structure in any residential zoning district. The placement of a basketball standard or court shall be in accordance with the following requirements:
1. A light erected in conjunction with the basketball standard or court shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line; and
 2. A net or other portable device may be erected up to 13' in height behind the basketball standard to protect the ball from falling onto the adjacent property.

STAFF REPORT



SUBJECT: Public Notice Changes
AUTHOR: Leesa Kapetanov
DEPARTMENT: Administration
DATE: June 10, 2021

BACKGROUND

The Utah State Legislature made major noticing changes at their last session. The changes mostly involved removing the requirement for publishing notices in a newspaper of general circulation within the City.

DISCUSSION

We live in a day and age where news and information is simply a click away. Unfortunately, newspapers have struggled to keep up with the one-click competition, and many papers are going from daily to weekly editions. This was recently the case with two major Utah newspapers; the Deseret News and the Salt Lake Tribune. Because posting in these two major newspapers would no longer make sense, the requirement to post in any newspaper was removed. Posting in newspapers can be very expensive, and since the state has removed this requirement, the City would like to remove it from its code as well. Attached to this report are all the places in the code that need to be amended to remove the requirement. You will also see the addition of two definitions; Public Hearing, and Public Hearing Notice. The one for public hearing may be overkill, but the one for Public Hearing Notice I felt was necessary in case there was a requirement for a public hearing, but no state or city requirements were specified. The description describes what the requirements are.

RECOMMENDATION

Staff recommends you review the changes and ask about or discuss parts you may not understand or agree with. Once you feel the changes are where you want them, you will need to set a date for a public hearing and then make a recommendation to the City Council.

CITY CODE CHANGES BASED ON STATE CHANGES TO NOTICING REQUIREMENTS

10-1-4: CHANGES AND AMENDMENTS:

This title, including the maps, may be amended from time to time by the City Council after holding a public hearing. ~~At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the area.~~ Notice for the public hearing shall follow the requirements of UCA 10-9a-205 and its subsequent amendments. For any amendment to ~~the zoning map~~ a land use regulation or zoning map, the notice for a public hearing will be sent at least ten (10) calendar days before the public hearing to the record owner of each parcel to be rezoned and the record owner of each parcel within five hundred feet (500') of the property to be rezoned regardless of whether such property is within the jurisdictional boundaries of the City. All proposed amendments shall be proposed by the Planning Commission or may be submitted by the City Council to the Planning Commission for consideration and recommendation which recommendation shall be returned to the City Council for consideration within sixty (60) days of receipt by the Planning Commission. Failure of the Planning Commission to take action on any City Council proposed amendment within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The City Council may overrule any Planning Commission recommendation by a majority vote of its members. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-2-1 DEFINITIONS:

PUBLIC HEARING: A meeting to hear public opinions on a stated issue ; a meeting where members of the public hear the facts about a stated issue and give their opinions about it.

PUBLIC HEARING NOTICE: Unless otherwise stated, notice for any public hearing within this title shall be given as stated in the corresponding State of Utah noticing requirements. If there are no corresponding State of Utah noticing requirements for the type of public hearing required by this title, the following requirements shall apply: Notice of the date, time, place, and reason for the public hearing shall be posted on the city's website and the public notice website at least ten (10) calendar days before the date of the public hearing.

10-11-10: SUBMISSION AND APPROVAL PROCESS:

D. Preliminary Development Plan Review Process: The planning commission, subject to the requirements of this chapter, may approve or deny the preliminary development plan for the proposed PRUD. During the preliminary review process, a public hearing notice of the date, time, location, and project information shall be ~~published ten (10) days prior to the hearing or~~ mailed to the adjoining property owners to provide a minimum three (3) days notice before the planning commission.

11-1-3: DEFINITIONS:

PUBLIC HEARING: A meeting to hear public opinions on a stated issue ; a meeting where members of the public hear the facts about a stated issue and give their opinions about it.

PUBLIC HEARING NOTICE: Unless otherwise stated, notice for any public hearing within this title shall be given as stated in the corresponding State of Utah noticing requirements. If there are no corresponding State of Utah noticing requirements for the type of public hearing required by this title, the following requirements shall apply: Notice of the date, time, place, and reason for the public hearing shall be posted on the city's website and the public notice website at least ten (10) calendar days before the date of the public hearing.

