

River Heights City

River Heights City PLANNING COMMISSION AGENDA

Tuesday, July 28, 2026

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E.

Pledge of Allegiance

Adoption of Previous Minutes and Agenda

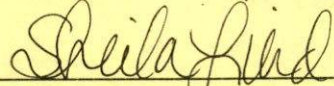
Public Comment on Land Use

Further Discussion on the Accessory Dwelling Unit (ADU) Ordinance

Review of Upcoming Code Changes

Adjourn

Posted this 23rd day of July 2026



Sheila Lind, Recorder

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov) and at riverheights.gov.

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission

Minutes of the Meeting

July 28, 2026

Present: Commission members: Keenan Ryan, Chairman
Noel Cooley
Anna Lisa Davidson
Councilmember Mark Malmstrom
Recorder Sheila Lind
Excused Commissioner Morgan McKeown
Absent Commissioner Troy Wakefield
Others Present: Dru Taylor, Bryan, Brittany and Brayden Cascio

Motions Made During the Meeting

Motion #1

Commissioner Cooley moved to “approve the minutes of the June 23, 2026, Commission Meeting, as well as the evening’s agenda.” Commissioner Davidson seconded the motion, which carried with Cooley, Davidson, and Ryan, in favor. No one opposed. McKeown and Wakefield were absent.

Motion #2

Commissioner Cooley moved to “approve 10-13-28, Accessory Dwelling Units draft to move to a public hearing.” Commissioner Davidson seconded the motion which passed with Cooley, Davidson, and Ryan in favor. No one opposed. McKeown and Wakefield were absent.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on July 28, 2026. Morgan McKeown was appointed as a new commissioner to take the place of Steve Roberts on July 21, 2026 by the City Council.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the June 23, 2026, Planning Commission Meeting were reviewed.

Commissioner Cooley moved to “approve the minutes of the June 23, 2026, Commission Meeting, as well as the evening’s agenda.” Commissioner Davidson seconded the motion, which carried with Cooley, Davidson, and Ryan, in favor. No one opposed. McKeown and Wakefield were absent.

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46 Public Comment on Land Use: Brittany Cascio explained that she was present to discuss and
47 listen to the ADU comments. She and her husband were planning on adding an ADU on their property
48 and they had some clarifying questions. They questioned the requirement for 11,000 sq ft lot. Their
49 lot was not that large but would still be able to meet the ADU space requirements. They would have
50 an outdoor entrance, but it would share a wall and a roof. They would like it to stay attached. She
51 asked about the possibility of renting it as an Airbnb in the future. She was confused about the impact
52 fees and questioned how the utilities would be billed. She said Councilmember Malmstrom came
53 over to their home to get a visual of what they wanted to do.

54 Brittany Cascio read written comment from Sydney Griggs. Ms. Griggs said they had rented
55 their basement apartment and were charged double for flat-rate utilities. She asked that the city
56 allow ADUs to be billed for one household. They had a total of three adults in the home (1 downstairs
57 and two up) and used much less utilities than a home with a large family. She felt consumption-based
58 billing would be a more viable option for renting ADUs and allow them to keep rents lower and
59 provide the city with more accurate data on actual usages.

60 Councilmember Cooley stated that the City Council had jurisdiction over utility rates, not the
61 Commission.

62 Bryan Cascio expressed the following concerns: 1) Double utility rates as addressed in the ADU
63 ordinance. He understood it was the council's decision, but the commissioners were the ones adding
64 it into the ADU ordinance. He didn't think it was right for the city to charge double when the impact
65 to the city wouldn't be double. 2) Impact fees on ADUs. He noted that an ADU wouldn't add another
66 water or sewer service, so he was confused on why an impact fee would be charged. He asked that
67 the city show an impact fee analysis for an ADU. He felt the costs should be proportionate to the
68 impact of the ADU on the city. He encouraged them to investigate how other cities address the issue.
69 He noted that Utah was encouraging ADUs as an avenue to help increase affordable housing
70 opportunities. He hoped the city would consider removing unnecessary financial barriers to
71 homeowners wishing to add ADUs and suggested they adhere to the Utah Impact Fee Act. He also
72 added that the Utility Rates form on the city's website wasn't clear.

73 Commissioner Cooley verified again that Cascios would need to address these items with the
74 City Council. He agreed they had some valid points.

