ORDINANCE 2026-26

AN ORDINANCE AMENDING TITLE 11-10A-3: SITE DEVELOPMENT STANDARDS AND 11-10A-5: PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES; BUFFER ZONE TO PERMIT OPTIONAL ZERO-LOT-LINE DEVELOPMENT WITH STANDARDS FOR PROTECTION OF ADJOINING PROPERTIES.

WHEREAS: North Ogden City currently requires commercial development adjacent to residential zoning districts to provide setbacks, buffering, landscaping, and screening intended to protect adjoining residential properties; and

WHEREAS: The City recognizes that some commercial properties may benefit from additional site design flexibility where residential protection can still be maintained through building placement, wall design, drainage control, maintenance obligations, and compliance with applicable building and fire codes; and

WHEREAS: The proposed amendment creates an optional reduced or zero setback alternative along interior side or rear property lines abutting residential zones, subject to specific standards intended to preserve the screening function otherwise provided by the required buffer yard and screen wall; and

WHEREAS: The proposed amendment includes standards addressing stepped building height, wall finish, openings, drainage, encroachments, maintenance access, recorded agreements, and protection of adjoining residential property rights; and

WHEREAS: The Planning Commission held a public hearing, reviewed the proposed amendment, considered public input and staff analysis, discussed potential impacts, and made a recommendation to the City Council; and

WHEREAS: The City Council finds that allowing a carefully regulated reduced setback option may support efficient commercial property use while maintaining appropriate protections for adjoining residential properties; and

WHEREAS: The City Council finds that the proposed amendment is consistent with the purposes of the North Ogden City Land Use Code and the City's interest in high-quality commercial development, economic development, and protection of adjacent residential neighborhoods.

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 11-10A-3: Site Development Standards, and Title 11-10A-5: Protection of Adjoining Residential Properties; Buffer Zone, shall be amended to read:

CCNO 11-10A-3, Site Development Standards

Minimum Yard Setbacks.

a. Front: Twenty feet (20') for all buildings and walls or fences over three feet (3') high; buildings that front onto Washington Boulevard, 2550 North, or 2700 North may be required to have a reduced 0 foot setback, if warranted for mixed use, street side dining, or the creation of a plaza as determined during the site plan process, by the Planning Commission.

b. Side: None, except ten feet (10') adjacent to residential boundary, except as provided in Subsection (e) of this Section.

c. Side facing street on corner lot: Twenty feet (20').

d. Rear: None, except ten feet (10') where building rears on a residential zone which shall meet buffering requirements of CCNO 11-20 and includes a 6' wall, rock mulch and trees, except as provided in Subsection (e) of this Section.

e. Reduced (Zero) Setback Building Wall Option Adjacent to Residential. In lieu of the ten-foot (10') side or rear setback otherwise required adjacent to a residential zoning district under Subsections (b) and (d) of this Section, the Planning Director may, as an administrative decision under CCNO 11-2-3 and through site plan review under CCNO 11-2-9, approve a reduced setback of not less than zero feet (0') along an interior side or rear property line abutting a residential zone, subject to all of the following:

1. Height Limitation and Measurement.

a. Measurement and stages. Height under this Subsection is measured at the abutting residential property line, from finished grade on the residential side (including any grade established under Subsection (e)(2)), and is regulated in three stages by horizontal distance from that line so that the building steps up gradually as viewed from the residential property:

b. Stage 1 — zero to ten feet (0'–10') from the residential property line. The wall or building height shall average not more than ten feet (10') over the entire length of the wall, measured from the residential side and shall be not less than eight feet (8') nor more than fourteen feet (14') at any single point. The eight-foot (8') minimum ensures the wall performs at least the screening function of the screen wall otherwise required by CCNO 11-10A-5. Rooftop decks, patios, dining areas,

gathering areas, or other occupied rooftop uses shall be prohibited on any portion of a building located within ten feet (10') of an abutting residential property line under this Subsection.

