



**CITY COUNCIL MEETING AGENDA  
NOVEMBER 09, 2021 AT 6:00 PM  
505 EAST 2600 NORTH  
NORTH OGDEN, UT 84414**

**PUBLIC CAN ATTEND BY:**

Register [here](#) or contact Susan Nance at [snance@nogden.org](mailto:snance@nogden.org) to attend in-person. Limited to 15 participants.  
Click the link below to join the webinar: <https://us02web.zoom.us/j/84892786108> Webinar ID: 848 9278 6108  
Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782 or 1 312 626 6799  
YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

**Welcome:** Mayor Berube

**Invocation & Pledge of Allegiance:** Council Member Cevering

**CONSENT AGENDA**

1. Call for conflict of interest disclosure
2. Discussion and/or action to consider September 14, 2021, City Council meeting minutes

**ACTIVE AGENDA**

3. Public Comments\*
4. Discussion and/or action on Bond presentation  
Presenter: Zion's Finance
5. Discussion on General Fund balance  
Presenter: Jon Call, City Manager/Attorney
6. Discussion and/or action to consider an Ordinance to amend accessory building standards in the R zones  
Presenter: Brandon Bell, Associate Planner
7. Discussion and/or action to consider an Ordinance to amend accessory building standards in the following single-family zones: RE-20, R-1-5, RCC, HP-1, HP-2, and HP-3  
Presenter: Scott Hess, Planning Director
8. Discussion and/or action to consider an Ordinance to amend accessory building standards city-wide  
Presenter: Scott Hess, Planning Director
9. Discussion and/or action to consider a Multi-Parcel Drainage Agreement with the Utah Department of Transportation (UDOT) for land located at approximately 1500 North Washington Boulevard  
Presenter: Jon Call, City Manager/Attorney
10. Council Department Reports:
  - a. Council Member Barker – Building and Planning
  - b. Council Member Cevering – Public Works
11. Public Comments\*

***\*Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

**CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 4<sup>th</sup> day of November, 2021 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogden.com>, and faxed to the Standard Examiner. The 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020. Susan L. Nance, City Recorder

12. Council/Mayor/Staff Comments

13. Adjournment

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**Public Comments/Questions**

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to three (3) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

September 14, 2021

The North Ogden City Council convened a Council meeting with limited attendance on September 14, 2021, at 6 p.m. at the North Ogden City Office at 505 East 2600 North. And also available electronically at <https://us02web.zoom.us/j/82485812137> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 253 215 8782 or +1 312 626 6799 or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on September 9, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

PRESENT:            S. Neal Berube            Mayor  
                         Ryan Barker            Council Member            joined via zoom at 6:26 pm  
                         Blake Cevering        Council Member  
                         Charlotte Ekstrom     Council Member  
                         Cheryl Stoker         Council Member  
                         Phillip Swanson       Council Member

STAFF PRESENT:    Jon Call                    City Manager/Attorney  
                         Susan Nance             City Recorder  
                         Dirk Quinney            Police Chief  
                         Tiffany Staheli         Parks and Recreation Director

VISITORS:            Susan Clements        Korilyn Hietala        Spencer D. Stephens  
                         Merrill Sunderland    Ryan Spelts             Robert Bolar  
                         Jay D Dalpias         Stefanie Casey         Sandy Cochran  
                         Bob Buswell            Dallin Barker

Mayor Berube called the meeting to order. Council Member Swanson offered a thought and led the audience in the Pledge of Allegiance.

**PRESENTATION**

**1.    SWEARING IN OF NEW POLICE OFFICER, RICHARD LOPEZ**

City Recorder Nance administered the Oath of Office to new Police Officer Richard Lopez. Police Chief Quinney provided the Council with information regarding Officer Lopez’s professional and personal background and noted he is happy to welcome Officer Lopez to the Police Department.

2. **RECOGNITION OF WEBER HIGH SCHOOL'S DRAMA TEACHER, MARK DANIELS, WHO WAS NAME UTAH TEACHER OF THE YEAR**

Mayor Berube read a proclamation recognizing Weber High School's drama teacher, Mark Daniels, for being named Utah Teacher of the Year. He congratulated Mr. Daniels and thanked him for the service he has provided to the community throughout his career.

**CONSENT AGENDA**

3. **CALL FOR CONFLICT OF INTEREST DISCLOSURE**

Mayor Berube asked if any Councilmember had any conflict of interest to disclose. No disclosures were made.

**ACTIVE AGENDA**

4. **PUBLIC COMMENTS**

Dallin Barker stated he is attending tonight's meeting to find out who is responsible for emptying the dog waste bins along the canal trail; they are overflowing and need to be taken care of. He stated that if the City is not going to empty the bins regular enough, they should remove them; however, this will result in people leaving their waste bags along the trail.

Mayor Berube asked Council Member Ekstrom to follow up with the Parks and Recreation Department regarding Mr. Barker's questions.

Mayor Berube then read an email from Scott Russell:

"If the information and out common sense of attendance numbers of the Amphitheater are correct, it is my opinion to ask for a review of the Recreation, Arts, Museum, and Parks (RAMP) monies being spent for the entertainment at the facility. Using common business sense, these events do not appear to be cost effective to the City. Why? What the City is spending for the number of people who are attending is not cost effective. Again, common sense should tell us that this is not right. I recommend that these monies be used for other recreational needs in the City, such as youth recreation or the aquatic center. Let's use common business sense and look at the cost versus the low turnout and overhead expense we are incurring for these events."

Mayor Berube indicated that Mr. Russell went on to inquire as to why the City has an event coordinator as the present staffing of the Parks and Recreation Department could arrange events without a specific events coordinator being hired. "Certainly this role could be assumed by the Manager or other staff in the Recreation Department. This and other such reductions in staffing could save the City money. Thanks to the Mayor and Council for all they do for the City."

**5. APPOINTMENT OF YOUTH CITY COUNCIL ADVISOR**

Mayor Berube noted that Council Member Cevering is the liaison to the Youth City Council and he asked for his recommendation regarding the appointment of a new Advisor.

Council Member Cevering stated that he recommends the appointment of Jeana Berube as the Youth City Council Advisory.

**Council Member Swanson move to appoint Jeana Berube as a Youth City Council Advisor. Council Member Ekstrom seconded the motion.**

**Voting on the motion:**

<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**6. DISCUSSION AND/OR ACTION TO CONSIDER THE DECLARATION OF SURPLUS PROPERTY LOCATED AT APPROXIMATELY 457 EAST 2600 NORTH**

A staff memo from City Manager/Attorney Call noted the question before the Council is whether to declare the property at 457 East 2600 North as surplus and move forward with consideration of the offers to purchase the property.

With the 2600 road widening project winding down the City has about 1 to 2 acres of excess property which could be sold to recoup some City and WACOG funds. The City has been working on a subdivision of the property so that it can be designated and sold as one parcel instead of the 3 it currently contains. The City has also received some interest from groups who would like to purchase the property for commercial development.

The Council needs to hold a public hearing to receive feedback on declaring the property as surplus. Staff anticipates that the best use of this property would be commercial, which it is currently zoned (CP-2).

If the Council would like to declare the property as surplus, then we would need to discuss the best way to market the property and how the Council would like to approach it. The city currently has one offer on the property waiting for a response, which is why the council is having this discussion about declaring the property as surplus.

The memo concluded staff recommends declaring this property as surplus and developing a strategy to market the property or entering into a contract for the sale of the property with one of the parties who have already shown interest.

Council Member Cevering asked if the City is required to sell the property based upon the agreement with WACOG, to which Mr. Call answered no. Council Member Cevering wondered if it would be more appropriate to retain the property for the development of a future City facility if necessary. Mr. Call stated that even if the Council declares the property as surplus, the City would not be required to sell it, but the Council could entertain offers and decide how they want to proceed.

**a. Public Hearing**

**Mayor Berube opened the public hearing at 6:26 p.m.**

Jay D. Dalpias, North Ogden resident, stated he supports declaring the property as surplus and selling it and he recommended that any proceeds from the sale be directed to the Public Safety Building project.

Council Member Barker joined the meeting via Zoom at 6:26 p.m.

There were no additional persons appearing to be heard.

**Council Member Ekstrom moved to close the public hearing. Council Member Cevering seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**The public hearing was closed at 6:27 p.m.**

**b. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION  
DECLARING SURPLUS PROPERTY LOCATED AT APPROXIMATELY 457  
EAST 2600 NORTH**

Council Member Swanson asked if the Council has the ability to discuss this matter in a closed session scheduled for later this evening, to which Mr. Call answered yes. Council Member Swanson stated that he would like to hold off on declaring the property as surplus until discussing the matter during the closed session. Council Member Barker stated he is comfortable adopting the resolution at this time based upon Mr. Call's earlier guidance that the City will not be required to sell the property simply because it has been declared as surplus.

