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**NORTH OGDEN CITY  
MEMORANDUM**

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**TO:** NORTH OGDEN CITY COUNCIL  
**FROM:** CRAIG C. BARKER, COMMUNITY DEVELOPMENT  
DIRECTOR  
**SUBJECT:** REVISIONS TO ZONING ORDINANCE FOR ACCESSORY  
BUILDINGS IN THE RESIDENTIAL RE-20  
**DATE:** 1/17/2013

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The City Council had requested that the Planning Commission review and recommend any changes for the property line setbacks for accessory buildings in the Residential RE-20 Zone. The Planning Commission discussed this and held a Public Hearing to receive comments from any interested persons.

This zone is quite different from any other zone in the city. Lot requirements are almost twice as large as any residential zone in the city. The RE- 20 Zone requires 20,000 square feet of area and 100 feet of lot width. The next largest zone in area is the R-1-12.5 which requires 12,500 square feet. The RE-20 Zone also allows a significant number of domestic animals and livestock which in most other residential zones are not allowed to any great degree. The depth of the minimum lot for this zone is essentially 200 feet back from the street frontage.

Because of the significant land area of the lots and parcels in this zone, the Planning Commission believed that the crowding of structures in an area is significantly less and therefore, less intrusive both visually and physically. The staff prepared three different proposals for the Planning Commission. They held a Public Hearing where two citizens spoke. After the hearing, the Planning Commission discussed the different proposals and selected the proposal which is reflected in the proposed zoning ordinance before the City

Council. This proposal is quite simple. It does away with the two categories of accessory buildings and only uses height as the setback determining factor. The ordinance provides for a setback of three (3) feet from property line if the building is 15 feet high or less. If the building is to be higher than 15 feet, the setback from property line shall be **10** feet which is the same setback for a dwelling next to a side yard.

**5. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AMENDMENTS TO THE NORTH OGDEN CITY ZONING SECTION 11-7A-4, LARGE ACCESSORY BUILDINGS.**

Craig Barker explained that this agenda item only applies to the Residential Estates (RE) 20 zone. He said this zone has the largest lot sizes in the City. He said the RE-20 zone requires a minimum lot size of 20,000 square feet for a building parcel or home to be built. He stated that the Planning Commissioners were around when the large accessory building regulations were created and they might remember the concerns that were voiced during that time. He said many residents have requested to build large accessory buildings on smaller lots. He said the City received complaints on the maximum height requirement of an accessory building. The current ordinance required accessory buildings to be 15 feet or less, unless a zone allowed for a higher building. He said all zones in North Ogden allow for a higher building in the residential zones and that a dwelling unit may be up to 35 feet tall. The way the Building Officials interpreted that to mean 15 feet was no longer a valid height restriction for accessory buildings because of that exclusion, so the regulation was passed. He then stated that in the RE-20 zone two different types of accessory buildings are allowed: typical accessory buildings and large accessory buildings. He said the City defines typical accessory buildings as anything 599 square feet or less and that large accessory buildings were 600 square feet or more. The current ordinance states that typical accessory buildings may be three feet from the property line if they are less than 15 feet high. The ordinance also states that large accessory buildings 15 feet or less in height can be 15 feet from the property line. He said if someone wanted to go higher than 15 feet, the City requires them to be set back 20 feet from the property lines, and they can be up to a maximum height of 25 feet.

Craig Barker explained to the Commissioners that there was an exception put in there on accessory buildings. The exception was if someone had a lot that was over an acre, the individual could put a large accessory building anyplace under a conditional use permit. He said the City Council requested the Planning Commission to research this ordinance and look at different alternatives. He said the staff had drafted some and they were not obligated to pass one of the three alternatives, but did need to look over them and see what they thought. He said they could also recommend that the present regulation is good enough. The formal request will go on to the City Council for recommendation. The City Council will review the Planning Commission's recommendation and do as they wish. He said the purpose of this meeting was to hear what the public had to say on the matter not necessarily to make a decision after the public has spoken. He suggested that the Planning Commission come up with a revision, or ask to put it back on the agenda if preferred. He said some cities don't allow large accessory buildings any larger than the main dwelling. He said the best thing to do is decide what works best for the City and the residents.

Craig Barker reviewed Attachment A (included in the packet). He said the total side setbacks for the RE20 zone is a total of 24 feet, with a 10 foot minimum. Commissioner Residori asked why the amount away from a dwelling on an adjacent lot was left blank. Craig Barker said he left the amount if blank for it to be reviewed. He explained there are different requirements on the setbacks for pens, coops, corrals, and etc. They are trying to reduce the impact of the large accessory building on a close dwelling. He left it blank to be reviewed.

Craig Barker reviewed Attachment B (included in the packet). He said that the City's legal counsel does not like Conditional Use Permits. He gave a brief history of the Conditional Use Permit Application and explained that there are guidelines listed for the uses as well. He said the City's legal counsel may not want to use this option.