c. Stage 2 — ten to thirty feet (10'–30') from the residential property line. Building height shall not exceed fifteen feet (15') above the height of the Stage 1 wall at the residential property line.

d. Stage 3 — beyond thirty feet (30') from the residential property line. Building height shall comply with the maximum height of the underlying zone.

e. Average measurement. The Stage 1 average shall be determined by averaging the wall height measured from the residential side of the property line at each end of the wall and at the midpoint of each straight wall segment. Such measurements may be taken with a tape measure or equivalent by the applicant or City staff, and no licensed land survey is required. Compliance is determined by this average, provided no single point exceeds the 8'/14' limits in Stage 1.

f. Commercial side. The height of the wall as seen from the commercial side is not separately limited by this Subsection and is governed by Subsection (e)(4) and the underlying zone.

2. Optional Residential Grade Improvement. Where the abutting residential property is at a different elevation than the commercial property at the shared line, the commercial applicant may, with the written and recorded consent of the residential owner under Subsection (e)(6), construct improvements to raise, level, or otherwise modify the elevation of the residential property at and near the shared line, including a retaining structure, so that the residential yard is improved (for example, made level) while permitting greater building height on the commercial side. Any such improvement:

a. Is optional and shall be at the commercial applicant's sole expense;

b. Shall comply with the building code adopted by North Ogden City (the International Building Code as adopted by the State of Utah under the State Construction and Fire Codes Act, Utah Code Title 15A), including the permitting and structural requirements that apply under IBC Section 105.2 to a retaining wall over four feet (4') in height or one supporting a surcharge such as a building above;

c. Shall be designed and drained so that it does not direct, concentrate, or pond stormwater onto the residential property, nor increase stormwater discharge onto it;

d. Shall establish the post-improvement finished grade from which wall height is measured under Subsection (e)(1);

e. Shall remain in place for the benefit of the residential property and shall not be removed if the commercial building is later removed, unless both then-current owners agree in a recorded instrument; and

f. Shall be constructed, repaired, and maintained in perpetuity by the commercial property owner, as provided in the recorded instrument under Subsection (e)(6).

3. Wall Plane as Screen. The exterior wall placed at the reduced setback shall satisfy the screening function of CCNO 11-10A-5 in place of the otherwise-required screen wall, and shall meet the wall finish standards of Subsection (e)(4).

4. Wall Finish and Openings. The wall facing the residential zone shall be a solid, opaque, durable wall of masonry, concrete, or comparable material, finished on the residential side to a quality comparable to the masonry screen wall otherwise required by CCNO 11-10A-5. The articulation and façade-variation standards of CCNO 11-10C-3 shall not apply to this wall; it need be no more elaborate than a permitted screen wall or fence. No doors, operable windows, loading doors, vents, exhaust, or mechanical equipment shall be placed in or on the wall facing the residential zone.

5. Drainage and Overhang. All roof and surface drainage from the commercial building shall be retained and managed on the commercial site. Except for a retaining structure and grade improvement authorized under Subsection (e)(2) and the recorded instrument under Subsection (e)(6), no eave, gutter, overhang, footing, or other building element shall cross or project over the residential property line.

6. Access, Maintenance, and Private Agreements. Approval of a reduced or zero setback shall not create any right to enter adjoining residential property. The applicant shall demonstrate that the building wall, drainage facilities, utilities, and related improvements can be constructed, inspected, repaired, and maintained without entering adjoining residential property. If construction, inspection, maintenance, repair, grading, retaining walls, landscaping, or drainage improvements require entry onto or work upon adjoining residential property, the applicant shall provide a recorded easement or private agreement signed by the affected property owner prior to building permit issuance. The agreement shall run with the land, bind successors, identify maintenance obligations, require restoration of disturbed areas, and state that the City

is not responsible for enforcing private compensation or access terms except as necessary to confirm compliance with this Section.

7. Applicability. This option applies only to an interior side or rear line abutting a residential zone and shall not apply to any required front yard, street side yard, or any line abutting a public street.

