



**PLANNING COMMISSION MEETING**  
**SEPTEMBER 21, 2022 AT 6:00 PM**  
**505 EAST 2600 NORTH**  
**NORTH OGDEN, UT 84414**

**PUBLIC CAN ATTEND IN PERSON, OR:**

Click the link to join the webinar: <https://us02web.zoom.us/j/88084239556> Webinar ID: 880 8423 9556  
Or Telephone Dial: 1 669 900 9128 or 1 253 215 8782 or 1 346 248 7799 or +1 646 558 8656  
YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

**Welcome:** Chairman Thomas

**Invocation or Thought:** Commissioner Watson

**Pledge of Allegiance:** Commissioner Nancarrow

1. Roll Call
2. Minutes Consideration:
  - a. Consideration and action to approve the July 20, 2022 Planning Commission Meeting minutes
  - b. Consideration and action to approve the August 17, 2022 Planning Commission Meeting minutes
3. Opening Meeting Statement
4. Ex parte communications or conflicts of interest to disclose
5. Public comments for items not on the agenda

**LEGISLATIVE ITEMS**

6. ZTA 2022-06 Discussion, consideration, and recommendation on a legislative amendment regarding accessory building standards in the R-2, R-3, R-4 and PRUD zones  
Presenter: Kai Johnsen, Planning Tech
7. ZTA 2022-09 Discussion, consideration, and recommendation on a legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards  
Presenters: Scott Hess, Planning Director & Eric Casperson, City Engineer
8. ZTA 2022-07 Discussion, consideration, and recommendation on a legislative amendment to develop short term rental regulations  
Presenter: Scott Hess, Planning Director
  - a. Public comment
  - b. Consideration and recommendation
9. Public comments
10. Remarks - Planning Commissioners
11. Report - Planning Director
12. Remarks - City Manager/Attorney
13. Adjournment

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**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 16th day of September, 2022 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021.

The Planning Commission 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, individuals 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 Planning Commission Members may be connected via speakerphone.  
Susan L. Nance, CMC, City Recorder



# NORTH OGDEN CITY

SETTLED 1851

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## NORTH OGDEN PLANNING COMMISSION MEETING MINUTES July 20, 2022

The North Ogden Planning Commission convened in a regular meeting on July 20, 2022, at 6:01 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on July 15, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

### COMMISSIONERS:

Eric Thomas	Chairman	
Brandon Mason	Vice-Chairman	excused
Scott Barker	Commissioner	
Alan Lunt	Commissioner	
Nicole Nancarrow	Commissioner	
Johnson Webb	Commissioner	excused
Cody Watson	Commissioner	

### STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Eric Casperson	City Engineer

### VISITORS:

Jarod Thompson	Joel Prince	Mike Spelt
Thomas Hunt		

Chairman Thomas called the meeting to order at 6:01 p.m. Commissioner Watson offered the invocation and led the Pledge of Allegiance.

**1. ROLL CALL**

Chairman Thomas conducted roll call and indicated Vice Chairman Mason and Commissioner Webb were excused.

**2. MINUTES CONSIDERATION**

**Consideration and action to approve the June 15, 2022 Planning Commission Meeting minutes**

**Commissioner Lunt made a motion to approve the June 15, 2022 Planning Commission Meeting minutes. Commissioner Nancarrow seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**3. OPENING MEETING STATEMENT**

Chairman Thomas read the opening meeting statement.

**4. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE**

Chairman Thomas asked if any member of the Commission had any ex parte communications or conflicts of interest to disclose. No disclosures were made.

**5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no public comments.

## ADMINISTRATIVE ITEMS

### **6. SUB 2022-10 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION, PRELIMINARY APPROVAL OF THE MAJESTIC VIEW TOWNHOMES SUBDIVISION, 1<sup>ST</sup> AMENDMENT (10 LOTS) LOCATED AT APPROXIMATELY 2050 NORTH WASHINGTON BOULEVARD**

Associate Planner Bell explained the applicant is requesting preliminary approval for the Majestic View Townhomes Subdivision 1<sup>st</sup> Amendment, which is located in the R-4 zone. The property on which this proposed subdivision is located is partially developed and is located at approximately 2050 North and Washington Boulevard. The property was recently rezoned to the R-4 zone. The Technical Review Committee met on May 18, 2022 (See Exhibit D). The City Engineer submitted a review memo dated July 13, 2022 (see Exhibit C). We need will-serve letters for Central Weber Sewer and for secondary water for the additional property and units. The applicant needs to provide full improvement plans to the City Engineer meeting the requirements listed in the engineer report. He discussed staff review of the application and indicated the proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, with the requirements noted in this report. This area is in the Southtown Mixed-Use land use category on the future land use map. One of the goals for that land use category is to “promote mixed use housing concepts that add quality developments to the area and provide more rooftops to support business.”

