



NOTICE AND AGENDA
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
THURSDAY, JULY 15, 2021

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on, July 15, 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. PUBLIC HEARING

To Receive and Consider Comments on Proposed Changes to Noticing Requirements for Land Use Issues

III. ZONING ITEMS

- A. Discussion/Recommendation on Proposed Changes to Noticing Requirements for Land Use Issues

IV. SUBDIVISION APPROVAL

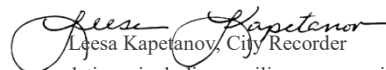
Consideration of Uintah Peaks Subdivision

V. SPECIAL ITEMS

- A. Discussion on Proposed Code for ADUs
- B. Discussion on Proposed Changes to Code Due to HB1003 Concerning Design Elements
- C. Discussion on Proposed Code for Accessory Building, Swimming Pools, Sports Courts, Etc. and HB1003
- D. Discussion on Removing 30' Occupancy Requirement on Row Buildings

Posted and emailed to the State of Utah Public Notice Website on July 9, 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 with the South Ogden City limits on July 9, 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.

VI. OTHER BUSINESS

Nomination and Election of New Chair and Vice-Chair

VII. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of June 10, 2021 PC Minutes

VIII. PUBLIC COMMENTS

IX. ADJOURN

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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)~~

SUBDIVISION APPLICATION

SOUTH OGDEN CITY PLANNING COMMISSION

Applicants Name Brock Loomis **Phone** 801-814-1914 **FAX** _____

Address 2175 E Wild Pine Drive, Oden **State** Utah **Zip** 84403

SUBDIVISION NAME Wasatch Townhomes

LOCATION Approximately 5870 South Wasatch Dr. **NO. OF LOTS** 19

Survyor/Engineer Dan Bourqe **Phone** 603-686-0761 **FAX** _____

Address 1588 S. Main St. #200 **City** SLC **State** UT **Zip** 84115

OFFICE USE

Scheduled for Planning Commission Agenda ____

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

City Engineer	-	Date	_____	Received back- Date	_____
Fire Dept.	-		_____		_____
Public Works	-		_____		_____
Others	-		_____		_____

(City FAX # 622-2713)

RECOMMENDATION:

PLANNING COMMISSION ACTION:

PRELIMINARY PLAN _____
DATE _____

FINAL PLAN _____ **DATE** _____

March '03

Fee - Subdivision Application

\$100.00 plus \$10.00 per lot for a Preliminary plat and \$100 for the City Engineer review. The Engineer fee is charged at a per hour rate and the balance over \$100 will be owing upon billing. The City collects these engineering hours on a project so the actual costs are recognized. As long as the project is under construction, the City engineer may incur costs that will be billed to the applicant.

OWNER AFFIRMATION

I (we) Sean Kunzler, the sole owner(s) of the real property located
at 070820012, South Ogden, Utah do hereby appoint
_____, as my (our) agent to represent me (us) with regard
to this application affecting the above described real property, and to appear on my (our) behalf before
any city boards considering this application.

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

Signed on the 1 day of June, 2021, at 2.30 pm
City or other location, and State or Country

Secn Kunzler
Printed Name
Signature

APPLICANT'S AFFIRMATION

I (we) Brock Loomis, declare that I (we) am (are) the ☐ sole owner(s) or ☒ agent
Property Owner(s) or Agent of Owner
of the owner(s), of the property involved in this application, to-wit, 070820012
Property Address

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

Signed on the 1 day of JUNE, 2021, at OGDEN UT
City or other location, and State or Country

