

Chair
• Ryan Cowley

Vice-Chair
• Jason Felt

City Planner
• Steve Parkinson



Commission Members

- Samantha Bills
- Torris Brand
- Christopher Collins
- Janel Hulbert
- Jason Sphar
- Daniel Tanner

PLANNING COMMISSION

AGENDA

January 9, 2024

6:00 p.m.

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

[This meeting will be streamed live on the Roy City YouTube channel.](#)

Agenda Items

1. Declaration of Conflicts
2. Approval of the November 14, 2023, regular meeting minutes

Legislative Items

3. **Public Hearing** - To consider amendments to Title 13 Sign Regulations, amending CH 4 – Political/Campaign Signs; and Visual Clearance Triangle.

Administrative Items

4. Election of Chair and Vice Chair for 2024
5. Discussion of SB 174 (2023) regarding I-ADU's
6. Commissioners Minute
7. Staff Update
8. Adjourn

In Compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1040 or by email: ced@royutah.org at least 48 hours in advance of the meeting.

Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, any Commissioner may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference.

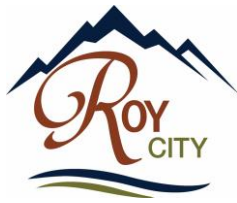
Certificate of Posting

The undersigned, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 5th day of January 2024. A copy was also provided to the Standard Examiner, posted on the Roy City Website, Public Notice Website and at the Roy City Municipal Building on the same date.

Visit the Roy City Web Site @ www.royutah.org
Roy City Planning Commission Agenda Information – (801) 774-1027


Steve Parkinson, City Planner





ROY CITY
Planning Commission Regular meeting
November 14, 2023 – 6:00 p.m.
City Council Chambers/Courtroom
5051 South 1900 West

1 The meeting was a regularly scheduled work-session designated by resolution. Notice of the
2 meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the
3 agenda was posted.

4
5 The following members were in attendance:

6
7 Ryan Cowley, Chair
8 Torris Brand
9 Chris Collins
10 Jason Felt
11 Janel Hulbert
12 Jason Sphar
13 Daniel Tanner

Steve Parkinson, City Planner
Patrick Tan, Assistant City Attorney

14
15 Excused: Commissioner Samantha Bills

16
17 Others in attendance: Glenda Moore, Eric Malmberra, Cambria Hulbert, Austin-Arlo Doyle, and
18 Rebecca Doyle.

19
20 Pledge of Allegiance: Commissioner Hulbert

21
22 1. DECLARATIONS OF CONFLICT

23
24 There were none.

25
26 2. APPROVAL OF THE SEPTEMBER 26, 2023, WORK-SESSION MINUTES

27
28 **Commissioner Collins moved to approve the September 23, 2023; work-session meeting**
29 **minutes as written. Commissioner Tanner seconded the motion. Commissioners Tanner,**
30 **Brand, Collins, Cowley, Hulbert, Felt, Sphar and Tanner voted “aye.” The motion carried.**

31
32 3. APPROVAL OF THE OCTOBER 10, 2023, REGULAR MEETING MINUTES

33
34 **Commissioner Tanner moved to approve the October 10, 2023; regular meeting minutes**
35 **as written. Commissioner Collins seconded the motion. Commissioners Brand, Collins,**
36 **Cowley, Hulbert, Felt, Sphar and Tanner voted “aye.” The motion carried.**

37
38 4. APPROVAL OF THE OCTOBER 24, 2023, WORK-SESSION MINUTES

39
40 **Commissioner Hulbert moved to approve the October 24, 2023; work-session meeting**
41 **minutes as written. Commissioner Collins seconded the motion. Commissioners Brand,**
42 **Collins, Cowley, Hulbert, Felt, Sphar and Tanner voted “aye.” The motion carried.**

43
44 5. PUBLIC HEARING – TO CONSIDER AMENDMENTS TO TITLE 11 SUBDIVISION
45 REGULATIONS AS PER SB 174 (2023)

46
47 Mr. Parkinson explained that generally speaking, a blue highlight in an ordinance indicated
48 entirely new language and red highlight signified that the wording had been changed. He

49 discussed how he intended to move Chapter 11 into Chapter Two, and after speaking with the
50 City Attorney he had found he would need to highlight the sections entirely differently, since it
51 would be new language for Chapter Two, even if it was the same wording as it had been written
52 in Chapter Two. He explained to the Commissioners how the document would be highlighted in
53 order to clarify where the sections had been moved around.
54

55 Mr. Parkinson then gave an overview of the ordinance. He stated Chapter One laid out the
56 purpose of the ordinance. He commented that ordinances before 2007 did not indicate what
57 years they were updated and noted this one had been around since 1955, so any updates to it
58 since that time did not reflect when changes had been made to it. Mr. Parkinson spoke about
59 how he had worked with other departments in the City in order to make this document both
60 technical and legal.
61

62 Mr. Parkinson went over some of the changes. He noted the State Code did not require a full plat
63 a lot of the time so some things could be recorded just by a warranty deed, although he explained
64 he wanted to add the requirement that a verification letter be obtained which stated the City had
65 reviewed the property and found it to be in accordance with the Code. He also identified a section
66 in which his title was referred to as "City Planner," although his full title was actually "Planning and
67 Zoning Administrator" so he had updated that for consistency. He then identified several areas
68 in which they had added or removed language. He commented they had incorporated AASTHO
69 requirements for streets and roads in order to create a standard. He lastly noted for Chapter One
70 they had removed the concept plan requirement, as the State had required.
71