Recommended conditions of approval include:

- The thick black line that is shown between the two pieces of property being combined, needs to be removed from the plat, to show that the properties are being combined into an existing single lot. A fainter grey line should be added in place of the existing black line, the plat should show the existing/former property line that currently divides the property.
- The plat should also be adjusted to show the entire parcel that the piece of property is being taken from, so that it is clear on the plat, what parcel the property is being taken from, and what is left (including information such as bearings, lengths, etc.); i.e., the applicant needs to clean up the illegal subdivision by showing the boundaries of the original parcels that the additional property is being taken from, and what they will look like after this subdivision is completed.
- A 10’ sidewalk needs to be added. The front property line of the subdivision will need to be adjusted by dedicating property, or an easement added to the plat, in order to allow that wider sidewalk to be added and publicly accessible, if the widened sidewalk and 1’ of property behind the sidewalk will not all be in the City right-of-way with the existing location of the front property line. The applicant needs to determine via their surveyor if there is enough space for the 10’ sidewalk, and the fence to be built in the existing right-of-way.
- The width of the sidewalk may be reduced slightly, if needed, as determined by Staff, after a review of site conditions.
- Signature Blocks needs to be adjusted to match City standards
- Requirements of the North Ogden City Engineer’s Report must be met prior to final plat approval (except where superseded in this report).
- Requirements of the Technical Review Committee Letter (except where it may be superseded in this report).

Staff recommends that the Planning Commission grant preliminary approval of the Majestic View Townhomes Subdivision 1st Amendment, subject to the recommended conditions of approval.

Chairman Thomas stated that the staff report indicates this is a 10-lot subdivision, but he asked if the total lot count will actually be 40 for the entire subdivision, to which Mr. Bell answered yes.

Chairman Thomas invited input from the applicant. Joel Prince, applicant, inquired as to the code requirements for park strips. Planning Director Hess indicated the traditional standard is four feet, but there may be some variance since the property is located on Washington Boulevard and there are some existing improvements. He noted City staff will share the public works standards with the applicant for those purposes.

**Chairman Nancarrow made a motion to grant approval of SUB 2022-10, preliminary approval of the Majestic View Townhome Subdivision, 1<sup>st</sup> Amendment (10 lots) located at approximately 2050 North Washington Boulevard, based on the findings and subject to the conditions listed in the staff report. Commissioner Barker seconded the motion.**

Chairman Thomas asked if the applicant is accepting of the conditions in the staff report, to which the applicant answered yes.

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**7. PUBLIC COMMENTS**

Joel Prince, applicant, stated that it appears that the playground on the project discussed above will be located very close to Washington Boulevard and he asked if that is what the City actually wants. Chairman Thomas stated that the applicant and staff can negotiate the location of the playground as the application moves forward. Mr. Bell stated that is correct; staff will consider any recommendations made by the applicant.

**8. REMARKS - PLANNING COMMISSIONERS**

Commissioner Nancarrow stated that she read a media article about Ogden City's denial of a boundary adjustment for a proposed project on the City's northern border. She asked what that means for the project. Mr. Hess summarized the options available to the applicant; he can

continue to negotiate with Ogden City or can separate the project and develop in both Ogden and North Ogden cities.

**9. REPORT - PLANNING DIRECTOR**

Mr. Hess reported on upcoming training opportunities for the Planning Commission and topics to be discussed in an upcoming joint meeting with the City Council.

**10. REMARKS – CITY MANAGER/ATTORNEY**

There were no remarks from the City Manager/Attorney.