Brock Loumis

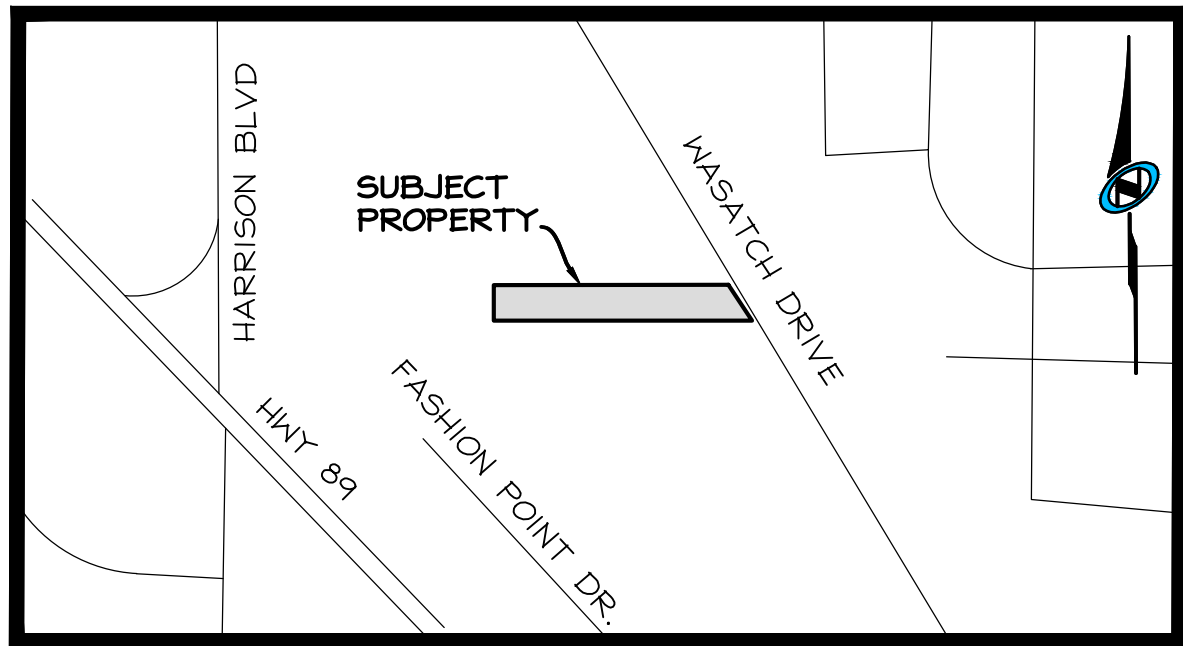
Printed Name



Signature

1. TO BE EFFECTUATED BY THE RECORDING OF THIS PLAT, ANY AREA OF THE SITE THAT IS NOT OCCUPIED BY A HABITABLE STRUCTURE IS SUBJECT TO A PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT. THE HOA WILL PROVIDE MANAGEMENT AND MAINTENANCE OF ALL SHARED UTILITIES
2. UTILITIES SHALL THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT AND RELATED FACILITIES ON THE SURFACE AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE ACCESS TO AND CONTROL OF ANY OF THE LOTS IDENTIFIED HEREIN, INCLUDING ANY LOT THAT MAY BE PLACED WITH THE PUE AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH AT THE LOT OWNER'S EXPENSE, AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES AND FACILITIES IN THE PUE

	PROPERTY CORNER (AS NOTED)
	SECTION CORNER
	RECORD DISTANCE
	BOUNDARY LINE
	ADJACENT PARCEL BOUNDARY
	EASEMENT
	EXISTING BUILDING
	EXISTING CONCRETE
	PRIVATE AREA
	COMMON AREA



N.T.S.

SCALE

HORIZONTAL: 1" = 20'



A horizontal graphic scale bar with alternating black and white segments. Below the bar are markings for 0, 5', 10', 20', and 30'. Above the bar, the text 'HORIZONTAL: 1" = 20'' is written. To the right of the scale bar is a north arrow pointing upwards, consisting of a vertical line with a circular arrowhead at the top.

OWNER'S DEDICATION

SEAN KUNZLER, THE OWNER OF THE DESCRIBED TRACT OF LAND TO BE HEREAFTER KNOWN AS WASATCH TOWNHOMES, DOES HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC, ALL STREETS AND OTHER PROPERTY AS REFLECTED AND SHOWN ON THIS PLAT TO BE DEDICATED FOR THE PUBLIC USE. OWNER(S) HEREBY CONSENT(S) AND GIVE(S) APPROVAL TO THE RECORDING OF THIS PLAT FOR ALL PURPOSES SHOWN HEREIN.

SEAN KUNZLER

BY:

ITS: MANAGING MEMBER

IN WITNESS WHEREOF _____ HAVE HERE UNTO SET _____ THIS _____
DAY OF _____ A.D., _____ .

ITS: _____

STATE OF UTAH _____,
COUNTY OF _____, } S.S.

ON THIS _____ DAY OF _____, 2021, _____, PERSONALLY
APPEARED BEFORE ME WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE SAID
_____ OF _____, AND THAT THE WITHIN AND FOREGOING INSTRUMENT
WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD
OF DIRECTORS AND SAID _____, DULY ACKNOWLEDGE TO ME THAT SAID
CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____
MY COMMISSION NUMBER: _____
RESIDING IN _____ COUNTY _____

NATHAN G. CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR,
AND THAT I HOLD CERTIFICATE NO. 101759991, AS PRESCRIBED UNDER THE LAWS OF THE STATE
OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY
OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED
SAID TRACT OF LAND INTO LOTS AND STREETS TO BE KNOWN AS WASATCH TOWNHOMES AND
THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT

NATHAN CHRISTENSEN
PLS 10175991

BEGINNING AT A POINT ON THE NORTHERLY PROPERTY LINE OF PARCEL NO. 07-082-0001, SAID POINT ALSO BEING SOUTH 89°09'38" EAST 657.54 FEET AND NORTH 05°02'22" EAST 563.13 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 03°72'23" EAST 99.00 FEET; THENCE SOUTH 89°09'38" EAST 417.13 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF WASATCH DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 31°06'29" EAST 116.67 FEET TO A POINT ON SAID NORTHERLY PROPERTY LINE OF PARCEL NO. 07-082-0001; THENCE ALONG SAID NORTHERLY PROPERTY LINE NORTH 89°09'38" WEST 614.75 FEET TO THE POINT OF BEGINNING.

CONTAINS 57,823 S.F. OR 1.327 ACRES



1588 SOUTH MAIN STREET SUITE
200 SALT LAKE CITY, UT 84115
801.743.1300

DEVELOPER:
SEAN KUNZLER
6464 SOUTH NYNEE DRIVE
OGDEN, UTAH, 84403

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY
OF _____ A.D. 2021.

