

**ORDINANCE 2014-**

**AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING REGULATIONS OF THE NORTH OGDEN CITY - CITY CODE, TITLE 11, CHAPTER 7, ARTICLE A TO ADD AN ACCESSORY DWELLING UNIT AS A SECOND RESIDENCE TO THE LIST OF PERMITTED USES**

**WHEREAS**, Zachary Hartmann owns 1.19 acres + or – at 884 East 2100 North, North Ogden, Utah 84414; and,

**WHEREAS**, said property is located in an RE-20 zone; and,

**WHEREAS**, Mr. Hartmann owns a single family dwelling and an accessory building that is larger than 600 square feet on said property; and,

**WHEREAS**, Mr. Hartmann desires to convert the accessory building into a second, single family residence without subdividing the property; and,

**WHEREAS**, a large accessory building is defined as “A building which is six hundred (600) square feet or larger located on a lot with an existing principal use. The building’s use may be for any accessory use allowed in the particular zone in which the lot is located. Allowed uses include: detached garage, personal storage, lawn care equipment, etc. If the large accessory building meets the definition of a garage, no home occupation may be allowed in the building”; and,

**WHEREAS**, accessory use or building is defined as “a subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building”; and,

**WHEREAS**, converting an accessory building into a second, single family residence is not permitted in the RE-20 zone; and,

**WHEREAS**, Mr. Hartmann applied on September 18, 2013 to amend North Ogden City’s zoning regulations to permit a second, single family residence as a permitted use; and,

**WHEREAS**, the North Ogden Planning Commission reviewed Mr. Hartmann’s request and has recommended to the City Council to amend the zoning ordinance to allow an accessory dwelling unit in the residential RE-20 zone.

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the following shall be added to the North Ogden City Code as 11-7A-6

**SECTION 1: Purpose of Accessory Dwelling Unit**

This amendment is to allow lot or parcel owners in the Residential Estates RE-20 Zone to have a second home to be known as an “Accessory Dwelling Unit” on a single lot or parcel to provide

social and personal support for family members where independent living is desirable. However, enforcement of requirements that only family members occupy an accessory dwelling unit are difficult and therefore may only be considered as a guide. It is also desirable that the accessory dwelling unit have the potential to be separated from the principal dwelling on the lot in the future or by a future owner. For this reason, City utility connections should be separate from those of the principal dwelling if a division of the residential property into two lots is desired. Standards for the Accessory Dwelling Unit shall guide the use and construction of such units to ensure they are compatible with the neighborhood and not constitute an increase in the residential density. The standards shall also ensure that these units contribute to the increased demand for services similar to other new dwellings in the RE-20 Zone.

## **SECTION 2: Definitions**

**Accessory Dwelling Unit:** A second dwelling unit which is a self – contained dwelling unit located on an owner occupied lot or parcel that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a separate kitchen. The occupancy of this type of unit is encouraged for family members who are in need of social and/or personal support to maintain independent living. However, the use of the accessory dwelling may be similar to that of any other dwelling unit in the City.

**Lot:** a lot in an approved subdivision of North Ogden City

**Parcel:** A legally defined piece of property with an existing single family dwelling.

**Owner Occupant:** An individual as shown by registered deed who has fifty (%) percent or more ownership in a dwelling unit on subject property.

## **SECTION 3: Standards**

1. An accessory dwelling unit shall only be permitted when the property owner lives on the property within either the principal dwelling or accessory dwelling unit.
2. Only one accessory dwelling unit is allowed per lot.
3. The minimum lot or parcel area shall be one acre.
4. The maximum floor area of the accessory dwelling unit shall not exceed the above ground living space of the primary dwelling.
5. The maximum height shall be no taller than the principal dwelling on the lot or parcel.
6. The standards for access to the accessory dwelling unit shall meet those of the North View Fire Department and North Ogden City driveway standard for hard surfacing.
7. The Parking standards of North Ogden City for a single family home will apply.

8. The accessory dwelling unit shall be located in the rear yard of the principal dwelling but shall not be located within the 20,000 square feet required by the RE-20 zone for the principal dwelling.
9. The accessory dwelling unit shall have a thirty (30) foot rear yard and also meet the side yard requirements of the RE-20 Zone.
10. City provided utilities (culinary water and sanitary sewer) may utilize the existing utilities of the principal dwelling on the property as long as the accessory dwelling is not separated by subdivision of the property or ownership of the dwellings. If the accessory dwelling is to be subdivided from the principal dwelling, the City utilities (culinary water and sanitary sewer) shall directly connect to the City mains for each service. Utility connection and requirements of other utility providers shall be determined by consultation of the lot owner and each utility company.
11. All North Ogden City impact fees shall apply which are assessed to new dwellings in the City.
12. Lots with accessory dwelling units will be allowed animals as listed in section 11-7A-2 if they have twice the acreage as required in 11-7A-2.

**SECTION 4:** This ordinance shall take effect upon adoption.

**PASSED and ADOPTED this      <sup>th</sup> day of              2014.**

**North Ogden City:**

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**Brent Taylor**  
**North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Bailey:</b>	—	—
<b>Council Member Fawson:</b>	—	—
<b>Council Member Satterthwaite:</b>	—	—
<b>Council Member Stoker:</b>	—	—
<b>Council Member Urry:</b>	—	—

**(In event of a tie vote of the Council):**

<b>Mayor Taylor:</b>	—	—
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**ATTEST:**

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**S. Annette Spendlove, MMC**  
**City Recorder**