

To: Mayor Taylor and the City Council
Fr: Ron Chandler
Dt: January 9, 2014
Re: Discussion and/or action to consider an ordinance amending Title 11, Chapter 7A of the North Ogden City Zoning Ordinance to add accessory dwelling unit in the Residential RE-20 zone.

The Planning Commission has given a positive recommendation to the attached ordinance. Also attached are the Planning Commission minutes and the areas of the City that will be affected if this ordinance is adopted.

Mr. Zachary Hartmann lives in an RE-20 Zone at 884 East 2100 North. He inquired of the staff how he can convert a detached garage into a second residence on his lot. The staff informed him that this cannot be done under our existing ordinance. Section 12-2-2 of the City code states:

“LOT: A parcel of land occupied or capable of being occupied by a permitted or conditional use building or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other areas required by this title, the uniform zoning ordinance, and the hillside development ordinance of North Ogden City, having frontage upon a street or upon a right of way approved by the administrative law judge. Except for group dwellings and guesthouses, not more than one dwelling structure shall occupy any one lot.” (Italics added)

In order to accomplish Mr. Hartmann’s desire, the staff explained, he would have to subdivide his property, rezone it to an R-1-10 and run separate utilities to the garage.

Mr. Hartmann instead petitioned the Planning Commission to change the Re-20 zone and allow an accessory building to be used as a second residence on a lot.

Section 11-2-1 of the City Code defines an accessory building as follows.

“ACCESSORY BUILDING, LARGE: 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.

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.”

Section 11-7A defines the purpose of and uses for the RE-20 zone.

11-7A-1: PURPOSE AND INTENT:

The purpose of the RE-20 zone classification is to provide a regulated area for single-family residential and agricultural uses.

11-7A-2: PERMITTED USES:

The following uses shall be permitted:

- Accessory buildings and uses customarily incidental to any permitted use.
 - Agriculture experiment stations.
- Agriculture, nurseries and greenhouses, provided the sale of goods is limited to materials produced on the premises, and there is no retail shop operated in connection therewith.
- Agriculture. The use of agricultural equipment that produces excessive noise and/or light may only be used during normal hours of work allowed in the city or by variance to the hours allowed by the city council.
- Animals or fowl:
 - On one acre or more, up to five (5) acres, animals and fowl will be limited to four (4) horses, cows, sheep or goats, or combination thereof, per acre. Rabbits up to five (5) per acre shall be permitted.
 - On more than five (5) acres, an aggregate of a total of two (2) units of group A, B or C, or a combination thereof, may be kept per acres.
 - Group A: Four (4) horses or cows, or combination thereof.
 - Group B: Four (4) sheep or goats.
 - Group C: Five (5) rabbits, or thirty (30) chickens, or thirty (30) pheasants, or ten (10) turkeys, or ten (10) ducks, or five (5) geese, or ten (10) pigeons.
- The keeping of swine of any species, including pigs, is not permitted within the corporate limits of the city except two (2) pigs may be kept on a temporary basis on a one acre or larger parcel from April 1 to August 31 as a 4-H project.
- Cemeteries.
- Church, synagogue or similar permanent building used for religious worship, except temporary revival tents or buildings.
- Educational institution, which has a curricula substantially the same as customarily offered in the public school system for kindergarten through twelfth grades.
- Golf course, except miniature golf course.
- Home daycare center in the operator's residence for nine (9) or less people. An annual review by the planning commission is required.
- Home occupations.
- Household pets.
- Libraries.
- Planned residential unit development in accordance with chapter 11 of this title.
- Preschools in the operator's residence, that operates four (4) or less hours per session a day and teaches nine (9) or less children. An annual review by the planning commission is required.
- Public buildings, public park recreation grounds and associated buildings.
- Residential facilities for the disabled.
- Single-family dwelling.
- Temporary building for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Under the proposed ordinance, an accessory building can be used as a residence under the following conditions.

- 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.
- Only one Accessory Dwelling Unit is allowed per lot
- The minimum lot or parcel area shall be one acre.

- The maximum floor area of the Accessory Dwelling Unit shall not exceed the above ground living space of the primary dwelling.
- The maximum height shall be no taller than the principal dwelling on the lot or parcel.
- 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.
- The Parking standards of North Ogden City for a single family home will apply.
- 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.
- The Accessory Dwelling Unit shall have a thirty (30) foot rear yard and also meet the side yard requirements of the RE-20 Zone
- 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.
- All North Ogden City impact fees shall apply which are assessed to new dwellings in the City.