CITY OF SOUTH OGDEN ATTORNEY

CITY ENGINEER

APPROVED THIS _____ DAY
OF _____, A.D. 2021.

CITY OF SOUTH OGDEN ENGINEER _____ DATE _____

PLANNING COMMISSION

APPROVED THIS _____ DAY
OF _____, A.D. 2021.

PLANNING COMMISSION CHAIR

RECORDED #

STATE OF UTAH, COUNTY OF WEBER,
RECORDED AND FILED AT THE
REQUEST OF: _____
ENTRY NO: _____
DATE: _____ TIME: _____
BOOK: _____ PAGE: _____
FEE \$ _____
WEBER COUNTY RECORDER

STAFF REPORT



SUBJECT: Review and Discuss Draft ADU Ordinance
AUTHOR: Mark Vlasic
DEPARTMENT: City Planner
DATE: July 15, 2021

BACKGROUND

Staff has reviewed a few projects involving Row Buildings located in Form Based Code Subdistricts. It wasn't until recently that it was discovered we had not been enforcing a requirement that all floors of a Row Building must have at least 30' of occupancy from the front façade before there could be any parking.

DISCUSSION

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 the primary residence. It does not address standalone ADUs such as those attached to garages and other secondary structures on a residential property. The bill states that cities must allow internal ADUs in all zones where single-family homes are allowed, thus 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.

Draft Accessory Dwelling Units (ADUs) Ordinance

Accessory Dwelling Units (ADUs)

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

An Internal Accessory Dwelling Unit (ADU) is a room or set of rooms located within the footprint of the primary residential single-family dwelling at the time the internal accessory dwelling unit is created, and located within an area zoned primarily for residential use. The following will apply to Internal ADUs:

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

1. No more than one ADU may be permitted within each single-family dwelling.
2. ADUs are not permitted on residential lots that comprise an area of 6,000 square feet or less.
3. Either the ADU or the principal residence shall be occupied by the owner of the property except for temporary bona-fide absences.
4. ADUs are permitted only in owner-occupied single-family dwellings.
5. There shall be no external evidence of occupancy by more than one family. The ADU shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.
6. Each ADU unit shall have the same address as the main structure. Homes with an ADU may designate mail to occupants of the ADU with a unit or apartment number.
7. No ADU may be used as a short-term rental.
 - a. Short-term rental is defined as a property that is rented for a period of less than 30 days.
8. Each ADU shall provide at least one (1) off-street parking space in addition to the required parking for the primary residential unit.
 - 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 only have one meter per utility service. Each meter shall be in the property owner's name.
10. All construction and remodeling to accommodate the ADU shall be in accordance with all building codes, as amended, in effect at the time of construction or remodeling.
11. ADU size requirements are:
 - a. Minimum size: no minimum size.
 - b. Maximum size: no maximum size.

12. ADUs must include the following:
 - a. A kitchen separate from the main dwelling.
 - b. Sanitation facilities (full bathroom) separate from the main dwelling.
13. A person desiring to add an ADU to their house shall obtain a building permit when applicable.
14. Obtain a City Rental Dwelling Business License for ADUs for which they receive any monetary compensation.
15. ADUs licensed in South Ogden City may be inspected upon receipt of complaints for compliance with building, fire, and health codes by any appropriate department of the City or other governmental agency to ensure compliance with building, fire and health and safety codes. No ADU shall be approved without all required inspections and approval of the City Building Inspector.
16. ADUs that were constructed legally previous to the adoption of this Code shall meet the building and safety codes required at the time of construction.
17. No Rental Dwelling 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. The ownership of an ADU shall not be separated from the principal dwelling.
21. Decisions of South Ogden City not to issue a permit for an ADU can be appealed to the Appeal Authority.

STAFF REPORT



SUBJECT: Discussion on Proposed Changes to Code Due to
HB1003 Concerning Design Elements

AUTHOR: Mark Vlasic

DEPARTMENT: City Planner

DATE: July 15, 2021

BACKGROUND

In the name of protecting affordability, the Utah Legislature passed a bill removing the ability of counties, cities, and towns to regulate design elements of single-family homes and duplexes. A previous version of the bill was vetoed by Governor Cox over insurance concerns and was later trimmed and resurrected for the one-day special session as part of a priority placed on housing by legislative leaders. Utah Gov. Spencer Cox signed the measure on May 27, 2021. The bill lists the design elements cities cannot regulate and also provides limited exceptions that allow us to regulate, such as when a single or two family building is located in an historic district.

Staff has reviewed City Code to determine what we need to change in order to be compliant with the state statute. None of the residential zones such as R-1, R-2, etc., have ever regulated design elements. The Form Based Code (FBC) does regulate design; however, since most buildings in the FBC are not single-family or duplexes, we can still regulate portions of their design. The exception is the yard building. A yard building could potentially be a single-family or duplex; however, this type building is only allowed in the Edge Subdistrict, and most developers will want to squeeze as many units onto a property as they can. The odds that anyone would ever want to build a single-family home or a duplex are very low.

