

## SOUTH WEBER PLANNING COMMISSION AGENDA

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PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Thursday August 12, 2021, in the Council Chambers, 1600 E. South Weber Dr., commencing at 6:00 p.m.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission)

1. Pledge of Allegiance: Commissioner Boatright
2. Public Comment: Please respectfully follow the guidelines below: Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com) to be included with the meeting minutes.
  - a. Individuals may speak once for 3 minutes or less
  - b. State your name and address
  - c. Direct your comments to the entire Commission
  - d. Note: Planning Commission will not respond during the public comment period
3. Approval of Consent Agenda
  - a. PC2021-06-10 Minutes
4. Commissioner Training provided by Mark Bell from Hayes Godfrey Bell
5. Introduction & Presentation on Internal Accessory Dwelling Units by Trevor Cahoon
6. **Public Hearing & Action on SWC Code 10-19 (ORD 21-12) Internal Accessory Dwelling Units**
7. Planning Commission Comments (Boatright, Davis, Losee, Johnson, Walton)
8. Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE: August 5, 2021**

**DEVELOPMENT COORDINATOR: Kimberli Guill**

## **SOUTH WEBER CITY PLANNING COMMISSION MEETING**

**DATE OF MEETING:** 10 June 2021

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** 1600 E. South Weber Drive, South Weber, Utah

**PRESENT: COMMISSIONERS:**

Gary Boatright (via Zoom)  
Jeremy Davis  
Wes Johnson  
Julie Losee (arrived 6:02 pm)  
Taylor Walton

**CITY PLANNER:**

Shari Phippen

**CITY ENGINEER:**

Brandon Jones

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Blair Halverson, Paul Sturm, TG George, Nate Harvertston, Carter Randall, Porter McGarry, Farrell Poll, Georgie Cullvins, Jim Cullvins, Sky Hazlehurst, and Charles Poll.

**1.PLEDGE OF ALLEGIANCE:** Commissioner Walton

**2. Public Comments will be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)**

- a. Individuals may speak once for 3 minutes or less.**
- b. State your name and address.**
- c. Direct comments to the entire Commission**
- d. Note Planning Commission will not respond during the public comment period.**

**Terry George, 7825 S. 2000 E.,** expressed his feelings about the South Weber City and leaving property farmland. He understands the desire for development, but approximately 500 citizens gave their input on the general plan, and those citizens desire less density, and smart commercial.

**Paul Sturm, 1527 Deer Run Drive,** addressed Agenda item #7 concerning the rezone request from A & CH to CH for the Stephens property located at 475 East 6650 South. He is concerned a concept plan hasn't been submitted with this rezone request and recommended against the approval of this rezone request.

**Farrell Poll, 2316 E 7600 S,** joint property owner of the Poll family property located at 2310 E. South Weber Drive, reminded those in attendance even though supposedly 500 people filled out a survey for the general plan, that means over 7,000 didn't have a problem. He doesn't think it can be assumed, because a lot of people say this is what they want, that it means everyone wants

that. Secondly, he expressed it is a mistake to think because it is the general plan that the property owners lose their rights. He acknowledged a pollution problem in South Weber City and displayed a bucket full of debris he removed from his gutter which includes fine cement powder that pollutes his home and others every day in South Weber City. He opined the pollution comes from the two gravel pits in the city and it is getting worse because of the water situation. He discussed the safety issues with the pit and how the dust can affect your body. He sees a class action lawsuit coming with this situation and the city is at a pivotal point. He suggested no operations when the wind is blowing. He expressed the gravel pits should be responsible for what blows out of the pits. He pointed out right now they are using the pits to stage production.

**Georgie Cullvins, 7486 S. Cornia Drive**, lives across the street from Geneva Gravel Pit. She explained when the wind is blowing it looks like a whirlwind of pollution and dust coming out of it. She voiced her concern for her husband's health as he currently suffers with lung cancer.

**Jim Cullvins, 7486 S. Cornia Drive**, remarked he lives approximately 100 yards away from Geneva, and he didn't receive any information concerning tonight's public hearing. He reported the pollution is on his vehicles. He is concerned about his health and how the pollution is affecting it.

Commissioner Walton reported a public comment was submitted online from **Craig Karren 7563 S. 2020 E.** who is deeply opposed to the rezone of Geneva Gravel Pit.

### **3. Approval of Consent Agenda**

- **Planning Commission Minutes of 13 May 2021**

Commissioner Losee relayed she didn't receive the public comment emails from Rob Osborne and Brent Poll. Development Coordinator Kim Guill stated that Brent Poll's email was forwarded to the Planning Commission prior to the meeting and Rob Osborne's email was received after the Planning Commission meeting.

**Commissioner Johnson moved to approve the consent agenda. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Johnson, Losee, and Walton voted aye. Commissioner Davis abstained as he was excused from the meeting. The motion carried.**

**4. Final Plat, Site & Improvement Plans for: Riverside Place Phase 4 (4.16 Acres, 12 Lots Zoned R-M) Located at approx. 6700 S Pebble Creek Drive. Applicant: Scott Heagy of MB-Riverside Place:** City Planner, Shari Phippen reported this property is located at approximately 6700 South Pebble Creek Drive (575 E 6675 S). This is the fourth phase in the subdivision and builds off previously completed phases. The project has been reviewed by staff for compliance with all relevant City zoning and engineering codes, standards and specifications, and is fully compliant with all relevant standards, with exception noted below.

The following items were identified by City Engineer Brandon Jones as needing addressed/corrected prior to the final plat being presented to the City Council for review. A copy of his review letter is included in the packet.

- The developer should provide a letter to the City from South Weber Irrigation Company stating that SWIC has reviewed the improvement plans and that those plans meet SWIC requirements.
- Add the Address Table to the plat so that it is clear which lots have which coordinates.
- Verify correct bearings along north boundary line / Old Fort Road.
- Verify that the improvements shown along Old Fort Road are shown in the correct location.

### **General Plan Analysis**

The property was rezoned to R-M prior to the preliminary plat being approved, so there is no rezone or further general plan analysis to be done with this phase.

### **Staff Analysis**

Administrative decisions such as this are not subject to public or personal opinion, but rather are subject to evaluation based on the plain language of City code.

When the preliminary plat was approved, it took into account minimum lot sizes, lot widths, setbacks and other zoning requirements. This final plat is in line with the approved preliminary plat.

The lot size standards, and how the plat meets or fails to meet each relevant standard, are below.

- A. Density: There shall be no more than 2.80 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 2.80 building lots per acre or less. (Ord. 15-05, 7-14-2015)
  - a. The density of this plat is 3.02 building lots per acre (12 units on 3.91 acres). Although this is outside of the 2.8 lots per acre, previously completed phases fall far enough below the 2.80 maximum that the density of all phases of Riverside still lies at or below 2.80 building lots per acre.
- B. Lot Area: All lots meet or exceed the required 9,000 sq. ft. minimum lot size.
- C. Lot Width: When factoring in all previous phases of the development, the average lot width meets the required 90' minimum.

In all material aspects related to zoning and engineering, it is staff's opinion that the plat is compliant. Minor engineering corrections have been noted above.