**11. ADJOURNMENT**

**Commissioner Barker made a motion to adjourn the meeting. Commissioner Lunt seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>aye</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**The meeting adjourned at 6:23 pm**

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Eric Thomas  
Planning Commission Chair

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Joyce Pierson  
Deputy City Recorder

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Date Approved



# NORTH OGDEN CITY

SETTLED 1851

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## NORTH OGDEN PLANNING COMMISSION MEETING MINUTES August 17, 2022

The North Ogden Planning Commission convened in a regular meeting on August 17, 2022, at 6:00 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on August 11, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

### COMMISSIONERS:

Eric Thomas	Chairman	
Brandon Mason	Vice-Chairman	excused
Scott Barker	Commissioner	
Alan Lunt	Commissioner	
Nicole Nancarrow	Commissioner	excused
Johnson Webb	Commissioner	excused
Cody Watson	Commissioner	

### STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Brandon Bell	Associate Planner

### VISITORS:

Val Poll

Chairman Thomas called the meeting to order at 6:00 p.m. Commissioner Lunt offered the invocation and Commissioner Barker led the Pledge of Allegiance.



**1. ROLL CALL**

Chairman Thomas conducted roll call and indicated Vice Chairman Mason and Commissioner Nancarrow were excused.

**2. OPENING MEETING STATEMENT**

Chairman Thomas read the opening meeting statement.

**3. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE**

Chairman Thomas asked if any member of the Commission had any ex parte communications or conflicts of interest to disclose. No disclosures were made.

**4. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no public comments.

**Commissioner Barker made a motion to move item #7 before #5. Commissioner Lunt seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>absent</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**LEGISLATIVE ITEMS**

**7. ZMA 2021-06 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE APPLICATION TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 2671 NORTH 400 EAST (WASHINGTON BLVD) FROM CIVIC (C) TO COMMUNITY COMMERCIAL DOWNTOWN (CC-DT)**

Associate Planner Bell explained the applicant is requesting a zone change for the property located at approximately 2671 North Washington Boulevard, from Civic (C) to Community Commercial Downtown (CC-DT). The applicant has also had a subdivision approved to add the same property to some existing parcels they own. The boundaries of the rezone should be subject to the exact boundaries of the newly created, or adjusted, parcel in that subdivision, once that subdivision has been recorded. Recording of the approved subdivision for this property, will enable the boundaries of the zone, proposed by this potential rezone action, to line up with the boundaries of the adjusted parcel. The proposed rezone ordinance, as written, makes the rezone of the property subject to the recording of the approved subdivision. He discussed staff's analysis of the applications compliance with the General Plan and zoning/land use policies; he concluded the proposed rezone conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as part of the 'Downtown Mixed Use' area and land use category. The 'Downtown Mixed Use' land use category is defined as "an area with mixed use characteristics that includes grid type blocks where walkability is a primary focus of the area." The goal for the Downtown area listed in the General Plan specify that this area is intended to be "a unique, pedestrian friendly "Downtown" near the intersection of 2700 North and Washington Boulevard with amenities, resources, attractions and programing that makes this area function as the "heart of the community"." The proposed rezone is viewed by Staff as not detracting from this goal for the area in the General Plan, and the site plan that has been reviewed by the Commission, has been determined to meet the applicable zoning requirements. He concluded Staff recommends that the Planning Commission conduct the public hearing and receive public comment, consider the General Plan rezoning guidelines, and make a recommendation to the City Council. Staff recommends that the Planning Commission can find that this application is consistent with the General Plan guidelines, and that the rezone from the Civic zone to the Community Commercial Downtown (CC-DT) zone can be approved.

Commissioner Barker asked if the sidewalk issue has been resolved since the Commission's last discussion of this application. Mr. Bell stated that the sidewalk will be addressed upon review and consideration of the site plan application for the project.

Chairman Thomas invited input from the applicant. The applicant indicated he had nothing to add.

**a. Chairman Thomas opened the Public Hearing at 6:16 p.m.**

There were no persons appearing to be heard.

**Commissioner Lunt made a motion to close the Public Hearing. Commissioner Watson seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>absent</b>
<b>Commissioner Webb</b>	<b>absent</b>

Commissioner Watson        aye

**The motion carried.**

The Public Hearing was closed at 6:17 p.m.

**b. Consideration and recommendation**

Commissioner Lunt made a motion to forward a positive recommendation to the City Council regarding ZMA 2021-06, legislative application to rezone property for land located at approximately 2671 N. 400 E. from Civic (C) to Community Commercial Downtown (CC-DT), based on the findings and subject to the conditions listed in the staff memo. Commissioner Barker seconded the motion.