That being said, we have modified the Yard Building portion of the FBC as follows:

			Permitted Subdistricts
			Edge
1.	Building Siting: Refer to figure 5.7(1) of this section		
		Multiple principal buildings	Permitted ¹
	(a)	Front sidewalk coverage	65% ²
		Occupation of corner	Required ⁴
	(b)	Minimum front setback	15'
	(c)	Corner setback	7.5' ⁴
	(d)	Minimum side yard setback	5'
	(e)	Minimum rear yard setback	15' ³
	(f)	Minimum lot width	30'
		Maximum lot width	60'
	(g)	Parking	Rear yard/facade
	(i)	Vehicular access	From alley; if no alley exists, 1 driveway per street frontage
2.	Height: Refer to figure 5.7(2) of this section		
	(j)	Minimum overall height	1.5 stories
	(k)	Maximum overall height	3.5 stories
	(l)	All stories: ⁵	
		Minimum height	9'
		Maximum height "	14'

3.	Uses: Refer to figure 5.7(2) of this section. Refer to section 10-5.1A-4 , "Uses", of this article for permitted uses		
	(n)	All stories	Residential
	(p)	Parking within building	Permitted fully in basement and in rear of all floors
	(q)	Required occupied space	25' deep on all full floors from the front facade
4.	Street Facade Requirements: Refer to figure 5.7(3) of this section		
	(r)	Minimum transparency per each story	15%
		Blank wall limitations	Required, see subsection 10-5.1A-5-2D2 of this section 10-5.1A-5
	(t)	Front facade entrance type	Stoop, porch
	(u)	Principal entrance location per unit	Front, corner, or corner side facade
		Required number of street entrances	Not required
		Vertical facade divisions	Not required
		Horizontal facade divisions	Not required
5.	Roof Type Requirements: Refer to figure 5.7(3) of this section		
	(v)	Permitted roof types	Parapet, pitched, flat
		Tower	Not permitted

Notes:

1. Each building shall meet all requirements of the building type.
2. When multiple buildings are located on a single lot, each building shall meet the front property line coverage requirement, except 1 of every 3 buildings may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on 3 sides by units.

3. Rear yard setback for detached garages on alleys is 5 feet.

4. At any uncontrolled intersection, the buildings will be modified to afford automobile drivers a clear view of approaching vehicles or pedestrians. Buildings, trees, or any obstruction shall be prohibited within a triangular area formed by the street curb lines and a line connecting them at points 40 feet from the point of intersection of the back of the curbs (clear view area).

5. If the building is a single-family residence or duplex, all gray highlighted areas do not apply.

STAFF REPORT



SUBJECT: Proposed Changes to Definitions of Building, and
Addition of Code for Accessory Buildings, Pools,
Sports Courts, etc.

AUTHOR: Leesa Kapetanov

DEPARTMENT: Administration

DATE: July 15, 2021

BACKGROUND

Staff was instructed to reach out to the city attorney to see if HB1003 would affect our ability to regulate the appearance of accessory buildings. We are still waiting to hear back from the attorney and should have some clarification for you by the time of the meeting next Thursday.

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: Changes in Occupancy Requirement for Row Buildings
AUTHOR: Leesa Kapetanov
DEPARTMENT: Administration
DATE: July 15, 2021

BACKGROUND

Staff has reviewed a few projects involving Row Buildings located in Form Based Code Subdistricts. It wasn't until recently that it was discovered we had not been enforcing a requirement that all floors of a Row Building must have at least 30' of occupancy from the front façade before there could be any parking.

We also found that a note was inadvertently placed below the chart, stating that commercial uses are only allowed in Row Buildings fronting on 40th Street or Washington Blvd. Row Buildings were never meant to have a commercial use in them; only Storefront buildings were.

DISCUSSION

This requirement makes total sense for the Storefront and General Stoop buildings located in a mixed use zone. However, for a Row Building, it becomes a bit problematic. Many Row Buildings are only 30' deep to begin with, and requiring a garage to be tacked on to that does not make for wonderful design nor best use of space.

RECOMMENDATION

Staff recommends the 30' occupancy requirement for Row Buildings be removed. Instead, we recommend that when the garage is located on the ground floor, it must be on the rear of the building, and the main entrance must be on the front or the side towards the front of the building. Staff also recommends that Note 6 below the first table be removed.

See proposed changes beginning on the next page:

10-5.1A-5-6(B): ROW BUILDING:

Permitted Subdistricts				
City Center "General" And Riverdale Road "General"			40th Street "General"	Edge
1.	Building Siting 1: Refer to figure 5.6(1) of this section			
		Multiple principal buildings	Permitted ¹	Permitted ¹
	(a)	Front sidewalk coverage	65% ²	65% ²
		Occupation of corner	Required ⁸	Required ⁸
	(b)	Front build-to zone	0' to 10'	5' to 15'
	(c)	Corner build-to zone	0' to 10' ⁸	5' to 10' ⁸
	(d)	Minimum side yard setback	0' per unit; 10' between buildings	0' per unit; 15' between buildings
	(e)	Minimum rear yard setback	10'	10' ³
	(f)	Minimum unit width	18' per unit	20' per unit
		Maximum building width	Maximum of 180' feet per building	Maximum of 180' feet per building
	(g)	Parking	Rear yard/ rear facade	Rear yard/ rear facade
	(i)	Vehicular access	From alley; if no alley exists, 1 driveway per building per street frontage. From alley on Washington Boulevard, 40th Street, and Riverdale Road, unless in Edge Subdistrict	
2.	Height: Refer to figure 5.6(2) of this section			
	(j)	Minimum overall height	2 story	2 story