72 Mr. Parkinson explained Chapter Two would be removed since it dealt with concept plans, which
73 the State had prohibited from being a requirement for an application. He said in lieu of that, they
74 were moving Chapter 11 into Chapter two. Mr. Parkinson also explained Chapter Two removed
75 the Council and Mayor from this process, and they added the Community Development Director
76 as the land use authority over the Code. He added the DRC was still in play as well, so the
77 reviews of Fire, Public Safety, Engineering, and Police would still be considered although the
78 Community Development Director would be the one to make final decisions. He explained they
79 had replaced anywhere the Chapter discussed the Council or Planning Commission with the
80 Community Development Director. He clarified public hearings had also been removed since the
81 Planning Commission was no longer the land use authority.
82

83 Mr. Parkinson commented that Chapter Three and Four had also replaced any section which
84 referred to the Council or Planning Commission with Community Development Director from. He
85 also discussed how title reports and tax clearance reports could be pulled from Weber County,
86 so they had removed the requirement that those documents be provided. However, they had
87 added a requirement for a geotechnical report since it aided in the construction of the building.
88 He noted the Building Code already required a geotechnical report, so they had added it to the
89 subdivision ordinance as well. Mr. Parkinson noted they had not made significant changes to
90 Chapters Three and Four other than updating language.
91

92 Mr. Parkinson stated Chapter Five had been about public noticing, which was no longer required.
93 In its place, Chapter Five would cover building permits. Chapter Six had been about building
94 permits, and in its place would be the contents of Chapter Seven. Mr. Parkinson explained
95 essentially all they had done was move the chapters around, and other than updates to the
96 Community Development Director/Council replacement, there were no significant changes to the

97 actual language. He added Chapter 12 had been previously reserved for a cluster subdivision
98 section, which did not exist and so he proposed that be eliminated.

99
100 The Commissioners thanked Mr. Parkinson for his thoroughness and expressed they did not have
101 any questions.

102
103 **Commissioner Tanner moved to open the public hearing. Commissioner Sphar seconded**
104 **the motion. Commissioners Brand, Collins, Cowley, Hulbert, Felt, Sphar and Tanner voted**
105 **“aye.” The motion carried.**

106
107 Chairman Cowley opened the floor for public comments. No comments were made, and
108 Chairman Cowley asked for a motion to close the Public Hearing.

109
110 **Commissioner Felt moved to close the public hearing. Commissioner Tanner seconded**
111 **the motion. Commissioners Bills, Brand, Collins, Cowley, Hulbert, Felt, Sphar and Tanner**
112 **voted “aye.” The motion carried.**

113
114 **Commissioner Spahr moved to recommend to the City Council that they approve the**
115 **proposed amendments to Title 11 Subdivision Regulations as per SB 174 (2023).**
116 **Commissioner Hulbert seconded the motion. Commissioners Brand, Collins, Cowley,**
117 **Hulbert, Felt, Sphar and Tanner voted “aye,” The motion carried.**

118
119 6. TO CONSIDER A REQUEST FOR SITE PLAN & ARCHITECTURAL REVIEW APPROVAL
120 FOR GOLDENWEST CREDIT UNION LOCATED AT APPROXIMATELY 5627 SOUTH
121 2050 WEST

122
123 Eric Malmberg stated he was speaking on behalf of Goldenwest Credit Union and gave his
124 address as 2010 North Redwood Road, Salt Lake City. He explained UTA was conducting a road
125 widening project which encroached into the credit union’s parking lot, so they wanted to expand
126 to the south with a new drive through canopy towards 5650 South. He explained Goldenwest
127 Credit Union had already obtained the home located on the corner of 5650 South 2050 West.

128
129 Mr. Parkinson explained this was a request for a site plan for Goldenwest Credit Union and
130 situated the Planning Commission to its location. He noted what businesses abutted the property
131 and noted there were single family homes to the south and southwest of the parcel. He said
132 everything on the south side was zoned R-3, although that could possibly change. He shared an
133 image of the existing site and indicated the areas that UTA would take. Mr. Parkinson explained
134 how the UTA project removed most of the credit union’s parking stalls, although they still met the
135 Code since they currently had more parking than was required. He reported Engineering had
136 expressed concerns about the proposed access point and had suggested alternatives. He noted
137 that the plan also architecturally matched the existing building, and although the zone they were
138 in actually required different materials, Staff had felt it was more important to have the add-on
139 match the existing building. Mr. Parkinson added the setback requirements for the zone were
140 zero to 15 feet, unless it was a residential home, in which case the setback requirement was 20
141 feet. He noted due to that requirement, the drive through would have to move slightly. He stated
142 Staff recommended approval with the conditions of the DRC.

143

144 Commissioner Hulbert asked if 2050 was a city road and Mr. Parkinson replied it was, so he did
145 not anticipate there would be an issue in getting access to it. Mr. Parkinson also discussed
146 UDOT's plan was not going to change, since they had a requirement for a ten-foot trail on the
147 side of the road. Mr. Parkinson lastly noted the single-family home and the credit union were
148 zoned differently although with these changes they would share a lot. He explained the City would
149 be able to work around this, and thought it was important to keep a business within Roy rather
150 than force them to move elsewhere due to zoning issues. Mr. Parkinson summarized there were
151 no insurmountable issues and thought they could accommodate this request.

