

Chair

• Ryan Cowley

Vice-Chair

• Jason Felt

City Planner

• Steve Parkinson

**Commission Members**

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

PLANNING COMMISSION AGENDA

February 27, 2027

6:00 p.m.

The Roy City Planning Commission work-session meeting will be held in the Small Training Room in the basement of 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. Continued discussion regarding I-ADU's and potential changes from SB 174 (2023).
2. Commissioners Minute
3. Staff Update
4. 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 body within 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 23rd day of February 2024. A copy was also posted on the Roy City Website and [Utah Public Notice Website](#) 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





Date: 27 February 2024
To: Planning Commissioners
From: Steve Parkinson – Planning & Zoning Administrator 
Subject: Agenda Items #1 – Discussion regarding I-ADU's

During the January 9, 2024, Planning Commission meeting introduced this issue, and the Commission made some comments (see exhibit “A”) and wanted to continue it during a work-session.

The Commission wanted staff to bring some examples for discussion (see exhibit “B”)

For the I-ADU's the SB 174 made changes the following bullet points represent the main changes

- clarifies that attached (sharing a common wall) garages are part of the primary dwelling for the purposes of the IADU provisions.
- prohibits local governments from regulating internal connectivity between the IADU and the primary dwelling within the structure of the residence.
- states that municipal architectural element requirements for IADUs must be consistent with the regulations applied to other single-family units.
- 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.
- 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.

This topic has been discussed in Council meetings a few times on May 16, 2023, and December 5, 2023, Council meeting. (see exhibit “C”)

On September 28, 2023, Mayor Dandoy prepared a “White Paper” for the Planning Commission specifically for this discussion item (see exhibit “D”)



Commissioner Tanner nominated Jason Felt as Vice-Chair. Commissioner Cowley seconded the motion.

No additional nominations were made.

Commissioners Brand, Cowley, Hulbert, Sphar and Tanner voted "aye" for Jason Felt. The motion carried.

5. DISCUSSION OF SB 174 (2023) REGARDING I-ADU'S

Mr. Parkinson discussed that several items had been brought up in regard to I-ADUs during the legislative discussion of SB 174. Mr. Parkinson said that Roy City Code currently allowed for the conversion of a garage into a living space, with the only stipulation being that there still needed to be at least two legal parking spaces somewhere on the property. He explained that Staff did not feel their Code needed to be changed since they felt this was in line with SB 174, although he expressed, they could have a conversation about this if the Planning Commission thought the language did not match the intent of SB 174.

Mr. Parkinson discussed the other change was that cities could require an additional parking stall for an ADU, although they did not specify where on the property the parking stall could be located. He wondered if parking should be allowed in the side yard or only in the backyard, and he also asked the Planning Commission for feedback as to if they should allow parking spaces to be outside of the setback area.

Mr. Parkinson said this would be a large conversation and said he wanted to get the Commissioners thinking about these items before they formally discussed it.

Chairman Cowley asked Mr. Parkinson if he could bring in some examples of houses that could not meet setback requirements for their work session discussion and Mr. Parkinson said he would do so.

Mr. Parkinson also clarified that this was not a discussion about amending the materials for parking spaces, but just if they wanted to amend where on the property a parking space could legally be placed. He also noted that not all cities had a third parking space requirement.

6. COMMISSIONERS MINUTE

There were none.

7. STAFF UPDATE

Mr. Parkinson invited the Planning Commission to attend the West Weber Active Transportation Plan, although it took place on the same evening as a scheduled work session. He explained the purpose of this meeting and said it was for stakeholders. He added if the Commissioners could not attend the meeting, there was also going to be an open house and he urged them to attend at least the open house, if possible. He said there would also be a public meeting from 5- 6 PM.

EXHIBIT “B” – EXAMPLES

In 1953 Roy City adopted its first zoning code, it has gone through three major updates since, first was in 1973, then 2004. In 2005 there was major change in not just the code but how it was formatted. This is the code and format we use today.