	(k)	Maximum overall height	3 stories	3 stories	3.5 stories
	(l)	All stories:			
		Minimum height	9'	9'	9'
		Maximum height	14'	14'	14'
3.		Uses: Refer to figure 5.6(2) of this section. Refer to section 10-5.1A-4 , "Uses", of this article for permitted uses			
	(n)	Ground story	Residential, service, office, limited craftsman industrial	Residential, service, office, limited craftsman industrial	Residential only
	(o)	Upper story	Residential only		
	(p)	Parking within building	Permitted fully in basement and in rear of all floors		
	(q)	Required occupied space	If garage is located on ground floor, the principle entrance must be located on ground floor as well, with the entry serving as a buffer between the garage and the front façade ~~30' deep on all full floors from the front facade~~		
4.		Street Facade Requirements: Refer to figure 5.6(3) of this section			
	(r)	Minimum transparency per each story	15% ⁴	15%	15%
		Blank wall limitations	Required, see subsection 10-5.1A-5-2D2 of this section 10-5.1A-5		
	(t)	Front facade permitted entrance type	Stoop, porch, limited storefront ^{5,6,7}	Stoop, porch, limited storefront ^{5,6,7}	Stoop, porch
	(u)	Principal entrance location per unit	Front or corner side facade		
		Vertical facade divisions	Not required		

		Horizontal facade divisions	For buildings over 3 stories, required within 3' of the top of any visible basement or ground story		
5.	Roof Type Requirements: Refer to figure 5.6(3) of this section				
	(v)	Permitted roof types	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat
		Tower	Permitted	Permitted	Permitted

Notes:

1. For the purposes of the row building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the building type unless otherwise noted.

2. Each building shall meet the front property line coverage requirement, except 1 of every 5 units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on 3 sides by units.

3. Rear yard setback on alleys is 5 feet.

4. When the storefront entrance type is utilized, the maximum ground story transparency for the unit is 55 percent as measured between 2 feet and 8 feet above grade.

5. The storefront entrance type is permitted only on corners or buildings that are designated for live/work units.

~~6. Commercial uses only allowed when fronting on 40th Street or Washington Boulevard.~~

7. Uses limited to residential on lots lacking frontage on 40th Street or Ogden Avenue.

8. At any uncontrolled intersection, the buildings will be modified to afford automobile drivers a clear view of approaching vehicles or pedestrians. Buildings, trees, or any obstruction shall be prohibited within a triangular area formed by the street curb lines and a line connecting them at points 40 feet from the point of intersection of the back of the curbs (clear view area).

10-5.1B-5-7(B): ROW BUILDING:

			Permitted Subdistricts	
			Gateway General	Gateway Edge
1.	Building Siting: Refer to figure 5.7(1) of this section			
		Multiple principal buildings	Permitted ¹	Permitted ¹
	(a)	Front sidewalk coverage	65% ²	65% ²
		Occupation of corner	Required ⁶	Required ⁶
	(b)	Front build to zone	5' to 15'	5' to 20'
	(c)	Corner build to zone	5' to 10' ⁶	5' to 10' ⁶
	(d)	Minimum side yard setback	0' per unit; 15' between buildings	0' per unit; 15' between buildings
	(e)	Minimum rear yard setback	10' ³	15' ³
	(f)	Minimum unit width	20' per unit	22' per unit
		Maximum building width	Maximum of 180' per building	Maximum of 180' per building
	(g)	Parking	Rear yard/ rear facade	Rear yard/ rear facade
	(i)	Vehicular access	From alley; if no alley exists, 1 driveway per building per street frontage. From alley on any primary street	
2.	Height: Refer to figure 5.7(2) of this section			
	(j)	Minimum overall height	2 story	2 story
	(k)	Maximum overall height	3.5 stories	3.5 stories
	(l)	All stories:		

		Minimum height	9'	9'
		Maximum height	14'	14'
3.		Uses: Refer to figure 5.7(2) of this section. Refer to section 10-5.1B-4 , "Uses", of this article for permitted uses		
	(n)	Ground story	Residential, service, office, limited craftsman industrial	Residential only
	(o)	Upper story	Residential only	
	(p)	Parking within building	Permitted fully in basement and rear of all floors	
	(q)	Required occupied space	<u>If garage is located on ground floor, the principle entrance must be located on ground floor as well, with the entry serving as a buffer between the garage and the front façade.</u> ~~30' deep on all full floors from the front façade~~	
4.		Street Facade Requirements: Refer to figure 5.7(3) of this section		
	(r)	Minimum transparency per each story	15% ⁴	15% ⁴
		Blank wall limitations	Required, see subsection 10-5.1B-5-2 D2 of this section 10-5.1B-5	
	(t)	Front facade permitted entrance type	Stoop, porch, limited storefront ⁵	Stoop, porch
	(u)	Principal entrance location per unit	Front or corner side facade	
		Vertical facade divisions	Not required	
		Horizontal facade divisions	Not required	
5.		Roof Type Requirements: Refer to figure 5.7(3) of this section		
	(v)	Permitted roof types	Parapet, pitched, flat	Parapet, pitched, flat
		Tower	Permitted	Permitted

Notes:

1. For the purposes of the row building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the building type unless otherwise noted.