Commissioner Losee suggested the engineering items be completed prior to going before the City Council. Shari explained the process has been amended in that instead of a developer request going on the next City Council meeting, a developer will have to wait until the first City Council meeting of the month.

**Commissioner Losee moved to recommend approval to the City Council for Final Plat, Site & Improvement Plans for: Riverside Place Phase 4 (4.16 Acres, 12 Lots Zoned R-M)**

**Located at approx. 6700 S Pebble Creek Drive. Applicant: Scott Heagy of MB-Riverside Place subject to the following:**

**1. City Engineer's review of 1 June 2021**

**Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**Commissioner Johnson moved to open the public hearing for Rezone Request (16.34 Acres from A to NR) for Geneva Rock Located at approx. 2830 Cornia Drive. Applicant: Bill Gammell of Geneva Rock Products. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**5. Public Hearing & Action on Rezone Request (16.34 Acres from A to NR) for Geneva Rock Located at approx. 2830 Cornia Drive. Applicant: Bill Gammell of Geneva Rock Products:**

Commissioner Walton asked if there was any public comment.

**Paul Sturm, 2725 Deer Run Drive,** addressed Agenda Item #5 concerning the rezone request for Geneva Rock. He questioned what will happen with the ground once mining operations cease. He also questioned why Geneva is currently mining in an Agricultural Zone. After review of the General Plan map, he pointed out it currently shows this property to be Light Industrial (L-I) and Commercial Recreation (C-R), not Natural Resources. He opined Geneva needs to better explain their intentions for their proposed expansion.

**Farrell Poll, 2316 E. 7800 S.,** questioned why public comment is before the explanation of the project.

**Commissioner Losee moved to close the public hearing for Rezone Request (16.34 Acres from A to NR) for Geneva Rock Located at approx. 2830 Cornia Drive. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

City Planner Shari Phippen reported this rezone is being requested in order for Geneva Rock to expand their current excavation operation. The property currently surrounding the proposed rezone is already zoned Natural Resources. Rezoning the parcel to natural resources would be in line with the existing zoning and current use of the property.

On the land use side of the rezone request, excavation is a conditional use in the natural resources, so prior to expanding their business into the rezoned property, if the rezone is granted, Geneva should be required to obtain a conditional use permit.

### **Staff & General Plan Analysis**

Shari reported as this is a legislative issue, the Commission's role is to review the request and make a recommendation to the City Council. The Commission may recommend the Council approve or deny the request. The Commission may also attach conditions or recommendations to its motion to the Council. Council will then review the request and either approve or deny the rezone or approve with conditions.

Shari expressed strictly speaking, the rezone request does not comply with the future land use map of the General Plan, as the General Plan does not anticipate a natural resource zone in the City. She has looked into the conversations surrounding this property that were held during the General Plan update process. In examining this property and making a determination for the future land use map, the City was considering what the use of the property could be once the property was no longer an excavation operation.

Shari relayed she has spoken to Geneva and requested that they provide the City with a concept of how the business will expand into the property. While not required as part of the rezone application, it would allow the City to see the plans for expansion of the business and to consider those plans when reviewing the conditional use permit that Geneva will need to obtain prior to actually beginning excavation on this portion of the property.

Commissioner Losee asked about the zone. Brandon explained as long as he has been with the City it has been zoned this way. Shari reported the operation has been there for so long that there isn't an agreement with the City. She anticipates as part of the conditional use permit approval, the City will be in a position to get an agreement in place.

Commissioner Johnson reported Geneva is recycling concrete, which is a manmade resource, and creating fugitive dust. He feels the Division of Air Quality and Department of Environmental Quality should be looking into the pollution coming out of the pit. He has a copy of the study for a lake, but Weber Basin said they don't have enough water to fill the pit. He discussed the wind coming out of the canyon, which increases the pollution.

Commissioner Davis is concerned about Geneva using the property for other reasons if it is rezoned. Shari discussed Geneva being strictly limited to the use. Commissioner Davis is in favor of moving forward to allow the city leverage in getting an agreement, but he shares the concerns with the dust. Shari expressed right now the city has very little recourse or leverage to bring some of the issues under control, but if the property is rezoned, a conditional use permit will be required, and the City would have the ability to require an agreement. She explained because the rezone is legislative the city has broader authority on what conditions they will and won't accept.

Commissioner Losee is concerned about approving this without a concept plan, especially when it impacts the citizens in the city. Commissioner Johnson discussed NR Zone is for excavation or extracting, and it doesn't allow for reusing materials and violates city code. Shari will have Code Enforcement Officer Chris Tremea look into if there are any violations.

Commissioner Boatright is concerned no representative from Geneva is in attendance to answer questions and concerns because there are many questions and no answers. He would not recommend the rezone at this point.

**Commissioner Johnson moved to table the Rezone Request (16.34 Acres from A to NR) for Geneva Rock located at approx. 2830 Cornia Drive until an operating agreement is reached between Geneva Rock and South Weber City.**

Further discussion took place. Commissioner Losee requested a concept plan to be included in the motion. Commissioner Johnson expressed the need for environmental studies. Shari addressed studies being required when a conditional use permit application is submitted. Commissioner Boatright discussed not putting too many requirements in the motion and suggested keeping it to just the agreement between the city and Geneva.

**Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**Commissioner Losee moved to open the public hearing for Rezone Request (2.78 Acres from A to CH & 8.85 Acres from A to R7) for South Weber Gateway Located at approx. 2310 E South Weber Drive. Applicant: Brad Brown of Colliers International. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**6. Public Hearing & Action on Rezone Request (2.78 Acres from A to CH & 8.85 Acres from A to R7) for South Weber Gateway Located at approx. 2310 E South Weber Drive. Applicant: Brad Brown of Colliers International:** City Planner Shari Phippen reported this parcel is located west of Highmark Charter School. There have been ongoing discussions on the development possibilities of the property. Both the city and the developer felt that the appropriate step would be for the developer to bring forward a rezone application, accompanied by a concept plan, so that a formal action can be taken on the request.

Shari acknowledged it should be noted that the concept is not a final development plan, and that approval of a rezone does not equal approval of a development plan. Discussions on phasing, access and other things related to zoning and engineering will happen as part of the review of the preliminary and final plats. That isn't to suggest that they can't be discussed at all, but the details of those are finalized at development stages that come after the rezone, if the rezone is granted.

Shari explained while the General Plan calls out that this property will be zoned commercial highway, it also calls out that the city should put a development plan/agreement in place. During the discussions before the General Plan was adopted, the City Council determined that a residential component could be put into the development plan/agreement, subject to review and approval by the city.

The developer had discussions in City Council meetings regarding the residential densities that would be acceptable on the property. Council discussions indicated that the developer would only be granted density on the portion of the project that is being developed as residential- the developer would not be granted any residential density on the portion zoned commercial



highway. The proposed 62 units fits within the density allowed on the R-7 portion of the property.

### **Staff Analysis**

As this is a legislative issue, the Commission's role is to review the request and make a recommendation to the City Council. The Commission may recommend the Council approve or deny the request. The Commission may also attach conditions or recommendations to its motion to the Council. Council will then review the request and either approve or deny the rezone or approve with conditions.