**Council Member Barker motioned to approve Resolution 13-2021 declaring Surplus Property located at approximately 457 East 2600 North. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION TO CONSIDER A SHARED AGREEMENT WITH COLDWATER  
ANIMAL HOSPITAL FOR PARKING LOT ACCESS AT THE CITY'S OLD  
PUBLIC WORKS FACILITY, LOCATED AT APPROXIMATELY 346 EAST  
PLEASANT VIEW DRIVE**

Mr. Call noted the question before the Council tonight is whether to enter into an agreement to install shared parking or sell this property to the neighbor so they can install their own private parking on the property. He identified the location of the subject property at 346 East Pleasant View Drive and briefly referenced the history of the Council's discussions of this issue with the owners of the Coldwater Animal Hospital. The other party has indicated their first preference is that they have a cross access easement on the property, which they would improve and maintain, but not actually own. This would be beneficial to the City because we would get a fully landscaped and improved parking area, but would also tie up the property from any potential future development. There are a lot of moving pieces on this discussion and so the landowner

and staff need some direction so that an agreement, if there is one, can be written up for the Council's approval. One item of concern with a cross access easement is that we have been approached by other members of the public wishing to park or rent parking spaces on other public property to accommodate trailers and other items which are too big for their community (HOA) and directly adjacent to City property. The Council should consider whether this might cause some inconsistencies in working with neighbors to solve problems.

Mr. Call facilitated high level discussion among the Council regarding the issue at hand; the Mayor and Council indicated they are not opposed to selling the property, but they do have concerns about the sharing agreement as this could cause inconsistencies if the City is approached for similar consideration on other properties in the future. The Council concluded to continue their discussion of the future use of the subject property during the closed session later this evening.

**8. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT FOR THE NORTH OGDEN CITY CONNECTION MAGAZINE**

Mr. Call noted that following the Council's discussion of the extension of the agreement with North Ogden Connection during their September 7 meeting, City Administration has worked with Ryan Spelts to negotiate terms of the extension. He stated the modified term is 12-months rather than 60-months; this will give the Council and the publisher the opportunity to discuss and review the agreement every year. The City would need to give the publisher adequate notice if they do not intend to extend the agreement from year to year. Additionally, the amended agreement provides for indemnification for the publisher. Finally, the City's contribution will be \$.11 per copy printed for each issue, which translates to \$832.92 per month. This language is captured in Addendum A created by Mr. Spelts and City Administration; the price per month is based upon the number of households that receive a magazine.

Mayor Berube invited input from Mr. Spelts.

Mr. Spelts indicated the City does have approval authority of all content in the magazine; if the City finds an article or advertisement harmful, Connection Publishing will remove that content and replace it with something accepted by the City. He is not concerned about liability but noted the indemnification clause is intended to protect Connection Publishing from any negative outcome associated with something that is published that is found harmful to the City. Given that the City has final approval of the magazine, Connection Publishing should be held harmless.

Mayor Berube expressed concern regarding the indemnification clause. Mr. Spelts stated that he simply wants to be a partner of the City and if the City acknowledges that it has review and approval authority of the magazine and will not pursue recourse against Connection Publishing for certain content. This led to high level discussion regarding any

legal liability associated with any situation created by an article or advertisement included in the publication; there was a focus on the City's exposure, Connection Publication's exposure, or an article writer's exposure.

**Council Member Swanson motioned to approve Agreement #09-2021 for the North Ogden City Connection magazine with updated language included in addendum A, and an updated disclaimer to indicate that some content is not sponsored by the City, and giving the Mayor the authority to approve the additional disclaimer before signing the agreement. Council Member Cevering seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**9. DISCUSSION AND/OR ACTION TO CONSIDER A TEMPORARY BUSINESS LICENSE FOR BIRD RIDES INC. ELECTRIC SCOOTER COMPANY**

Planning Director Hess explained Bird Rides Inc. contacted North Ogden City's Planning Department regarding a temporary trial of an electric scooter rideshare program. The city does not currently have any operational micro-mobility rideshare programs, so this would be the first of its kind for the City. Bird Rides Inc. does have an existing business license and operating agreement with Ogden City, Bird scooters can be found within the jurisdiction of North Ogden City. Bird Rides Inc. proposed a pilot program for the remainder of the warm weather in 2021. This would consist of approximately 25-50 scooters made available for residents of North Ogden City. Bird provided a draft Memorandum of Understanding along with a draft Pilot Operating Agreement that would establish temporary rules and regulations for shared electric scooters.

Mr. Hess noted he has discussed the proposal at length with Mr. Call, Police Chief Quinney, and Mayor Berube; Chief Quinney has indicated that scooters can be regulated in the same fashion as bicycles and that the City has adequate enforcement capability under the existing bicycle motor laws to be able to regulate electric scooter use. Should the Council decide that a temporary scooter sharing program is beneficial for the City there may be other potential areas of legislation the city could consider including the following: acceptable/designated parking locations for electric scooters, limited speeds on and off sidewalks, whether or not electric scooters should be permitted on sidewalks, limited areas where the scooters would be operational (business districts and transit

accessible areas). Any regulations specifically addressing riding on the sidewalk, or speeds on sidewalks would need to be codified in the future in order to separate regulation between bicycles and electric scooters. According to the Draft Memorandum of Understanding, both the city and Bird Rides Inc. may terminate the agreement at any time without cause upon thirty days prior written notice. This provision provides the city with an exit clause should the temporary electric scooter share program become problematic. He concluded that Staff recommends that the City Council consider the proposed temporary business license, draft Memorandum of Understanding (MOU), and Draft Pilot Operating Agreement and determine whether it is in the best interest of the city to permit an electric scooter sharing program to operate for the remainder of the warm weather season in 2021.

Mr. Hess facilitated high level discussion among the Council. Mayor Berube polled the Council to determine their position on the proposal; they were split on the matter of the temporary business permit allowing the Bird Rides to introduce an electric scooter business into North Ogden for the remainder of 2021.

**Council Member Cevering motioned to deny the temporary Business License for Bird Rides Inc. electric scooter company. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Ekstrom</b>	<b>no</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed 4-1.**

**10. DISCUSSION ON VILLAGE AT PROMINENCE POINT DEVELOPMENT AGREEMENTS AND AMENDMENTS.**

City Manager/Attorney Call reviewed a staff report included in the Council packet regarding the history of the Village at Prominence Point project; this included a summary of the original agreement and the many amendments that have been approved since approval of the original agreement. There was a focus on the City-owned parcel in the project area and future plans for that area; amenities that have been communicated to residents in the project; the decreases in the numbers and types of units in the project; bankruptcy actions on the property resulting in change of ownership for several parcels or buildings within the project area; codes, covenants, and restrictions (CCRs) applying to the project and the City's ability to take enforcement action against the developer; and the three lots that are non-buildable due to their relationship with the creek and the path planned for the area in the future.

Mayor Berube concluded that it is important to clarify that the City has no pending applications for building permits for the independent living center, the apartment complexes, or the club house. He is hopeful that the developer will begin working on the club house in conjunction with the apartments, though it's not necessarily required. The developer has told some residents in the project area, the City is holding certain aspects of the development up, but that is not accurate. The City has not been hard to work with but is enforcing the agreement in place and he does not anticipate additional amendments. He asked the Council if they are comfortable with that position, to which all Council Members answered yes.

**11. DISCUSSION ON EMPLOYEE SURVEY RESULTS**

City Manager/Attorney Call reported Administration has completed the annual employee satisfaction survey; he reviewed the survey questions and the results and offered a comparison of the 2020 results and the 2021 results. The scores seem to be higher this year, but participation in 2021 was lower than in 2020, which could lead the reader to draw the conclusion that the scores would be lower.

Mr. Call engaged in high level discussion with the Mayor and Council about opportunities for implementing changes in the City that could increase employee morale or address some of the concerns expressed via the survey.

**12. DISCUSSION ON UTOPIA**

City Manager/Attorney Call reported the City has been approached by UTOPIA about partnering with them to complete a fiber project in North Ogden City. A survey has been created by UTOPIA and the question before the Council at this time is whether they want to proceed in engaging the public regarding such a project through this survey.

Mayor Berube stated the first question for the Council to answer is if they want to submit the survey to citizens with the knowledge that the City would be party to a \$17 million bond for the fiber project. He polled the Council to determine how they would like to proceed. The Council acknowledged the need to improve broadband service in the City but indicated that UTOPIA is not the only option and they wanted to explore other options at this time rather than proceeding with submitting the UTOPIA survey to residents. Mayor Berube directed Mr. Call to gather additional information regarding other fiber and broadband options and present those to the Council during a future meeting for more discussion and a possible action.

**13. COUNCIL DEPARTMENT REPORT:**

a. Council Member Barker – Building and Planning

Council Member Barker reported the General Plan Advisory Committee has finished their work on their recommendation to update the General Plan; they will be completing their final report for submittal to the Council in the next 60 days and after that they may disband. He then reported on his assignment with Mosquito Abatement District; there has been one West Nile death in Weber County in the past month. They advise residents not to have standing water on their property as this allows for mosquitos.

b. Council Member Swanson - Finance

Council Member Swanson reported on the status of the current audit, which is on schedule at this point in the year. He reported that 17 percent of the year has lapsed, and expenses are under that at 13 percent. Revenues are tracking nicely as well. He then reported he would like to make his report at the last meeting of each month so that he has more current sales tax revenue data.

**14. PUBLIC COMMENTS**

Dallin Barker, North Ogden resident, commented on the Village at Prominence Point project. It was concerning to hear that the senior center has been developed, but the cottage units will no longer be developed around it and there are no plans for landscaping. He stated that there are many unkept areas in the project, and he asked that the Council visit the area to get a clear understanding of the situation; he would like for the City to push the developer to create grassy areas for kids to play.

Mayor Berube asked Mr. Call if it is correct that the cottages will not be built. Mr. Call stated that he will follow up with the new developer; they are unsure they want to build cottages, but those units will be replaced with something else. He indicated he will follow up with Planning Director Hess.