2. Each building shall meet the front property line coverage requirement, except 1 of every 5 units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on 3 sides by units.

3. Rear yard setback on alleys is 5 feet.

4. When the storefront entrance type is utilized, the maximum ground story transparency for the unit is 55 percent as measured between 2 feet and 8 feet above grade.

5. The storefront entrance type is permitted only on corners or buildings that are designated for live/work units.

6. At any uncontrolled intersection, the buildings will be modified to afford automobile drivers a clear view of approaching vehicles or pedestrians. Buildings, trees, or any obstruction shall be prohibited within a triangular area formed by the street curb lines and a line connecting them at points 40 feet from the point of intersection of the back of the curbs (clear view area).

Process for Nomination and Election of New Planning Commission Chair

Nominations From The Floor

Sometimes called *open nominations*, this method is probably the most familiar. It's used in the vast majority of situations in which members elect their officers at a meeting. Your group's rules and customs determine when floor nominations are accepted. Sometimes nominations aren't taken until the election is pending, and sometimes they're taken at other times, such as at a meeting before the election meeting.

The process of making floor nominations is subject to the following rules:

- Recognition by the chair is not required to make a nomination. However, calling nominations from your seat is often impractical, so you may want to adopt a more formal nomination process.
- Nominations don't have to be seconded, but it's not out of order for members to second a nomination to signal their endorsement.
- A person can nominate himself or herself.
- A member shouldn't offer more than one nomination to a position if there are several seats for the same office — such as for nominees to a board or a committee — until all other members have had the opportunity to make nominations.
- If the bylaws don't prohibit it, a person can be nominated for more than one office and can even serve in more than one office if elected.
- Nominees do not have to leave the room during the nominations, when the vote is taken, or when the vote is counted.
- The presiding officer can continue presiding, even if he or she is one of the nominees for the office.
- A member can rise and decline the nomination during the nominating process.
- After each nomination, the president repeats the name to the assembly.
- Nominations are taken for successive offices in the order they're listed in the bylaws.

Motions to close nominations are usually unnecessary because the nomination process simply continues until no one wishes to make further nominations. When the nominations stop, the chair just declares nominations closed after making sure that no more nominations are forthcoming. Customarily (although it's not required), the chair accomplishes this by calling three times for more nominations.

According to Robert's Rules, a motion to close nominations is out of order *as long as any member wishes to make a nomination*.

A motion to close nominations is usually not necessary unless it is apparent that members are nominating people just to honor them, and that the nominees have no intention of serving.

Usually the president closes nominations when no further nominations come forward from the assembly.

CONDUCTING ELECTIONS

The election process may be the easiest part of deciding who handles a particular job in the organization. Robert's Rules on elections are very straightforward after what is often a politically charged prequel of nominating and campaigning.

An election is really nothing more than the handling of an assumed motion, with the question being on whom to elect to fill a position. Like any incidental main motion, an election can be decided by voice vote or by ballot.

Electing By Ballot

Ballot voting is by far the surest way to allow for the free expression of the will of the membership.

When holding ballot elections, you have two procedural options:

- **Nominations for all offices conclude before any balloting begins.** This saves time and allows for polling at a time and place other than a meeting. However, it disadvantages candidates who lose an election for a position decided earlier and then can't serve a different position. When using this procedure, make it clear that a person can be nominated for and elected to more than one office. If a person is elected to two different positions, she can either choose which office to accept or serve in more than one position, if that's allowed.
- **Nominations for each office are followed by the election for that office.** The main advantage here is that it allows members to consider the election results of one office before proceeding to the election of another office. You take nominations from the floor for one office, and when no further nominations are forthcoming, you proceed to the balloting for that office. This method requires more time for the election process, making it probably best limited to smaller groups.

No matter which procedure you use, the order in which you take up each election is the order in which the offices are listed in your bylaws.

Voting by ballot enables a member to vote for a candidate not formally nominated by writing in a name — a *write-in vote*. A write-in vote is a legal vote unless it's unintelligible or cast for an unidentifiable or ineligible person or for a fictitious character, in which case it's counted as an illegal vote.

Ballot voting is the preferred voting method in situations in which knowing how all the members voted isn't desirable. You can use a ballot vote to decide either a motion or an election:

- **If the ballot vote decides a motion,** the question is clearly stated by the chair, and you're instructed to mark your ballot *Yes* or *No* (or *For* or *Against*).
- **If the ballot vote decides an election,** you're instructed to write the name of the nominee of your choice on your ballot.