8. Building Code Compliance. The wall, and any combined retaining and building wall, shall comply with the building code adopted by North Ogden City (the International Building Code as adopted by the State of Utah under Utah Code Title 15A), including its permit, fire-resistance, opening-protection, and structural provisions. The City's Building Official shall determine, under the adopted building code (including IBC Section 105.2), when a permit and engineered design are required.

CCNO 11-10A-5, Protection of Adjoining Residential Properties; Buffer Zone

The existing provisions of CCNO 11-10A-5 remain unchanged. The following paragraph is added at the end of the Section:

B. Building Wall in Lieu of Screen Wall and Buffer. Where the Planning Director has approved a reduced (zero) setback building wall under CCNO 11-10A-3(3)(e), that building wall shall satisfy the screen wall requirement of this Section for the length of wall so placed, and the ten-foot (10') landscaped buffer yard shall not be required along that length of wall. Required site landscaping that would otherwise have been located in the buffer yard shall be relocated elsewhere on the site so that the development meets the minimum ten percent (10%) site landscaping required by CCNO 11-10A-3(6). Any portion of the residential-abutting line not occupied by the approved building wall shall continue to meet the full screen wall and buffer requirements of this Section.

2. Illustrative Exhibits

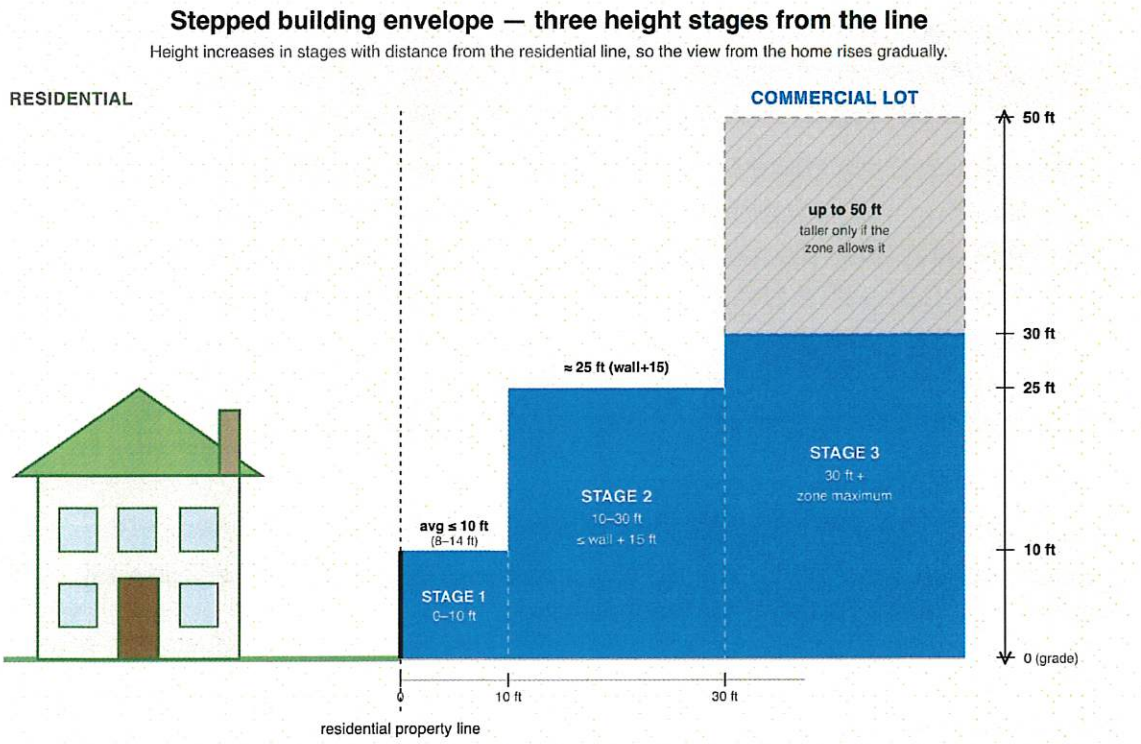


Exhibit A. Stepped building envelope. Stage 1 (0–10 ft from the line): wall averages ≤10 ft, 8–14 ft at any point. Stage 2 (10–30 ft): up to 15 ft above the wall height at the line. Stage 3 (beyond 30 ft): the zone maximum.