Korilyn Hietala, North Ogden resident, asked if the cottages were the patio homes that were supposed to surround the senior living facility. Mr. Call stated that there were patio homes planned for the area around The Lodge building. Ms. Hietala then asked where the trail is supposed to be constructed. Mr. Call stated that it was supposed to be built on the east side of the cottages, between the cottages and the creek. Ms. Hietala stated that she does not believe there is room for that. Mr. Call stated that many people have complained that the area is too narrow for a trail and that users of the trail would essentially be in the backyard of residences along the path. Ms. Hietala stated that her property line goes into the middle of the creek; she asked where the trail exits the development, to which Mr. Call answered 1900 North. Ms. Hietala stated that she is unwilling to give up a portion of her property for the trail. Mayor Berube asked Ms. Hietala to meet with City

Administration to provide her perspective and to get more information about future plans for the project.

Susan Clements, North Ogden resident, stated that she was interested in the conversation about UTOPIA. She is currently a Century Link customer and was not pleased. She is now a customer of T-Mobile, and she has had a better experience. She advised that the City not proceed with a great amount of hard wiring before getting more information about the future of wireless internet. It would be bad for the City to make a commitment and investment into something that may be obsolete in a few years.

Candace Yamane, North Ogden resident, asked if anyone has asked questions about the relationship between wireless technologies and human health.

**15. COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Swanson stated there are three things he feels the Council must discuss in the near future: land use of infill properties; canal trail maintenance; and sidewalk tripping hazards and the City's associated liability.

Council Member Covering referenced an email he received this morning about weeds near the sound wall by Lee's Marketplace.

Council Member Ekstrom voiced support for Council Member Swanson's request to discuss sidewalk maintenance and tripping hazards.

Mayor Berube reported the City's Justice Court Judge recently retired and as a result he has been asked to appoint two members to the Judicial Search Committee to find a new Judge. He has appointed Brent West, who was a senior District Court Judge for a long period of time, and Susan Kilborn, a resident with a legal degree. They will be part of a five-member committee who will recommend three individuals from which he can select an appointee. He will then seek the advice and consent of the City Council on his recommended appointee.

Police Chief Quinney stated he wished to provide a report in response to a recent question from Council Member Covering about the trail crossing at 2750 North and 1350 East. He stated that the crossing will soon be marked with paint and appropriate signage.

16. **DISCUSSION AND OR ACTION TO ENTER A CLOSED MEETING FOR REASONS RELATED TO UTAH STATE CODE §52-4-205(1)(e) REGARDING STRATEGY SESSIONS TO DEISSCUSS THE SALE OF REAL PROPERTY**

Council Member Ekstrom motioned to adjourn into a closed session pursuant to the provisions of Section 52-4-205(1) of the Open and Public Meetings Act. Council Member Swanson seconded the motion.

**Voting on the motion:**

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting recessed at 8:40 p.m.

The meeting reconvened at 9:31 p.m.

17. **ADJOURNMENT**

Council Member Stoker motioned to adjourn the meeting. Council Member Ekstrom seconded the motion.

**Voting on the motion:**

Council Member Barker	aye
Council Member Cevering	aye
Council Member Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 9:31 p.m.

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S. Neal Berube, Mayor

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Susan L. Nance, CMC  
City Recorder

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Date Approved

Not Approved



## Staff Report to the North Ogden City Council

### SYNOPSIS

Description: The Council needs to consider the types of bond options available for the public safety building project. There will be a presentation on at least two types of bonding options.

Date: Nov. 3, 2021

### STAFF INFORMATION

Jon Call  
[jcall@nogden.org](mailto:jcall@nogden.org)  
801-737-9846

### QUESTION FOR COUNCIL

What type of bond would the Council like to issue as the public safety building construction project moves forward.

### BACKGROUND

Mark Anderson with Zion's Public Finance is going to present a few options for the Council on the types of bond options available for the public safety building. The Council has already authorized the issuance of bonds, but has not selected the type of bonds to issue, or the final amount, which we anticipate to be lower than the \$10.5 million authorized by the public hearing back in June.

### RECOMMENDATION

Council should discuss the bonding options and make a recommendation for moving forward with the specific bond types.

### EXHIBITS

None



# NORTH OGDEN CITY

SETTLED 1851

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## Staff Report to the North Ogden City Council

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion, consideration and action on a legislative amendment to adjust the standards for accessory buildings in the R-1 zones, and an amendment to accessory building design standards.

Agenda Date: November 9th, 2021

Applicant: North Ogden City Staff

File Number: ZTA 2021-06

### PUBLIC NOTICE:

Mailed Notice: N/A

City Website: September 30th, 2021

### STAFF INFORMATION

Brandon Bell  
Associate Planner  
[bbell@nogden.org](mailto:bbell@nogden.org)  
801-737-9841

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-7B-4(F) Accessory building regulations

### LEGISLATIVE DECISION

When the City is considering a legislative matter on land use topics, the Planning Commission acts as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council.

### BACKGROUND

A request came from the Council asking staff to consider standards for heights, square footage and size, for accessory buildings. There is a pending building permit application, and concerns about the City ordinance on the topic of accessory buildings were raised in the process of that application being reviewed. The Planning Commission and City Council have both considered this ordinance now, and a minor change was recommended from prior versions. Additional updates to this report will be provided orally at the meeting, as the last Planning Commission meeting where this ordinance was considered had not yet occurred, at the time of completion of this report.

## **ANALYSIS**

Staff opinion on the current ordinance regarding Accessory Buildings is that overall, the current ordinance in the City has struck a relatively good balance between the property rights of those who would like to build an accessory building, and the rights of neighboring property owners who are impacted by such buildings on adjoining properties. However, it is worth noting that the current ordinance is more ‘detailed’ than other city’s ordinances that were reviewed.

As Staff has reviewed ordinances from other cities, they generally don’t have as many restrictions on the size of accessory buildings, in similar zones, but these ordinances may also not consider the impact of accessory buildings on neighboring property owners sufficiently.

In North Ogden City, the concerns that have been expressed directly to Staff from neighbors, have come both from neighbors who have been directly impacted by excessively sized accessory buildings, and also applicants frustrated with limitations on their ability to build a building of sufficient size on their property.

Staff is of the opinion that there is not a single, one-size-fits-all solution, but there is a reasonable range of solutions, based on principles that balance and seek to maintain the rights of all affected parties. Staff believes the valid interests of neighbors on this topic, revolve around the issues of the height of the building, especially in relation to the distance of that height from the property line, excessive blocking of light coming on to their property, and excessive heat transmission onto a neighbor’s property. Staff’s view is that the neighbor’s reasonable interests in the matter involve some access to light entering their property, preventing an excessively tall, bulky building exceedingly close to their property line, and not having excessive heat reflected onto their property. Staff believes these concerns summarize the valid interest of neighbors. At the same time the interests of property owners desiring accessory buildings are protected by allowing them to build an accessory building that does not excessively impact their neighbors.

On a related note, it may be worth considering that Accessory Dwelling Units (ADU’s) can currently be up to 25’ feet in height, at the same setbacks as a home, which are significantly closer than Accessory Buildings are allowed to be to the side property line. Further, single-family homes can also, technically be 35’ high at 20’ from the rear property line. It was requested as a result of discussion with the City Council and Mayor that the ordinance be adjusted to have increases in building height start at 5’ from the property line, rather than at 3’ which is what the previous version of the ordinance stated. This would permit a 25’ building to be 20’ away from the rear and side property lines, and be the same distance from a rear property line as a home.

Hence the Council should consider whether property owners desiring to build an accessory building on their property should have significantly different height standards than ADU’s. Consequently, Staff is of the opinion that as long as the height of the accessory building is increasingly farther away from the property line, as the height increases, an increase in the size

of the building should be permitted, in order to meet the needs of both owner of an accessory building and neighboring residents.

This principle of an increase in building height permitted as the setback increases, is currently reflected in the existing ordinance, and this potential adjustment would extend the application of that principle and simplify the current ordinance. This adjustment, if approved would allow accessory buildings, up to 25' in height, (an increase in height from the current 20' limit) so long as there is an increase in distance from the property line, for a corresponding height increase. The adjustment to the ordinance, attached as an exhibit, would still limit accessory buildings to 25% of the rear yard, so that cap on size and to a percentage of the yard still exists. Staff is of the opinion that it's reasonable for the building size to continue to be correlated to the percentage of the rear yard it occupies, and that the percentage that the buildings and hard surfaces occupy on a property should be limited to accommodate the need for drainage of water on-site, and to maintain a degree of an open feel in rear yards.

The attached ordinance amendment also amends the roof height and setback standards to one provision instead of two, and sets a flat, single standard for the maximum square footage, of 1250 square feet. This would replace a formula that provides a custom square footage limit for the size of every accessory building by coupling the permitted size for an accessory building to the size of the main floor area of the home, on each individual lot. This ensures those with smaller, and often older homes are not penalized on the building they want to build, just because they have a smaller home (which often is synonymous with older).

The attached ordinance amendment brings the code closer to uniformity for different types of buildings, or in other words, to similar standards for any building whether it is Accessory Dwelling Unit, Accessory Building or single-family home regarding distance from the rear property line. The Council should consider whether these changes are appropriate, and whether this is a reasonable, equitable comparison between Accessory Buildings and ADU's.

The intent behind these potential adjustments is to simplify the ordinance, and if a height increase is permitted for accessory buildings, that change is intended to take into consideration, balance, and meet the interests and reasonable concerns of both property owners desiring to build an accessory building, and their neighbor's concerns.