It's never in order to vote *Yes* or *No* (or *For* or *Against*) a candidate when electing persons to office.

The only way you can vote *against* a candidate is to vote *for* another person.

6/8/2018 Robert's Rules of Order, Nominations And Elections

http://westsidetoastmasters.com/resources/roberts_rules/chap12.html 6/10

Who Gets To Vote

Depending on your organization and the decisions being made, balloting may take place during a meeting, or polls may be open during polling periods including times when no meeting is in progress.

In either case, you need to appoint reliable ballot counters to hand out and collect ballots and to count the votes.

Only members entitled to vote are given ballots or are allowed to deposit ballots with a ballot counter or place them in the ballot receptacle. If polling is conducted outside of a meeting, members should verify their credentials with election officials when casting their votes at the polls, and members' names should be checked on a list showing who has voted.

The presiding officer votes along with all the other members, although she is *never* allowed to cast a tie-breaker in a ballot vote.

A member has the right to vote until the polls are closed. A late-arriving member can vote only with other members' consent by majority vote.

Counting The Ballots

When counting ballots, ballot counters need to keep a few key points in mind:

- Blank votes are treated as scrap paper and don't count at all.
- Illegal votes cast by legal voters count toward the total votes cast, but they don't count for any individual choice or candidate. Illegal votes are
 - Unintelligible ballots
 - Ballots cast for a fictional character
 - Ballots cast for an ineligible candidate
 - Two or more marked ballots folded together (together they count as only one illegal vote)
 - If a marked ballot is folded together with a blank ballot, the marked ballot counts as one legal vote, and the blank ballot is considered scrap paper.
- Each question on a multipart ballot is counted as a separate ballot. If a member leaves one part blank, the votes entered on the other questions still count.
- If a member votes for more choices than positions to be elected, the vote is considered illegal.
- If a member votes for fewer choices than positions to be elected, the vote is legal and those votes count.
- Small technical errors, such as spelling mistakes or marking an X when a checkmark is called for, don't make a vote illegal as long as the voter's intent is discernible.
- Votes cast by illegal voters must not be counted at all, not even included in the number of total votes cast. If it's determined that enough illegal votes were cast by illegal voters to affect the result, and these votes can't be identified and removed from the count, then the vote is deemed null and must be retaken.

6/8/2018 Robert's Rules of Order, Nominations And Elections

http://westsidetoastmasters.com/resources/roberts_rules/chap12.html 7/10

After The Vote

After the votes are counted, the lead ballot counter reads aloud to the membership the complete report of the vote counts but doesn't declare the result. That job belongs to the presiding officer, who reads the report again to the members, concluding with a formal declaration of the result. The entire ballot counters' report should be included in the minutes of the meeting.

In determining how long to hold the ballots before destroying them, your main consideration is the possibility of needing a recount. After the period during which a recount can be conducted has passed, you don't need to keep the ballots. A decision on how long to keep them can be made at the meeting when the vote takes place, or a short retention period for ballots can be adopted as a standing rule.

Electing By Voice Vote

If your bylaws don't require you to conduct an election by ballot, and if candidates are unopposed or there's no major contest for an office, you can save time with a simple voice vote (or *viva voce*). After nominations are closed, the vote is taken on each nominee in the order in which they were nominated.

Because this form of voting favors one candidate over another based on the order of nomination, you should avoid using it except in mass meetings or when there's no serious contest for the office and a ballot is not required. If members don't understand exactly how it works, the ones whose preferred candidate doesn't get voted on are likely to think something is amiss.

Electing By Roll Call

If your assembly's members are accountable to a constituency, your rules may require you to conduct your elections by roll-call vote. You follow the same procedures for elections by ballot, as far as arriving

at the point of the election is concerned, but instead of casting your vote by ballot, each member announces his vote when the secretary calls that person's name. The secretary repeats the vote after recording it, to ensure accuracy.

Determining Who Wins

Elections are decided by majority vote unless your bylaws provide differently. In a voice vote, the winner is easy to determine and the vote is over when someone wins the election. When it comes to ballot elections, your election isn't complete until a position is filled, and a position is never filled until a candidate receives the threshold number of votes required for election. In most cases, the threshold is a majority of the votes cast. If you have only two candidates and the vote is a tie, you repeat the balloting until one candidate receives a majority.

Balloting must continue until a candidate receives a majority. It's never proper to drop the candidates receiving the lowest vote totals from a ballot unless they withdraw voluntarily. That means run-offs are just plain out of order. The requirement for election by ballot is a majority, and a candidate has no obligation to withdraw just because he polls low numbers. Your members may wind up voting for Mr. Low as the compromise candidate.