**Voting on the motion:**

Chairman Thomas	aye
Vice Chairman Mason	absent
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	absent
Commissioner Webb	absent
Commissioner Watson	aye

**The motion carried.**

**ADMINISTRATIVE ITEMS**

**5. SUB 2022-07 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR PRELIMINARY APPROVAL OF ROCK POINT ESTATES (3 LOTS) LOCATED AT APPROXIMATELY 3500 NORTH 100 WEST**

Planning Director Hess explained this is a simple re-draw of a previously approved Preliminary Plat. The update adds a single buildable lot to make this a three-lot subdivision. The applicant is requesting preliminary approval for the proposed Rock Point Subdivision, which consists of three lots. Two large lots on the west side of 3475 N. with one shared common area, and a single lot on the north side of 3475 N. The property where the two lots and common space sit have recently been approved for Annexation (ANX 2022-01) with a zoning of Suburban Residential RE-20. The single lot on the north of 3475 N. is zoned Residential R-1-10. He summarized staff/review agency comments regarding the application, after which he concluded the proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, with the requirements noted in this report. This area was formerly in the Pleasant View annexation boundary but was recently requested for annexation into North Ogden City. The nearest land use designation is “Residential Low Density” which can be met with this proposal. Staff believes this development meets the intent of the General Plan, and that the Planning Commission can find the Plat to be in accordance with City Ordinances and the General Plan. Staff recommends that the Planning Commission grant preliminary

approval of the Rock Point Estates Subdivision subject to the following recommended conditions of approval:

- Requirements of the North Ogden City Engineer’s Report must be met prior to final plat approval (unless superseded in this report).
- All will-serve letters must be submitted and their requirements for approval met prior to final approval of the Subdivision.

**Commissioner Barker made a motion to approve SUB 2022-07, preliminary approval of Rock Point Estates (3 lots) located at approximately 3500 N. 100 W., based on the findings and subject to the conditions listed in the staff report. Commissioner Lunt seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>absent</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**LEGISLATIVE ITEMS**

**6. DRAFT 2022 MODERATE INCOME HOUSING PLAN UPDATES, PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO UPDATE NORTH OGDEN CITY’S MODERATE INCOME HOUSING PLAN, A COMPONENT OF THE GENERAL PLAN**

Planning Director Hess explained North Ogden City adopted an updated Moderate Income Housing Plan in 2020 to meet the requirements of Senate Bill 34, and Utah State Code. State Code requires the City to report to the Department of Workforce Services annually on Moderate Income Housing activities, as well as update the report in whole every two years. Senate Bill 34 outlined a “menu” of items for cities in Utah to select from outlining efforts to assist in providing moderate income housing in the City. In the 2022 Legislative Session, House Bill 462 made updates to the Moderate-Income Housing Plan requirements. The “menu” of options was updated, and an “Implementation” component was added. See Exhibit B for a brief explanation of the new legislation summarized by Utah League of Cities and Towns. The report being considered by the Commission is an update to the 2021 Moderate Income Housing Plan, specifically to align the City’s Goals with the State Menu Items as well as integrate implementation activities required by the State. The City must update the Moderate-Income Housing Plan, adopt the update, and submit the Moderate-Income Housing Plan by October 1, 2022. Amendments to the Moderate-Income Housing Plan are adopted within the North Ogden

General Plan. Staff reviewed the updated State Code “menu” activities and is forwarding recommendations on what elements to keep in the plan, and what elements to eliminate. The 2022 Draft Moderate Income Housing Plan (see Exhibit A) largely focuses on the menu item updates and brief Implementation Activities. The General Plan Advisory Committee is no longer regularly meeting. Staff has provided the updated Moderate Income Housing Plan to a few key members of that committee for their feedback. Mr. Hess then discussed conformance with the General Plan, concluding staff recommends that the Planning Commission conduct a public hearing, consider the proposed Moderate Income Housing Plan, and make a recommendation to the City Council. Land use authority considerations regarding this application include the following:

- Are the amendments to the Moderate-Income Housing Plan a positive change and do they make sense for the entire city?
- Are there additional language or amendments that are appropriate for the Moderate-Income Housing Plan?
- Is the proposal consistent with the General Plan?

Mr. Hess facilitated high level discussion among the Commission regarding the menu items included in the State legislation for complying with moderate income housing requirements; staff has recommended selecting five of the 23 menu items:

- Rezone for densities necessary to facilitate the production of Moderate-Income Housing.
- Create or allow for, and reduce regulations related to internal or detached accessory dwelling units in residential zones.
- Amend land use regulations to allow for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors.
- Implement zoning incentives for moderate income units in new developments.
- Reduce, waive, or eliminate impact fees related to moderate income housing.