75 Dru Taylor agreed that the 11,000 square foot requirement was exclusionary. He had
76 submitted some comments on the draft. He suggested the parking requirements were too restrictive.
77 He noted the verbiage "if related" could be sticky. He asked how the city was going to bring current
78 ADUs into compliance. He discussed fire safety. He asked if a property with an ADU was sold, would
79 the renters come with it. He could foresee some aging issues, such as an elderly person needing to
80 move into assisted living. In this case the code wouldn't allow them to rent both units.

81 Further Discussion on the Accessory Dwelling Unit (ADU) Ordinance: Commissioner Ryan
82 informed that the State won't allow ADUs to fall under a conditional use permit.

83 Commissioner Cooley Noel suggested addressing the Council on a plan to bring existing ADUs
84 into compliance.

85 Commissioner Ryan said he had talked with the city engineer about impact fees. Engineer
86 Rasmussen recommended, based on his research, that the city not charge impact fees for internal
87 ADUs, but do charge for external ADUs. He suggested charging 50% of impact fees based on the
88 average number of residents per household compared with the average number of residents of an

ADU being about half. Essentially, half of a household would be added. An external ADU would add to the water and sewer system and have an impact on the neighborhood. Charging an impact fee was not unique to River Heights. Other cities in the valley with ADU ordinances also charge impact fees. Councilmember Malmstrom agreed that seemed fair.

Commissioner Ryan stated that he added the ADU section of the Utah Code to their SharePoint folder which would verify why they had put certain things in the ordinance.

Commissioner Ryan reviewed Councilmember Malmstrom's written comments. The first point dealt with temporary absences and not allowing the home to be rented as a duplex if the owner was away for a short time. Mr. Ryan said during his time on the Commission he had seen a big push back from citizens against duplex situations. Commissioner Cooley informed that he had attended a recent seminar about ADU ordinances. Other cities' ordinances were brought up, all of which did things slightly different. He said many stipulated that if an owner leaves for a time their principal residence needed to be left vacant.

Commissioner Ryan discussed the minimal rental term of 90 days. The Utah Code was specific in wanting to address the housing shortage, not short-term rentals.

Councilmember Malmstrom asked for clarification on an IADU not exceeding 40% of the gross floor area. It was determined to mean 40% of the living space, not the garage.

They discussed the requirement of an IADU being connected to the primary dwelling by a door, hallway, stairway, or other access point. They decided to strike that requirement.

The 11,000 square foot minimum lot size was addressed. Commissioner Cooley said other cities required a range between 8,000-11,000. They decided to change it to 8,000, as long as setback requirements were met.

Commissioner Ryan addressed engineer Rasmussen's comments. They didn't understand his comment on F.3.b. After discussing it they decided to not make any changes.

Height of a DADU was addressed. One resident had talked with them about his situation where his home was one level but he wanted to add an ADU to the upper story of a shop. They wanted to stick with not allowing the DADU higher than the house. Commissioner Ryan thought they shouldn't build the code around individual resident situations. Commissioner Cooley said other cities limit to only one story. He felt River Heights was generous in this area by allowing a two story, if it wasn't higher than the house.

Commissioner Ryan explained that Engineer Rasmussen felt the window placement was arbitrary. Commissioner Cooley informed that the state recommended windows which were 15 feet from an adjacent building should be translucent. He suggested adding F.3.c.(4): "Window Placement: If any window placement located on a side of a DADU is within fifteen feet (15') of an adjacent dwelling the window shall be fixed (non-operable) and translucent."

Discussion was brought up on fire hydrants. They hoped Cache County would verify fire protection during the building permit process. Recorder Lind suggested they call the CC Building Department to find out.

Councilmember Malmstrom addressed utility charges for ADUs. He pointed out that the water usage of a home with a large family could be more than that of a residence and ADU with few people in each. Recorder Lind said the Council's decision was based on the possibilities, not the minimum number of residents.

131 Commissioner Cooley moved to "approve 10-13-28, Accessory Dwelling Units draft to move
132 to a public hearing." Commissioner Davidson seconded the motion which passed with Cooley,
133 Davidson, and Ryan in favor. No one opposed. McKeown and Wakefield were absent.