The rezone request is compliant with the General Plan's projected land use for the property, to the extent that it contains a commercial highway element, and the developer has agreed to enter into a development agreement with the city. Additionally, as previously stated, the residential density proposed complies with the portion of the property proposed to be zoned residential. Because city code does not require a certain ratio of commercial to residential, staff cannot present an analysis of whether the ratio complies with any requirement.

Sky Hazlehurst, of Colliers International, discussed the history of this project. He pointed out a concept design was submitted months ago, but it became complicated with the development agreement. He relayed the commercial space has remained relatively the same and the project will be phased as follows:

- Phase One of the project shall have a minimum of three retail pads constructed concurrently with no more than 33 townhome units. As depicted in Sketch Plan dated 5/24/21, Sketch number 7152-05.
- Phase Two of the project shall have a minimum of one additional retail pad with a building size of approximately 2,322 SF, constructed concurrently with no more than 29 townhome units. As depicted in Sketch Plan dated 5/24/21, Sketch number 7152-05.
- Phase Three will include a final commercial pad of approximately 42,600 SF in land size. This commercial pad will be built out as the market demands, this may be before Phase One and Two, or after. As depicted in Sketch Plan dated 5/24/21, Sketch number 7152-05.

Commissioner Walton asked if there was any public comment.

**Paul Sturm, 2725 Deer Run Drive**, expressed the corner of this parcel should be residential and not Agricultural as presented. He questioned if there is two ingress/egress routes for this development, because the request is for more than 30 units and city code requires it.

**Commissioner Losee moved to close the public hearing for Rezone Request (2.78 Acres from A to CH & 8.85 Acres from A to R7) for South Weber Gateway Located at approx. 2310 E South Weber Drive. Applicant: Brad Brown of Colliers International. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***



Shari reiterated this is not approval of a development plan and there is nothing the developer is being exempted from. The developer will still be required to abide by city code as the process continues.

Sky responded there will be two access points on the property.

Commissioner Johnson pointed out the city hasn't established a standard for how much commercial verses how much residential before any sort of mixed use zoning. He feels it should be 8.85 commercial and 2.78 residential. This does not match the Economic Strategy Plan on July 2008 which is found on file at the City Office. Shari reported that plan is outdated and isn't something the city refers to.

Commissioner Davis is in favor of approving this from the perspective it meets current code. Commissioner Losee expressed the general plan designated the property as a cross-hatched section, how does it impact the planning of the development. Shari relayed it doesn't all have to be one zone. The split zoning is because of discussion coming out of City Council. Blair Halverson discussed this rezone request puts the rules in place.

Commissioner Losee voiced concerns with the development. Commissioner Boatright reiterated this is for a rezone request. Shari reported the Planning Commission can request city staff look at some of the concerns. Commissioner Boatright appreciates the developer working with the city. He understands the need for residential in this economy. Commissioner Davis asked how the Planning Commission makes sure conditions are considered by the City Council.

Commissioner Losee asked if there can be a lower density. Sky replied they feel this mix can be delivered on with a high quality of construction. Any less and they run the risk of what they can build and how it will look. Sky reported all the townhomes are two story with two car garage. Commissioner Walton echoed the developer has tried to work with the city; however, he is concerned about traffic flow with Highmark Charter School. He is also concerned about what the city can do after the property is rezoned, but the development doesn't get approved. Shari stated a reverter clause has been put in place in that if the development doesn't take place, the property will go back to the original zone.

**Commissioner Davis moved to recommend to the City Council the Rezone Request (2.78 Acres from A to CH & 8.85 Acres from A to R7) for South Weber Gateway Located at approx. 2310 E South Weber Drive. Applicant: Brad Brown of Colliers International subject to the following recommendations:**

- 1. Include a Reverter Clause**
- 2. Traffic flow an interface with HighMark Charter School**
- 3. Entertain an overall lower density**

**Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and Walton voted aye. Commissioner Johnson voted no. The motion carried.**

**Commissioner Walton moved to amend motion to entertain an overall lower density of the property. Commissioner Boatright seconded. A roll call vote was taken. Commissioners Johnson, Davis, Losee, Boatright, and Walton voted aye.**

Commissioner Johnson would like to see the City Council come up with a standard.

**7. Action on Rezone Request (18.079 Acres from A & CH to CH) for Stephens Exit Located at NE Corner of 475 E & 6650 S. Applicant: Carter Randall of C&N Property Holdings LLC:**

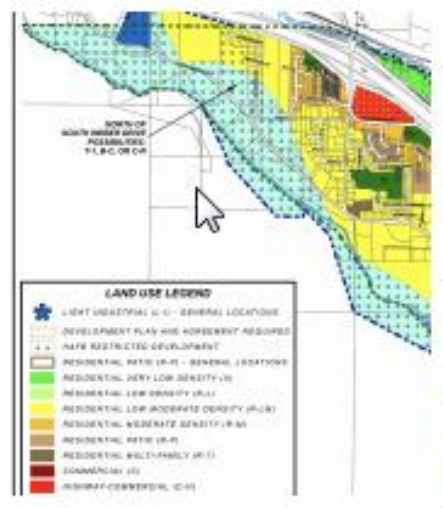
City Planner Shari Phippen reported this project was tabled at the May 13, 2021, Commission meeting. That was done in anticipation of the City Council taking up the land use matrix for deliberation. At the May 25, 2021, meeting, the Council adopted the land use matrix. Her comments have not changed since the May 13th meeting but are being included again.

This parcel is located on the corner of 475 East and 6600 South in South Weber City. The applicant, with consent of the developer, has applied to rezone the property from its present zone of Agricultural to Commercial Highway. They have not presented the city with a concept plan as to what they want to do with the property.

The City Council and Planning Commission have, in the past, requested that rezone applications come forward with a concept so that the city has some assurance of what types of projects are intended for properties.

### General Plan Analysis

The image below is from the Projected Land Use Map of the 2020 South Weber City General Plan. The Stephens' property is in red in the top corner of the image. As you can see from the image and from the key, the property is projected to be rezoned to Highway Commercial.



The crosshatch that is on the property does indicate that the city has the option to consider a master planned project on the property via a development plan/agreement. That would require additional information from the developer and is not being requested at this time. A development plan/agreement is not required to process a rezone, it is simply another option available.

The application, to the extent that it is requesting a rezone to Highway Commercial, complies with the General Plan.

### **Staff Analysis**

As this is a legislative issue, the Commission's role is to review the request and make a recommendation to the City Council. The Commission may recommend the Council approve or deny the request. Council will then review the request and either approve or deny the rezone. Legislative actions allow the city to make additional requests beyond what is in the application.

The rezone request is compliant with the General Plan's projected land use for the property.

The applicant has not provided a concept plan, which the Commission and Council have requested accompany rezone applications. While a concept is not specifically required in a rezone application, having one allows the city to have some understanding of the developer's intent in pursuing the rezone.

If the Commission chooses to recommend against the application, the developer has the following options:

- Prepare a concept, submit a new rezone application, and come before the Planning Commission at a future meeting.
- Proceed to the Council without a concept.

Carter Randall, of C&N Property Holdings LLC, explained the reason there isn't a concept plan is because there isn't a zone.