Staff is of the opinion that these adjustments keep the ordinance within a reasonable range of balancing differing interests of property owners desiring an accessory building and those of neighbors on nearby properties.

Staff has included the portions of ordinances from different cities in the region, as Exhibit A.

#### **CONFORMANCE WITH THE GENERAL PLAN**

The Vision for North Ogden in the General Plan reads: "North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find the proposed Code amendment to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if an increase in height to 25' for accessory buildings, and the other proposed adjustments in the ordinance correctly balance the interests of property owners desiring to build an accessory building, with their neighbor's interests.

### **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

### **STAFF RECOMMENDATION**

Staff recommends that the City Council consider the proposed ordinance, and whether it conforms to the General Plan and maintains the rights and interests of property owners desiring to build Accessory Dwelling Units, and also surrounding neighbors.

### **EXHIBITS**

- A. Other Cities Ordinances
- B. Potential Ordinance Amendment

**Kaysville**

“Accessory building shall not exceed in height the line created by a point twelve feet (12’) above ground at the property line and extending upwards from that point at a 45 degree angle towards the interior of the property, up to the maximum building height allowed in the zone.”

“Accessory Buildings in any zone shall occupy no more than twenty percent (20%) of the lot area less the footprint area of the main building. An accessory building shall not exceed ten percent (10%) of the lot area.”

**Centerville**

Accessory building (one-story) - 400 square feet or less <sup>4,5</sup>
Accessory building - Greater than 400 square feet and up to the maximum height allowed by the applicable zone <sup>4,5</sup>

**Plain City**

C.	Minimum yard setbacks:		
	1. Front		30 feet
	2. Side:		

c.	Accessory building	10 feet, except 1 foot if located at least 6 feet from rear of main building but not closer than 10 feet to dwelling on adjacent lot	
	3. Side facing street on corner lot		30 feet, except average of existing building where 50 percent frontage is developed but not less than 20 feet
	4. Rear:		
	a. Main building		30 feet
	b. Accessory building		1 foot, except 10 feet where accessory building rears on side yard of adjacent corner lot
D.	Building height:		
	1. Minimum		1 story

	2. Maximum	2 <sup>1</sup> / <sub>2</sub> stories or 35 feet
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**South Ogden**

c. Accessory building:

(1) R-1-10 zone: Ten feet (10'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.

(2) R-1-8 and R-1-6 zones: Eight feet (8'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.

3. Side facing street on corner lot: Twenty feet (20'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').

4. Rear:

a. Main building: Thirty feet (30').

b. Accessory building:

(1) R-1-10 zone: One foot (1'), except ten feet (10') where accessory building rears on side yard of adjacent corner lot.

(2) R-1-8 and R-1-6 zones: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.

D. Building height:

1. Minimum: One story.

2. Maximum: Two and one-half (2<sup>1</sup>/<sub>2</sub>) stories or thirty five feet (35'). (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

# ORDINANCE 2021-\_\_

## AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11, CHAPTER 7, ARTICLE B, AND TITLE 11, CHAPTER 10, SECTION 31, TO REFINE SIZE, HEIGHT AND SETBACK STANDARDS FOR ACCESSORY BUILDINGS AND RELATED ACCESSORY BUILDING STANDARDS

**WHEREAS;** The current City ordinance relating to accessory buildings has been determined to need further refinement; and

**WHEREAS;** This amendment simplifies and amends in a reasonable manner the standards relating to the requirements for accessory buildings relating to permitted setbacks, height, and building size; and

**WHEREAS;** This amendment seeks to define height and required setback standards for accessory buildings, in relation to the property line of the property the accessory building is proposed to be built upon, instead of off-site conditions on other properties; and

**WHEREAS;** Updating these standards seeks to maintain the rights and the reasonable interests of both those who propose to build accessory buildings on their property, and those of neighbors on adjacent properties who may be impacted by such accessory buildings;

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Code 11-7B-4 and 11-10-31 be amended as follows:

### 11-7B-4: SITE DEVELOPMENT STANDARDS

F. Accessory <del>B</del> building <del>R</del> regulations (in feet) (see also CCNO 11-10-31)		
1. Accessory <del>B</del> building <del>H</del> height		
a. Accessory <del>B</del> building <del>S</del> setback		
	(1) Accessory <del>B</del> building/Large <del>A</del> ccessory <del>B</del> building	
	(A) Interior lot & Corner lot (non-street side)	
	Height Maximum in Feet <del>Setback Minimum in Feet (if building height is 10' or less)</del>	Setback Minimum in Feet <del>3</del>
	40	3

		11 - 15	8
		15 - 20	15
		<b>Required Setback In Feet (with permitted increases in building height beyond 10')</b>	
		<p>The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of:</p> <p>1. Twenty feet (20');  21. Eight percent (80%) of the highest point of the roof of the main residential building, except where the ridge or highest point of the roof of the main residential building is sixteen feet (16') or less the ridge or highest point of the roof of the accessory building may not exceed twelve and one-half feet (12'6"); or</p> <p><b>For non-metal buildings that meet the design standards requirements in 11-10-34, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line.</b></p> <p><b>32. For a metal accessory building, twelve and one-half feet (12'6")-a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height may be permitted up to a maximum building height of 12.5' (at the tallest point of the roof of the building), with an increase at a 1:1 ratio in the required setback distance of the building walls from the property line.</b></p>	
		(B) Corner lot (street side)	20
		2. There shall be provided a minimum spacing between main and accessory buildings of at least	6
		3. Rear yard coverage by accessory building shall not exceed the following	25%
		4. Building Size	

<p>a. Maximum Size</p>	<p>One half the square footage of the main building main floor to maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet</p>
<p>5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel</p>	
<p>64. Maximum Number of Large Accessory Buildings Per Lot</p>	<p>1</p>
<p>75. Building Design and Materials (see 11-10-31)</p>	

**11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

- A. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a storage shed or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.
- 1. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones. In the R-1 and RCC zones, accessory buildings over 200 square feet finished with metal siding are not allowed. In the RE-20 zone architectural metal and prefab metal buildings are allowed as accessory buildings.

2. In the R-1 and RCC zones accessory buildings may be constructed of horizontal siding, brick, stucco, wood, or similar material as the main building, etc.
3. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.
  - a. Roofing materials including metal roofs shall have a similar color as the main building.
  - b. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.
  - c. Accessory buildings fronting onto a street must have a window(s) that occupy 5% of the façade of the building, or have a person door, or garage door with windows.
4. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two
5. **For accessory buildings with greater than 200 square feet in floor area, r**Roof pitches shall be a minimum of a 4/12.

**PASSED and ADOPTED this \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2021.**

**North Ogden City:**

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**S. Neal Berube**  
**North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	___	___
<b>Council Member Cevering:</b>	___	___
<b>Council Member Stoker:</b>	___	___
<b>Council Member Swanson:</b>	___	___
<b>Council Member Ekstrom:</b>	___	___
<b>(In event of a tie vote of the Council):</b>		
<b>Mayor Berube</b>	___	___

**ATTEST:**

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**Susan L. Nance, CMC**  
**City Recorder**



# NORTH OGDEN CITY

SETTLED 1851

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## Staff Report to the North Ogden City Council

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion, consideration, and action on a legislative amendment to amend accessory building standards in the following single-family zones: RE-20, R-1-5, RCC, HP-1, HP-2, and HP-3.

Agenda Date: November 9, 2021

Applicant: North Ogden City Staff

File Number: ZTA 2021-07

### PUBLIC NOTICE:

Mailed Notice: N/A

City Website: October 22, 2021

### STAFF INFORMATION

Scott Hess  
[shess@nogden.org](mailto:shess@nogden.org)  
801-737-9841

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinances:

- 11-7A-4 F. Suburban Residential Zone RE-20, Site Development Standards
- 11-7C-4 Residential Zone R-1-5
- 11-7J-4 Residential City Center Zone RCC, Site Development Standards
- 11-9-8 E. Hillside Protection Zones HP-1, HP-2, HP3, Site Development Standards

### LEGISLATIVE DECISION

When the City is considering a legislative matter, the City Council is acting as the final decision body. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### BACKGROUND AS PRESENTED TO PLANNING COMMISSION

A resident recently applied for an accessory building permit in the R-1-10 Zone that was denied due to being too tall for the zone it was in. Also, a different resident recently applied for an accessory building permit for a metal sided building, from the Cleary Building Company, in an R-

1 Zone. Staff denied that application based on the current ordinance related to accessory building design standards.

In response to these applications, and subsequent requests from the applicants to the City Council, the Council asked staff to consider accessory building standards location, size, and materials for all residential zones in the City. Staff has broken this issue into three unique staff reports and Zoning Text Amendments. This staff report is dealing specifically with single-family residential zones including: RE-20, R-1-5, RCC, HP-1, HP-2, and HP-3.

The question for the Planning Commission to weigh in on is whether there are unique attributes to any of these zones that warrants a custom approach to accessory building standards. Staff is not asking the Planning Commission to make a recommendation on specific policies for these zones in this meeting, but rather to talk through each of these zones and provide feedback for staff to consider before bringing forward an ordinance recommendation.

## **ANALYSIS**

The North Ogden City Code related to accessory building design standards and materials was amended in April of 2020. Ordinance 2020-07 (see Exhibit B) adjusted the overall size and location accessory buildings, as well as specified which zones metal siding would be allowed.