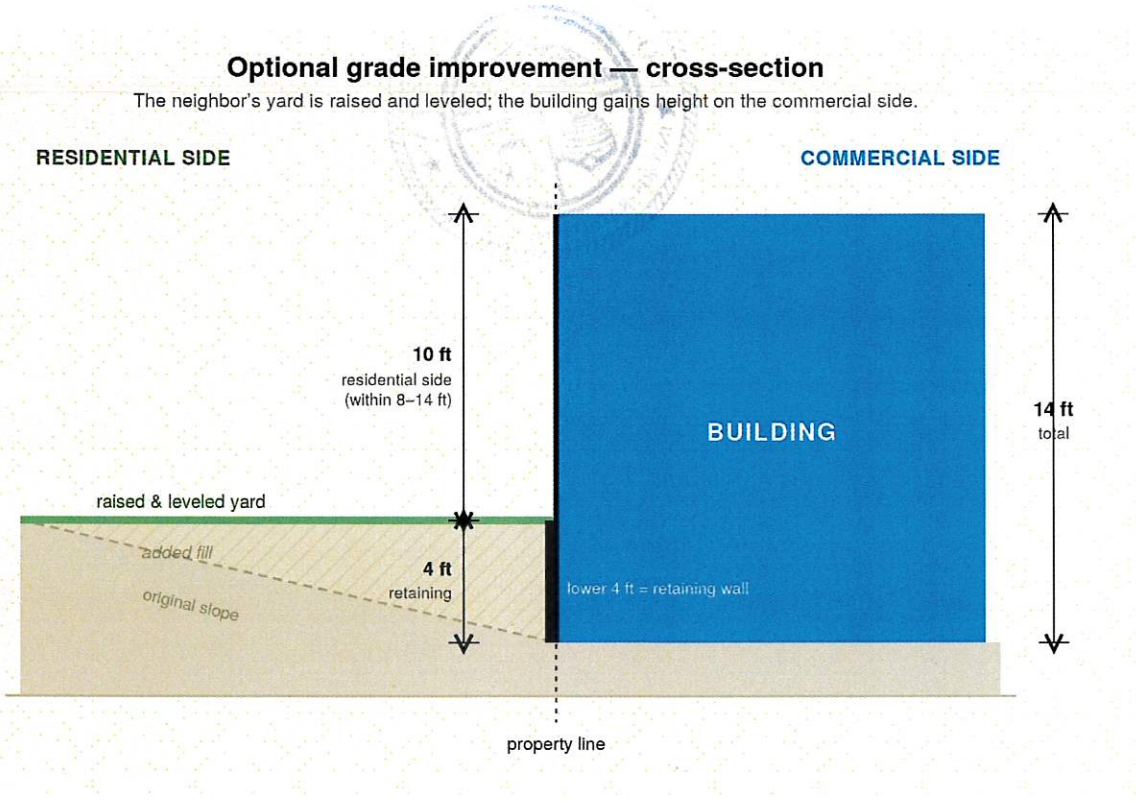


Exhibit B. Optional residential grade improvement. A retaining wall raises and levels the neighbor's yard; the wall reads about 10 ft from the residential side and 14 ft from the commercial side, and the building steps up through the same three stages.

CITY COUNCIL VOTE AS RECORDED

	Aye		Nay
Council Member Carney:	X		___
Council Member Dalpias:	___	Excused	___
Council Member Nabor:	___		X
Council Member Pulver:	X		___
Council Member Watson:	X		___

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

Mayor Barker	___		___

Mayor Ryan Barker

ATTEST:

Rian-Paige Strand
City Recorder