Commissioner Losee thanked him for waiting for the C-H Zone through the city. This zone now tells the developer what uses can fit in the C-H Zone. She stated without having a concept plan, she can't say yes or no to the rezone request. Shari reviewed a concept plan and how it is a general layout. It doesn't require a developer to have the end user identified.

Carter stated he is trying to establish an actual use so he isn't beholden to public comment of whether or not someone wants that particular use. Commissioner Boatright asked the developer how long he needs. He would like a general idea of what the developer is thinking. Carter would like clarification that the uses will be acceptable based upon the City code. He discussed this project being phased because it is 18 acres. Commissioner Boatright explained the code is established. Carter replied then why can't the rezone be approved. Commissioner Walton pointed out the developer has the opportunity to request the rezone because it falls under City code. Shari reminded everyone the concept plan is a simple plan. She feels some of the uses are getting tangled up in the discussion.

Commissioner Johnson would like to see the rezone go through and then the developer can put together a rezone.

**Commissioner Johnson moved to recommend to the City Council the Rezone Request (18.079 Acres from A & CH to CH) for Stephens Exit Located at NE Corner of 475 E & 6650 S. Applicant: Carter Randall of C&N Property Holdings LLC. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

## 8. Planning Commission Bylaws

City Planner Shari Phippen reported in early 2021, the South Weber City Council passed an ordinance amending Title 10, Chapter 3, which governs the makeup of the South Weber City Planning Commission (Ordinance 2021-01). The update states that the Commission can adopt bylaws that govern their conduct and meetings.

The Commission has previously reviewed the bylaws. As of today, all specific changes that were given to staff have been incorporated. A clean copy of the bylaws is attached, as well as a copy of the bylaws provided at the 4/8/2021, which show comments and questions previously posed by commissioners. No substantive changes have been made from the 4/8 draft, as no specific motions were passed that would require changes and additions to the bylaws.

### Staff Analysis

Staff recommends one addition- under Section II-E, “Motions”, I would recommend an addition at the beginning of that section that clarifies that the Chair calls for a motion. It is important to note that while there may be significant discussion and individual commissioners may wish to make a motion to amend or take another action, it is part of the Chair’s role to grant a request to make a motion, or to call for a motion. Other than that item, staff has no further suggestions for edits to the bylaws and believes they are ready for adoption.

Commissioner Boatright suggested adding not having discussions while texting, messaging, and emailing during the meeting. Shari suggested including it under “Rights and Duties of the Commissioners”. Commissioner Walton questioned if public comment can be streamlined. Shari replied on the agenda when it talks about public comment – *(the public comment is limited to those items not subject to public hearings)*.

**Commissioner Losee moved to approve the Planning Commission bylaws as amended. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

### REPORTS:

**Commissioner Boatright:** thanked Commissioner Walton for chairing tonight’s meeting.

**Commissioner Davis:** suggested the Code Committee spend time reviewing the city code concerning a concept plan.

**Commissioner Johnson:** requested a final copy of the matrix on one page.

**ADJOURNED:** Commissioner Boatright moved to adjourn the Planning Commission meeting at 8:21 p.m. Commissioner Johnson seconded the motion. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date**  
**Chairperson: Gary Boatright**

\_\_\_\_\_  
**Transcriber: Michelle Clark**

\_\_\_\_\_  
**Attest: Development Coordinator, Kimberli Guill**

**From:** [CRAIG KARREN](#)  
**To:** [Public Comment](#)  
**Subject:** Geneva Rock Request to Rezone  
**Date:** Saturday, June 5, 2021 5:51:41 PM

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To Whom It May Concern,

I am deeply opposed to this rezoning. I live about 2-3 miles west of the sand/gravel pits and my home is constantly inundated with sand. I can not go to the Weber County Dump with my pickup truck unless the items are under a tarp. The trucks that leave the sand/gravel pit are not covered, sand is blowing everywhere. Geneva Rock has devastated the landscape. Making an ugly hole with no prospect of correcting it. I am sure that the city receives some compensation, but I do not feel that it is worth the damage to the roofs, windows, siding and yards of those of us who receive the unwanted sand from Geneva Rock. My grass is 3 inches above the sidewalk due to the constant build up of sand. Please consider the welfare of the citizens of the city over the greedy request of Geneva Rock.

Sincerely,

J Craig Karren DDS  
7563 South 2020 East  
South Weber, Utah



**Comments to South Weber City Planning Commission  
for 10Jun21 Meeting  
by Paul A. Sturm**

**Public Comments on Meeting Packet**

Agenda Item #7 - Packet Page 45 of 57 - Action on Rezone Request (18.079 Acres from A & CH to CH) for Stephens Exit Located at NE Corner of 475 E & 6650 S. Applicant: Carter Randall of C&N Property Holdings LLC.

I have some confusion whether or not this topic in the PC meeting is a Public Hearing or not, so I am making my presentation on this topic during the Public Comment portion of the meeting. The 10Jun21 PC Meeting Agenda shows Agenda Item #7 as an Action on a Rezone Request, not a Public Hearing, although Ms. Phippen's summary document on Page 45 of the packet indicates that it is a Public Hearing and Rezone Request. I did not discover this difference until last night 9Jun21 so as to be able to notify anyone.

I believe that Carter Randall appears to be wasting SWC's time because he appears to have failed, on several fronts, to provide the information requested by SWC on many occasions. In particular this is by not providing a "Concept Plan/Drawing". This is too crucial of a property to SWC to not have it planned/developed properly and for SWC to just "**Trust**" a developer to do what is right for the City and not be "**Hoodwinked**" as has happened in the past.

As stated in the SWC Planner's Summary, the applicant does not provide any of the new information requested by SWC. The City Council and Planning Commission have, in the past, requested that rezone applications come forward with a concept so that the City has some assurance of what types of projects are intended for properties. The applicant has not provided a concept plan, which both the Commission and Council have requested accompany rezone applications. While a concept drawing is not specifically required in a rezone application, having one allows the City to have some understanding of the developer's intent in pursuing the rezone, thus the recommendation against approval of this rezone request.

In this submission it appears that the only additional information Mr. Randall has provided is a Zone Change Application form, and even that is incomplete!

- 1) Mr. Randall states that this is to be a Master-Planned property, yet provides no evidence that any planning has occurred, and thus appears to be a smokescreen.
- 2) He also has not provided an attachment as stated in his application that would have provided information on permitted uses.



## PUBLIC HEARINGS

### Public Hearing I)

Agenda Item #5 - Packet Page 29 of 57 - Public Hearing & Action on Rezone Request (16.34 Acres from A to NR) for Geneva Rock.

I fully agree with the SWC Planner in that the SWC citizens concerns were primarily, 'What will happen with the ground once mining operations cease'. Another concern is that "Why is Geneva currently mining in an Agricultural Zone?".

After a review of the General Plan map, it currently shows this property to be "\* Light Industrial (L-I) and Commercial Recreation (C-R)", not Natural Resources. Is this a disconnect with what is being proposed? The legal description provided in the Zone Change Application appears to be same as shown below for the entire Parcel description extracted from Davis County Property Search.

I suggest that this be reviewed on screen during this Planning Commission Meeting as shown below as extracted from Davis County Property Search. This map clearly shows the present pit configuration and believe Geneva needs to better explain their intentions for their proposed expansion.