The next few pages provide the following information:

Lot development standards for each single-family residential lot, which includes:

- Zone(s)
- Minimum Lot area in square footage (ft²)
- Minimum Lot Width
- Setbacks
 - F = Front
 - S = Sides *
 - R = Rear
 - S Street = Side yard facing street.
 - R – Corner = Rear yard for Corner lots.

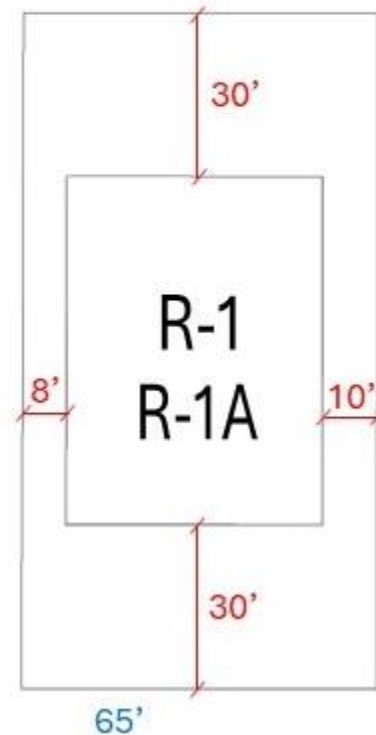
* = one side cannot be less than X' and the two sides must equal X'

Example – 8' min = 18'

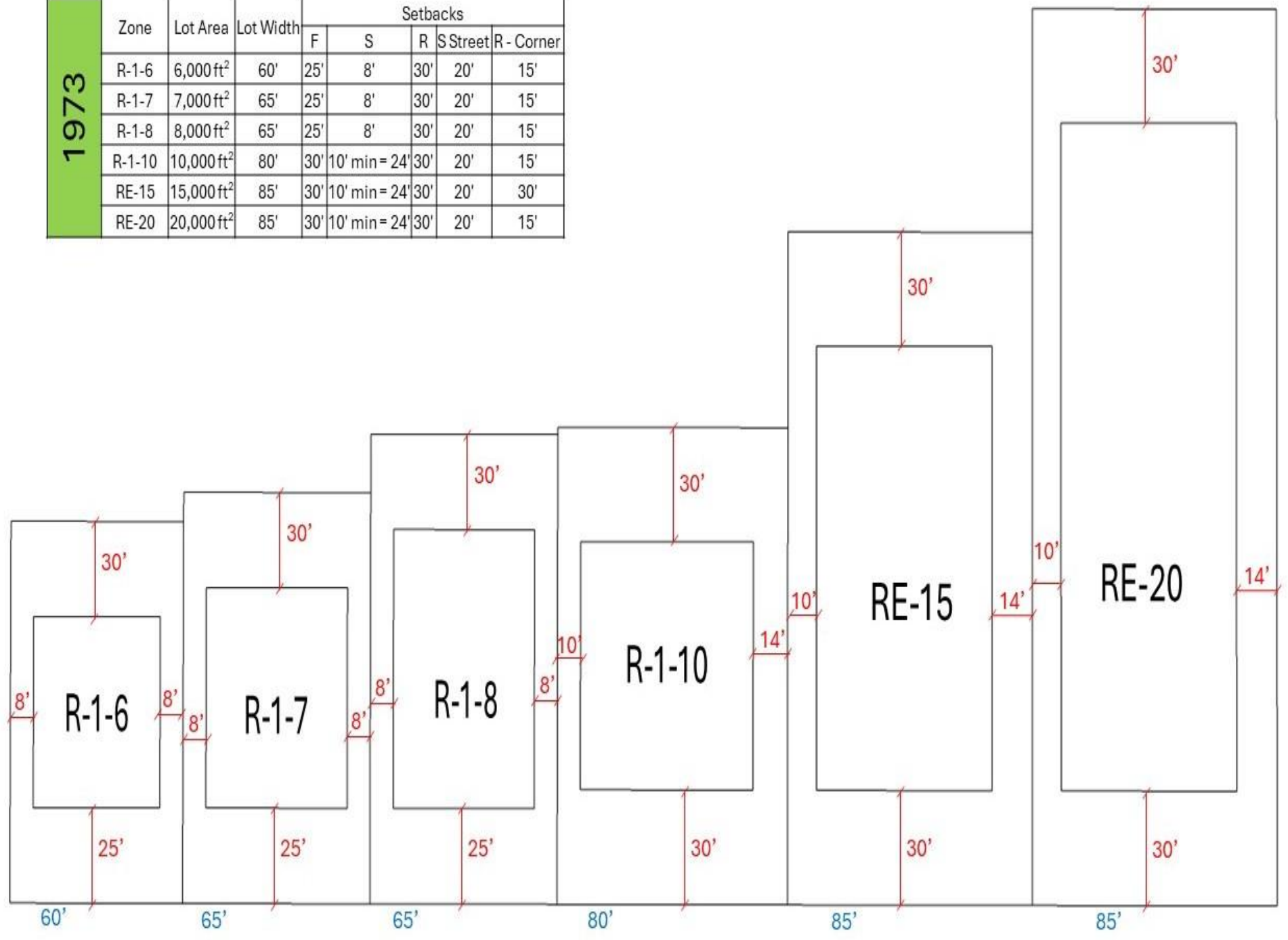
- 8' and 10'
- 9' and 9'