11-2-1: PRELIMINARY PLAT:

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the "Public Works Standard Drawings, Details And Technical Specifications" and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, gas company, telephone company, and other public service utility providers, school

district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be ~~published ten (10) days prior to the hearing or~~ mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission.

11-5-1: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS; CITY COUNCIL AUTHORITY:

A. The land use authority may consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under this chapter and Utah Code Annotated section 10-9a-608 as amended.

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in this chapter and Utah Code Annotated section ~~10-9a-609.5~~ 10-9a-208 or future amended section. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

11-5-5: NOTICE:

A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended and each owner of record ~~owner~~ of property within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting ~~or public hearing~~ where the matter will be considered. The notice shall include:

a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the notice;

b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and

c. The date, place, and time when a public meeting ~~or public hearing, if one is required,~~ will be held to consider a vacation, alteration, or amendment ~~without a petition when written~~

~~objections are received or to consider any petition that does not include the consent of all landowners as required.~~

d. The land use authority shall hold a public hearing within 45 days after the day on which the subdivision amendment petition is filed if:

(i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or

(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passersby, or as may otherwise be required by law.

~~—B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:~~

~~—1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of the date of the notice;~~

~~—2. All of the owners in the subdivision have not signed the revised plat; or~~

~~—3. Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of the date of the notice. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)~~

3. The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

(i) join two or more of the petitioner fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;

(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

11-5-8: PROPERTY LINE ADJUSTMENTS:

A. A property line adjustment or combination of lots may be approved by staff if: ~~the city council after the required notice and public hearing, that:~~

1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;
2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
3. The adjustment does not result in violation of applicable zoning requirements.

B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.

C. If ~~the city council~~staff approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.

~~—D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)~~

LAND USE CODES AFFECTED BY DEFINITION OF PUBLIC HEARING NOTICES

10-3-2: REMOVAL OF MEMBER FROM OFFICE:

In the event any member of the planning commission shall fail to attend five (5) meetings per twelve (12) month period, the member may be removed from office by an affirmative vote of the majority of the city council. Also, any member of the planning commission may be removed for cause, after a **public hearing** upon written charges, by affirmative vote of the majority of the city council. (Ord. 673, 1-8-1980; amd. 2001 Code)

10-4-1: APPOINTMENT, TERM AND REMOVAL:

The appeal authority ("hearing officer") shall be a single individual, appointed by the mayor, with the advice and consent of the city council, for a term of three (3) years and may be appointed for succeeding three (3) year terms.

A. The hearing officer shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use and have knowledge and familiarity with constitutional due process rights.

B. The mayor may remove the hearing officer for cause upon receipt of written charges filed against the hearing officer, after a **public hearing**, if requested and upon the advice and consent of the city council.

C. In the case of death, resignation, removal or disqualification, the position of hearing officer shall be promptly filled by a replacement appointed by the mayor with the advice and consent of the city council for the unexpired term of the previous hearing officer.

D. The hearing officer shall be considered an independent contractor.

E. The mayor may, from time to time, appoint a hearing officer pro tempore temporarily when necessitated by the absence, unavailability, incapacity or disqualification of the regularly appointed hearing officer, upon the advice and consent of the city council. Each hearing officer pro tempore shall, as a minimum, have qualifications similar to those specified in subsection A of this section. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, MAY 13, 2021
COUNCIL CHAMBERS, CITY HALL –6:15 pm

PLANNING COMMISSION MEMBERS PRESENT

Vice Chair Jeremy Howe, Commissioners Scott Amos, Mike Layton, Steve Pruess, Jerry Jones, and Angela Snowden Note: Commissioner Jones attended via the Microsoft Teams meeting app.

COMMISSION MEMBERS EXCUSED

Chair John Bradley

STAFF PRESENT

Assistant City Manager Doug Gailey, Planner Mark Vlastic, and Recorder Leesa Kapetanov Note: Planner Vlastic attended the meeting via Microsoft Teams.