**Parcel ID : 130390046**

**PROPERTY OWNERSHIP**

Owner : GENEVA ROCK PRODUCTS INC

Mailing Address : 1565 WEST 400 NORTH

Mailing City : OREM

Mailing State : UT

Mailing Zip : 84057

**GENERAL INFO**

Parcel ID : 130390046

Site Address : 2830 E CORNIA DR

Site City : SOUTH WEBER

Site Zip : 84405

Tax Legal Desc : PART OF THE NW 1/4 OF SEC 36 T5N R1W, SLM, & MORE PARTLY DESC AS FOLLOWS: BEG AT A PT ON THE W R/W LINE OF THE OLD STATE HWY, SD PT BEING N 89°54'03" W 314.60 FT ALG THE SEC LINE & S 0°05' (Cont...)

Acreage : 41.19





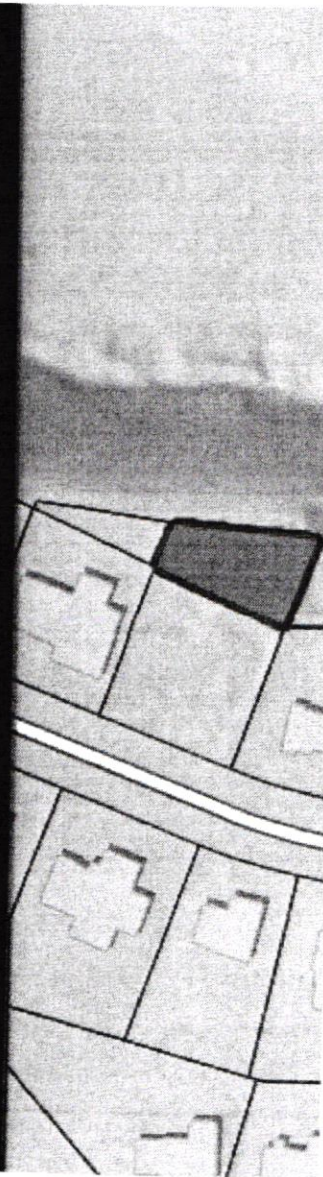
**Public Hearing II)**

Agenda Item #6 - Packet Page 35 of 57, Public Hearing & Action on Rezone Request (2.78 Acres from A to CH & 8.85 Acres from A to R7) for South Weber Gateway Located at approx. 2310 E South Weber Drive. Applicant: Brad Brown of Colliers International.

I have several concerns with the information provided by Mr. Brad Brown and Mr. Skye Hazlehurst for this Public Hearing. *MA*

- 1) In the Zone Change Application Brown is requesting a Rezone from A to H-C. SWC does not have an H-C zone. There is a Highway Commercial (C-H) zone, but, although this is only a transposition, it is inaccurate for an official document.
- 2) On page 40 of 57, I have a question regarding the southwest corner of the property as depicted. It appears that a corner of this parcel, as shown below, should be "Residential" and would not have been designated as "Agricultural" as presented.

<b>Parcel ID : 130340069</b>	
<b>PROPERTY OWNERSHIP</b> 	
Owner :	HUBBARD, JENNIFER
Mailing Address :	2356 EAST VIEW DR
Mailing City :	SOUTH WEBER
Mailing State :	UT
Mailing Zip :	84405
<b>GENERAL INFO</b> 	
Parcel ID :	130340069
Site Address :	
Site City :	
Site Zip :	
Tax Legal Desc :	BEG AT THE NW COR OF LOT 33, ROYAL FARMS ESTATES PHASE 3 & CONTINUING S 65°50'02" E 105.47 FT; TH N 20°47'38" E 70.00 FT; TH N 84°30'9" W 109.15 FT; TH S 20°47'38" W 35.00 FT TO THE POB. (Cont...)
Acreage :	0.127





3) In Mr. Hazlehurst's letter at the first bullet, he states "Phase One of the project shall have a minimum of three retail pads constructed concurrently with no more than 33 townhome units. As depicted in Sketch Plan dated 5/24/21, Sketch number 7152-05".

Once again the developer appears to not want to listen **nor** pay attention to what the City Council and Planning Commission have told them regarding this development. During prior presentations the developer was told on several occasions, by numerous members, that subdivisions with more than 30 units should have a second exit since this is a safety issue. (Please see SWC Code 11.4.4 (below), including Paragraph 3]. Mr. Hazlehurst acknowledged that information regarding only 30 units with one exit during these meetings and presentations. Yet, the developers now comes back with a statement and sketch plan drawing that shows 33 units, that either appears to blatantly ignore the information provided by the City, or possibly attempting to circumvent SWC Code and push it to its limits.

IAW Subparagraph a. of ~~11.4.4~~, the City may grant a waiver, under specific conditions, such as topography, that I believe do not apply to this parcel since a Phase 2 is also being proposed at this time on adjacent land. But, why would the City want to grant a waiver with all of the past possible missteps by this developer? I believe that this is a likely warning sign of yet another developer trying to "Hoodwink" SWC in the development process, and believe that they need be watched closely.

#### 11-4-4: STREETS, EASEMENTS AND NUMBERS:



A. Arrangement: The arrangement of streets in the new subdivision shall make provision for the continuation of existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater widths (but in no case less than the required minimum width), unless variations are deemed necessary by the planning commission. The street arrangements must be such as to cause no unnecessary hardship to the owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Proposed public streets shall be extended by dedication to the boundary of such property. Private rights of way or streets may be permitted by the planning commission if, in its opinion, the right of way is not needed as a public street to provide access to adjacent properties or to fulfill a recommendation of the general plan and the lots meet the provisions of the zoning title for private right of way development. Half streets along the boundary of land proposed shall not be permitted.

1. Every dwelling structure which lies farther than one hundred fifty feet (150') from a public street to the nearest point on the structure shall be accessible to fire department apparatus by way of an access road having all weather drivable and maintainable surface with not less than twenty feet (20') of unobstructed width and thirteen feet six inches (13'6") of vertical clearance with adequate turning radius capable of supporting the imposed loads of fire apparatus.

2. Dead end access roads in excess of one hundred fifty feet (150') in length shall be provided with approved provisions for a fifty foot (50') radius turnaround for the turning around of fire department apparatus.

3. Developments where the number of residential building units exceeds thirty (30) along a single street shall have a minimum of two (2) ingress/egress routes which are two (2) fully improved city rights of way. Thirty (30) residential units shall include all proposed residential units and all existing single-family buildings and lots, empty building lots, and each apartment unit located along a single road up to and including the nearest intersection with two (2) existing means of ingress/egress.

a. The City Council may grant a waiver to these regulations for more than thirty (30) residential units with one point of improved ingress/egress when unique topographic circumstances or "landlocked" (physically restrained from other access points) from adjacent, existing developments circumstances exist. A waiver of these regulations may require the City Council, with the recommendation of the City Engineer and Fire Chief, to apply additional development requirements to enhance public safety standards.