Each illustration shows the minimum setbacks and lot width for each Single-Family zone allowed during each “Code” for interior lots and not corner lots.

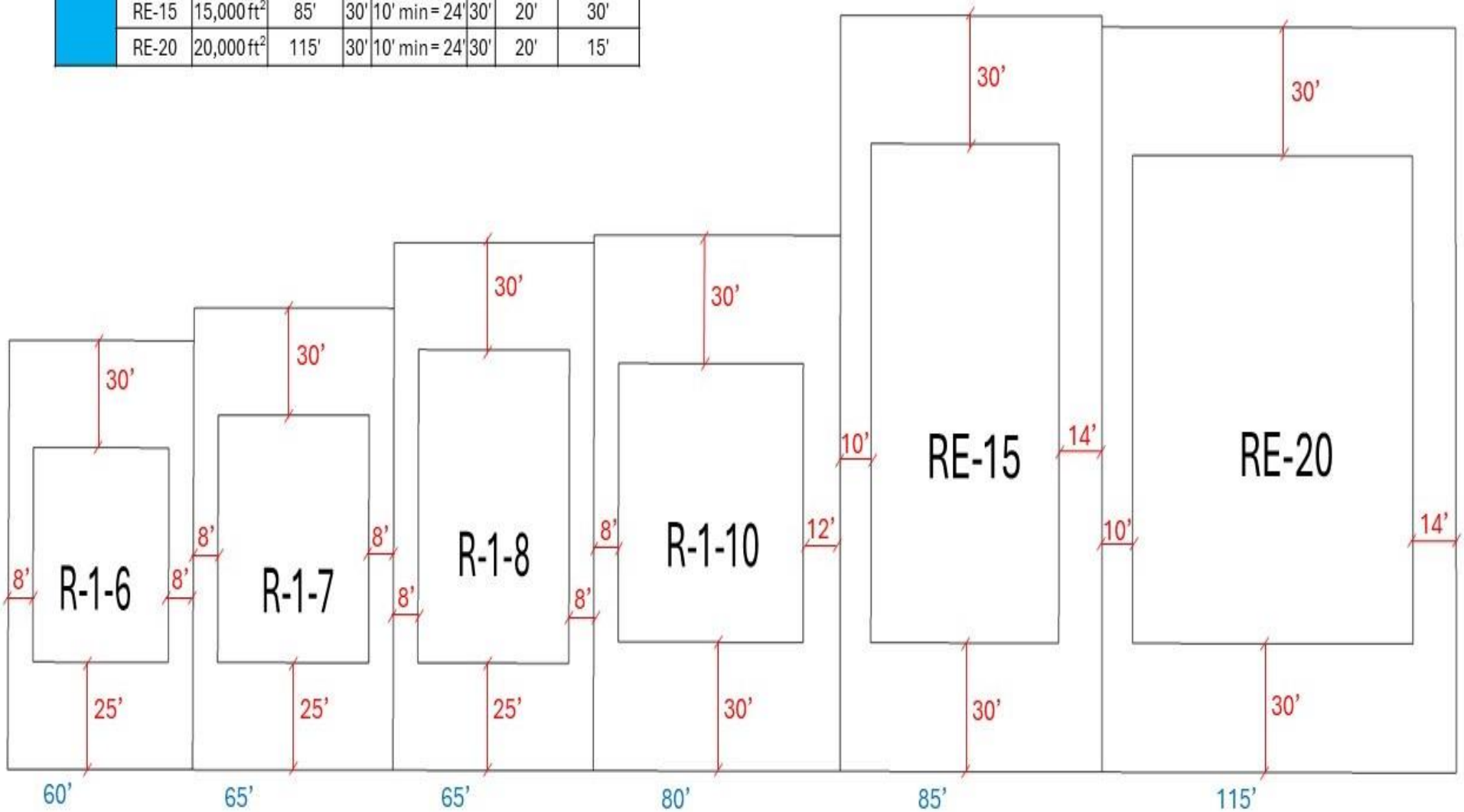
1953	Zone	Lot Area	Lot Width	Setbacks				
				F	S	R	S Street	R - Corner
	R-1	8,000 ft ²	65'	30'	8' min = 18'	30'	20'	15'
	R-1A	8,000 ft ²	65'	30'	8' min = 18'	30'	20'	15'