Craig Barker reviewed Attachment C (included in the packet). He explained that a side setback minimum requirement is 10 feet. Vice-Chairman Dalpias said he was confused with the setbacks. Craig Barker explained that for a regular accessory building less than 600 feet, the setback requirement is three feet from property lines. He went on to say that the large accessory

building's setback would be the same setback as the dwelling with this option. This option has a graduated setback based on the height of the building. He gave a brief history on the concept of the graduated setbacks.

Commissioner Residori asked if the Planning Commission denied a Conditional Use Permit, as in Attachment B, if the City Council could still approve that permit. He also asked if that was where the legal issues were surfacing from. Craig Barker said he was unsure if that was the case, but that there is an appeal process for Conditional Use Permits that are heard from City Council.

**Vice-Chairman Dalpiaz opened the public hearing at 6:57pm.**

Art Stowers, 2127 N Fruitland Dr., said he may be the driving force behind this agenda item. He said he has lived at the address for 38 years. He said when they moved to that area there when only 14 residents were living there. At the present time, 10 out of the 14 have at least one, if not more, accessory buildings. Out of the four that do not, three have one or more of the sheds that are 8x10 or 9x12. He said presently he has a little playhouse for his grandkids and he was proposing to build a two stall garage with a workshop off to the side. The dimensions would be 25 by 40 square feet, with a height of 15 feet. He said they have a half acre, a little over 20,000 square feet where they are proposing to build. He stated the original ordinance would place that building in the middle of his property, rendering much of the ground around it not as usable as they would prefer. He said they have had three of the City Council members visit with him on his property. The two have spoken with him on the phone. He stated that Mayor Harris viewed the property. The feedback he received was that he should be able to build in that area.

Vice-Chairman Dalpiaz asked if Attachment A allowed Art Stowers to build the large accessory building where he would like. Art Stowers stated it would allow him to build. He said he was not sure if he understood conditional uses, if that became the option that was chosen.

Dean Allred, Green Acres area, asked what the difference was when someone built a 35 foot tall house and a 35 foot tall accessory building. He asked if that had been considered. He said as far as conditional uses, other

cities had gotten in real trouble with ordinances that involve conditional uses. He stated that there has to be something that specifies the standard to apply for a variance. He cautioned the Planning Commission to be careful in their decision. He said his main comment was to ask what the difference was between the accessory building requirements and the main building requirements, unless it was far from the property line.

Vice-Chairman Dalpias thanked Dean Allred for his comments and said the reason this ordinance was being addressed was because there were many complaints from neighbors stating the buildings going up were very close to their property line and extremely tall because there were no standards. Dean Allred said that people can build a tall house.

Craig Barker said there needed to be action taken to close the public hearing. He said the Commissioners could talk amongst themselves on what they would like to do.

**Commissioner Thomas made a motion to close the public hearing.  
Commissioner Residori seconded the motion.**

**Voting on the motion:**

**Vice-Chairman Dalpias yes**

**Commissioner Brown yes**

**Commissioner Quinney yes**

**Commissioner Residori yes**

**Commissioner Thomas yes**

**The motion passed unanimously.**

The public hearing closed at 7:05pm.

Vice-Chairman Dalpias said he preferred Attachment A. Commissioner Thomas agreed and said it gives the ability to put the building, if it's a reasonable size, closer to the property line. He agreed that once you exceed the 15 foot maximum height the setbacks should be the same as a dwelling. He suggested letting it be the same standards that are required for dwellings.

Vice-Chairman Dalpías clarified that the changes being discussed only applied to the RE-20 zone, that it did not modify any of the other zones.

Commissioner Quinney asked if 25 foot maximum height requirement was high enough for the people that needed 14 foot doors. Commissioner Thomas replied yes. Commissioners Quinney and Commissioner Residori said they were in favor of Attachment A. Vice-Chairman Dalpías recommended that the large accessory buildings to be no closer than 10 feet from a dwelling. Craig Barker stated the required side yard is 10 feet, so the minimum distance between accessory building and main dwelling would be at least 13 feet.

Commissioner Thomas asked if two accessory buildings could be six feet away from each other. Craig Barker replied they can. Commissioner Thomas asked if having buildings that close conflicted with the fire code. Gary Kerr responded no. Craig Barker asked the Planning Commissioners take the blank out of Attachment A. Craig Barker said they would reconstruct that option to have it be located three ft from property line within in the rear yard.

**Commissioner Thomas made a motion to accept the RE-20 zone for accessory buildings to read as is first presented by the staff, large accessory buildings, 600 feet or larger may be located three feet from a property line within a rear yard of a residential RE-20 zone, and is 15 feet or less in height. Large accessory buildings greater than 15 feet are required to have the same setback as a dwelling which is ten feet. The maximum height of an accessory building shall be twenty five feet. Commissioner Residori seconded the motion.**

**Voting on the motion:**

**Vice-Chairman Dalpías yes**

**Commissioner Brown yes**

**Commissioner Quinney yes**

**Commissioner Residori yes**

**Commissioner Thomas yes**

**The motion passed unanimously.**

Vice-Chairman Dalpiaz said the recommendation will be before the City Council. Craig Barker said the parties involved in agenda item number 10 were here and he recommended moving that agenda item up.