4. A development that extends more than one thousand eight hundred feet (1,800') from a connecting street will have a second ingress/egress. (Ord. 13-08, 2-26-2013)

To: Development Review  
From: Trevor Cahoon, Community Services Director  
Re: Internal Accessory Dwelling Unit – Draft Ordinance

**PURPOSE**

Within the parameters of HB82, the Planning Commission is tasked to amend/revise this ordinance and make a final recommendation to the City Council.

The adoption of an Internal Accessory Dwelling Unit (IADU) City ordinance is a legislative action. The Planning Commission's role is to consider the draft ordinance and to make a recommendation to the City Council. In making its decision, the Planning Commission may consider policy-based input. The ordinance has been drafted by the City Attorney, City Planner, staff, and the Code Committee.

**BACKGROUND**

In the 2021 general session, the Utah Legislature passed HB82, requiring that cities allow internal accessory dwelling units in no less than 75% of the zones that allow for residential uses. By no later than October 1, 2021, Utah municipalities are required to have an ordinance in place that complies with the provisions of HB82 or IADUs will be allowed in any residential property.

The bill defines IADU as an accessory dwelling unit created within a primary dwelling, within the primary dwelling's footprint, and for the purpose of renting for 30 consecutive days or longer. The primary dwelling is a single-family dwelling in which the owner occupies the primary residence, and the dwelling is detached.

In areas zoned primarily for residential use (a determination up to the municipality), IADUs are permitted uses. However, a municipality may prohibit IADUs in up to 25% of the total area in the municipality, zoned for primarily residential, or, if a state or private university with a student population of 10,000 or more is located in the municipality, 67% or less.

A municipality may not establish restrictions on the construction or use of an IADU, including IADU size within the primary dwelling, total lot size, or street frontage. However, HB 82 allows a municipality to adopt the following IADU restrictions and requirements: require bedroom window egress, prohibit installation of a separate utility meter, require that the IADU design not change the appearance of the primary dwelling, require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport, prohibit an IADU in a mobile home, require an IADU permit or license, prohibit an IADU if the primary dwelling is served by a failing septic tank, prohibit an IADU if the lot is 6,000 sf or less, prohibit the renting of the IADU for less than 30 consecutive days, and prohibit renting an IADU that is not in an owner-occupied primary dwelling.

***Draft Ordinance Summary***

The draft ordinance follows state law in what Cities must do and cannot do. While the City has some discretion on several items within the code, what can be prohibited or restricted is reflected within the draft ordinance with few exceptions. The prerogative of the Planning Commission is to make recommendations on what restrictions or prohibitions, allowable under state law, are to be recommended to the City Council.

Some notable areas within the draft ordinance are:

- There is no prohibition on the changing of external appearance
  - As the Committee discussed this, we determined that because setbacks, height limits and other things are in place regarding building placement, an addition to a home for an IADU doesn't create any greater of an impact than an addition for a living room or any other purpose.
  - Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- The property owner must occupy the dwelling in order to utilize the IADU
- A minimum 15-foot common wall or floor space is required between the IADU and the main unit
  - This will prevent property owners from having a breezeway or some other similar structure connecting two separate units, under the guise of having a single dwelling unit on the property.
- IADUs are allowed in all residential zones, excluding the Residential Multi-Family (R-7) and Residential Patio (R-P).

In order to determine the zones where IADUs would be allowed, the Committee had Jones & Associates (the City's engineering firm) analyze and break down the zoning data in the city. The data they presented is as follows:

	# of Parcels	Acreage	Area %	# Parcels < 6000 Sq Ft
Residential Very Low Density (A)	232	916.02	49%	1
Residential Low Density (R-L)	416	247.54	13%	2
Residential Low Moderate Density (R-LM)	118	60.68	3%	1
Residential Moderate Density (R-M)	1598	593.81	32%	17
Residential Patio (R-P)	96	18.44	1%	10
Residential Multi-Family (R-7)	202	17.49	1%	198
Total	2662	1853.99	100%	229

A clear criteria should be set to exclude zones or areas within the city to disallow IADUs. Upon review of city zoning code, and the specific prohibitions that are allowed under the state statute, it is recommended that the R-7 zone and R-P are the most defensible zones to prohibit IADUs in order to create a standard criteria.

## **GUIDANCE**

There are things that municipalities CAN do, things they MUST do, and things they CANNOT. Those things are:

### Cities CAN

- Require bedroom window egress
- Prohibit installation of a separate utility meter
- Require that the IADU design not change the appearance of the primary dwelling
- Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- Prohibit an IADU in a mobile home
- Require an IADU permit or license
- Prohibit an IADU if the primary dwelling is served by a failing septic tank
- Prohibit an IADU if the lot is 6,000 sf or less
- Prohibit the renting of the IADU for less than 30 consecutive days
- Prohibit renting an IADU that is not in an owner-occupied primary dwelling.

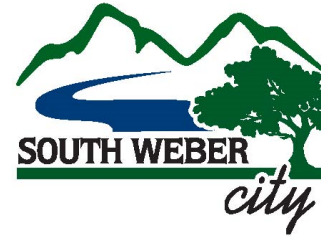
### Cities MUST

- Have an ordinance in place by October 1, 2021, that meets requirements of HB82
- Allow IADUs in 75% or more of the residentially zoned areas within the city
- Amend the definition of single family to remove the word “unrelated”
- Create exemptions for IADUs related to wall thickness, ventilation, and other changes, per the State Construction Code