**a. Chairman Thomas opened the Public Hearing at 6:56 p.m.**

There were no persons appearing to be heard.

**Commissioner Lunt made a motion to close the Public Hearing. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>aye</b>
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>absent</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

The Public Hearing was closed at 6:57 p.m.

**b. Consideration and recommendation**

**Commissioner Barker made a motion to forward a positive recommendation to the City Council regarding the draft 2022 Moderate Income Housing Plan updates, a component of the General Plan. Commissioner Lunt seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	
<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>absent</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**8. PUBLIC COMMENTS**

There were no public comments.

**9. REMARKS - PLANNING COMMISSIONERS:**

The Planning Commission reviewed their meeting calendar for the remainder of the summer.

**10. REPORT - PLANNING DIRECTOR:**

Planning Director Hess reported on the status of Village at Prominence Point applications.

**11. REMARKS – CITY MANAGER/ATTORNEY**

City Manager/Attorney Call reminded the Commission of the City’s upcoming summer party.

**12. ADJOURNMENT**

**Commissioner Watson made a motion to adjourn the meeting. Chairman Thomas seconded the motion.**

**Voting on the motion:**

<b>Vice Chairman Mason</b>	<b>absent</b>
<b>Commissioner Barker</b>	<b>aye</b>
<b>Commissioner Lunt</b>	<b>aye</b>
<b>Commissioner Nancarrow</b>	<b>absent</b>
<b>Commissioner Webb</b>	<b>absent</b>
<b>Commissioner Watson</b>	<b>aye</b>

**The motion carried.**

**The meeting adjourned at 7:07 p.m.**

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Eric Thomas  
Planning Commission Chair

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Joyce Pierson  
Deputy City Recorder

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Date Approved

Not approved

## **PLANNING COMMISSION**

### **OPENING MEETING STATEMENT**

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be left with the Commission.

Speakers are required to have signed in at the door and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address the Commission from the podium or microphone and shall address all comments to the Planning Commission.

Please silence your phone.

### **OPENING MEETING STATEMENT (ZOOM)**

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be forwarded to the Commission.

Speakers are required to have registered their full name on Zoom and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address all comments to the Planning Commission.

Please silence your microphone until ready to speak.





# NORTH OGDEN CITY

SETTLED 1851

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## Staff Report to the North Ogden City Planning Commission

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion, consideration, and recommendation on a legislative amendment regarding accessory building standards in the R-2, R-3, R-4, and PRUD zones

Agenda Date: September 21, 2022

Applicant: North Ogden City Staff

File Number: ZTA 2022-06

### PUBLIC NOTICE:

Mailed Notice: N/A

City Website: September 16, 2022 (staff report)

### STAFF INFORMATION

Kai Johnsen  
[kjohnsen@nogden.org](mailto:kjohnsen@nogden.org)  
801-737-2202

### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-9D-4: SITE DEVELOPMENT STANDARDS, 11-9E-4: SITE DEVELOPMENT STANDARDS, 11-9F-4: SITE DEVELOPMENT STANDARDS, 11-9G-2: PERMITTED USES, 11-9-H2: PERMITTED USES, 11-9I-2: PERMITTED USES, and 11-9M-9: ACCESSORY BUILDINGS

### LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting 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. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### BACKGROUND

A resident recently came to The City with a preliminary site plan for an accessory building for a metal sided building in an R-2 Zone. Staff concluded that based on the current ordinance related to accessory building design standards in the R-2 Zone the building could be approved. However, staff recognized that the standards for accessory buildings in the R-2, R-3, and R-4

Zones are less restrictive and not consistent with the standards for accessory buildings in other residential zones, specifically standards in the R-1-8 and R-1-10 zones.

After further research through the City Code there were additional sections of code that contained site development standards for the multifamily and PURD Zones. The Multifamily Site development standards were combined with the site development standards within the individual zones. The PURD site development standards were retained as an individual Article in the code, with references added to the respective PRUD Zones.

**City Council request for input:**

On September 13, 2022, the North Ogden City Council discussed the proposed ordinance change and determined that further input was desired from the Planning Commission regarding an existing code provision that limits accessory buildings in the R-2, R-3, R-4, and PRUD zones to a maximum size of 599 square feet.