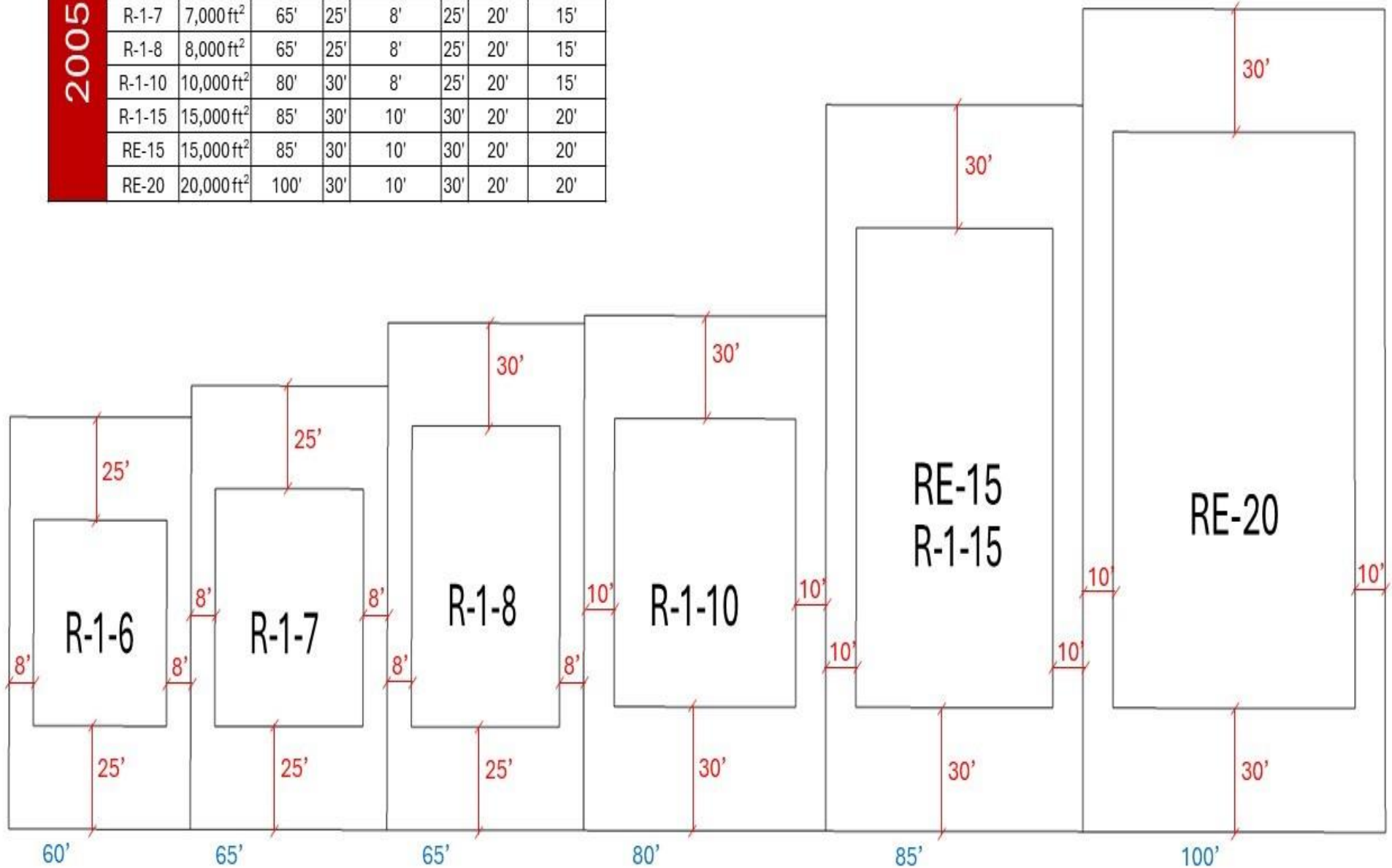
1973	Zone	Lot Area	Lot Width	Setbacks				
				F	S	R	S Street	R - Corner
	R-1-6	6,000 ft ²	60'	25'	8'	30'	20'	15'
R-1-7	7,000 ft ²	65'	25'	8'	30'	20'	15'	
R-1-8	8,000 ft ²	65'	25'	8'	30'	20'	15'	
R-1-10	10,000 ft ²	80'	30'	10' min = 24'	30'	20'	15'	
RE-15	15,000 ft ²	85'	30'	10' min = 24'	30'	20'	30'	
RE-20	20,000 ft ²	85'	30'	10' min = 24'	30'	20'	15'	