134 Commissioner Ryan thanked everyone for their efforts on putting the draft together.

135 Review of Upcoming Code Changes: Commissioner Davidson reviewed and led a discussion on
136 the Upcoming Code Changes as well as her suggested adjustments to accommodate the Senior
137 Citizen PUD and ADU Ordinance⁵.

138 Discussion was held on shipping containers as ADUs. The current code didn't allow shipping
139 containers in the city. Commissioner Davidson brought up that there were ADUs made from shipping
140 containers that looked very nice. She wanted to do some research on how they could be allowed in
141 the city as ADUs.

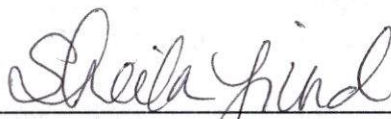
142 Commissioner Ryan announced the plan to hold three public hearings at their next meeting to
143 gather input on: The code changes, the ADU Ordinance, and the General Plan changes they had come
144 up with a few months ago.

145 Commissioner Cooley asked if anyone had heard from Heritage about the Cottage Creek
146 Development. Commissioner Ryan said he hadn't heard but had reached out to Blaine Hamblin
147 (developer) who said they were working on it.

148 Commissioner Ryan was aware the Weston property (600 South 700 East) was under contract
149 until August 10.

150 The meeting adjourned at 8:20 p.m.

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Keenan Ryan, Commission Chair



Sheila Lind, Recorder

Accessory Dwelling Unit Code Draft
June 23, 2026

10-13-28: ACCESSORY DWELLING UNITS

- A. Purpose:
1. Provide a limited, neighborhood compatible option for additional housing on existing single-family parcels.
 2. Ensure accessory dwelling units remain accessory to and subordinate to the primary dwelling.
 3. Preserve neighborhood character through clear standards for size, placement, parking, and appearance.
 4. Ensure basic life safety and code compliance through required inspection prior to occupancy.
- B. Intent:
1. This ordinance is intended to create a regulated framework for accessory dwelling units, consistent with River Heights City regulations.
- C. Applicability:
1. An accessory dwelling unit (hereafter "ADU") is allowed only on a residential zoned parcel containing a lawfully existing single-family dwelling.
 2. Only one ADU is allowed per zoning parcel. A single parcel may not contain both an internal accessory dwelling unit (hereafter "IADU") and a detached accessory dwelling unit (hereafter "DADU").
- D. Approval Required:
- A Zoning Clearance Permit is required for construction, conversion, or establishment of an ADU, in addition to any permits required by the Cache County Building Department. *as well as all fees required by RHC.*
- E. Owner Occupancy:
1. Shared Ownership Prohibited. The legal owner of a parcel must own the primary dwelling and the ADU located thereon. The parcel whereby a primary dwelling and an ADU are located must be owned by the same legal owner.
 2. Owner Occupancy Required. As to any ADU, the owner of the parcel shall occupy either: the primary dwelling unit or the ADU located on the parcel; ~~or the ADU located on the parcel.~~
 - a. For the purposes of this Section, "occupy" shall mean that the owner maintains, either the primary dwelling or ADU, as the owner's principal place of residence for a majority of the calendar year.
 - b. If the owner of the parcel is held by a legal entity, at least one individual associated with that entity, including but not limited to a member, manager, trustee, beneficiary, shareholder, partner, officer, director, or other person with an ownership or controlling interest in the entity, shall occupy either the primary dwelling unit or the ADU as such individual's principal place of residence.
 - c. Upon request by the City, documentation reasonably sufficient to establish compliance with this Section, including but not limited to voter registration records,