CITIZENS PRESENT

Michelle & Derrick Warner

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

https://www.southogdencity.gov/document_center/Sound%20Files/2021/PC210513_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://www.southogdencity.gov/document_center/Sound%20Files/2021/PC210513_1738.mp3

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

- Vice Chair Jeremy Howe began the meeting at 6:15 pm by calling for a motion to convene.
00:00:05

Commissioner Pruess moved to open the planning commission meeting. The motion was seconded by Commissioner Amos. Commissioners Amos, Jones, Pruess, Layton, and Snowden all voted aye.

- Vice Chair Howe asked the newest member of the planning commission, Angela Snowden, to introduce herself 00:00:37

II. PUBLIC HEARING

To Receive and Consider Comments on Proposed Changes to the Fence Ordinance

- The vice chair called for a motion to enter into a public hearing 00:01:38

Commissioner Pruess moved to enter into a public hearing. Commissioner Layton seconded the motion. The voice vote was unanimous in favor of the motion.

- Vice Chair Howe invited anyone who wished to come forward and comment. No one came forward. He also invited anyone online to comment. No one present in the room came forward. The chair stated they would close the public hearing but leave online comments open until 6:30. He then called for a motion to close the public hearing.

Commissioner Amos moved to close the public hearing, followed by a second from Commissioner Snowden. All present voted aye.

III. ZONING ITEMS

A. Discussion/Recommendation on Proposed Changes to the Fence Ordinance

- Discussion 00:04:37
- Motion 00:46:09

Commissioner Amos moved to recommend to the city council the fence ordinance with the changes discussed related to hedges, transparency, and that the requirement of the permit be removed. The motion was seconded by Commissioner Jones. The vice chair re-stated the motion for clarity: The motion was that the word “hedge” be removed from the definition; the transparency be changed from 75% to 50 %, and the requirement for a land use permit be removed. Commissioner Amos concurred. Vice-Chair Howe then called the vote:

Commissioner Jones -	Yes
Commissioner Layton -	Yes
Commissioner Snowden -	Yes
Commissioner Pruess -	No
Commissioner Amos -	Yes

91 **The motion was approved.**

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- 93 • Assistant City Manager Doug Gailey informed Chair Howe that no online
- 94 comments had been made for the public hearing

95 00:48:40

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98 **IV. SPECIAL ITEMS**

99 **A. Consideration of Request for Second Driveway Located at 345 Chimes View Drive**

- 100 • Comments from Applicant Michelle Warner

101 00:48:50

- 102 • Discussion 00:51:36
- 103 • Motion 00:54:20

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105 **Commissioner Layton moved to grant approval for the second driveway based on**

106 **condition #1 set by the planner. The motion was seconded by Commissioner Amos.**

107 **Vice Chair Howe called the vote:**

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109 Commissioner Amos-	Yes
110 Commissioner Jones-	Yes
111 Commissioner Pruess-	Yes
112 Commissioner Snowden-	Yes
113 Commissioner Layton-	Yes

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115 **The motion stood.**

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117 **B. Discussion on Recent Legislation and Consequent Necessary Changes to City Code**

- 118 • Staff Overview 00:56:00
- 119 • The commissioners directed staff to move forward with his recommendations in
- 120 drafting the code for ADUs

121 01:16:40

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124 **V. OTHER BUSINESS**

- 125 • Chair Howe asked staff to look at the definition of a structure as they had
- 126 mentioned in discussion, and bring back recommendations for the commission

127 01:23:05

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133 **VI. APPROVAL OF MINUTES OF PREVIOUS MEETING**

134 Approval of March 11, 2021 PC Minutes

- 135 • Motion 01:23:25

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137 **Commissioner Jones moved to approve the minutes of March 11, 2021. Commissioner**
138 **Amos seconded the motion. All present voted in favor of the motion.**

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143 **VII. PUBLIC COMMENTS**

- 144 • There were no in person or online public comments

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149 **VIII. ADJOURN**

150 **Commissioner Pruess moved to adjourn, followed by a second from Commissioner Layton.**
151 **The voice vote was unanimous in favor of the motion.**

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154 The meeting ended at 7:41 pm.

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169 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting
170 held Thursday, May 13, 2021.

171
172 
173 Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission