

ORDINANCE NO. 21-11

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10 OF THE SOUTH OGDEN CITY CODE HAVING TO DO WITH ACCESSORY DWELLING UNITS, DEFINITIONS, ACCESSORY BUILDINGS, SWIMMING POOLS, SPORTS COURTS, ETC., AND TITLE 1, HAVING TO DO WITH POSTING OF ORDINANCES ; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION 1 - RECITALS:

WHEREAS, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds, in concert with recommendations from the Planning Commission, that changes be made to various sections of the City Code having to do with definitions, accessory buildings, swimming pools, sports courts, etc; and,

WHEREAS, the City Council finds that the Legislature of the State of Utah has recently changed posting requirements for Ordinances for municipalities; and,

WHEREAS, the City Council finds that parts of the South Ogden City Code should be amended to align with these recommendations and changes; and,

WHEREAS, the City Council finds that the amendments to the South Ogden City Code should be effective upon passage of this Ordinance; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended:

AMENDED SECTION:

Upon the adoption of this Ordinance, Title 1 Section 5 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION V - DATE OF EFFECT:

This Ordinance shall be effective on the 21st day of September, 2021, and after publication or posting as required by law.

DATED this 21st day of September, 2021.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 21-11

An Ordinance Of South Ogden City, Utah, Revising And Amending Title 10 Of The South Ogden City Code Having To Do With Definitions, Accessory Buildings, Swimming Pools, Sports Courts, Etc., And Title 1, Having To Do With Posting Of Ordinances ; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

21 Sept 21

10-14-23: Accessory Dwelling Units (ADUs)

The purposes and objectives of this section are to provide reasonable regulations for supplementary living accommodations in internal Accessory Dwelling Units (ADUs) located in residential areas of the city.

An internal Accessory Dwelling Unit (ADU) is a room or set of rooms located within the footprint of the primary residential single-family dwelling at the time the internal accessory dwelling unit is created, and located within an area zoned primarily for residential use. The following will apply to internal ADUs:

- A. An Accessory Dwelling Unit may be permitted subject to the following conditions:
1. No more than one ADU may be permitted within each single-family dwelling.
 2. ADUs are not permitted on residential lots that comprise an area of 6,000 square feet or less.
 3. Either the ADU or the principal residence shall be occupied by the owner of the property except for temporary bona-fide absences.
 4. ADUs are permitted only in owner-occupied single-family dwellings.
 5. There shall be no external evidence of occupancy by more than one family. The ADU shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.
 6. Each ADU unit shall have the same address as the main structure. Homes with an ADU may designate mail to occupants of the ADU with a unit or apartment number.
 7. No ADU may be used as a short-term rental.
 - a. Short-term rental is defined ~~is~~ as a property that is rented for a period of less than 30 days.
 8. Each ADU shall provide at least one (1) off-street parking space in addition to the required parking for the primary residential unit.
 - a. The required ADU off-street parking spaces shall meet the requirements contained in Title 10, Chapter 17 Parking and Loading Space, Driveway, Vehicle Traffic and Access Regulations of the South Ogden City Code.
 - b. Garage or carport spaces count as approved spaces.
 - c. Required ADU parking stalls may not be located within a front yard setback area.
 9. A single-family dwelling with an ADU shall only have one meter per utility service. Each meter shall be in the property owner's name.
 10. All construction and remodeling to accommodate the ADU shall be in accordance with all building codes, as amended, in effect at the time of construction or remodeling.
 11. ADU size requirements are:
 - a. Minimum size: no minimum size.
 - b. Maximum size: no maximum size.
 12. ADUs must include the following:
 - a. A kitchen separate from the main dwelling.

- b. Sanitation facilities (~~full~~ at least a 3/4 bathroom) separate from the main dwelling.
13. A person desiring to add an ADU to their house shall obtain a building permit when applicable.
14. The owner of the property must ~~Obtain-obtain~~ a City Rental Dwelling Business License for ADUs for which they receive any monetary compensation.
15. ADUs licensed in South Ogden City may be inspected upon receipt of complaints for compliance with building, fire, and health codes by any appropriate department of the City or other governmental agency to ensure compliance with building, fire and health and safety codes. No ADU shall be approved without all required inspections and approval of the City Building Inspector in compliance with UCA 10-9a-511.5 and its subsequent amendments.
- ~~16. ADUs that were constructed legally previous to the adoption of this Code shall meet the building and safety codes required at the time of construction.~~
- ~~17.~~ 16. No Rental Dwelling Business License shall be granted without providing evidence of a Certificate of Occupancy.
- ~~18.~~ 17. Prior Uses: No ADU existing prior to the enactment of this Section shall be "grandfathered", or considered legal solely because they were previously used as such.
- ~~19.~~ 18. Other Rental Units Prohibited: There shall be no other type of accessory dwelling unit allowed except as provided in this Section. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, shall be prohibited unless it meets all of the requirements and standards of this Section, and an application has been made pursuant to the requirements and conditions of this Section.
- ~~20.~~ 19. The ownership of an ADU shall not be separated from the principal dwelling.
- ~~21.~~ 20. Decisions of South Ogden City not to issue a permit for an ADU can be appealed to the Appeal Authority.

10-7A-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision (see chapter 12 of this title).

Educational institution - private.

Educational institution - public.

Golf course, except miniature golf course.

Home occupation (see chapter 19 of this title).

Parking lot accessory to uses permitted in this zone.

Planned residential unit development, in accordance with chapter 11 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

[Single-family dwelling with interior Accessory Dwelling Unit](#)

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

10-7B-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision (see chapter 12 of this title).

Educational institution - private.

Educational institution - public.

Golf course, except miniature golf course.

Home occupation (see chapter 19 of this title).

Parking lot accessory to uses permitted in this zone.

Public building, public park, recreation grounds and associated building.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

[Single-family dwelling with interior Accessory Dwelling Unit](#)

Temporary building and use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling. (Ord. 16-03, 1-5-2016, eff. 1-5-2016)

10-7B-4: SITE DEVELOPMENT STANDARDS:

11-Minimum lot area:

1. Single-family dwelling: Six thousand (6,000) square feet.

~~1.2.~~ [Single-family dwelling with interior Accessory Dwelling Unit: Six thousand \(6,000\) square feet.](#)

~~2.3.~~ Two-family dwelling: Ten thousand eight hundred ninety (10,890) square feet.

~~3.4.~~ Other main building: Eight thousand five hundred (8,500) square feet.

10-7C-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution - private.

Educational institution - public.

Golf course, except miniature golf course.

Home occupation (see chapter 19 of this title).

Library or museum, public or nonprofit.

Multiple buildings on a single lot with twelve (12) or less dwelling units in accordance with chapter 13 of this title.

Multiple-family dwelling with twelve (12) or less dwelling units.

Parking lots accessory to uses permitted in this zone.

Planned residential unit development, in accordance with chapter 11 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

[Single-family dwelling with interior Accessory Dwelling Unit](#)

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

SOC 10-2-1: DEFINITIONS:

BUILDING: Any structure ~~other than a boundary wall or fence.~~ having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY: ~~A subordinate building on a lot, the use of which is customarily incidental to that of the main or principal building.~~ A detached building that (a) is clearly incidental to and customarily found in connection with a principal or main building; (b) is subordinate to and serves a principal or main building; (c) is subordinate in area, extent, or purpose to the principal or main building served; (d) is located on the same lot as the principal or main building served; and (e) contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building.

BUILDING, ATTACHED: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

BUILDING, DETACHED: A building which is separated from another building or buildings on the same lot.

STRUCTURE: Anything constructed or erected, ~~the use of which requires location on the ground, or attachment to something having location on the ground.~~ which requires a fixed location on the ground, including a building or mobile building, but not including a fence or wall used as a fence.

Proposed addition to SOC 10-14: REGULATIONS APPLICABLE TO ALL ZONES:

SOC 10-14-22

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 patio cover, pergola, storage shed, garage 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. Accessory buildings over 200 square feet are allowed with exterior finished walls constructed of up to 50% painted metal, with the remainder of the building covered in horizontal lap or vertical (board and batten) siding, brick, stucco, wood, or similar material as the main building, etc.**

2. **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. 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 in the front yard between 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. Accessory buildings may be located in a rear yard provided they meet the required setbacks of the zone.

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

~~1.4.~~ Prohibited Use: Accessory buildings shall not be used as living quarters. Accessory Dwelling Units are not considered accessory buildings.

Proposed changes to SOC 10-14-12: SWIMMING POOL, FAMILY

SOC 10-14-12: ~~SWIMMING POOL, FAMILY~~ PRIVATE SWIMMING POOLS, TENNIS/PICKLEBALL COURTS, SKATEBOARD RAMPS, AND BASKETBALL STANDARDS OR COURTS

~~A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:~~

~~—A.— Location: The location of such family swimming pool or accessory machinery shall not be less than ten feet (10') from any interior property line. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.~~

~~—B.— Enclosure: An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises. A substantial fence shall mean any fence that would not allow passage by any person and one that would feature a self-locking gate if a gate is utilized. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~

1. **Swimming Pool (private).** No such pool shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:

1. It is an accessory use to a main building and is located within the side or rear yard thereof and accessory structure setbacks do not apply to the swimming pool;
2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
3. It may not be located closer than fifteen feet to any side property line or 10' from a rear property line on the property on which it is located; the setback is measured from the water's edge to the property line;
4. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone;
5. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all current building codes. All gates on said fences shall be self-closing and fitted with a self-latching device located on the interior side of the gate;
6. Where a swimming pool is completely enclosed in a building, the location and setback requirements for an accessory structure shall apply. Any above ground pool lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line.

2. **Tennis and/or Pickleball Court (private).** No tennis/pickleball court shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:

1. It is an accessory use to a main building and is located within the side or rear yard thereof;
2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
3. It may not be located closer than fifteen feet to any property line of the property on which it is located. It shall not be less than 30' from any neighbor's dwelling or twenty feet (20') from any side lot line of any adjacent vacant lot;
4. On a corner lot where the rear lot line is coterminous with a side lot line of an adjoining lot, it shall be located not less than 20" from such lot line; and
5. Any court lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line.

3. **Skateboard Ramp (private).** No skateboard ramp shall be allowed in any zoning district in the City except as an accessory use and unless it complies with the following conditions and requirements:

1. It is an accessory use to a main building and is located within the side or rear yard thereof;
2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located. No commercial or advertised use of the ramp shall be permitted and no donations or contributions shall be solicited or received for use of or attendance at ramp activities;
3. It may not be located closer than fifteen feet to any property line of the property on which it is located. It shall be not less than thirty feet 30' from any neighbor's dwelling or 20' from any side lot line of any adjacent vacant lot;
4. On a corner lot where the rear lot line is coterminous with a side lot line of an adjacent lot, it shall be located not less than 20' from such lot line;
5. Ramp lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line;

6. The ramp shall be of such a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with ramp usage. Portions of the ramp may be located below ground level, but in no case shall any portion of the ramp exceed six feet in height above ground level, excluding handrails.
 7. A set of written rules adopted to insure safe and reasonable usage and operation of the ramp shall be posted at all times and enforced by the owner of the property on which the ramp is located; and
 8. The ramp must be inside an enclosure or within an enclosed yard.
4. **Basketball Standard and Court.** A single basketball standard and court shall not be considered a structure or accessory structure in any residential zoning district. The placement of a basketball standard or court shall be in accordance with the following requirements:
1. A light erected in conjunction with the basketball standard or court shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line; and
 2. A net or other portable device may be erected up to 13' in height behind the basketball standard to protect the ball from falling onto the adjacent property.

1-5-3: ORDINANCES:

C. Effective Date; Technical Codes: All ordinances before taking effect shall be deposited in the Office of the City Recorder, and ~~a copy~~ thereof posted in compliance with UCA 10-3-711 or its successors, that is, publish a short summary of the ordinance on the Utah Public Notice Website created in Section 63A-16-601; or post a complete copy of the ordinance in three (3) public places throughout the City. ~~therein~~The complete ordinance shall also be posted on the City's website; provided, that whenever a revision is made and the revised ordinances are published by authority of the City Council, no further publication shall be deemed necessary; and provided further, that ordinances establishing rules and regulations for the construction of buildings, the minimum standards that must be met to qualify a house or building for human habitation or occupancy, the installation of plumbing, the installation of electric wiring or other related or similar work, and rules and regulations controlling traffic and relating to the prevention of fires within their corporate limits and other rules and regulations relating to Municipal functions and controls where such rules and regulations have been printed as a code in book form, may be adopted and shall take effect without further publication or posting thereof, if reference is made to such code, and not less than three (3) copies of such code shall have been filed for use and examination by the public in the Office of the City Recorder prior to the adoption of such ordinance by the City Council. Ordinances passed or enacted by the Governing Body shall be signed by the Mayor, or if he is absent, by the Mayor Pro Tempore, or by a quorum of the Governing Body, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Utah Code Annotated section 10-3-704(1) through (4). Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the Governing Body, whichever is sooner. Ordinances, if so provided therein, may take effect at a later date. Measures necessary for the immediate preservation of the peace, health or safety of the City may, if so provided in the ordinance, take effect at an earlier date.