Currently, North Ogden City residential zones vary in their approach to accessory building size, height, location, and materials. The RE-20 Zone provides a range of options for accessory buildings based on the size of the property. The R-1-5 Zone is silent on accessory buildings, thereby not allowing them at all. The RCC Zone allows a 15-foot-tall accessory building that is limited in size based on the primary structure on the lot and has a maximum size of 1,000 sqft. The HP Zones allow a 15-foot-tall accessory building that is limited to 25% of the size of the main floor area of the primary structure with no maximum size listed.

North Ogden Code allows metal accessory buildings under two hundred (200) square feet in all residential zones (staff recommends adding clarifying language in the R-1-5 Zone regarding this provision – either to allow or not allow them in that zone). In the RE-20 Zone, architectural metal and prefab metal buildings are allowed. In the R-1 and RCC Zones, accessory buildings over 200 square feet are not allowed to be sided in metal, but rather must be constructed with horizontal siding, brick, stucco, wood, or similar material as the main building.

In addition to the information in this staff report, ZTA 2021-06 considers accessory building height, size, and location standards in all “R-1” Zones, and ZTA 2021-08 considers exterior material standards for accessory buildings.

Accessory Building Standards should be based on community feedback, attempts to limit impacts to property owners, and allowing residents to exercise their private property rights. The Planning Commission should consider whether the standards as written for these other single-family zones are right for the City. Staff would like to discuss the zone language below

and have the Planning Commission provide feedback and recommendations on ordinance language that will be brought back for further action.

**Suburban Residential Zone RE-20:**

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	15
a. Accessory building setback	
(1) Accessory building	
(A) Interior lot	3
(B) Corner lot (non-street side)	3
(C) Corner lot (street side)	20
(2) Large accessory building	
(A) Interior lot	
Height Maximum in Feet	Setback Minimum in Feet
15 - 17	6
18 - 19	8
20 - 25	12
(B) Corner lot (non-street side)	20
(C) Corner lot (street side)	20
2. There shall be provided a minimum spacing between main and accessory; and between accessory buildings of at least	6
3. Rear yard coverage by accessory building shall not exceed the following:	25%
a. On lots less than an acre the minimum rear yard area calculation is based upon the minimum lot width x the rear yard setback and not the actual rear yard dimensions	
4. Building size	
a. Maximum size on lots or parcels less than one acre or adjacent to any R-1 zone	1,500 Square Feet
b. Maximum size on lots or parcels greater than one acre	

1 - 2 Acres	2,000
2 - 3 Acres	2,250
3 - 4 Acres	2,500
4 - 5 Acres	2,750
5 + Acres	3,000 Square Feet
c. On lots adjacent to any R-1 zone, the accessory building width length cannot exceed 40% of the total length of the side lot lines or 40% of the rear lot line when those lot lines are within 50 feet of the accessory building	
5. Building Separation: Large Accessory Building to be 60 feet from neighboring dwelling on any adjoining parcel	
a. If the large accessory building is larger than 2,000 square feet the building setback from rear or side property lines	30
6. Building Design and Materials (see 11-10-31)	
7. Nonconforming. If an accessory building setbacks become nonconforming due to a subdivision of the existing lot; the accessory building must be brought into conformity.	

**Residential Zone R-1-5:**

Accessory Buildings Not Currently Permitted

**Residential City Center Zone RCC:**

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	
a. Accessory building setback	

	(1) Accessory/Large building	
	(A) Interior lot & Corner lot (non-street side)	
	Height Maximum in Feet	Setback Minimum in Feet
	10	3
	11-15	8
	The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of: 1. Fifteen feet (15'); 2. For a metal accessory building, twelve and one-half feet (12'6")	
	(B) Corner lot (street side)	20
	2. There shall be provided a minimum spacing between main and accessory buildings of at least	6
	3. Rear yard coverage by accessory buildings shall not exceed the following	25%
	4. Building Size	
	a. Maximum Size	One half the square footage of the main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet
	5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel	
	6. Maximum number of large accessory buildings per lot	1

7. Building Design and Materials (see 11-10-31)	
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**Hillside Protection Zones HP-1, HP-2, HP-3:**

E. Accessory Building Regulations (in feet) (see also CCNO 11-10-31)			
1. Accessory building smaller than 600 square feet rear and interior side yard	3	3	3
2. Large accessory building greater than 600 square feet:			
a. Interior lot rear and side yard setback	15	15	15
b. Corner lot (non-street side)	15	15	15
c. Corner lot (street side)	20	20	20
F. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings			
G. In the HP-1 and HP-2 zoning districts, no accessory building shall be greater than 1 story (15 feet) nor more than 25 percent of the footprint square footage of the main building. In the HP-3 zoning district, no accessory building shall be greater than 1 story (15 feet) nor have a footprint larger than the house. No Accessory buildings are permitted without a single-family residence or main building.			
H. Accessory building regulations (in feet) (see also CCNO 11-10-31)			
1. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel			
2. Maximum number of large accessory buildings per lot	1	1	1
3. Building Design and Materials (see 11-10-31)			

### **CONFORMANCE WITH THE GENERAL PLAN**

The Vision for North Ogden in the General Plan reads: “North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find future proposed Code language to be in conformance with the General Plan. Accessory Buildings by their very nature fit into single-family zones, and reasonable requirements about their size, location, and materials can be found to be in conformance with the City’s Vision.

### **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

### **PLANNING COMMISSION DISCUSSION**

The Planning Commission discussed the issue of building size, height, and setback at length. The discussion focused on the information presented in the “R-1 Zones” ZTA 2021-06. The setback recommendation remains the same as the City Council has heard with buildings being allowed up to 25’ tall at 20’ from the property line. The discussion on building size was lengthy and thorough. Ultimately the Planning Commission decided that there should not be a cap on the overall size of accessory buildings, but rather to allow the setbacks and lot coverage standards be the limiting factors. Also, the Planning Commission based this decision on keeping the provision that dis-allows metal buildings in the RCC, R-1-8, R-1-10, R-12.5, and HP Zones. Metal buildings used for agricultural purposes are permitted in the RE-20 Zone currently. The Planning Commission felt that the same standards should apply for accessory buildings within all single-family residential zones, not including the R-1-5.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission recommends to the City Council to amend the Accessory Building Standards in the RE-20, RCC, HP-1, HP-2, and HP-3 Zones to be consistent in setback and height within the R-1-8, R-1-10, and R-1-12.5 Zones, and to eliminate overall size provisions.

### **EXHIBITS**

- A. Draft Ordinance
- B. Ordinance 2020-07

## ORDINANCE 2021-\_\_

### AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO ADJUST THE SETBACK STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

**WHEREAS;** There are accessory building standards in residential zones; and

**WHEREAS;** The accessory building setback and height standards vary between the Single-Family Residential Zones; and

**WHEREAS;** The standards are in place in order to provide a reasonable setback from adjoining properties and maintain the reasonable use of the property; and

**WHEREAS;** The General Plan goals support the reasonable use of property while maintaining high quality design standards; and

**WHEREAS;** The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and recommends adoption of this amendment.

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Zoning Ordinance 11-7A-4 section F, 11-7J-4 section E, 11-9-8 section E be amended as follows:

11-7A-4: SITE DEVELOPMENT STANDARDS RE-20 Zone:

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	15
a. Accessory building setback	
(1) Accessory building/ <del>Large Accessory building</del>	
(A) Interior lot & <del>Corner lot (non-street side)</del>	3
(B) <del>Corner lot (non-street side)</del>	3
(C) <del>A</del> Corner lot (street side)	20

(2) Large accessory building	-
(A) Interior lot	
Height Maximum in Feet	Setback Minimum in Feet
15 – 17	6
18 – 19	8
20 – 25	12
(B) Corner lot (non-street side)	20
(C) Corner lot (street side)	20
(2) Required setback in feet (with permitted increases in building height beyond 10')	
<p>(A) For non-metal buildings that meet the design standards requirements in 11-10-34, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line.</p> <p>(B) For a metal accessory building, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height may be permitted</p>	

up to a maximum building height of 12.5' (at the tallest point of the roof of the building), with an increase at a 1:1 ratio in the required setback distance of the building walls from the property line.	
2. There shall be provided a minimum spacing between main and accessory; and between accessory buildings of at least	6
3. Rear yard coverage by accessory building shall not exceed the following:	25%
a. On lots less than an acre the minimum rear yard area calculation is based upon the minimum lot width x the rear yard setback and not the actual rear yard dimensions	
<b>4. Building size</b>	
<del>a. Maximum size on lots or parcels less than one acre or adjacent to any R-1 zone</del>	1,500 Square Feet
<del>b. Maximum size on lots or parcels greater than one acre</del>	
<del>1 - 2 Acres</del>	2,000
<del>2 - 3 Acres</del>	2,250
<del>3 - 4 Acres</del>	2,500
<del>4 - 5 Acres</del>	2,750
<del>5 + Acres</del>	3,000 Square Feet

c. On lots adjacent to any R-1 zone, the accessory building width length cannot exceed 40% of the total length of the side lot lines or 40% of the rear lot line when those lot lines are within 50 feet of the accessory building	
5. Building Separation: Large Accessory Building to be 60 feet from neighboring dwelling on any adjoining parcel	
a. If the large accessory building is larger than 2,000 square feet the building setback from rear or side property lines	30
64. Building Design and Materials (see 11-10-31)	
75. Nonconforming. If an accessory building setbacks become nonconforming due to a subdivision of the existing lot; the accessory building must be brought into conformity.	