- driver license address, utility bills, trust documents, operating agreements, or otherwise shall be provided to the City to satisfy compliance with this Section.
3. Temporary Absence. Owner occupancy may be temporarily waived only upon adequate showing of a qualifying absence under the following:
- a. Qualifying Reasons. The absence must result from one of the following bona fide circumstances:
 - (1) Military service or deployment;
 - (2) Medical treatment or recuperation for the owner or an immediate family member;
 - (3) Religious or Employment-related relocation, assignment, or sabbatical;
 - (4) Full-time educational enrollment at an accredited institution; or
 - (5) Other extenuating circumstances as approved in writing by the zoning administrator only upon a showing of good cause.
 - b. Required Notice and Application. Prior to the absence, or within thirty days of an unanticipated qualifying event, the owner shall submit a written application to the zoning administrator that includes:
 - (1) Certification that the applicant has, prior to filing, been an owner occupant of the subject property for 24 continuous months.
 - (2) A description of the qualifying reason with supporting documentation;
 - (3) The anticipated start and end dates of the absence;
 - (4) A forwarding address for the owner;
 - (5) The name, address, and phone number of a local responsible agent residing within 30 miles of the property who is authorized to act on the owner's behalf; and
 - (6) The owner's signed attestation of intent to return and resume owner occupancy.
 - c. Duration and Renewal
 - (1) An initial waiver shall not exceed 12 months.
 - (2) The owner may apply for up to two renewals of 12 months each, not to exceed 36 months of cumulative absence.
 - (3) Each renewal application must be submitted at least 30 days before the current waiver period expires and must include updated documentation demonstrating the continued qualifying reason and intent to return.
 - d. Notice of Return Within 30 days of returning to the property, the owner shall provide written notice to the zoning administrator confirming resumption of owner occupancy.
 - e. Revocation The zoning administrator may revoke a waiver if:
 - (1) The owner fails to maintain a current forwarding address or local agent responsible on file;
 - (2) The property is used in a manner inconsistent with applicable zoning or occupancy requirements during the absence;
 - (3) The owner fails to submit a timely renewal application; or
 - (4) Evidence indicates the owner has failed to materially comply or does not intend to return to the property.
 - f. Appeals Any denial or revocation of a waiver may be appealed to the Appeal Authority in accordance with the City Code within 30 days of the decision.
 - g. Violations Failure to comply with any provision of this section shall constitute *inter alia* a violation of the owner-occupancy requirement and shall be subject to the penalties and enforcement as set forth in the code.

F. Standards, Conditions, and Requirements:

1. As to All ADUs:

- a. Subordinate Size: Any ADU must be subordinate in size to the primary dwelling in accordance with ADU standards herein.
- b. City Standards: The design and size of an ADU shall conform with all applicable City Ordinances and Resolutions.
- c. Occupancy Limits: Occupancy is limited to two (2) people per bedroom
- d. Appearance and Neighborhood Compatibility
 - (1) The street view of a DADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
 - (2) Entrances. Any new streetside entrance added to the primary dwelling parcel for the purpose of establishing an ADU access shall be located on the side or rear of the primary dwelling.
- e. Parking
 - (1) Parking requirements. Two off-street parking spaces must be provided for any ADU, in addition to any parking requirements required by City Ordinance. Nothing in this Section shall be construed as altering, satisfying, or impacting parking requirements for the primary dwelling as set forth by City Ordinance. Parking must follow Chapter 10-14.
 - (2) Parking impacts. Winter parking conditions, street safety, and neighborhood congestion shall be considered.
- f. Utilities
 - (1) One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sanitary sewer service lines.
 - (2) One billing point. Municipal billing shall be directed to the property owner, and the owner shall be solely liable for municipal bills issued.
 - (3) Owner will be billed for each separate dwelling on the property on one bill.
 - (A) Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.
 - (B) Sewer: Billed the monthly rate times the number of units.
 - (C) Garbage: Billed for the number of cans on the property.
 - (D) 911 charge: Billed the monthly rate times the number of units.
- g. Living Space: An ADU shall maintain complete independent living facilities for one or more people including permanent provision for living, sleeping, eating, cooking, and sanitation on a year-round basis.
- h. Rental Term and Leasing
 - (1) Minimum rental term: An ADU and the primary dwelling may not be rented for periods of less than ninety (90) days.
 - (2) No occupant of an ADU shall be permitted to sublease any portion of the ADU to another individual.
- i. Addresses:
 - (1) Each ADU shall have a separate and unique address from that of the primary dwelling, as directed by the Post Office.
- j. Revocation and Enforcement
 - (1) Revocation: ADU approval may be revoked for noncompliance with the conditions of approval or any provision of Title 10.

- (2) Notice and cure: The City shall provide written notice stating the violation and allow fourteen days to cure before revocation, unless an emergency condition exists.
- (3) Appeal: A decision to revoke may be appealed pursuant to the City's appeal procedures.
2. As to IADUs:
- a. Appearance and Neighborhood Compatibility:
- (1) The street view of an IADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
- b. Entrances:
- (1) An IADU shall have at least one (1) independent entrance from the primary dwelling.
- (2) To the extent permitted by the design of the IADU, all entrances for the IADU shall be located in such a manner as to not be visible from the street view.
- c. Maximum Size:
- (1) An IADU shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area.
- d. Interior Access:
- (1) An IADU shall maintain an internal connection to the primary dwelling through a door, hallway, stairway, or other interior access point.
3. As to DADUs:
- a. Location:
- (1) A DADU may only be located on a parcel of property exceeding eleven thousand (11,000) square feet. *as long as setback requirements are met*
- b. Maximum Size. A DADU may not exceed the lesser of:
- (1) Forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area; or
- ~~(1)(2)~~ 1200 sq ft; or
- ~~(2)(3)~~ In the event a DADU is an extension of or part of an accessory building, the DADU portion shall be no more than 1,200 sq ft.
- c. Setbacks, Height, and Placement
- (1) Setbacks.
- (A) Side Yard: DADU building must be located at least 10 feet from the primary building and have a minimum side yard of five (5) feet except the street side yard on a corner parcel shall be a minimum of twenty (20) feet.
- (B) Front Yard: If the DADU is located in a side yard, setback must meet the front setback requirement of the primary building in the residential zone where it is located. Side yard must be at least five (5) feet.
- (C) Rear Yards: Five (5) feet. Corner parcels rearing on the side yard of another parcel, the minimum rear yard shall be ten (10) feet.
- (D) DADUs are not allowed in any utility easement and shall be located at least five (5) feet from such.
- (2) Height. The DADU shall not exceed the lesser of:
1. The height of the primary dwelling; or
- 1-2. 27 feet (or whatever number is desired); or
- 2-3. If above an accessory building (shop or garage), a maximum of

Commented [CR1]: Is it intended that the DADU be the lesser of 40% of the primary dwelling or 1200 SF? This is not clear given that (2) is a totally separate condition as part of an accessory building.

Commented [CR2]: Is it intended that an DADU can match (or not exceed) the height of any primary dwelling on any parcel? The initial 1. and 2. options are for different conditions and do not present a "lesser" option.

10-12-1: ZONE REGULATIONS, Table 1 Land Use Chart

Land Use Description	A	R-1-8	R-1-10	R-1-12	SCPUD
Accessory Dwelling Unit (ADU)		P	P	P	

10-12-A: AREA REGULATIONS, Table 2, Residential Space Requirement Chart

Residential Uses	A	R-1-8	R-1-10	R-1-12	SCPUD
<u>Detached Accessory Dwelling</u>					
<u>Uses (in feet)</u>					
Front Yard		20	20	25	*
Side Yard ⁴		5	5	5	*
Side Yard on a Street		20	20	20	*
Rear Yard ⁵		5	5	5	*
Height ⁶					-

Superscript 4: DADU must be located at least Ten (10) feet from primary building.

Superscript 5: Corner parcel rearing side of another parcel, minimum rear yard shall be 10 feet.

Superscript 6: Reference 10-13-28: FG.2.

~~10-13-3: YARD SPACE FOR ONE BUILDING ONLY~~

~~No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.~~

~~10-13-4: EVERY DWELLING TO BE ON A ZONING LOT~~

~~Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development.~~

10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS

Living and sleeping quarters in any building other than the main residential building are prohibited.

- A. Living and sleeping quarters in any building other than the main residential building are prohibited.
- B. Exception. A detached accessory dwelling unit (DADU) is permitted only when approved by the City and operated in compliance with Section 10-13-28 of this title.

Add to Upcoming Code Changes

(4) Window placement: If any window placement located on a side of a DADU is within fifteen feet (15') of an adjacent dwelling the window shall be fixed (non-operable) and translucent.

thirty-five (35) feet.

(B) Nothing in this Section shall be construed as altering, changing, permitting, or otherwise altering any applicable building code.

(3) Placement on parcel. The DADU shall be located to reduce neighborhood impacts and shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics of surrounding the DADU, including:

~~(A) Window placement and privacy~~

(B) Landscape screening

(C) Fencing

(D) Door placement

(E) Access and circulation

(F) Outdoor lighting

(G) Snow storage and winter parking needs

d. Sewer: Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.

G. Revocation:

1. The City may suspend or revoke any ADU approval or permit upon determination that an ADU is in violation of this Section, any applicable approval condition, or any applicable code requirement.
2. Upon revocation, an ADU shall be vacated and shall not be occupied until compliance is achieved and approval is reinstated.

Commented [CR3]: There is concern that this is very subjective. How is this reviewed or enforced in layout? Just concerned that in the approval process neighbors or others will get involved in things like window placement.

Code Changes Affected by the Addition of ADU Code

10-2 DEFINITIONS

Add the following:

ACCESSORY
DWELLING UNIT
(ADU):

A habitable residential dwelling unit added to, created within, or detached from a primary single-family dwelling and contained on one parcel.

DETACHED
ACCESSORY
DWELLING UNIT,
(DADU):

A subordinate residential dwelling unit that is detached from the primary single-family dwelling, located on the same zoning parcel, and that meets all requirements of Title 10, including the requirements of 10-13-28.

INTERNAL
ACCESSORY
DWELLING UNIT
(IADU):

A second dwelling unit that is part of a primary dwelling on a parcel.

PRIMARY DWELLING:

The principal single family detached dwelling on a parcel.

OWNER OCCUPIED:

The legal owner of record occupies either the primary dwelling or the ADU as the owner's primary residence.

From: **Mark Malmstrom** <markmalmstrom@riverheights.gov>

Date: Mon, Jun 29, 2026, 6:16 PM

Subject: ADUs

To: Keenan Ryan <keenanryan12@gmail.com>

Keenan,

I met with Brittany Cascio today regarding an ADU that they want to do at their house. It would be attached to the back of the garage and share a wall and the roofs would join together. We brought up a number of concerns with the proposed/amended ordinance.

E. 3. Temporary Absence. It lists a number of qualifying reasons and (5) lists other extenuating circumstances as approved by the zoning administrator only upon a showing of good cause.

We should have a discussion about people that have a primary or half time residence in River Heights that might spend part of the year in another place like St George or Arizona. Maybe it is not a big deal but I see that situation could come up and we should at least discuss whether we want to mention it in the ordinance.

F. 1. H. (1) Minimum rental term: An ADU and the primary dwelling may not be rented for periods of less than ninety (90) days.

I think that this may be too restrictive. I have mentioned it before and I know that ultimately, we will vote on this but if there is a person that has an ADU that wants to rent it to a sun bird or even an Air BNB this could be some passive income for people that are trying to make the most of their property. I know there are legitimate concerns on how this could affect the community but it may be worth additional discussion.

F. 2. C. Maximum Size:

(1) An IADU shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area.

We should make a clarification on gross floor area. Does it mean the footprint of the house or does it include the square footage of all levels of the house?

F. 2. D. Interior Access:

(1) An IADU shall maintain an internal connection to the primary dwelling through a door, hallway, stairway, or other interior access point.

The plan that she showed me is an ADU that connects to the garage by sharing a wall and roof but has two entrances that are independent of the house. I see no advantage to the City or anyone else in making a requirement that the ADU maintain an internal connection.

F. 3. A. (1) A DADU may only be located on a parcel of property exceeding eleven thousand (11,000) square feet.

The Cascio property is 0.2 acres or 8,712 square feet. The square footage of the lot does not meet the proposed ordinance requirement of 11,000 feet even though the plan she showed me meets all of the City required setbacks. According to the logic of F. 3. A. (1) she can do an addition with the same footprint as her proposed ADU but can't do an ADU because her lot is not 11,000 square feet. It feels overly restrictive to me. I believe the intention is not to crowd too much buildings onto a lot which is understandable but if a reasonable person has the space to do a reasonable addition or ADU it should be allowed.

Thank you for your time and all of the valuable work you are doing in River Heights. Please let me know your thoughts on these items.

Mark Malmstrom

River Heights City Council- Zoning Administrator

markmalmstrom@riverheights.gov

435-881-0164

* Add to Upcoming Code Changes

City Code affected by SCPUD & ADU ordinances

10-2-1: DEFINITIONS

- * ACCESSORY BUILDING: A subordinate building subordinate to the, the use of which is incidental to that of the main principal building on the same parcel. An accessory building may include uses authorized by this title, including an accessory dwelling unit where permitted.