152
153 **Commissioner Sphar moved to approve the Site Plan for Goldenwest CU with the**
154 **conditions as stated in the staff report and DRC comments. Commissioner Hulbert**
155 **seconded the motion. Commissioners Brand, Collins, Cowley, Hulbert, Felt, Sphar and**
156 **Tanner voted "aye." The motion carried.**

157
158 **Commissioner Sphar moved to approve the Architectural review for Goldenwest CU with**
159 **the conditions as stated in the staff report. Commissioner Tanner seconded the motion.**
160 **Commissioners Brand, Collins, Cowley, Hulbert, Felt, Sphar and Tanner voted "aye." The**
161 **motion carried.**

162
163 7. CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR LIMITLESS POTENTIAL
164 LOCATED AT APPROXIMATELY 4881 SOUTH 1900 WEST

165
166 Rebecca Doyle introduced herself as the owner and director of Limitless Potential and gave her
167 address as 1959 North 350 West, Sunset. She gave a background on ABA services and
168 explained how her business worked with individuals on the autism spectrum. She stated she was
169 a licensed behavior therapist and had spent the last four years working as a clinical director at
170 another company. Ms. Doyle explained the mission of her business and discussed the diagnosing
171 process she went through with her clients. She said services ranged from four to forty hours a
172 week, and programs were highly customized. Ms. Doyle explained the clinic was helpful as it
173 allowed those on the autism spectrum to practice social interactions. She added they also needed
174 an out-patient license in order to be in compliance. Ms. Doyle said eventually, they would like to
175 incorporate community outreach. She discussed the prevalence of autism and opined ABA was
176 one of the most helpful therapeutic methods to assist those on the spectrum. She explained there
177 were long waiting lists for ABA therapy and emphasized the need for therapy services to be more
178 widely available.

179
180 Ms. Doyle gave some updates on the building and indicated what their plans for space were. She
181 reported they had spoken with UDOT and indicated UDOT's requirements were included in the
182 packet the Commissioners had received. She explained the landscaping would be updated in
183 the front and stated they would add parking stalls as well as a dumpster on the northwest corner.
184 Co-applicant Austin-Arlo Doyle commented they had been unaware of the enclosed dumpster
185 requirement when they had first made the site plan, so they would add an enclosure and privacy
186 fencing.

187
188 Mr. Parkinson commended the applicants for the thoroughness of their presentation. He
189 explained there would be no changes to the exterior of the building and explained the property's
190 location. He reported the DRC had identified some deficiencies with the original site plan and
191 noted the site plan proposed that evening did address some of those issues. Mr. Parkinson

192 acknowledged not all departments had yet provided their comments, although clarified the
193 proposed changes were relatively minor and so Staff recommended approval.
194

195 **Commissioner Tanner moved to approve the Site Plan for Limitless Potential with the**
196 **conditions stated in the staff report. Commissioner Collins seconded the motion.**
197 **Commissioners Brand, Collins, Cowley, Hulbert, Felt, Sphar and Tanner voted “aye.” The**
198 **motion carried.**

199
200 8. COMMISSIONERS MINUTE
201

202 Chairman Cowley had no report.

203
204 9. STAFF UPDATE
205

206 Mr. Parkinson stated their flood damage prevention title, Title 12, had been updated by the City.
207 He explained although their flood plan had not changed, the City abutted an area whose plan had
208 changed, which triggered Roy to have to change their Code. He added the Council would likely
209 look at this in December or January. Otherwise, Mr. Parkinson noted there were several projects
210 throughout Roy City which were close to completion.

211
212 Mr. Parkinson reported the Woodbury development had essentially put development on hold while
213 the City worked through the CRA agreements with the County. He explained Woodbury wanted
214 to wait and see if they could get funding through the CRA as costs of construction continued to
215 increase.

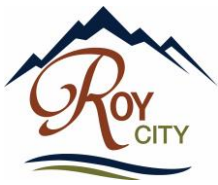
216
217 Mr. Parkinson lastly reminded the Planning Commission there was an upcoming training session
218 and encouraged the Commissioners to attend it if they were able to do so.

219
220 10. ADJOURN
221

222 **Commissioner Tanner moved to adjourn at 6:48 p.m. Commissioner Brand seconded the**
223 **motion. Commissioners Brand, Collins, Cowley, Hulbert, Felt, Sphar and Tanner voted**
224 **“aye.” The motion carried.**

225
226
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Ryan Cowley
Chair



SYNOPSIS

Application Information

Request: **6:00 p.m. – PUBLIC HEARING** – To consider amendments to Title 13 Sign Regulations, amending CH 4 – Political/Campaign Signs; and Visual Clearance Triangle.

Staff

Report By: Steve Parkinson

Recommendation: Approval

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 13 - Sign Regulations
 - Chapter 4 – Regulations of Signs

ANALYSIS

The first part of the proposed amendment 13-4-1 N 3, comes from a US Supreme court case that found that timeframes were unconstitutional, therefore we need to amend our code and remove the dates from the code.

When there is a consideration of amending Zoning Code is outlined in section 10-5-9 “Criteria for Approval of a Zoning Ordinance ... Amendment”, even though we are looking at amending the Sign Regulations and not the Zoning Ordinance, staff feels that the steps listed in 10-5-9 for the most part are valid when looking at amending Title 13.

10-5-9 Criteria for Approval of a Zoning Ordinance and/or Zoning Districts Map Amendment:

... No amendment to the Zoning Ordinance or Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps. In considering a Zoning Ordinance or Zoning Districts Map Amendment, the Commission and the Council shall consider the following factors, among others:

- 1) The effect of the proposed amendment is to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

Staff will try and provide the Planning Commission with some comments or concerns for the five (5) items mentioned above.

The proposed amendment is to advance the goals and policies of the Roy City General Plan.

The first part of the proposed amendment will comply with the goals of the General Plan, but more importantly comply with a US Supreme court case. The second part is within Chapter four (4) there are to definitions regarding “Visual Site Triangle” that conflict each other. In fact there is another definition with the Zoning Code 10-10-35 that there is a slightly different than these two. In order to bring consistency we need to look at the definitions.

The effect of the proposed amendment on the character of the surrounding area.

The effect will be minimal.



The compatibility of the proposed uses with nearby and adjoining properties.

The proposed amendment will be compatible throughout the City.