### Cities CANNOT

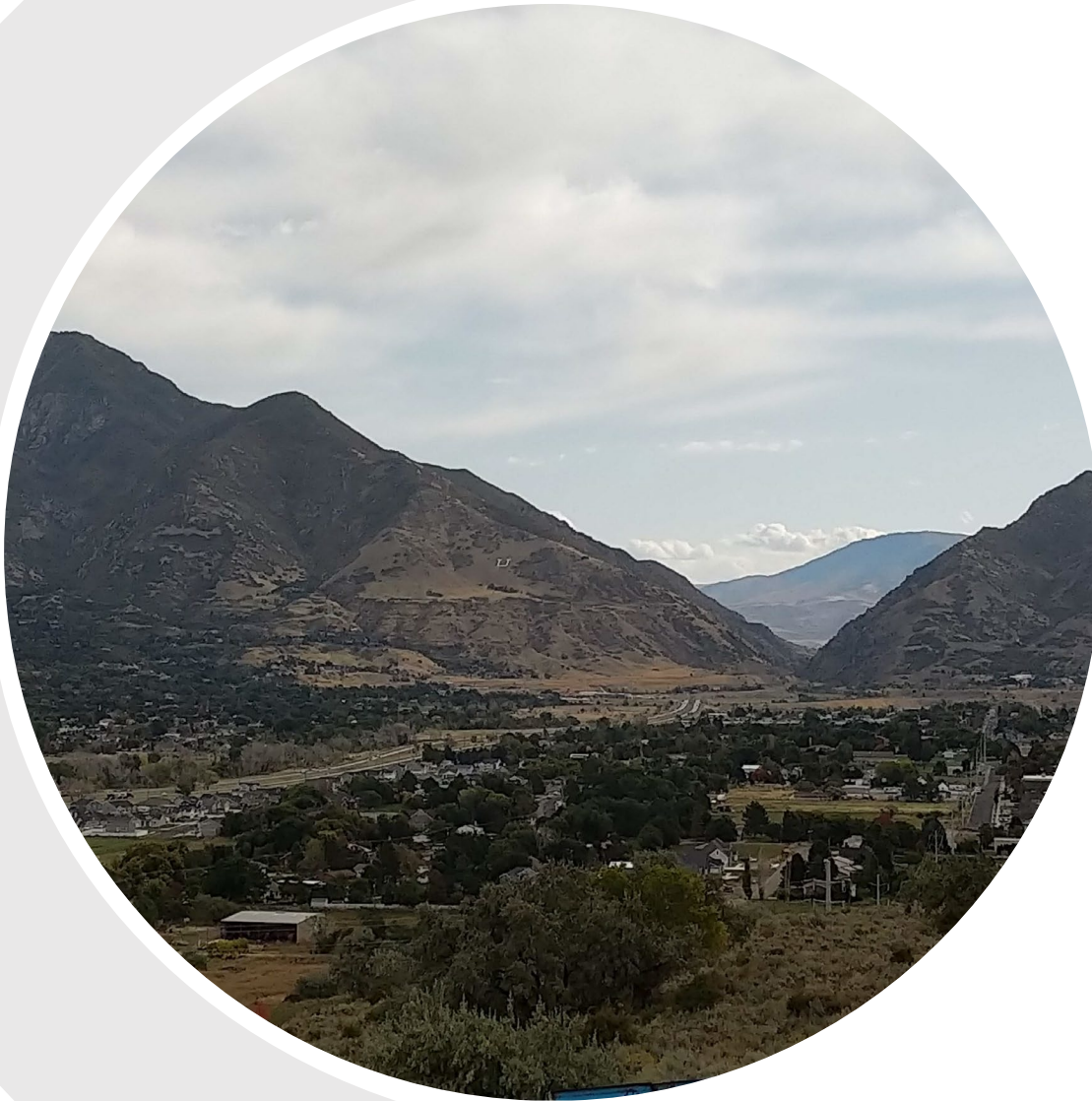
- Limit the size of an IADU
- Issue a blanket ban on IADUs
- Limit the lot size and frontage of lots containing IADU (noted exception above)
- Prohibit IADUs in more than 25% of residentially zoned areas in the city
- Require installation of a separate utility meter





# IADU ORDINANCE

TREVOR CAHOON – COMMUNITY SERVICES DIRECTOR





# PURPOSE

Consider the Draft Ordinance and make a recommendation to the City Council for adoption of an IADU Ordinance in compliance with State Statute

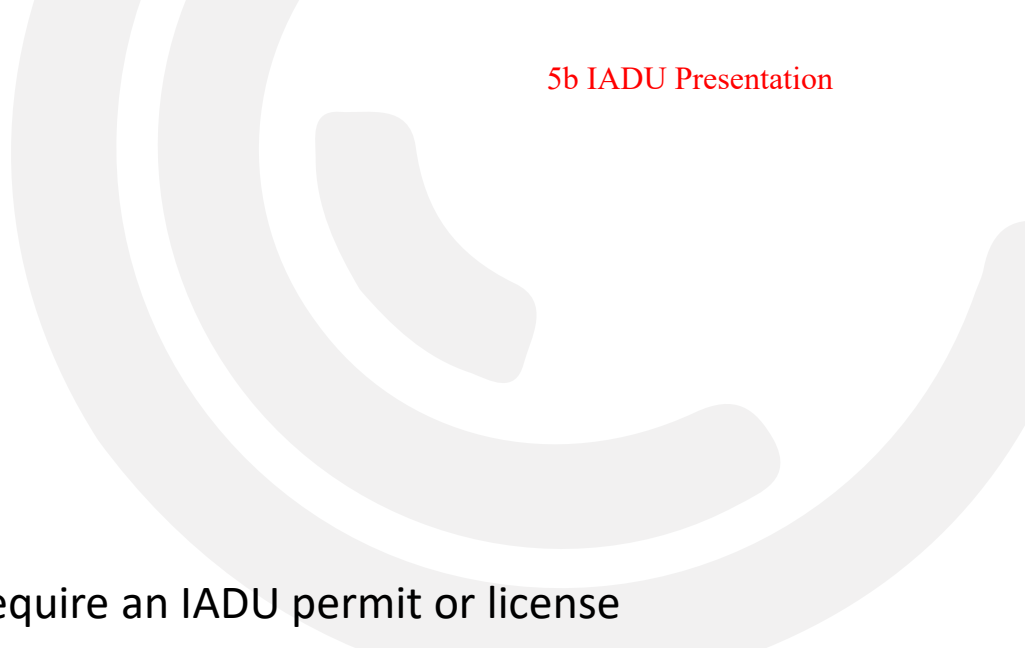



In the 2021 general session, the Utah Legislature passed HB82, requiring that cities allow internal accessory dwelling units in no less than 75% of residential zones.

By October 1, 2021, we are required to have an ordinance in place that complies with the provisions of HB82 or IADU will be expressly allowed within the city.



# CONTEXT

- 
- 
- Require an IADU permit or license
  - Prohibit an IADU if the primary dwelling is served by a failing septic tank
  - Prohibit an IADU if the lot is 6,000 sf or less
  - Prohibit the renting of the IADU for less than 30 consecutive days
  - Prohibit renting an IADU that is not in an owner-occupied primary dwelling.





# DRAFT ORDINANCE SUMMARY

THE DRAFT ORDINANCE FOLLOWS STATE LAW IN WHAT CITIES MUST DO AND CANNOT DO. WHILE THE CITY HAS SOME DISCRETION ON SEVERAL ITEMS WITHIN THE CODE, WHAT CAN BE PROHIBITED IS REFLECTED WITHIN THE DRAFT ORDINANCE WITH FEW EXCEPTIONS.





# ORDINANCE HIGHLIGHTS



## EXTERNAL APPEARANCE



## OWNER OCCUPATION

Either the IADU or the primary dwelling unit shall be owner-occupied.



## COMMON WALL OR FLOOR

In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.



## ZONING

IADUs are allowed in all residential zones, excluding the Residential Patio (R-P) Residential Multi-Family (R-7).



# RESIDENTIAL ZONING INFORMATION

	# of Parcels	Acreage	Area %	# Parcels < 6000 Sq Ft
Residential Very Low Density (A)	232	916.02	49%	1
Residential Low Density (R-L)	416	247.54	13%	2
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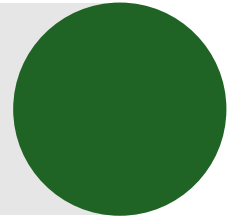


# DISCUSSION



# WHAT CAN WE DO?

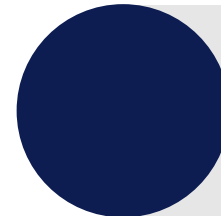
## WHAT CITIES CAN DO



- ✓ Require bedroom window egress
- ✓ Prohibit installation of a separate utility meter
- ❑ Require that the IADU design not change the appearance of the primary dwelling
- ✓ Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- ✓ Prohibit an IADU in a mobile home
- ✓ Require an IADU permit or license
- ✓ Prohibit an IADU if the primary dwelling is served by a failing septic tank
- ✓ Prohibit an IADU if the lot is 6,000 sf or less
- ✓ Prohibit the renting of the IADU for less than 30 consecutive days
- ✓ Prohibit renting an IADU that is not in an owner-occupied primary dwelling.