ALD question: should the definition of SCPUD be here? Planned Unit Development is, but not Senior Citizen Planned Unit Development.

10-12-2: AREA REGULATION

A. Residential Space Requirement Chart

Table 2, Residential Space Requirement Chart

** Accessory uses shall be no greater in height than the height of the principal use on the same lot, and in no case shall the height of the accessory use exceed 25 feet or 35 feet when an IADU is added above an accessory building.

10-13-17: EXCEPTION TO FRONT SETBACK REQUIREMENTS

ALD question: Does this need updating or clarification because of the new ADU ordinance?

The setback from the street for any dwelling located between two (2) existing dwellings in any residential zone may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord., 1-22-2002; ~~and~~ and. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)

* 10-14-4: PARKING LOT REQUIREMENTS

A. Onsite parking in commercial ~~and residential senior citizen~~ ^{leave ↘} planned unit developments shall be required to provide adequate parking onsite or by an approved alternative parking plan. (6-2022, 6-21-22)

* B. Location of Parking: When parking is located between the building and the street, landscaped separations between the right-of-way and the parking shall be required in conformance with Chapter 10-15-8 as shown in Figure 10-158a. Within the commercial ~~and residential senior citizen~~ planned unit development zones, the City may reduce setback requirements if parking is not located between the building and the right-of-way. (6-2022, 6-21-22)

~~DEKALB~~

ALD question: Does this need updating or clarification because of the new ADU & SCPUD ordinances?

- A. Parking for bicycles shall be provided as follows:

- ~~a. Multiple dwelling structures: Storage areas capable of securing and holding two bicycles per each dwelling unit shall be provided. Bike racks are acceptable.~~

Upcoming Code Changes

10-2 DEFINITIONS

Remove definition for DWELLING, MULTIPLE-FAMILY (TOWNHOUSE)?

FAMILY An individual, or two (2) or more persons ~~related by blood, marriage or adoption~~ living together in a single dwelling unit and maintaining a common household. ~~A family may include two (2), but not more than two (2), persons not related to the family, but living as guests with the residing family.~~ The term "family" shall not be construed to mean more than four (4) unrelated individuals, a fraternity, club or institutional group, except residential facilities for elderly and disabled persons as provided for by Utah statutes.

10-10-3:B REGULATIONS/Senior Citizen Housing Occupancy

2. No more than two (2) persons per bedroom may occupy each dwelling unit ~~unless all such persons are a family and are related by blood, marriage, or adoption, and then no more than four (4) such persons may occupy each dwelling unit.~~ This restriction is understood to limit the occupancy of each home to four (4) persons.

10-12-1: USE REGULATIONS, Table 1, Land Use Chart

Replace PUD with SCPUD

Remove all uses in the SCPUD Zone except:

Permitted: Single family and two family (1, 2, and 3)
Accessory building (15), solar panels (18), off-street parking (20), household pets (21)

Conditional: Private swimming pool (17)

Home Occ: Home occupation

10-12-2: AREA REGULATIONS, Table 2, Residential Space Requirement Chart

* ~~Senior Citizen Planned Unit Development (SCPUD)~~ Some requirements may be altered in the Senior Citizen Planned Unit Development (SCPUD) zone and are subject to discretionary approval by the Planning Commission on a per application basis (see 10-10-3:D.Lot Regulations).

Strike from code

10-13-3: YARD SPACE FOR ONE BUILDING ONLY (revise to meet ADU code)

No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be

considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

Strike from code

10-13-4: EVERY DWELLING TO BE ON A ZONING LOT

Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development

10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS

~~Living and sleeping quarters in any building other than the main residential building are prohibited.~~ Exception: Legal ADU.

10-13-9: PROHIBITED ACCESSORY STRUCTURE; EXCEPTION (revise for ADU)

Roll off or shipping containers, semi-trailers, box cars or similar structures shall not be installed or maintained on residential properties. These accessory structures are allowed for construction purposes only, placed on building lot (not in or on roadway) for no longer than six (6) months during construction.

Anna Lisa will check other cities codes.

A. Living and sleeping quarters in any building other than the main residential building are prohibited.

B. Exception: A detached accessory dwelling unit (DADU) is permitted only when approved by the city and operated in compliance with section 10-13-28 of this title.