The suitability of the properties for the uses requested.

The proposed amendment will be sustainable.

The overall community benefits.

The proposed amendment will be beneficial throughout the City.

An additional question that the Commission and Council needs to reflect upon is:

- Does changing are not changing the Sign Ordinance provide the best options for the City and the residents as a whole and not just for a handful of residents?

FINDINGS

1. The proposed amendments are consistent with the General Plan.
2. Is consistent with previous discussions with the Planning Commission.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, Denial or Table.

RECOMMENDATION

Staff recommends forwarding a recommendation of approval to the City Council regarding the proposed amendments to Title 13 Sign Regulations, amending CH 4 – Political/Campaign Signs; and Visual Clearance Triangle.

EXHIBITS

- A. September 26, 2023, Planning Commission work-session minutes
- B. Proposed Code Changes



2. DISCUSSION REGARDING TITLE 13 SIGN REGULATIONS, AMENDING CH 4 – POLITICAL/CAMPAIGN SIGNS; AND VISUAL CLEARANCE TRIANGLE.

Mr. Parkinson explained the current regulations for the amount of time before and after campaign signs were permitted to be displayed in town. However, the Supreme Court had seen a case, *Reed v Gilbert*, in which it had been determined there could be no limit on the length of time campaign signs could be up. Mr. Parkinson said he wanted to make a distinction between political signs and campaign signs, since he thought political signs were more of a free speech issue, whereas campaign signs were more relaxed. He said his recommendation was to remove the phrase about “political/campaign signs” in order to have a clear delineation.

Mr. Parkinson explained the discrepancies in the Code about this rule. He said in the Campaign Signs section of the Code, it was stated that signs were not permitted in the sight triangle; however, in the Monument Signs section of the Code it only stipulated signs could not be placed to impede the sight triangle. This conflicted as it essentially meant only permanent signs could be placed in the sight triangle, but temporary ones could not, so they needed to rectify this.

Mr. Parkinson asked for direction from the Commission. Commissioner Tanner clarified when it came to monument signs it was typically just one, but when it came to campaign signs it could be multiple signs. Mr. Parkinson pointed out the end result was the same, and if people could not see past the sight triangle at an intersection the signs would have to move. Mr. Parkinson commented that this made more work for Code Enforcement.

Commissioner Tanner opined the candidates should know the Code; although Commissioner Bills pointed out school children walking home from school often messed with the signs and they did not always stay in the same place they had been left. The Commissioners discussed it was not feasible to always enforce the Code adequately when it came to temporary signs.

Commissioner Hulbert said the public did benefit from signs and used them to get information about things going on around town. It was clarified the Commission was not trying to stop signs from being posted in Roy; they just needed people to adhere to the regulations, including keeping the sight triangles clear at intersections and staying within the size requirements. Chairman Cowley said he wanted to avoid governmental overreach when it came to telling businesses what they could do with their signs.

Mr. Parkinson noted he had already received about a half dozen complaints so far about signs impeding the view while driving and Commissioner Spahr asked if that was a relatively high amount, to which Mr. Parkinson commented for everyone who took the time to file a complaint, there were likely many other residents who had the same issue but did not speak up about it.

Chairman Cowley pointed out City officials did not have the time to go out and measure every single sign; it was easier to just not permit signs within the sight triangle at all rather than to trust people would abide by sizing requirements. Mr. Parkinson noted the Code allowed for Code Enforcement officers to remove signs which were in violation of the Code.

Mr. Parkinson indicated this item would come back before the Planning Commission for a public hearing and their final recommendation. Commissioner Spahr pointed out this was going to be one of the cases in which no matter what they did, someone would be unhappy. The Commissioners concurred they wanted to go with the language of “impede” as far as signs in the sight triangles were concerned and Mr. Parkinson thanked them for their direction.

EXHIBIT "B" – PROPOSED CODE CHANGES

13-4-1: SIGNS NOT REQUIRING PERMITS:

N. ~~Political and~~ Campaign Signs. ~~Political and~~ Campaign Signs shall meet the following requirements:

- ~~3. Posting time limits. It shall be unlawful for any person to post a campaign sign more than sixty (60) days prior to the election for which the sign is posted, or to allow the sign to remain more than fifteen (15) days after the election for which the sign was posted. If candidate(s) are involved in a primary election, then it will be lawful for any person to post a campaign sign more than forty-five (45) days prior to the primary.~~

13-4-1: SIGNS NOT REQUIRING PERMITS:

N. ~~Political and~~ Campaign Signs. ~~Political and~~ Campaign Signs shall meet the following requirements:

- 1) Visual clearance triangle. **In all zones No signs which exceeds two (2) feet in height shall be located in the visual clearance triangle located on corner lots. The visual clearance triangle is the triangular area at the corner performed by measuring a distance of placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point forty (40) feet along both lot lines back from the point of intersection of said lines. from the intersection of the street lines. Where no curb exists, the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the property line twenty (20) feet from the intersection of the property line.**

Signs located within the visual clearance triangle may be removed under section (6) above without prior notice as required by section (7) if determined to be a safety hazard.

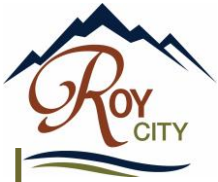
13-4-3: SIGNS THAT REQUIRE A PERMIT:


B. Types of signs allowed:

2. Monument Signs:

a. General Requirements

- 2) Visual Clearance Triangle. **In all zones No view obstruction including a sight-obscuring fence, wall, Monument Sign or other similar structure, and no landscaping which exceeds two (2) feet in height shall be located in such a way as to impede the clear view of vehicular or pedestrian traffic on any site, path or roadway, whether public or private. placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point forty (40) feet from the intersection of the street lines. Where no curb exists, the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the property line twenty (20) feet from the intersection of the property line.**



Date: 9 January 2024
To: Planning Commissioners
From: Steve Parkinson – Planning & Zoning Administrator 
Subject: Agenda Items #5 – Discussion regarding SB 174 (2023) regarding I-ADU's

SB 174 (2023) modified provisions for Internal-Accessory Dwelling Units (I-ADU's) among other things like the required changes dealing with the Subdivision Code and consequences for non-compliance with the MIHP requirements.

For the I-ADU's the State made changes the following bullet points represent the main changes

- SB 174 clarifies that attached (sharing a common wall) garages are part of the primary dwelling for the purposes of the IADU provisions.
- SB 174 prohibits local governments from regulating internal connectivity between the IADU and the primary dwelling within the structure of the residence.
- SB 174 states that municipal architectural element requirements for IADUs must be consistent with the regulations applied to other single-family units.
- SB 174 clarifies that municipalities can require one parking space in addition to the number of parking spaces required by the governing land use ordinance unless the municipality requires four or more off-street parking spaces within the setback.
- SB 174 states that the 25% of residential land use exception from the IADU provisions does not apply to new construction with a final plat approved on or after October 1, 2021.

I have also included a Council Agenda Worksheet (exhibit "A") prepared by Mayor Dandoy dated 16 May 2023 as well as the corresponding minutes from that Council meeting (exhibit "B"). This topic was also discussed during the December 3, 2023 Council meeting but the minutes aren't available yet.



Roy City Council Agenda Worksheet

EXHIBIT "A" – ROY CITY COUNCIL AGENDA WORKSHEET DATED MAY 16, 2023

Roy City Council Meeting Date: 16 May 2023

Agenda Item Number:

Subject: Update Roy City Municipal and Land Use Codes to Senate Bill 174 - Local Land Use and Development Revisions

Prepared By: Bob Dandoy

Background: The approved 2023 Legislative Senate Bill 174 has two main components that require Planning Commission and City Council attention. The following are very brief highlights of these components. They include a brief outline of requirements found in the new law, brief discussion points to consider, and a recommendation. There are two (2) requirements found in the IADU portion. There are very detailed descriptions, discussions, and recommendations in the attached document under Document 1.

Utah Code 10-9a-530 Internal Accessory Dwelling Units (For Details See Attach Document 1)

1. "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
2. A municipality may, regardless of whether the primary dwelling is existing or new construction, include one additional on-site parking space for an internal accessory dwelling unit.

Discussion:

Internal Accessory Dwelling Units

1. Currently, it is assumed that if a Roy City resident was interested in establishing an Internal Accessory Dwelling Unit (IADU), they could only do so if they used a part of the existing living space located within their single-family home. Typically, this would involve a basement. The new Utah Code states that the garage is now included as part of the primary dwelling. The Roy City code does not reference that the homeowner can consider and include a garage.
2. As outlined in the current Roy City Zoning Ordinance Table 19-1, an Internal Accessory Dwelling Unit is required to add at least one parking space. This is consistent with the new Utah Code 10-9a-530. However, the Roy City Code goes a step further by restricting the homeowner to where to place it. The Roy Code does not allow the additional parking space to be in tandem with other parking spaces and will not allow the parking space to be placed on the front or side setback areas. There is a good argument for not allowing parking in the front setback areas, but Roy City Code already allows for side setback parking. How is the homeowner expected to be licensed in Roy City with an IADU, if that homeowner can't legally place a parking space on the property, except maybe the backyard?
3. Direct the Planning Commission to consider recommending to the City Council the following change or a similar change to **Roy City Code 10-17-1: Table of Uses**.
 - a. From: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling for the purpose of a rental unit. Shall also meet the following:

- b. To: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling, that can include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall, for the purpose of a rental unit. Shall also meet the following:
4. Direct the Planning Commission to consider recommending to the City Council the following change or similar changes to **Roy City Code Table 19-1: Off-Street Parking**

Requirements.

From:

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback

To:

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, this space shall not be within the required front setback

Attached Documents

- Document 1 - Detailed information on Internal Accessory Dwelling Unit requirements outlined in Senate Bill 174.

Document 1 - Internal Accessory Dwelling Units

Subject: Update Roy City Municipal and Land Use Codes to Senate Bill 174-S2 Requirements (Internal Accessory Dwelling Units only)

Prepared By: Bob Dandoy

Background:

2023 Legislative Session SB 174-S2: Local Land Use and Development Revisions

- This bill:
 - Defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit.
 - Note: "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
 - Amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units.
 - Note: A municipality may regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space.
- Current Roy City Municipal Code on Internal Accessory Dwelling Units
 - 10-17-1: Table of Uses
 - Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling for the purpose of a rental unit. Shall also meet the following:
 - Include an additional parking space (see table 19-1 for standards)
 - Must be occupied as the primary residence of the owner of record.
 - Must be rented for 30 consecutive days or longer.
 - Must obtain a Rental Dwelling License (See Title 3 for standards)
 - A notice to be recorded with the county.
 - 10-19-8 Required Off-Street Parking
 - The number of off-street parking spaces provided shall comply with Table 19-1, Table of Off- Street Parking Requirements.

Table 19-1 - Off-Street Parking Requirements

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal- Accesso I-ADU	One (1) space, non-tandem to the other required parking spaces, this s ace shall not be within the re uired front or side setback Two (2)
Dwelling, Single-Family	spaces, side by side. Parking spaces shall not be within the re uired
Dwellin , Two-Famil	front or side setback

- 10-10-32 Parking in Residential Zones
 - In all residential zones, no vehicle parking shall be permitted in front yard setback areas between the front property line and the front line of the building, except on driveways located in residential zones that directly access a garage or carport. Accessory parking space for vehicles outside of the front yard setback area is permitted on an approved all-weather surface such as concrete, asphalt, gravel (weed free), or road base (weed free), if it is accessible to and from a legal access point on the same parcel. At any time, no portion of a vehicle may be over the street right-of-way line or obstruct a sidewalk.

