



Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative application regarding an amendment to Zoning Ordinance 11-7A-2, Suburban Residential Zone RE-20 by adding Accessory Dwelling Unit as a Second Residence to the list of Permitted Uses and providing additional standards

Agenda Date: Wednesday, February 18, 2014

Applicant: North Ogden City

File Number: ZTA #2014-02

STAFF INFORMATION

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APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-7-A (2) (Permitted Uses)
North Ogden Zoning Ordinance 11-7-A (6) Accessory Dwelling Unit

TYPE OF DECISION

When the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes.

BACKGROUND

The applicant Zachary Hartmann owns 1.19 acres at 884 East 2100 North in an RE-20 zone. Mr. Hartmann owns a single family dwelling and an accessory building on this property. He desires to convert the accessory building into an accessory dwelling unit in order to provide a dwelling for his parents to live.

The City Council held a public hearing on this request on January 28, 2014. At that meeting the issue of if an accessory dwelling unit is allowed should there be a higher lot area standard if animals are to be allowed? The City Council requested input from the Planning Commission on this matter.

ZONING ORDINANCE LANGUAGE

11-7A (2) (Permitted Uses)
Accessory Dwelling Unit (see section 6)

11-7A-6 Accessory Dwelling Unit

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 is 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.

SUMMARY OF CITY COUNCIL CONSIDERATIONS

- Is the proposed amendment consistent with the North Ogden City General Plan?

- Does the proposed use meet the requirements of the applicable City Ordinances?
- Is the proposed amendment a reasonable solution to address the issue of allowing for accessory dwelling units in an RE-20 zone?

CONFORMANCE TO THE GENERAL PLAN

The following North Ogden City General Plan statements address this application:

Housing

A variety of quality housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space.

(3) Implementation goal: diverse housing alternatives should be available for all present and future residents of the city.

Community Development

(3) All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

North Ogden Planning Commission Recommendation

The Planning Commission discussed this ordinance amendment on February 5, 2014 and voted to recommend to the City Council to adopt the attached ordinance on a 4 to 1 vote.

EXHIBITS

A. Ordinance 2014 -