**ANALYSIS**

The current North Ogden City Code related to accessory building design standards in the R-2, Zone permits a building of 15 feet in height to be constructed 3 feet from a property line. Large accessory buildings, over 600 square feet must be 15 feet from the property line, the maximum height of the building with a 15-foot setback is unclear in the code. The code contains an exception, a large accessory building may be 25 feet tall with a 20-foot setback from property lines and 60 feet of separation from a home on an adjoining lot. Additionally, there is no reference to 11-9M-9, standards for accessory buildings in residential and civic zones.

In contrast, the accessory building standards in the R-1-8, R-1-10, and related zones require a 3-foot setback for buildings 10 feet in height or less. An increase in height over 10 feet is permitted with an increase in the setback to 5 feet. The building height may increase at a 1:1 ratio for every foot of distance from the property line, so a 15-foot-tall building would require a setback of 10 feet. Additionally, accessory buildings over 200 square feet must be integrated into the design of the main residential building in the R-1-8 and R-1-10 zones.

The proposed code changes make the standards for accessory buildings in multi-family residential zones consistent with the standards for accessory buildings in single family zones. Moreover, the standards are designed to mitigate the impacts of accessory buildings on adjoining properties by increasing the setback distances relative to the height of the accessory building.

**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.

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

- Are the standards for accessory buildings in the R-1-8 and R-1-10 zones appropriate for single family homes in multi-family zones?
- Do the proposed standards regarding height and size address the unique characteristics of the Multi-family zones that are primarily located in central North Ogden?
- Is the maxim size of 599 sq. ft. necessary, if accessory buildings are already limited to 25% of the rear yard area?

#### **EXHIBITS**

Exhibit A- Ordinance Draft

#### **RECOMMENDATION**

Conduct a public hearing and discussion regarding accessory buildings in the R-2, R-3, R-4, and PRUD Zones and provide any feedback and direction to modify the proposed ordinance change.

## ORDINANCE 2022-

**AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11, SECTION 2, CHAPTER 9, ARTICLE D: RESIDENTIAL ZONE R-2, ARTICLE E: MULTI-FAMILY RESIDENTIAL ZONE R-3, ARTICLE F: MULTI-FAMILY RESIDENTIAL ZONE R-4, ARTICLE G: ROYLANCE FARMS PHASE II PLANNED UNIT DEVELOPMENT ZONE (PUD), ARTICLE H: QUAIL PONDS PLANNED UNIT DEVELOPMENT ZONE (PUD), ARTICLE I: COLD CREEK VILLAGE PLANNED UNIT DEVELOPMENT (PUD), AND ARTICLE M: USE REGULATIONS APPLICABLE TO RESIDENTIAL AND CIVIC ZONES STANDARDS FOR ACCESSORY BUILDINGS IN MULIT-FAMILY RESIDENTIAL ZONES, AMENDING BUILDING HEIGHT AND SETBACKS**

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

**WHEREAS;** The current City ordinances related to accessory building standards in multifamily residential zones are not consistent with accessory building standards in single family residential zones; and

**WHEREAS;** This amendment updates the standards for accessory buildings in muti family residential zones to be consistent with the standards for accessory buildings in single family residential zones; and

**WHEREAS;** The proposed standards are designed to provide a reasonable setback from adjoining properties and maintain the reasonable use of the property.

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Code 11-9D-4, 11-9E-4 11-9F-4,11-9G-2, 11-9H-2,11-9I-2, and 11-9M-9 be amended as follows:

11-9D-4: SITE DEVELOPMENT STANDARDS

(Measurements in feet or square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Interior with two-family dwelling or other main building, includes twin homes	12,000 square feet total, 6000 per unit

3. Corner with single-family dwelling	9,000 square feet
4. Corner with two-family dwelling or main building with other than dwelling	12,000 square feet total, 6000 per unit
B. Minimum lot widths measured 30 feet back from the front property line	
1. For a single-family dwelling at a distance thirty feet (30') back from the front property line	80'
2. For a two-family dwelling at a distance thirty feet (30') back from the front property line	90'
C. Minimum yard setback	
1. Front	30'
2. Side	
a. Dwelling	8'
(1) Minimum length of the total of the two (2) side yards	18'
(2) For interior lots where there is an attached garage with the required number of parking spaces, each side yard may be eight feet (8')	
b. Other main buildings (each side)	20'
c. Twin home	18'
3. Side facing street on corner lot	20'
4. All utility easements must be maintained in an open state, unless written permission is secured from all utility companies to place a structure over the easements	
5. Rear	