- o 10-19-2 General Provisions
 - Access to parking space (driveways and access lanes); access to all parking spaces shall be as follows:
 - Residential Property, including four (4) units or less attached units, shall provide access to approved off-street parking spaces and private garages used in conjunction with those uses as follows:
 - o Driveways and drive approaches shall not be located within the clear view area (sight triangle).
 - o Drive approaches may go up to a side lot line of a lot as if the property line is extended to the back of the curb and gutter or roadway, except if there are utility boxes located in the area, if so then approval from the utility companies is needed to be any closer than two (2) feet from the utility boxes. In the case of a cul-de-sac exceptions may be made by the Zoning Administrator.
 - o A driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with the surface drainage of the lot or adjacent lots where drainage easements are provided. If no drainage easements exist, the drainage from the driveway must be kept within the property.

Discussion:

- Utah is facing a housing shortage, with more people looking for a place to live than homes available. Increasing population and low unemployment are driving a demand for housing. Accessory dwelling units are part of a range of housing options that can help increase the housing supply with minimal impacts to the existing neighborhood. As a result, it has been determined by the Utah Legislators that Accessory Dwelling Units are an important piece to help address Utah's long-term struggle to have a reasonable supply of affordable housing.
- After reviewing Senate Bill 174-S2 and specifically assessing the requirements outlined in 10-9a-530: Internal accessory dwelling units, the following are two issues that warrant a City Council discussion.

Issue 1: Garage as part of the Internal Accessory Dwelling Unit

Utah Code 10-9a-530 states that Internal Accessory Dwelling Units can now include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall. Specifically, under 10-9a-530(1)(b)(ii) it states: "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

- **Issue 1 Discussion:** Currently, it is assumed that if a Roy City resident was interested in establishing an Internal Accessory Dwelling Unit (IADU), they could only do so if they used a part of the existing living space located within their single-family home. Typically, this would involve a basement. The new Utah Code states that the garage is now included as part of the primary dwelling. The Roy City code does not reference that the homeowner can consider and include a garage. If the homeowner decided to use the garage as an IADU, to meet city code requirements it would have to be converted into a livable space and be connected to the home by a common wall.
- **Issue 1 Recommendation:** Direct the Planning Commission to consider recommending to the City Council the following change or a similar change to 10-17-1: Table of Uses.
 - From: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling for the purpose of a rental unit. Shall also meet the following:
 - To: Dwelling Unit, Internal Accessory (I-ADU). Is an accessory dwelling unit within the footprint of a primary dwelling, that can include a garage if the garage is a habitable space and

is connected to the primary dwelling by a common wall, for the purpose of a rental unit. Shall also meet the following:

Issue 2: Restrictions on required parking space as part of the Internal Accessory Dwelling Unit

- Under the new Utah Code 10-9a-530(2) it states that: "In any area zoned primarily for residential use:
 - The use of an internal accessory dwelling unit is a "permitted use".
 - Except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
 - The size of the internal accessory dwelling unit in relation to the primary dwelling.
 - Total lot size,
 - Street frontage; or
 - Internal connectivity.
 - A municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts".
- Utah Code 10-9a-530(2) indicates that the municipality may not establish any restriction or requirements on the Internal Accessory Dwelling Unit except those found in Subsections (3) and (4). They are:
 - Subsection (3): An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
 - Subsection (4): A municipality may:
 - prohibit the installation of a separate utility meter for an internal accessory dwelling unit.
 - require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
 - require a primary dwelling:
 - regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space; and
 - to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space.
 - prohibit the creation of an internal accessory dwelling unit within a mobile home.
 - require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.
 - prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
 - 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
 - have a final plat approval dated on or after October 1, 2021; and
 - comply with applicable land use regulations.
 - 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality.
 - prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank.
 - prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size.
 - prohibit the rental or offering the rental of an internal accessory dwelling unit for a period

of less than 30 consecutive days.

- prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence.
- hold a lien against a property that contains an internal accessory dwelling unit.
- record a notice for an internal accessory dwelling unit.

Issue 2 Discussion: For the most part, Roy City provides only a few restrictions or requirements that are authorized under Utah Code 10-9a-530. They include:

- The Internal Accessory Dwelling Unit shall comply with all applicable building, health, and fire codes.
 - Prohibit the creation of an internal accessory dwelling unit within a mobile home.
 - Require the owner of a primary dwelling to obtain a license for renting an internal accessory dwelling unit.
 - Prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days.
 - Record a notice for an internal accessory dwelling unit.
 - Require a primary dwelling regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation.
- It is in the additional on-site parking space that warrants further discussion. Utah Code 10-9a-530 Subsection (4) states; "A municipality may: (c)(i) require a primary dwelling regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory, in addition to the parking spaces required under the municipality's land use regulation".
 - The current Roy City Zoning Code 10-19-8: Required Off-Street Parking states: The number of off- street parking spaces provided shall comply with Table 19-1, Table of Off-Street Parking Requirements (see below).

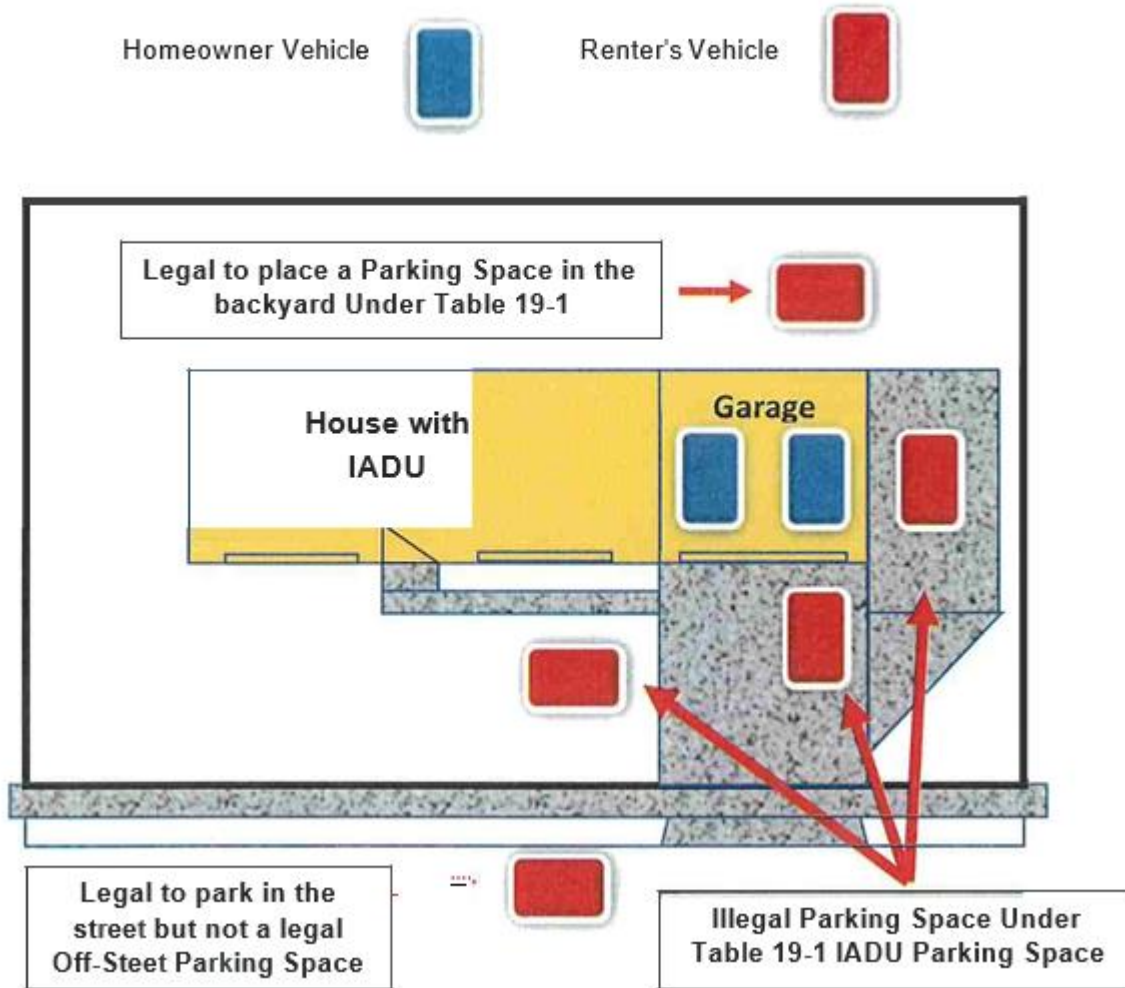
Table 19-1 - Off-Street Parking Requirements

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal- Accessory I-ADU	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback

Note: Tandem means one following or behind the other.

- As outlined in the current Roy City Zoning Ordinance Table 19-1, an Internal Accessory Dwelling Unit is required to add at least one parking space. This is consistent with the Utah Code 10-9a-530. However, the Roy City code goes a step further by restricting the homeowner to where to place it.
- With the average US citizen owning 1.8 vehicles, establishing even a single additional parking space is problematic under the current city zoning code for the homeowner wanting to establish an IADU in their home. The homeowner would be expected to define in accordance with Roy City Code , where the additional parking space would be located, to get approval to establish an IADU. There could be those cases where the homeowner might allow the renter access to one of the spaces in the garage or carport. More than likely, that would be the exception rather than the rule. As written in Table 19-1, there are no real option for the homeowner but to establish a parking space in the backyard. That is not the best option considering that Roy City has current zoning codes that allow for parking space(s) on the sides of the home.

- The Code does not allow the additional parking space to be in tandem with other parking spaces and will not allow the parking space to be placed on the front or side setback areas. How is the homeowner expected to be licensed in Roy City with an IADU, if that homeowner



can't legally place a parking space on the property? To best understand this level of restriction on a typical home in Roy City, one needs to view the following illustration.

- This restriction in Table 19-1 conflicts with existing Roy City Code. As an example, 10-10-32: Parking in Residential Zones states: In all residential zones, no vehicle parking shall be permitted in front yard setback areas between the front property line and the front line of the building, except on driveways located in residential zones that directly access a garage or carport. Accessory parking space for vehicles outside of the front yard setback area is permitted on an approved all-weather surface such as concrete, asphalt, gravel (weed free), or road base (weed free), if it is accessible and from a legal access point on the same parcel. At any time, no portion of a vehicle may be over the street right-of-way line or obstruct a sidewalk.
- Another example is found in 10-19-2 General Provisions that states: Access to parking space (driveways and access lanes); access to all parking spaces shall be as follows:
 - Residential Property, including four (4) units or less attached units, shall provide access to approved off-street parking spaces and private garages used in conjunction with those uses as follows:
 - Drive approaches may go up to a side lot line of a lot as if the property line is extended to the back of the curb and gutter or roadway, except if there are utility boxes located in the area, if so then approval from the utility companies is needed to be any closer than two (2) feet from the utility boxes. In the case of a cul-de-sac exceptions may be made

by the Zoning Administrator.