2004	Zone	Lot Area	Lot Width	Setbacks				
				F	S	R	S Street	R - Corner
	R-1-6	6,000ft ²	60'	25'	8'	30'	20'	15'
	R-1-7	7,000ft ²	65'	25'	8'	30'	20'	15'
	R-1-8	8,000ft ²	65'	25'	8'	30'	20'	15'
	R-1-10	10,000ft ²	80'	30'	8' min = 20'	30'	20'	15'
	RE-15	15,000ft ²	85'	30'	10' min = 24'	30'	20'	30'
	RE-20	20,000ft ²	115'	30'	10' min = 24'	30'	20'	15'



2005	Zone	Lot Area	Lot Width	Setbacks				
				F	S	R	S Street	R - Corner
	R-1-6	6,000 ft ²	60'	25'	8'	25'	20'	15'
	R-1-7	7,000 ft ²	65'	25'	8'	25'	20'	15'
	R-1-8	8,000 ft ²	65'	25'	8'	25'	20'	15'
	R-1-10	10,000 ft ²	80'	30'	8'	25'	20'	15'
	R-1-15	15,000 ft ²	85'	30'	10'	30'	20'	20'
	RE-15	15,000 ft ²	85'	30'	10'	30'	20'	20'
	RE-20	20,000 ft ²	100'	30'	10'	30'	20'	20'



Below are what each different code required for parking of a Single-family dwelling:

1953

SECTION 14

H. Off-street Parking Required.

I. Automobile Parking Space.

There shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard sized automobiles, as follows:

a. Parking Space for Dwellings.

In all residential districts there shall be provided in a private garage, or in an area properly located for a future garage, space for the parking of one (1) automobile for each dwelling unit in a new dwelling, or each dwelling unit added in the case of the enlargement of an existing building.

1973

34-4-1 Purpose and Intent.

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities, and in so doing promote the safety and well-being of the citizens of the City. Consequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles.

34-4-2 Parking Space for Dwellings.

In all zones there shall be provided, in a properly located area, sufficient space for the parking of automobiles for each unit.

For a new building or structure, additional units, or for the enlargement or increase in capacity, floor area, or guest rooms of an existing main building or structure, there shall be the following minimum number of permanently maintained parking spaces on the same lot with the main building as follows:

- I. For a single-family dwelling, tNo side by side parking spaces provided in a garage, carport, or concrete or asphalt paved area properly located for a future garage.

2004

10-11-1: Purpose and Intent:

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities, and in so doing promote the safety and well-being of the citizens of the city. Consequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off street parking space with adequate provisions for ingress and egress by standard sized automobiles. (Ord. 691, 1-5-1993)

10-11-2: Parking Space for Dwellings:

In all zones there shall be provided, in a properly located area, sufficient space for the parking of automobiles for each unit.

For a new building or structure, additional units, or for the enlargement or increase in capacity, floor area, or guest rooms of an existing main building or structure, there shall be the following minimum number of permanently maintained parking spaces on the same lot with the main building as follows:

- A. For a single-family dwelling, two (2) side by side parking spaces provided in a garage, carport or concrete or asphalt paved area properly located for a future garage.

2005

10-19-1 Purpose:

The purpose of off-street parking requirements is to promote traffic/pedestrian safety and efficiency and to minimize hard surfaced areas to reduce storm water run-off and visual impacts while providing adequate parking sufficient to support the associated use or activity.

10-19-2 General Provisions:

- 1) Off-street parking spaces shall be provided, meeting the requirements of this Chapter, for all new buildings constructed, all additions or enlargements to an existing building, the establishment of any new use, or the expansion of any existing use.

10-19-6 Location of Required Off-Street Parking:

- 1) All required off street parking spaces shall be located on the same lot as the building or use it serves...
- 2) No required off-street parking spaces shall be permitted in any front yard setback or in any street side yard setback.

10-19-7 Maintenance of Parking Spaces and Areas:

Every parcel of land used as a public or private off street parking area shall be constructed and maintained in compliance with the following requirements:

- 4) The construction and dimension of all off street parking and loading areas shall meet the requirements for off street parking and loading spaces, as adopted by the City, or recommended by the City Engineer. The minimum dimension of all off-street parking spaces, other than parallel parking spaces, shall consist of rectangular areas not less than nine (9) feet wide by twenty (20) feet long. Parallel parking spaces shall consist of a rectangle not less than nine (9) feet wide by twenty-five (25) feet long.

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, Single-Family Dwelling, Two-Family	2 spaces, side by side. Parking spaces shall not be within the required front or side setback.
Dwelling, Multiple-Family	2 spaces per unit, one (1) space of which shall be covered. Plus .5 for each unit for guest parking. Parking spaces shall not be located within the required front or side setback.
Dwelling Unit, Internal-Accessory (I-ADU)	1 space, non-tandem to the other required parking spaces, this space shall not be within the required front or side setback.

MAY 16, 2023

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.

DECEMBER 5, 2023

H. Discussion Items

3. Land Use Updates – IADU

Mayor Dandoy commented this also stemmed from SB 174 and noted it was actually already in action. He asked the Council how they felt about parking requirements, and also if they wanted to make reference in their Code that a garage space could be converted into an IADU, which was currently permitted per State guidelines. Mayor Dandoy also mentioned there were several people in Roy City that he knew of who wanted to do this, although assumed there were more people doing garage conversions who had not asked for City permission. Councilmember Jackson asked if they needed a building permit to do this and Assistant City Manager Flint explained it was considered a conversion, so the applicant would need to go through the conversion process with the City. Mayor Dandoy directed Assistant City Manager Flint to add reference to garage space conversions in their Code.

Mayor Dandoy then addressed parking and said that the parking place could not be in tandem with the two-car garage, nor on the side of the house, a City road, or front setback per the current Code. That only left the backyard, although a driveway would have to be installed on the side of the house in order to access it. Councilmember Jackson noted this would be quite costly. Councilmember Wilson did not think the rule about not permitting tandem parking was necessary, and also pointed out some of these options were not feasible for homes that were on steep inclines. Councilmember Wilson thought they needed to think further ahead. Councilmember Joe Paul opined he was okay with people parking anywhere on their property other than the front yard. Assistant City Manager Flint said the main question is where the Council wanted primary parking to be in the case of an IADU and the Councilmembers concurred ideally that parking should be by the garage. Assistant City Manager Flint noted the language about not allowing tandem parking was in place due to fire safety standards and said they would need to work through that if the Council wanted to remove that restriction. Assistant City Manager Flint summarized that the Council wanted the Planning Commission to consider all setbacks except for the front yard.

In the May 16, 2023, City Council meeting the Council directed that the Planning Commission review, discuss, take public input, and make a recommendation to the City Council on several requirements called out in the recent approval of Senate Bill 174 – S2.

Those requirements are:

- Internal Accessory Dwelling Units (IADU provision take effect on May 3, 2023)
 - **IADU can include a Garage. (See attachment 1)**
 - Defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit. A "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
 - **IADU Parking Space (See Attachment 2)**
 - Amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units. 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.

ATTACHMENT 1
Internal Accessory Dwelling Unit (IADU) can include a Garage.

ISSUE:

- If a Roy City resident was interested in establishing an Internal Accessory Dwelling Unit (IADU), they could 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 10-9a-530 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 a garage as part of an IADU. Without some type of reference in Roy City Code, a homeowner may never know.
 - 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.

UTAH CODE:

- 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.

ROY CITY CODE:

- 10-17-1: Table of Allowed Uses. A Use that is not identified in the Table of Uses is hereby determined to be a Prohibited Use within Roy City.
 - 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.

ULCT / WFRC COMMENTS: ULCT SB174 Summary states: “The IADU provisions take effect on May 3, 2023.

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 Allowed Uses**.

○ **FROM:**

USE	RE-20/RE-15/R-1-15/R-1-10/R-1-8/R-1-6/R-2/R-3/R-4
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: <ul style="list-style-type: none"> • 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.

○ **TO:**

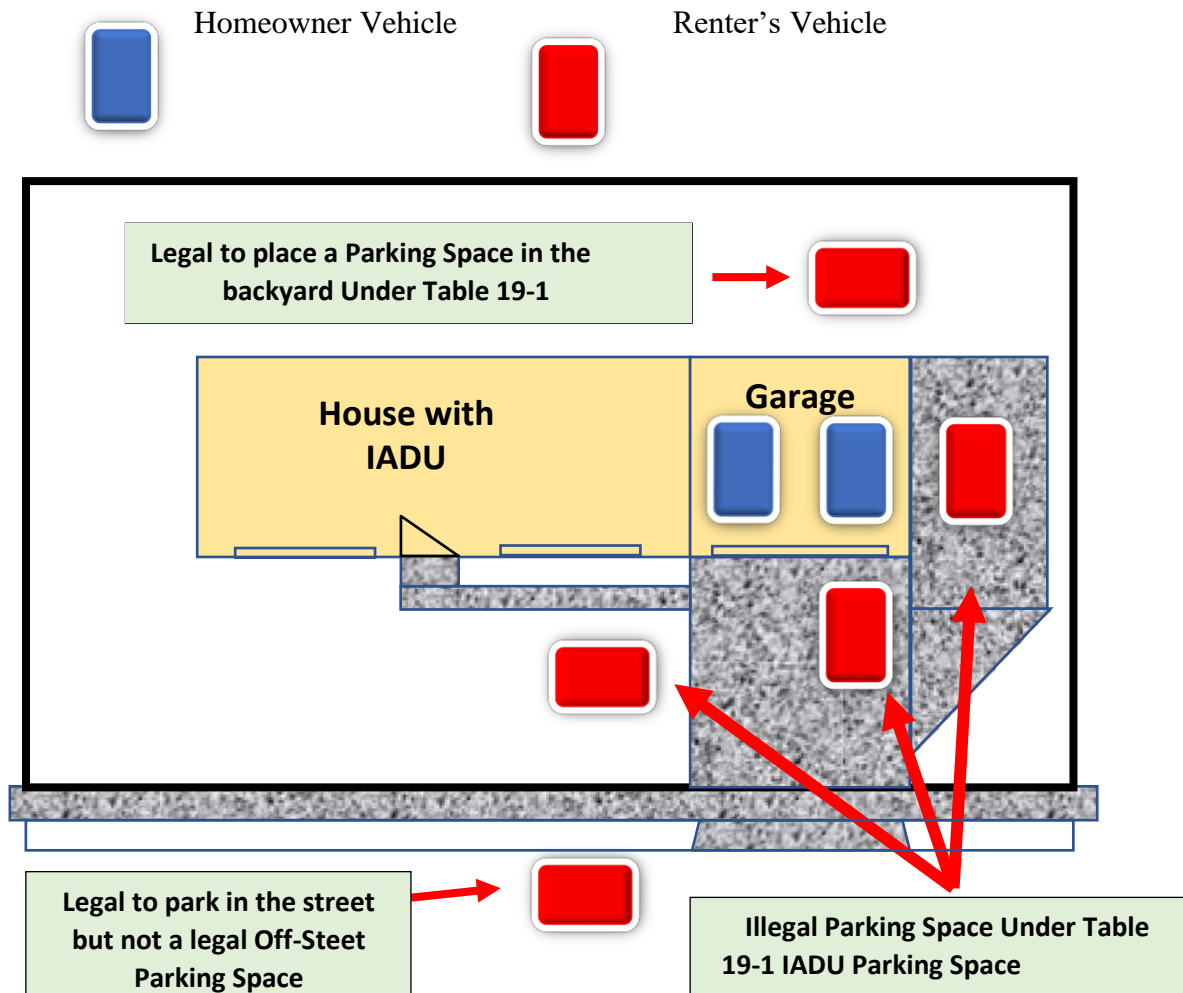
USE	RE-20/RE-15/R-1-15/R-1-10/R-1-8/R-1-6/R-2/R-3/R-4
Dwelling Unit, Internal Accessory (I-ADU)	Is an accessory dwelling unit within the footprint of a primary dwelling, that can include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall, for the purpose of a rental unit. Shall also meet the following: <ul style="list-style-type: none"> • 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.

ATTACHMENT 2 Internal Accessory Dwelling Unit (IADU) Parking Space

ISSUE:

- 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. 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. 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.

Illustration



- Yet, Roy Code 10-10-32 Parking in Residential Zones and 10-19-2 General Provisions both allow a resident to establish a parking space on the side setback. Only if an IADU is involved does the Roy Code restrict this parking space or tell the homeowner that can't park in tandem with another vehicle. 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.

UTAH CODE:

- 10-9a-530 it states that:
 - (2) “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”.
 - (3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
 - (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.

ROY CITY CODE:

- 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-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.

• **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.

• **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:
 - Driveways and drive approaches shall not be located within the clear view area (sight triangle).
 - 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.

ULCT / WFRC COMMENTS:

- ULCT SB174 Summary states: “The IADU provisions take effect on May 3, 2023.

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.

USE	Minimum Off-Street Parking Requirements
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TO:

Dwelling Unit, Internal Accessory (I-ADU)	One (1) space, this space shall not be within the required front setback
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