a. Main building	20'
b. Minimum spacing between main and accessory buildings	6'
6. Building height	
a. Minimum	10'
b. Maximum	35'
<del>D. Accessory buildings</del>	
<del>1. Minimum setback requirements</del>	<del>a. 3' from the property line b. Large accessory building, 15' c. 6' from the main dwelling</del>
<del>2. Building height</del>	
<del>a. Maximum</del>	<del>15' if set back 3' from property line</del>
<del>i. Exception 1</del>	<del>25' if set back 20' from the property line and 60' from a neighboring dwelling</del>
<b>D. Total lot coverage:</b>	
<del>3. 1. Maximum rear yard coverage for accessory building or group of accessory buildings</del>	25%
<del>4. 2. Maximum lot coverage for building or group of buildings with the accessory buildings</del>	35%
<b>E. Accessory building regulations (see also CCNO 11-9M-9)</b>	
<b>1. Accessory building height</b>	
<b>2. Accessory building setback</b>	
<b>a. Accessory building</b>	
<b>(1) Corner lot (street side)</b>	<b>20'</b>
<b>(2) Required setback in feet (with permitted increases in building height beyond 10')</b>	
<b>(A) Buildings that meet the design standards requirements in 11-9M-9: 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,</b>	

at a 1:1 ratio, in the required setback distance of the building walls from the property line	
3. Minimum separation required between primary building and between all accessory buildings	At least 6'

#### 11-9E-4: SITE DEVELOPMENT STANDARDS

(Measurements in feet or square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Corner with single-family dwelling	9,000 square feet
3. Interior and corner - multi-family dwelling	10,000 square feet
4. Interior - nonresidential building	8,500 square feet
5. Corner - nonresidential building	9,500 square feet
B. Minimum lot width measured 30 feet back from the front property line	80'
C. Minimum Yard Setback:	
1. Front	30'
2. Side	
a. Single-family dwelling	8' Exception: The total of two side yards shall not be less than 17'
b. Other main buildings (each side)	20'
c. All utility easements must be maintained in an open state	
3. Side facing street on corner lot	20'
4. Rear (main building)	20'
D. Building Height	
1. Minimum	10'
2. Maximum	35'
E. Accessory Buildings	
Total lot coverage:	

<p>1. No accessory building or group of accessory buildings shall cover more of the rear yard than twenty five percent (25%).</p> <p>2. No building or group of buildings with the accessory buildings shall cover more of the total lot area than fifty percent (50%).</p>	
<p><del>3. Minimum setback requirements</del></p>	<p><del>3' from the property line Large accessory building, 15' 6' from the main dwelling</del></p>
<p><del>4. Building height</del></p>	
<p><del>a. Maximum</del></p>	<p><del>15' if set back 3' from property line Exception: 25' if set back 20' from the property line and 60' from a neighboring dwelling Exception: On parcels larger than one acre location proposed closer than 15' may be allowed by conditional use permit</del></p>
<p>F. Accessory building regulations (see also CCNO 11-9M-9)</p>	
<p>1. Accessory building height</p>	
<p>2. Accessory building setback</p>	
<p>a. Accessory building</p>	
<p>(1) Corner lot (street side)</p>	<p>20'</p>
<p>(2) Required setback in feet (with permitted increases in building height beyond 10')</p>	
<p>(A) Buildings that meet the design standards requirements in 11-9M-9: 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</p>	



	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
3. Minimum separation required between primary building and between all accessory buildings	At least 6'
4. Maximum size	599 Sq. Ft.

11-9F-4: SITE DEVELOPMENT STANDARDS

(Measurements in feet and square feet)

A. Minimum lot area	
1. Interior with single-family dwelling	8,000 square feet
2. Corner with single-family dwelling	9,000 square feet
3. Interior and corner - two-family dwelling	8,000 square feet
4. Interior with nonresidential main building	8,500 square feet
5. Corner with nonresidential main building	9,500 square feet
6. Residential care facility, in addition to minimum, for each patient	500 square feet
B. Minimum lot width measured 30 feet back from the front property line	80'
C. Minimum Yard Setback:	
1. Front	30' If located on Washington Blvd. or 2700 North, the front yard setback is 20' with no parking allowed in the front yard.