- A driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with the surface drainage of the lot or adjacent lots where drainage easements are provided. If no drainage easements exist, the drainage from the driveway must be kept within the property.
- There is a need for the Roy City Zoning Code 10-19-8: Required Off-Street Parking and specifically Table 19-1 to state the number of IADU off-street parking spaces. It does currently. However, the city cannot and should not drive the homeowner to indicate parking in the street as a parking space, nor expect the homeowner to resurface portions of their backyard so the parking space be located there. Our current zoning codes allow parking on the side of the home. What is not needed in Table 19-1 are restrictions on those parking spaces that include non-tandem parking and no side of house parking. Not only are these restrictions almost impossible to enforce, but they hamper the homeowner rights in wanting to establish a legal Internal Accessory Dwelling Unit. It should not be the purpose of the city to restrict homeowner's right and choice to have an Internal Accessory Dwelling Unit. In fact, the city should be helping to promote effective ways to address and support affordable housing options.

Issue 2 Recommendation Direct the Planning Commission to consider recommending to the City Council the following change or similar changes to **Table 19-1: Off-Street Parking Requirements**.

From:

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback

To:

Use	Minimum Off-Street Parking Requirements
Dwelling Unit, Internal-Accessory (I-ADU)	One (1) space, this space shall not be within the required front setback

F. Discussion Items

1. SB 174 – Local Land Use and Development Revisions

Mayor Dandoy went through a chart on local land use and development revisions. Mayor Dandoy noted Council voted to approve the authorization of internal accessory units within Roy City. Mayor Dandoy said a consequence of this requires cities to acknowledge garages as internal accessory units. Mayor Dandoy said citizens can now legally turn their garage into a livable dwelling. Mayor Dandoy said they would need to meet residential requirements, though they need to modify the language.

Councilmember Joe Paul asked how this affects impact fees and utilities. Mayor Dandoy said they need to work through this process to determine what this means, though any changes need to match existing code.

City Councilmember Jackson asked if they could add on to their current garage. Councilmember Scadden asked if they could use a car as part of this dwelling as well. Councilmember Joe Paul said they would have to have a building permit for any of these changes which would require oversight. Councilmember Jackson said it seems like they are doing this because of the affordable housing problem. Mayor Dandoy said this would be one additive to this process.

Mayor Dandoy moved to the next chart involving internal accessory dwelling units. Mayor Dandoy said the issue here involved parking and adding spaces. Mayor Dandoy went to the next chart to explain this issue. Mayor Dandoy said parking spaces cannot be in tandem or along a setback, though an accessory dwelling unit requires the creation of additional parking. Mayor Dandoy clarified that off street parking is not a curb, and the parking spot must be on the property itself. Mayor Dandoy said they could maybe put a spot in the back of the lot but asked the Planning Commission review this change.

Mayor Dandoy said the next chart dealt with administrative land use authority. Mayor Dandoy said they had a trust attorney make an argument to get changes to Title 10 zoning ordinances. Mayor Dandoy said the Council does not typically have administrative authority - just legislative authority. Mayor Dandoy said the new code requires the Council to designate an administrative land use authority with the caveat that it cannot be the Mayor or a City Council member. Mayor Dandoy said he went through all the code and said the Planning Commission being given control over land use authority is only detailed on their website - not in the code itself. Mayor Dandoy said there are provisions in the code which gives the City Planner land use authority. Mayor Dandoy said they need to make a decision on this designation.

Mayor Dandoy moved on to Title XI. Mayor Dandoy said this talks a lot about land use authority and specifically how they are trying to make administrative land use decisions. Mayor Dandoy said they are trying to accelerate and streamline the process. Mayor Dandoy suggested giving this responsibility to the City Planner. Mayor Dandoy said the Planning Commission does not need to approve this as it already does meet the standard. Mayor Dandoy stressed this would shave weeks off the approval process.

Councilmember Jackson asked how much land they were able to divy up into subdivisions. Mayor Dandoy said he always assumed subdivisions were residential, but the industrial area down by 4000 is technically considered a nonresidential subdivision. Mayor Dandoy said this law applies only to single family residential, two family residential, and townhouses. Mayor Dandoy said this creates two different processes. Mayor Dandoy said the heart of the conversation was expediting the process. City Manager Andrews said this bridged economic development and city planning. City Manager Andrews asked if there was a precedent to put the issue in one bucket over the other. Mayor Dandoy said there was a recommendation to consolidate all of these under Title XI and the City Council would be liable to authorize exceptions. Mayor Dandoy said the City Planner could expedite the process that way.

Councilmember Jackson said that made sense to her. Mayor Dandoy said they should move this to the Planning Commission and get it approved. City Manager Andrews said this plan is already in effect. Mayor Dandoy said that puts them on a faster timeline.

Mayor Dandoy said the next chart covered review cycles. Mayor Dandoy said these terms are not currently found in the ordinances, so he recommended sending this to the Planning Commission for further review.

Mayor Dandoy moved to the next chart which covered the final review and approval for the subdivision plans. Mayor Dandoy said this needed to be finished in 20 days and fleshed out after being reviewed from the Planning Commission.

Mayor Dandoy moved to the next chart which covered Title XI code 202. Mayor Dandoy said this covered the concept plan application meeting which will now be mandatory for applicants. Mayor Dandoy said the applicant will meet with the City Manager and review committee. Mayor Dandoy said the state of Utah was not mandating the concept plan review and simply strongly encouraging them. Mayor Dandoy said their law would make it mandatory, and the item needed review from the City Attorney.

Mayor Dandoy discussed a senate review which would involve licensed engineers. Mayor Dandoy said the new law created a panel process to meet code and codify standards.