- ❑ Limit the size of an IADU
- ❑ Issue a blanket ban on IADUs
- ❑ Limit the lot size and frontage of lots containing IADU (noted exception above)
- ❑ Prohibit IADUs in more than 25% of residentially zone areas in the City
- ❑ Require installation of a separate utility meter

## WHAT CITIES CANNOT DO



**ORDINANCE 2021-12**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING SOUTH WEBER CITY CODE CHAPTER 10.19 ENACTING REGULATIONS PERTAINING TO INTERNAL ACCESSORY DWELLING UNITS**

**WHEREAS**, the South Weber City Council has an obligation to allow Internal Accessory Dwelling Units within City Code.

**WHEREAS**, the South Weber City Council wishes to guide the development, regulation and distribution of such units as outlined by the State of Utah.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1.** Chapter adopted. Chapter 10.19 of the South Weber Code is hereby adopted to read as follows:

**CHAPTER 10-19 INTERNAL ACCESSORY DWELLING UNITS**

**10-19-1 Purpose**

To provide regulations for the construction and use of internal accessory dwelling units as prescribed in state statute. To ensure that such uses comply with all applicable building codes. To prevent such uses from being detrimental to the character of residential zones within South Weber City.

**10-19-2 Definitions**

The definitions contained in this Chapter shall have such meanings as may be found in Title 10, Chapter 1, Section 10 of this code.

**10-19-3 Permitted Use - Limitations**

- A. Internal Accessory Dwelling Units (IADU) shall be permitted in those zones identified in Title 10, Chapter 1, Section 10-A of this code, also known as the South Weber City land use matrix.
- B. Regardless of the location of a proposed IADU, no IADU may be located on parcels which:
  - a. Are smaller than 6,000 square feet
  - b. Are serviced by a failing septic tank
  - c. Have a recreational vehicle as the primary dwelling unit
- C. IADUs shall not be rented for less than thirty-day periods
- D. IADUs shall not be listed for rental on a short-term rental website or through other short-term rental media.
- E. No primary structure may contain more than one IADU.
- F. External accessory dwelling units are prohibited.

**10-19-4 Business License Required**

Prior to occupancy of an IADU, the owner of record of any parcel shall first apply for and obtain a business license from South Weber City.

**10-19-5 Building Permit Required**

Prior to beginning construction on a new IADU, the owner of record, or their designee, shall apply for and receive a building permit from South Weber City.

**10-19-6 Standards of Approval- General**

IADUs located in South Weber City shall adhere to the following standards:

- A. Single-family homes with an IADU shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.
- B. Either the IADU or the primary dwelling unit shall be owner-occupied.
- C. The primary dwelling unit and IADU shall be served by a single utility meter.
- D. A separate mailing address shall be created for the IADU.
- E. IADUs may not be rented to more than one family unit, as defined in South Weber City Code.

**10-19-7 Standards of Approval- Construction**

Construction of all IADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

- A. In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.
- B. Each IADU shall have separate eating, bathing, living, and sleeping areas.
- C. One off-street parking spot per IADU shall be provided, in addition to any off-street parking provided for the primary dwelling.
- D. In the event a garage or carport is converted to an IADU, off-street parking shall be replaced on a space-per-space basis.
- E. All IADUs shall have egress windows in any such room as required by the State Construction Code and Title 9 of South Weber City Code.
- F. An IADU may be constructed either as an addition to an existing home, a remodel of a garage, carport, or basement, or as part of new construction.
  - a. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.
  - b. Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, similar construction materials and design shall be used.

**10-19-8 Violation**

Failure to adhere to any of the provisions contained in this Chapter shall constitutes a violation of city code and may result in one or more of the following:

- A. Following the procedures outlined in State law, a lien may be filed with the Davis County recorder until such time as the violation is remedied.
- B. Prosecution of the property owner.
- C. Daily fines not to exceed \$100 per day.
- D. Revocation of a business license until such time as the violations are remedied.
- E. Any and all other fines and penalties available under City or State code.

**Section 2. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the \_\_\_<sup>th</sup> day of 2021.

\_\_\_\_\_  
**MAYOR: Jo Sjoblom**

\_\_\_\_\_  
**ATTEST: City Recorder, Lisa Smith**

Roll call vote is as follows:

Council Member Halverson	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Winsor	FOR	AGAINST

**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2021-12 was passed and adopted the \_\_\_<sup>th</sup> day of 2021 and that complete copies of the ordinance were posted in the following locations within the City this \_\_\_<sup>th</sup> day of 2021.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

\_\_\_\_\_  
**Lisa Smith, City Recorder**

CHAPTER 19  
INTERNAL ACCESSORY DWELLING UNITS

- 10-19-1: Purposes**
- 10-19-2: Definitions**
- 10-19-3: Permitted Use- Limitations**
- 10-19-4: Business License Required**
- 10-19-5: Permit Required**
- 10-19-6: Standards of Approval- General**
- 10-19-7: Standards of Approval- Construction**
- 10-19-8: Violation**

**10-19-1 Purpose**

To provide regulations for the construction and use of internal accessory dwelling units as prescribed in state statute. To ensure that such uses comply with all applicable building codes. To prevent such uses from being detrimental to the character of residential zones within South Weber City.

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  - a. Are smaller than 6,000 square feet
  - b. Are serviced by a failing septic tank
  - c. Have a recreational vehicle as the primary dwelling unit
- C. IADUs shall not be rented for less than thirty-day periods
- D. IADUs shall not be listed for rental on a short-term rental website or through other short-term rental media.
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- B. Either the IADU or the primary dwelling unit shall be owner-occupied.
- C. The primary dwelling unit and IADU shall be served by a single utility meter.
- D. A separate mailing address shall be created for the IADU.
- E. IADUs may not be rented to more than one family unit, as defined in South Weber City Code.

10-19-7 Standards of Approval- Construction

Construction of all IADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

- A. In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.
- B. Each IADU shall have separate eating, bathing, living, and sleeping areas.
- C. One off-street parking spot per IADU shall be provided, in addition to any off-street parking provided for the primary dwelling.
- D. In the event a garage or carport is converted to an IADU, off-street parking shall be replaced on a space-per-space basis.
- E. All IADUs shall have egress windows in any such room as required by the State Construction Code and Title 9 of South Weber City Code.
- F. An IADU may be constructed either as an addition to an existing home, a remodel of a garage, carport, or basement, or as part of new construction.
  - a. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.
  - b. Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, similar construction materials and design shall be used.

10-19-8 Violation

Failure to adhere to any of the provisions contained in this Chapter shall constitute a violation of city code and may result in one or more of the following:

- A. Following the procedures outlined in State law, a lien may be filed with the Davis County recorder until such time as the violation is remedied.
- B. Prosecution of the property owner.
- C. Daily fines not to exceed \$100 per day.
- D. Revocation of a business license until such time as the violations are remedied.
- E. Any and all other fines and penalties available under City or State code.