11-7J-4: SITE DEVELOPMENT STANDARDS, RESIDENTIAL CITY CENTER ZONE RCC

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)		
	1. Accessory building height	
	a. Accessory building setback	
	(1) Accessory <b>building</b> /Large <b>accessory</b> building	
	(A) Interior lot & Corner lot (non-street side)	
	Height Maximum in Feet	Setback Minimum in Feet

	40	3
	11-15	8
	<p>The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of:</p> <ol style="list-style-type: none"> <li>1. Fifteen feet (15');</li> <li>2. For a metal accessory building, twelve and one-half feet (12'6")</li> </ol>	
	(AB)Corner lot (street side)	20
	(2) Required setback in feet (with permitted increases in building height beyond 10')	
	<p>(A) For non-metal buildings that meet the design standards requirements in 11-10-34, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line.</p> <p>(B) For a metal accessory building, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height may be permitted up to a maximum building height of 12.5' (at the tallest point of the roof of the building), with an increase at a</p>	

	1:1 ratio in the required setback distance of the building walls from the property line.	
2.	There shall be provided a minimum spacing between main and accessory buildings of at least	6
3.	Rear yard coverage by accessory buildings shall not exceed the following	25%
4.	<del>Building Size</del>	
	a. <del>Maximum Size</del>	<del>One half the square footage of the main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet</del>
5.	<del>Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel</del>	
6.	Maximum number of large accessory buildings per lot	1
7.	Building Design and Materials (see 11-10-31)	

11-9-8: SITE DEVELOPMENT STANDARDS, HP-1, HP-2, HP-3

Zoning District	HP-1	HP-2	HP-3
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E. Accessory Building Regulations (in feet) (see also CCNO 11-10-31)			
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1. Accessory building smaller than 600 square feet rear and interior side yard	3	3	3
2. Large accessory building greater than 600 square feet:			
a. Interior lot rear and side yard setback	15	15	15
b. Corner lot (non-street side)	15	15	15
c. Corner lot (street side)	20	20	20
1. Accessory building/Large accessory building			
a. Corner lot (street side)	20	20	20
2 Required setback in feet (with permitted increases in building height beyond 10')			
<p>a. For non-metal buildings that meet the design standards requirements in 11-10-34, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height beyond 10' is permitted up to a maximum building height of 25' (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line.</p> <p>b. For a metal accessory building, a building up to 10' tall may be 3' from the property line. Beginning at 5' from the property line, an increase in building height may be permitted up to a maximum building height of 12.5' (at the tallest point of the roof of the building), with an increase at a 1:1 ratio in the required setback distance of the building walls from the property line.</p>			
F. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings			
G. In the HP-1 and HP-2 zoning districts, no accessory building shall be greater than 1 story (15 feet) nor more than 25 percent			

of the footprint square footage of the main building. In the HP-3 zoning district, no accessory building shall be greater than 1 story (15 feet) nor have a footprint larger than the house. No Accessory buildings are permitted without a single family residence or main building.			
HG. Accessory building regulations (in feet) (see also CCNO 11-10-31)			
1. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel			
21. Maximum number of large accessory buildings per lot	1	1	1
32. Building Design and Materials (see 11-10-31)			

**PASSED and ADOPTED this      <sup>th</sup> day of                      2021.**

**North Ogden City:**

\_\_\_\_\_  
**S. Neal Berube**  
**North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	___	___
<b>Council Member Cevering:</b>	___	___
<b>Council Member Stoker:</b>	___	___
<b>Council Member Swanson:</b>	___	___
<b>Council Member Ekstrom:</b>	___	___
<b>(In event of a tie vote of the Council):</b>		
<b>Mayor Berube</b>	___	___

**ATTEST:**

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**Susan L. Nance, CMC**  
**City Recorder**



# NORTH OGDEN CITY

SETTLED 1851

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## Staff Report to the North Ogden City Council

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion, consideration, and action on a legislative amendment to amend accessory building standards city-wide.  
Agenda Date: November 9, 2021  
Applicant: North Ogden City Staff  
File Number: ZTA 2021-08

### PUBLIC NOTICE:

Mailed Notice: N/A  
City Website: October 22, 2021

### STAFF INFORMATION

Scott Hess  
[shess@nogden.org](mailto:shess@nogden.org)  
801-737-9841

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-10-31: Standards for Accessory Buildings in Residential Zones

### LEGISLATIVE DECISION

When the City is considering a legislative matter, the City Council is acting as the final decision body. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### BACKGROUND AS PRESENTED TO PLANNING COMMISSION

A resident recently applied for an accessory building permit for a metal sided building, from the Cleary Building Company, in an R-1 Zone. Staff denied that application based on the current ordinance related to accessory building design standards. The applicant attended the City Council meeting on October 12, 2021 and made a request to that City Council consider adding metal to City Code as an approved building material for accessory structures. The Council requested Staff to review this issue and bring the discussion to the Planning Commission for recommendation and to the Council for action.

## ANALYSIS

The North Ogden City Code related to accessory building design standards and materials was amended in April of 2020. Ordinance 2020-07 (see Exhibit B) adjusted the overall size and location accessory buildings, as well as specified which zones metal siding would be allowed. Currently, North Ogden City allows metal accessory buildings under two hundred (200) square feet in all residential zones. In the RE-20 Zone, architectural metal and prefab metal buildings are allowed. In the R-1 and RCC Zones, accessory buildings over 200 square feet are not allowed to be sided in metal, but rather must be constructed with horizontal siding, brick, stucco, wood, or similar material as the main building.

Staff reviewed surrounding City's ordinances, as well as reviewed North Ogden City resident feedback on accessory structures. Cities vary in their specificity on exterior building materials for accessory structures. Some cities have no provisions, and some cities follow a similar approach to North Ogden City of requiring accessory structures to be designed to match the main dwelling. This is not a matter of what is "right" but rather what is "right for North Ogden City".

Staff believes that the current ordinance strikes a balance between upholding private property rights while mitigating detrimental impacts on surrounding property owners. Some residents have clearly expressed their opinion that large metal buildings are not compatible with their neighborhood. Other residents have expressed interest in building a metal building for a variety of reasons, most notably the relative affordability and the reduced maintenance burden of a quality metal siding.

Staff has prepared an ordinance amendment for the consideration of Planning Commission. This is a path forward that would reinstate metal as an acceptable exterior material for accessory structures. The Code requirement that the exterior colors must match the main building on the property remains. The question for the Planning Commission is whether metal sided buildings in R-1 and RCC Zones are appropriate.

## DRAFT CODE LANGUAGE

Draft Code Language is below: (Red Text is New, ~~Strike Through Text~~ is recommended to be eliminated)

### **11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

1. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a storage shed or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.

- ~~1. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones. In the R-1 and RCC zones, accessory buildings over 200 square feet finished with metal siding are not allowed. In the RE-20 zone architectural metal and prefab metal buildings are allowed as accessory buildings.~~
- ~~1. In the R-1 and RCC zones accessory buildings may be constructed of horizontal siding, brick, stucco, wood, or similar material as the main building, etc.~~
1. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.
  1. Roofing materials including metal roofs shall have a similar color as the main building.
  2. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.
  3. Accessory buildings fronting onto a street must have a window(s) that occupy 5% of the façade of the building, or have a person door, or garage door with windows.
2. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.
3. Roof pitches shall be a minimum of a 4/12.
2. Location and Size:
  1. No detached accessory building, other than trellises, shall be allowed between the front of the main residential building and the street.
  2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front yard setback requirement for the zone is maintained and the garage or carport is integrated into the design of the residential building, with a similar residential exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.

A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of 6 feet from the main building, is integrated into the design of the residential building, with a similar residential exterior wall treatment and roofing material as the main building.
- ~~3. Metal accessory buildings must be located in the rear yard and shall not exceed two hundred (200) square feet.~~
3. ~~Nonmetal~~ Accessory buildings regardless of size may be located in an interior side yard or rear yard provided they meet the required setbacks of the zone.
4. On a corner lot, an attached or detached accessory building (with or without a roof) that is open on at least three (3) sides may extend into the side yard setback

facing a street up to the minimum side yard setback for an interior lot in its respective zone. Such structures are limited to covered or uncovered decks, patios, gazebos, pergolas, and trellises. The finished floor elevation of these structures may not be higher than eighteen inches (18") above finish grade.

5. Height: The building shall not exceed the maximum height allowed by other sections of the Zoning Ordinance.
6. Prohibited Use: Accessory buildings shall not be used as living quarters. Accessory Dwelling Units are not considered accessory buildings.

### **CONFORMANCE WITH THE GENERAL PLAN**

The Vision for North Ogden in the General Plan reads: "North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;
- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find the proposed Code language to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if reinstating metal as an exterior siding material for accessory buildings is in the City's best interest.

### **SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS**

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

### **PLANNING COMMISSION DISCUSSION**

The Planning Commission rooted their discussion on the size, height, and location of accessory buildings with the limitation on metal buildings in mind. They believe that by requiring accessory buildings to have similar materials to the main residence, it will limit impacts on neighboring property owners regardless of the size of the structure.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission recommends to the City Council to keep the Accessory Building Standards in 11-10-31 as they are currently written, and to make no change that would allow metal buildings over 200 square feet to be constructed in North Ogden. This is based on reducing impacts to neighbors.