Additional Points Concerning Elections

Here are some other things to consider during the election process:

- A quorum needs to be present throughout the election meeting. If members leave during the meeting so that a quorum is not present, those offices not yet elected must be put off until an adjourned meeting or until the next meeting.
- Ballot counters should cast their ballots at the same time that the assembly votes.
- If a member is elected and not present and has not previously said that if elected he or she will serve, someone should call the member to see if he or she will accept the office. If not, the members can vote again during that meeting for another candidate.
- If an elected candidate declines the office after he or she is elected and after the meeting has adjourned, another election needs to take place, if at all possible. If the bylaws specifically address this situation, members should follow the bylaws.
- If it is discovered after an election that the person elected does not meet the eligibility requirements, and even if the person has begun to serve, the election is void. The organization must have another election.
- A member can't make the motion to adjourn while the assembly is occupied with taking a vote, verifying a vote, or announcing a vote, except when the vote is by ballot. In a ballot vote, after the ballot counters have collected all the ballots, a member can make the motion to adjourn. If the motion is adopted, the assembly can adjourn before the vote is announced if it has another meeting scheduled. The balloting committee can still count the ballots. When the next meeting begins, the first order of business is to hear the report of the balloting committee and for the presiding officer to announce the vote that was taken at the previous meeting.
- If counting ballots takes some time, it is best for the assembly to take a recess instead of adjourn.
- In counting the votes, the balloting committee must not confuse a majority vote with the highest number of votes. The person who gets the most votes may not have a majority of the votes. In this case, the members must vote again until one candidate receives a majority vote.
- If there is a question about the way a ballot is marked, the ballot counters should take it to the presiding officer. He or she should present it to the assembly to decide what to do with the vote - whether to count it and toward what name to credit the vote.

- When presenting the nominations or taking the vote for a list of offices, the president should follow the order of offices that appears in the bylaws.
- If a person has been nominated to more than one office and is elected to two offices, he or she can choose which office he or she wants. The assembly then votes again on the other office.
- If a member is not present to choose which office he or she wants to serve, the members vote on which office they want him or her to serve. Members then vote on a candidate to fill the remaining office.
- If members adjourn before an election is complete, they should set the time for an adjourned meeting to finish the election. If they don't set a time for an adjourned meeting, they can call a special meeting (if the bylaws allow this). Or, members can also finish the election at the next regular meeting if the meeting falls within a quarterly time period.
- If members are voting for offices that have staggered terms or that last more than a year, the secretary should include in the minutes when the term expires. The minutes may say, for example, "Eric Olson was elected to the board for two years. His term expires July, 2014."
- If electronic machines are used for voting, they should be programmed so that each segment of the ballot is treated as if it were a separate ballot. Ballot counters present during the voting should be carefully instructed in their duties and should be able to explain to other members how to use the machine. If members haven't used the machine before, it may be wise to show them how to use it the day before the election.



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, JUNE 10, 2021

COUNCIL CHAMBERS, CITY HALL –6:15 pm

PLANNING COMMISSION MEMBERS PRESENT

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

COMMISSION MEMBERS EXCUSED

Steve Pruess and Jeremy Howe

STAFF PRESENT

Assistant City Manager Doug Gailey, Planner Mark Vlasic, and Recorder Leesa Kapetanov Note: Planner Vlasic 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/PC210610_1813.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/PC210610_1733.mp3

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

- Chair John Bradley began the meeting at 6:15 pm by calling for a motion to convene.

00:00:00

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

II. SPECIAL ITEMS

- Before consideration of Item A, the chair encouraged those attending online to type their comments during the meeting and they would be considered at the end of the meeting

A. Overview of ADU Ordinance

- Staff overview 00:01:37
- Discussion 00:20:47
- During the discussion, staff was directed to return next month with the changes to the code as discussed

B. Overview of New Definitions for Buildings and Proposed Accessory Building Code and Code for Swimming Pools, Sports Courts, Etc.

- Staff Overview 00:27:41
- Staff was directed to return next month with any changes to the proposed codes as per recently passed HB1003

C. Review of Public Hearing Noticing and New State Noticing Requirements

- Staff Overview 00:34:13
- There was no discussion on this item
- Motion to set date for public hearing 00:37:39

Commissioner Jones moved to set the public hearing date for the new noticing requirements. Commissioner Snowden seconded the motion. The voice vote was unanimous in favor of the motion.

- Chair Bradley asked those online to type their comments as soon as possible

III. OTHER BUSINESS

- Planner Vlasic stated he would not be able to attend next month's meeting if it was held on the regular second Thursday; however, he would be able to attend on the

Thursday before or after. He asked whether the Commission would be willing to change the meeting date.

00:39:07

- Chair Bradley called for a motion to change the date of the July Planning Commission Meeting to the 15th

00:41:17

Commissioner Jones so moved, followed by a second from Commissioner Amos. All present voted aye.

- The chair asked that the nomination and election of a new chair and vice-chair be added to next month's agenda

00:42:07

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of May 13, 2021 PC Minutes

- Motion

00:42:27

Commissioner Amos moved to approve the minutes of May 13, 2021. Commissioner Jones seconded the motion. All present voted in favor of the motion.

V. PUBLIC COMMENTS

- There were no in-person or online public comments

VI. ADJOURN

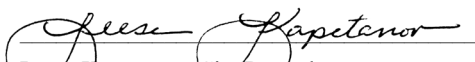
Commissioner Jones moved to adjourn, followed by a second from Commissioner Amos. The voice vote was unanimous in favor of the motion.

00:43:20

The meeting ended at 6:59 pm.

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I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, June 10, 2021.


Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission