
**NORTH OGDEN CITY
MEMORANDUM**

TO: CITY COUNCIL
FROM: CRAIG BARKER, COMMUNITY DEVELOPMENT
DIRECTOR
SUBJECT: REDUCED SIDE YARDS AND GARAGE WIDTH FOR
DWELLINGS BUILT PRIOR TO 1980.
DATE: 9/20/2012

The Planning Commission has passed a recommendation to the City Council that will provide a reduced side yard and or a garage width reduction which addresses the inability of many homes built prior to 1980 to build a two car garage or carport in an area where these structures are allowed in a residential zone. The minutes of the Planning Commission meetings regarding the discussion of this item are also included with this report.

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

August 15, 2012

**5. CONSIDERATION AND RECOMMENDATION TO CITY COUNCIL
REGARDING AMENDMENTS TO SECTION 11-10-5, SPECIAL
PROVISIONS FOR SIDE YARD REDUCTIONS, OF THE NORTH OGDEN
CITY CODE.**

Craig Barker reviewed the prepared ordinance and memo. He said there are roughly 300 houses that do not have the required parking outlined in the zoning ordinance. Craig Barker referred the Planning Commission to the ordinance included in the packet. He stated the 'four' in the first paragraph should be stricken and replaced with a 'six'. He stated that the ordinance would also allow the required width of a garage to be reduced from 22' to 20'. He stated that "A" and "B" had been removed from the amended ordinance. They have added a required minimum 12' distance between dwellings. He said they included a combined dwelling requirement for the zones. In the RE-20, R-1-

12.5, and R-1-10 there must be a minimum of 18' combined side yard. The R-1-8, R-1-8A, R-1-8AG, R-2, R-3, and R-4 must have a total combination of 12' minimum required side yard.

Commissioner Quinney asked if this amendment will affect a lot of people. Craig Barker said there may be as many as 300 homes that will be affected because they do not have the required two parking spaces. He said once a person has the legally required spaces they are able to use some of their front yard, side yard, and rear yard. He said with this amendment a person that does not have the required parking would be able to convert their carport or garage into a two car garage to meet the parking requirements.

Commissioner Quinney asked what happens to the side yard if a person converts their carport into a two car garage. Craig Barker said the side yard requirements will be reduced. He said most of the homes that will be affected by this ordinance are in the R-1-8 zone and they currently have to meet an 18 foot combined side yard requirement. This amendment will reduce that requirement to a combined side yard requirement of 12 feet.

Commissioner Quinney asked if a person has a parking pad on the opposite side of the existing garage and carport, can it be enclosed. Commissioner Thomas explained the parking pad cannot be enclosed but it can be located in the side yard.

Craig Barker explained there is an exception to the side yard in the ordinance. He said if a person has an attached garage they may be permitted to reduce their side yard to eight feet on one side and ten feet on the other. If they do not have an attached garage then they must have at least 10 feet on both sides for a combined side yard of 20 feet. He explained many homes have an attached single car garage and a parking pad next to it.

Craig Barker explained many of the older homes do not have enough room in their side yard to enclose the parking pad and build a two car garage. He said once a building shares the same wall it becomes part of the dwelling. He explained this ordinance amendment will allow this.

Commissioner Quinney said the purpose of this amendment is to help people come in conformity. Commissioner Kiser said this opens up opportunities to those who couldn't build two car garages before. Commissioner Quinney asked if a carport and garage are considered the same. Craig Barker replied as far as the side yard requirements they are considered the same.

Craig Barker stated this topic was stimulated by a few applicants requesting to convert their single car carport into a two car garage. He said they began researching the issue and discovered it was a big problem.

Craig Barker stated the City Council has agreed to have a workshop with the Planning Commission to discuss grandfathering all the illegal structures located in the side yards

throughout the City. Commissioner Kiser advised the other Planning Commission members to come up with some alternatives.

Craig Barker said the Planning Commission is required to provide a recommendation to the City Council on this amendment. Commissioner Brown asked if a building permit will be required. Craig Barker said a building permit will be required. He added that they are not required for storage sheds less than 200 square feet.

Commissioner Brown said there seems to be some confusion as to when a building permit is required. She suggested it be clearly stated that a building permit is required so that if recourse is need there is documentation to support it. She said too many people are putting up some interesting things without permits. Craig Barker said that issue came up at the City Council meeting on August 14, 2012. He said most violations are older than 10 to 12 years. He said the City Council discussed options to prevent these issues again; there is a need for documentation. Commissioner Brown said she thinks clarity is the key.

Commissioner Kiser asked if anyone has any concerns with the wording of the ordinance. Craig Barker said this will go to the City Attorney before it goes to the City Council. **Commissioner Residori made a motion to recommend to the City Council regarding amendments to section 11-10-5, Special Provisions for Side Yard Reductions, of the North Ogden City Code as written. Commissioner Thomas seconded the motion.**

Voting on the motion:

Chairman Kiser	yes
Commissioner Brown	yes
Commissioner Quinney	yes
Commissioner Residori	yes
Commissioner Thomas	yes

The motion passed unanimously.