### **EXHIBITS**

- A. Draft Ordinance
- B. Ordinance 2020-07

## ORDINANCE 2021-\_\_

### AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11, CHAPTER 10, SECTION 31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES, AMENDING EXTERIOR BUILDING MATERIALS

**WHEREAS;** The current City ordinance related to accessory buildings in residential zones does not permit metal as an exterior material; and

**WHEREAS;** This amendment updates in a reasonable manner the standards relating to exterior building materials; and

**WHEREAS;** Updating these standards will provide flexibility property owners in building and upgrading accessory buildings in residential zones;

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Code 11-10-31 be amended as follows:

#### **11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

- A. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a storage shed or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.
- ~~1. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones. In the R-1 and RCC zones, accessory buildings over 200 square feet finished with metal siding are not allowed. In the RE-20 zone architectural metal and prefab metal buildings are allowed as accessory buildings.~~
  - ~~2. In the R-1 and RCC zones accessory buildings may be constructed of horizontal siding, brick, stucco, wood, or similar material as the main building, etc.~~
  1. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.
    - a. Roofing materials including metal roofs shall have a similar color as the main building.

- b. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.
  - c. Accessory buildings fronting onto a street must have a window(s) that occupy 5% of the façade of the building, or have a person door, or garage door with windows.
2. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.
  3. Roof pitches shall be a minimum of a 4/12.

B. Location and Size:

1. No detached accessory building, other than trellises, shall be allowed between the front of the main residential building and the street.
2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front yard setback requirement for the zone is maintained and the garage or carport is integrated into the design of the residential building, with a similar residential\_exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.

A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of 6 feet from the main building, is integrated into the design of the residential building, with a similar residential\_exterior wall treatment and roofing material as the main building.

- ~~3. Metal accessory buildings must be located in the rear yard and shall not exceed two hundred (200) square feet.~~
3. ~~Nonmetal~~ Accessory buildings regardless of size may be located in an interior side yard or rear yard provided they meet the required setbacks of the zone.
4. On a corner lot, an attached or detached accessory building (with or without a roof) that is open on at least three (3) sides may extend into the side yard setback facing a street up to the minimum side yard setback for an interior lot in its respective zone. Such structures are limited to covered or uncovered decks, patios, gazebos, pergolas, and trellises. The finished floor elevation of these structures may not be higher than eighteen inches (18") above finish grade.

C. Height: The building shall not exceed the maximum height allowed by other sections of the Zoning Ordinance.

D. Prohibited Use: Accessory buildings shall not be used as living quarters. Accessory Dwelling Units are not considered accessory buildings.

**PASSED and ADOPTED this      <sup>th</sup> day of                   2021.**

**North Ogden City:**

\_\_\_\_\_  
**S. Neal Berube  
North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
<b>Council Member Barker:</b>	_____	_____
<b>Council Member Cevering:</b>	_____	_____
<b>Council Member Stoker:</b>	_____	_____
<b>Council Member Swanson:</b>	_____	_____
<b>Council Member Ekstrom:</b>	_____	_____
<b>(In event of a tie vote of the Council):</b>		
<b>Mayor Berube</b>	_____	_____

**ATTEST:**

\_\_\_\_\_  
**Susan L. Nance, CMC  
City Recorder**

**ORDINANCE 2020-07**

**AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO ADJUST THE SETBACK STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

- WHEREAS;** There are accessory building setback standards in residential zones; and
- WHEREAS;** The accessory building setback standards vary between the RE-20 zone and the R-1 and RCC zones; and
- WHEREAS;** The current accessory building setback standards have two thresholds based upon whether an accessory building is a large accessory building; and
- WHEREAS;** The standards are in place in order to provide a reasonable setback from adjoining properties and maintain the reasonable use of property; and
- WHEREAS;** Accessory dwelling unit standards are unique from accessory building standards and have been modified to reflect those differences; and
- WHEREAS;** The General Plan goals support the reasonable use of property while maintaining high quality design standards; and
- WHEREAS;** The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and recommends adoption of this amendment.

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City zoning ordinance 11-2 Definitions, 11-7A-4 section F, 11-7B-4 section F, 11-7J-4 section E, 11-9-8 section E. Accessory Building Standards, 11-10-31 Standards For Accessory Buildings In Residential Zones, 11-10-34-section O subsection 5: Accessory Dwelling Units, Development Standards for ADU's are amended.

**SECTION 1:** Text to be amended:

11-2 DEFINITIONS

**ARCHITECTURAL METAL:** A paneled metal sheet building exterior that is not part of a prefabricated building; does not have a specific coating; consists of all new materials.

11-7A-4: SITE DEVELOPMENT STANDARDS RE-20 Zone

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	15
a. Accessory building setback	
(1) Accessory building	
(A) Interior lot	3
(B) Corner lot (non-street side)	3
(C) Corner lot (street side)	20
(2) Large accessory building	
(A) Interior lot	
Height Maximum in Feet	Setback Minimum in Feet.
15-17	6
18-19	8

20-25	12
(B) Corner lot (non-street side)	20
(C) Corner lot (street side)	20
2. There shall be provided a minimum spacing between main and accessory; and between accessory buildings of at least	6
3. Rear yard coverage by accessory buildings shall not exceed the following	25%
a. On lots less than an acre the minimum rear yard area calculation is based upon the minimum lot width x the rear yard setback and not the actual rear yard dimensions	
4. Building size	
a. Maximum size on lots or parcels less than one acre or adjacent to any R-1 zone	1,500 square feet
b. Maximum size on lots or parcels greater than one acre	
1-2 Acres	2,000
2-3 Acres	2,250
3-4 Acres	2,500
4-5 Acres	2,750
5+ Acres	3,000 square feet
c. On lots adjacent to any R-1 zone, the accessory building width or length cannot exceed 40% of the total length of the side lot lines or 40% of the rear lot line when those lot lines are within 50 feet of the accessory building.	
5. Building Separation: Large Accessory Building to be 60 feet from any neighboring dwelling on any adjoining parcel	
a. If the large accessory building is larger than 2,000 square feet the building setback from rear or side property lines	30
6. Building Design and Materials See 11-10-31	

7. Nonconforming. If an accessory building setbacks become nonconforming due to a subdivision of the existing lot; the accessory building must be brought into conformity.	
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**11-7B-4: SITE DEVELOPMENT STANDARDS, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG)**  
Sections A – E to remain the same. The table under subsection 1 and 3 are combined into one cell.

F. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	
a. Accessory building setback	
(1) Accessory/Large building	
(A) Interior lot & Corner lot (non-street side)	
Height Maximum in Feet	Setback Minimum in Feet
10	3
11-15	8
15-20	15
The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of: 1. Twenty feet (20'); 2. Eighty percent (80%) of the highest point of the roof of the main residential building, except where the ridge or highest point of the roof of the main residential building is sixteen feet (16') or less the ridge or highest point of the roof of the accessory building may not exceed twelve and one-half feet (12'6"); or 3. For a metal accessory building, twelve and one-half feet (12'6").	
(B) Corner lot (street side)	20
2. There shall be provided a minimum spacing between main and accessory buildings of at least	6
3. Rear yard coverage by accessory buildings shall not exceed the following	25%
4. Building Size	
a. Maximum Size	One half the square footage of the main

	building main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet.
5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel	
6. Maximum Number of Large Accessory Buildings Per Lot	1
7. Building Design and Materials See 11-10-31	

**11-7J-4: SITE DEVELOPMENT STANDARDS, RESIDENTIAL CITY CENTER ZONE RCC**  
Sections A – D to remain the same. The table under subsection 1 and 3 are combined into one cell.

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)	
1. Accessory building height	
a. Accessory building setback	
(1) Accessory/Large building	
(A) Interior lot & Corner lot (non-street side)	
Height Maximum in Feet	Setback Minimum in Feet
10	3
11-15	8
The ridge or highest point of the roof of an accessory building may be erected to a height no greater than the lesser of: 1. Fifteen feet (15'); 2. For a metal accessory building, twelve and one-half feet (12'6").	
(B) Corner lot (street side)	20
2. There shall be provided a minimum spacing between main and accessory buildings of at least	6
3. Rear yard coverage by accessory buildings shall not exceed the following	25%
4. Building Size	
a. Maximum Size	One half the square footage of the main building main floor to a maximum of 1,000 square feet. The main floor size shall be the main floor living space plus 400 square feet.
5. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel	
6. Maximum Number of Large Accessory	1

Buildings Per Lot	
7. Building Design and Materials See 11-10-31	

**11-9-8: SITE DEVELOPMENT STANDARDS**, HP-1, HP-2, HP-3 Sections A-D to remain the same. The following table is deleted with a new insert.

E. Accessory building regulations (in feet) (see also CCNO 11-10-31)				
	1. Accessory Building Smaller than 600 square feet rear and interior side yard setback	3	3	3
	2. Large accessory building greater than 600 square feet:			
	a. interior lot rear and side yard setback:	15	15	15
	b. Corner lot (non-street side)	15	15	15
	c. Corner lot (street side)	20	20	20
F. There shall be provided a minimum of 6 feet of spacing between main and accessory buildings.				
G. In the HP-1 and HP-2 zoning districts, no accessory building shall be greater than 1 story (15 feet) nor more than 25 percent of the footprint square footage of the main building. In the HP-3 zoning district, no accessory building shall be greater than 1 story (15 feet) nor have a footprint larger than the house. No accessory buildings are permitted without a single-family residence or main building.				
E. Accessory building regulations (in feet) (see also CCNO 11-10-31)				
1. Building Separation: Large accessory building to be 60 feet from any neighboring dwelling on any adjoining parcel				
2. Maximum Number of Large Accessory Buildings Per Lot		1		
3. Building Design and Materials See 11-				

**11-10-31: STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

A. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a storage shed or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.

1. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones.

In the R-1 and RCC zones, accessory buildings over 200 square feet finished with metal siding are not allowed.

In the RE-20 zone architectural metal and prefab metal buildings are allowed as accessory buildings.

2. In the R-1 and RCC zones accessory buildings may be constructed of horizontal siding, brick, stucco, wood, or similar material as the main building, etc.
3. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.
  - a. Roofing materials including metal roofs shall have a similar color as the main building.
  - b. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.
  - c. Accessory buildings fronting onto a street must have a window(s) that occupy 5% of the façade of the building, or have a person door, or garage door with windows.
4. All accessory buildings shall have a buffer of either a fence or landscaping or a combination of the two.
5. Roof pitches shall be a minimum of a 4/12.

B. Location and Size:

1. No detached accessory building, other than trellises, shall be allowed between the front of the main residential building and the street.
2. A garage or carport attached to the main residential building is allowed between the front of the main residential building and the street if the front yard setback requirement for the zone is maintained and the garage or carport is integrated into the design of the residential building, with a similar residential exterior wall treatment, roof slope, and roofing material as the main building to which it is attached.

A detached garage or carport may be located in the side yard so long as it meets the side and front yard setbacks, is a minimum of 6 feet from the main building, and is integrated into the design of the residential building, with a similar residential exterior wall treatment and roofing material as the main building.

3. Metal accessory buildings must be located in the rear yard and shall not exceed two hundred (200) square feet.
  4. Nonmetal accessory regardless of size may be located in an interior side yard or rear yard provided they meet the required setbacks of the zone.
  5. On a corner lot, an attached or detached accessory building (with or without a roof) that is open on at least three (3) sides may extend into the side yard setback facing a street up to the minimum side yard setback for an interior lot in its respective zone. Such structures are limited to covered or uncovered decks, patios, gazebos, pergolas, and trellises. The finished floor elevation of these structures may not be higher than eighteen inches (18") above finish grade.
- C. Height: The building shall not exceed the maximum height allowed by other sections of the Zoning Ordinance.
- D. Prohibited Use: Accessory buildings shall not be used as living quarters. **Accessory Dwelling Units are not considered accessory buildings.**

#### 11-10-34 O. 5: Accessory Dwelling Units, Development Standards for ADU's

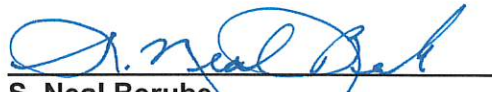
##### O. Development Standards: for ADU's

1. The total area of the ADU shall be less than fifty percent (50%) of the total square footage of the primary residence for an attached accessory dwelling unit. The total area of the ADU shall be less than forty percent (40%) of the total square footage of the primary residence for a detached accessory dwelling.
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 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:
    - i. Inside the primary residential dwelling through an internal conversion of the housing unit as an addition or in the basement.
    - ii. 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:
    - i. Over a detached garage.
    - ii. Only in the rear yard.
    - iii. On lots having a minimum area of 20,000 square feet.
    - iv. Shall have a minimum separation from the primary dwelling of 15 feet.
    - v. Subject to 11-7A-4, 11-7B-4, and 11-7J-4 Site Development Standards.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 28<sup>th</sup> day of April 2020.

North Ogden City:



S. Neal Berube  
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	<u>X</u>	—
Council Member Covering:	<u>X</u>	—
Council Member Ekstrom:	<u>X</u>	—
Council Member Stoker:	<u>X</u>	—
Council Member Swanson:	<u>X</u>	—
(In event of a tie vote of the Council):		
Mayor Berube	—	—

ATTEST:



S. Annette Spendlove, MMC  
City Recorder



## Staff Report to the North Ogden City Council

### SYNOPSIS

Description: UDOT needs an agreement with the City for the handling of storm water which will enter there system for the Cooper's Towne project.

Date: Nov. 3, 2021

### STAFF INFORMATION

Jon Call

[jcall@nogden.org](mailto:jcall@nogden.org)

801-737-9846

### QUESTION FOR COUNCIL

Will the Council authorize the Mayor to sign the agreement with UDOT for the handling of storm water for a portion of the Cooper's Towne development at approximately 1500 North Washington Boulevard

### BACKGROUND

UDOT is requiring the city to sign a maintenance agreement for the connection to their storm water basins in Washington Blvd. adjacent to the Cooper's Towne development. The majority of the storm water will stay in the City system, but a small portion will be in the UDOT system. The Council should review the agreement and identify any concerns. There are some obligations for cleaning and maintenance which could impose some liability on the City. From a staff perspective the liability is no greater than we generally have for all our storm water so there isn't a significant reason to modify the agreement. UDOT does not typically allow for the modification of their agreements, and are generally seen as a take it or leave it option.

### RECOMMENDATION

Council should review the agreement and determine whether or not to sign the agreement.

### EXHIBITS

UDOT Agreement

**MULTI-PARCEL DRAINAGE AGREEMENT  
Between  
UTAH DEPARTMENT OF TRANSPORTATION  
And**

This Multi-Parcel Drainage Agreement (“Agreement”), by and between **Utah Department of Transportation** (“Department”) and \_\_\_\_\_ (“Local Government”) describes the terms and conditions of offsite drainage connections in the Department Right of Way.

**RECITALS**

**WHEREAS**, \_\_\_\_\_ (“Development”) is progressing the design of a multi-parcel development described in Exhibits; and

**WHEREAS**, the Development, its successors and assigns, desires to construct drainage facilities in accordance with the plans permitted by the Department, to collect and convey stormwater from their property and discharge into the Department’s drainage facilities, more particularly shown in Exhibits; and

**WHEREAS**, the Development shall enter into an agreement with the Local Government that defines the long-term stormwater management responsibilities of the Development; and

**WHEREAS**, the Local Government shall be responsible to regulate the Development to comply with the required stormwater permits, applicable laws, and regulations.

**AGREEMENT**

The Parties agree to the following:

**(1) DRAINAGE CONNECTION IMPACT**

- a) The Local Government must not increase the stormwater discharge into the Department’s drainage facilities without the written permission of the Department.
- b) The Local Government will not hold the Department liable for damages or any costs resulting from any back-up or flow into the Development’s drainage facilities or property. The Local Government accepts all risks associated with the connection to the Department’s drainage facility.
- c) The Local Government shall regulate and monitor the Development’s stormwater for compliance with the applicable stormwater permits, laws, regulations, and rules.
- d) The Local Government shall indemnify and hold the Department harmless for any and all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against the Department from failure of the Local Government to comply with its obligations, applicable stormwater permits, laws, regulations, and rules under this agreement relating to the drainage connection.

**(2) LONG TERM OPERATION AND MAINTENANCE**

- a) The Development's drainage facilities shall be maintained and operational to prevent or reduce the discharge of pollutants.
- b) The Department may notify the Local Government of any maintenance requirements if the Local Government fails to maintain the drainage facilities. The Department reserves the right, without relieving the Local Government of its obligations, to reconstruct or make repairs to the drainage connection as necessary. The Local Government must reimburse the Department for its cost if the Local Government fails to comply with the Department's written notification.
- c) The Development's drainage facilities shall be maintained without access from any interstate highway or ramp.

**(3) FUTURE IMPACTS**

- a) The Department has the right to change its drainage facilities for any future transportation project. If the Department's drainage facilities are reconstructed or modified, the Department reserves the right to hold the Local Government responsible for the cost to reconnect to the Department's drainage facilities. The Department is not responsible for any costs the Local Government incurs due to the drainage facilities being reconstructed or modified.

**(4) REMOVAL OF CONNECTION**

- a) Non-compliance with this Agreement may result in the Department removing the drainage connection and restoring the highway and Right of Way at the sole expense of the Local Government.
- b) The Department will notify the Local Government in writing prior to any cancellation, setting forth the violations, and will provide the Local Government a reasonable time to correct the violations to the satisfaction of the Department. The Department may order the removal of any drainage connections subject to this Agreement if the violations are not corrected.

**(5) SUCCESSORS AND ASSIGNS**

- a) All covenants, obligations and agreements will be binding upon the parties, their successors and assigns and run with the land as described in Exhibits until the drainage connection is removed from the Department Right of Way.

**(6) MISCELLANEOUS**

- a) Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purpose of the Agreement at the request of the other party.
- b) This Agreement does not create any type of agency relationship, joint venture, or partnership between the Department and Local Government.

- c) The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.
- d) This Agreement shall be deemed to be made under and shall be governed by the laws of the State of Utah in all respects. Each person signing this Agreement warrants that the person has full legal capacity, power and authority to execute this Agreement for and on behalf of the respective party and to bind such party.
- e) If any portion of this Agreement is held to be invalid or unenforceable for any reason by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other provision, and this Agreement shall be construed as if such invalid or unenforceable provision had never been included.
- f) The effective date of this Agreement is the date signed by the last party.

\*\*\*\*\*



**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed by their duly authorized officers.

**Attest**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Title:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(IMPRESS SEAL)



**Recommended for Approval**

**UDOT**

\_\_\_\_\_  
**Title:** Permit's Officer

\_\_\_\_\_  
**Title:** Region Director

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**UDOT Comptroller Office**

\_\_\_\_\_  
**Title:** Contract Administrator

**Date:** \_\_\_\_\_

Exhibits