

ORDINANCE 2026-25

AN ORDINANCE AMENDING TITLE 11-9M-9: ACCESSORY DWELLING UNITS TO COMPLY WITH STATE CODE REGARDING MINIMUM LOT SIZE FOR A DETACHED ACCESSORY DWELLING UNIT, AND TO CORRECT A MISSING REFERENCE TO HILLSIDE PROTECTION ZONES: HP-1, HP-2, AND HP-3.

WHEREAS: North Ogden City recognizes the value of protecting private property rights, and the ability to secure an individual's property; and

WHEREAS: Utah State Code regulating Detached Accessory Dwelling Units (DADUs) has been amended to permit DADUs on all single-family properties 11,000 square feet and larger; and

WHEREAS: North Ogden City Code Hillside Protection Zones: HP-1, HP-2, and HP-3 list Accessory Dwelling Units as a permitted use, but 11-9M-9 does not explicitly list those zones; and

WHEREAS: The Planning Commission has reviewed the proposed amendment, accepted public input, determined that the amendment is consistent with the North Ogden General Plan, and recommends approval to the North Ogden City Council; and

WHEREAS: The City Council finds that adopting the proposed zoning text amendment serves the public interest by complying with Utah State Code and assuring that Code references and permissions are correct.

NOW THEREFORE, BE IT ORDAINED the Mayor and Council of North Ogden City hereby adopt the following North Ogden City Code amendments:

SECTION 1: North Ogden City Code Title 11-9M-9: Accessory Dwelling Units, shall be amended to read:

11-9M-9: ACCESSORY DWELLING UNITS

A. Purpose and Intent. The purpose and intent of this section is to recognize the residential character of North Ogden City and to provide for supplementary living accommodations in the community. These provisions are intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units (ADUs).

B. Owner Occupied. No ADU shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the primary dwelling or a detached accessory unit on the same single-family lot. For the purpose of this

section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Weber County tax assessment rolls.

1. Owner Occupant. An owner occupant shall be considered:

a. An individual who:

(1) Possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and

(2) Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or

b. An individual who:

(1) Is a trustor of a family trust which possesses fee Title ownership to the dwelling unit which was created for estate planning purposes by one (1) or more trustors of the trust; and

(2) Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.

c. A person who because of a temporary work, military, or non-profit related assignment which is less than 36 months is relocated outside of the City but maintains the property associated with the ADU as their legal residence as evidenced by providing proof annually of the temporary assignment and one of the following: the current years income taxes (with financial information redacted), driver's license, vehicle registrations, or voting registration.

C. Dwelling Unit Occupancy. The occupants of an accessory dwelling unit shall be limited by one of the following family categories:

1. Temporary guests. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.

D. Zones. An ADU which meets ordinance requirements is a permitted use in a single-family dwelling unit or in a detached accessory unit within the RE-20, R-1-8, R-1-8(AG), R-1-10, R-1-12.5, RCC, HP-1, HP-2, and HP-3 zones. No accessory dwelling unit may be allowed in any multi-family dwelling.

E. Number of ADUs. A maximum of one ADU shall be allowed in each owner occupied single-family dwelling, or in a detached ADU associated with a single-family dwelling.

F. Address. The principal dwelling unit and the ADU shall have the same address number but shall refer to the ADU as unit B. Addresses must be located in a visible location on the street frontage side of the home.

G. Separate Living Areas. An ADU must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.

H. Fire, Building, and Health Codes. An ADU shall comply with all building construction and fire codes in effect at the time the ADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.

I. Utility Meters. A single-family dwelling with an ADU shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. Impact fees are required when adding a detached ADU.

J. Not Intended For Sale. ADUs shall not be sold separately from the primary dwelling unit.

K. ADU Registration / Business License. Any person owning an existing ADU that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an ADU, or any person remodeling or causing the remodeling of a residence for an ADU, shall register the accessory dwelling unit with the Planning department. If the ADU is a rental unit a business license is required. This shall be in addition to a building permit for the work to be performed. In order to meet the requirements of the registration, the applicant shall:

1. Submit a fee as identified in the Consolidated Fee Schedule with a completed registration form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
2. Include detailed floor plans with labels on rooms indicating uses or proposed uses.
3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges.
4. Make all corrections identified as necessary to comply with building code requirements, as identified by the chief building official or his designee, and provide photos of the life safety items required by building code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters.

5. Existing non-conforming duplexes which were legally established prior to the elimination of duplexes from the underlying zone shall continue to operate as a duplex even if an Owner Occupant maintains one of the units as their primary residence, provided the Owner Occupant continues to treat the property as a duplex.

a. The Owner Occupant establishes the intent to maintain the duplex use by:

(1) Obtaining the necessary rental license annually; and

(2) Paying the required utility billing charges for two dwelling units; and

(3) Paying all other necessary licensing procedures which may be imposed in the future on all landlords throughout the City.

b. Failure to maintain the license and pay all necessary utility and other fees for a period of one year or more shall be interpreted as the intent to abandon the duplex use in favor of the conforming ADU use whether or not the unit is occupied.

c. Registering the duplex as an ADU for a period of one year or more shall be interpreted as the intent to abandon the duplex use.

L. Failure to Complete Registration. If the property owner does not complete the registration as outlined above, the ADU shall not be considered legal or approved. Failure to complete the registration of an existing ADU within two (2) years of the passing of this section may result in a fine of five hundred dollars (\$500.00) which may result in a lien on the property. After the fine is assessed, the building official or his designee shall determine an appropriate deadline for compliance. An additional fine may be assessed for each deadline that is not met.

M. Home Occupation Businesses. Home occupation businesses which may be approved in an ADU shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner.

N. Development Standards.

1. The total area of the ADU shall be fifty percent (50%) or less of the living space of the primary residence for an attached ADU. The total area of the ADU shall be forty percent (40%) or less of the living space of the primary residence for a detached ADU.

2. ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.

3. Appearance. The architectural design, color pallet, and materials for an ADU shall be similar to the primary dwelling unit.

4. ADUs and the primary dwelling must be on the same parcel and may not be subdivided.

5. The height of an attached ADU may be equal to the main building maximum height. A detached ADU may have a maximum height of twenty-five (25) feet.

6. Location. Accessory dwelling units may be allowed as long as the zoning requirements for properties in a single-family neighborhood are met. The ADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In addition, the following standards apply:

a. All accessory dwelling units are allowed over the garage, provided the parking within the garage is not converted; or

b. Attached accessory dwelling units are allowed:

(1) Inside the primary residential dwelling through an internal conversion of the housing unit as an addition or in the basement.

(2) By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building.

c. Detached accessory dwelling units are allowed:

(1) Over a detached garage.

(2) Only in the rear yard.

(3) On lots having a minimum area of 11,000 square feet.

(4) Shall have a minimum separation from the primary dwelling of 15 feet.

(5) Subject to Site Development Standards in 11-9.

7. Building Entrances. An accessory dwelling unit shall have a separate entrance located on any side or rear of the single-family home or at the front of the home if it is below grade and maintains the characteristics of a single-family home. The

purpose of this requirement is to preserve the single-family residential appearance of the building.

8. Parking. A single-family dwelling with an ADU shall provide at least three (3) off street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. This shall include covered parking, garages and tandem parking in driveways. Tandem parking within a driveway is allowed to meet the parking requirement. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway. The minimum width of parking areas and driveways shall be paved with concrete, asphalt, masonry, or concrete pavers. No ADU may be allowed on any lot that cannot satisfy the parking requirements.

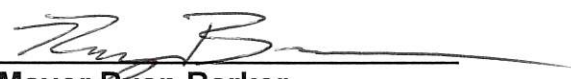
O. Converting Existing Dwelling Unit. An existing single-family dwelling unit, lawfully prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit. The lot must meet the standards outlined in CCNO 11-9M-9 and is exempt only from the following standards: CCNO 11-9M-9 (N)1, 11-9M-9 (N)2, 11-9M-9 (N)3, 11-9M-9 (N)5, 11-9M-9 (N) 6.c(2), 11-9M-9 (N)7.

CITY COUNCIL VOTE AS RECORDED:

	Aye		Nay
Council Member Carney:	<u>X</u>		___
Council Member Dalpias:	___	Excused	___
Council Member Nabor:	<u>X</u>		___
Council Member Pulver:	<u>X</u>		___
Council Member Watson:	<u>X</u>		___

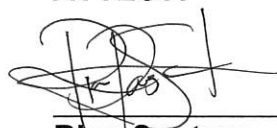
(In event of a tie vote of the Council):

Mayor Barker	___	___
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Mayor Ryan Barker

ATTEST:



Rian Santoro
City Recorder