2. Side	
a. Single-family dwelling	8' Exception: The total of two side yards shall not be less than 17' Exception: On interior lots where there is an attached garage with the required number of parking spaces, each side yard may be 8'
b. Other main buildings (each side)	20'
c. All utility easements must be maintained in an open state	
d. Twin homes	16'
e. Side facing street on corner lot	20'
3. Rear (main building)	20'
D. Building Height	
1. Minimum	10'
2. Maximum	35'
<del>E. Accessory Buildings</del>	
<del>1. Minimum setback requirements</del>	<del>3' from the property line Large accessory building, 15' 6' from the main dwelling</del>
<del>2. Building height</del>	
a. Maximum	15' if set back 3' from property line Exception: 25' if set back 20' from the property line and 60' from a neighboring dwelling Exception: On parcels larger than one acre location proposed closer than 15' may be allowed by conditional use permit
E. Accessory building regulations (see also CCNO 11-9M-9)	
1. Accessory building height	
2. Accessory building setback	
a. Accessory building	
(1) Corner lot (street side)	20'

(2) Required setback in feet (with permitted increases in building height beyond 10')	
F. Buildings that meet the design standards requirements in 11-9M-9: 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	
1. Minimum separation required between primary building and between all accessory buildings	At least 6'
2. Maximum size	599 Sq. Ft.

11-9G-2: PERMITTED USES

A. The following uses shall be permitted:

1. Attached dwelling units. See CCNO 11-13.
2. Church, synagogue or similar permanent building used for regular religious worship.
3. Home daycare center. See CCNO 11-9M-14.
4. Home occupations. See CCNO 11-14.
5. Home preschool. See CCNO 11-9M-14.
6. Household pets.
7. Single-family dwellings.
8. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.
9. Accessory buildings and uses customarily incidental to any permitted use. (See 11NOCC 11-9M-9 for accessory building standards.)

11-9H-2: PERMITTED USES

A. The following uses shall be permitted:

1. Attached dwelling units. See CCNO 11-13.
2. Church, synagogue or similar permanent building used for regular religious worship.
3. Home occupations. See CCNO 11-14.
4. Household pets.

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5. Planned Unit Development. See CCNO 11-13.
6. Public buildings, public or private parks, recreation grounds, and associated buildings. See CCNO 11-9M-18.

- 7. Single-family dwellings.
- 8. Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.
- 9. Accessory buildings and uses customarily incidental to any permitted use. (See 11NOCC 11-9M-9 for accessory building standards.)

11-9I-2: PERMITTED USES

A. The following uses shall be permitted:

- 1. Home occupations. See CCNO 11-14.
- 2. Household pets.
- 3. Multi-family dwellings.
- 4. Single-family dwellings.
- 5. Temporary buildings incidental to construction work.

6. Accessory buildings and uses customarily incidental to any permitted use. (See 11NOCC 11-9M-9 for accessory building standards.)

11-9M-9: ACCESSORY BUILDINGS

Standards for Accessory Buildings in ~~CCNO 11-7F (Residential Zone R-2), CCNO 11-7G (Multi-Family Residential Zone R-3), CCNO 11-7H (Multi-Family Residential Zone R-4) and the following PRUD Zones CCNO 11-7C (Legacy Planned Residential Unit Zone), CCNO 11-7D (Roylance Farms Planned Residential Unit Zone), CCNO 11-7E (Quail Ponds Planned Residential Unit Zone), and CCNO 11-7I (Cold Creek Village Planning Residential Unit Development Zone):~~

Accessory Building				
	R-2	R-3	R-4	PRUD
A. Interior side yard setback (in feet)	3	3	3	3
B. Corner lot side yard setback (in feet)	20	20	20	20
C. Maximum height (in feet)	15	15	15	15
D. Maximum size	599 sq. ft.	599 sq. ft.	599 sq. ft.	599 sq. ft.
E. Minimum distance between buildings	6	6	6	6
F. Maximum rear yard coverage by all accessory buildings	25%	25%	25%	25%

a. Maximum	<p>15' if set back 3' from property line  Exception: 25' if set back 20' from the property line and 60' from a neighboring dwelling  Exception: On parcels larger than one acre location proposed closer than 15' may be allowed by conditional use permit</p>
A. Accessory building regulations (see also CCNO 11-9M-9)	
1. Accessory building height	
2. Accessory building setback	
a. Accessory building	
(1) Corner lot (street side)	20'
(2) Required setback in feet (with permitted increases in building height beyond 10')	
b. Buildings that meet the design standards requirements in 11-9M-9: 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	
3. Minimum separation required between primary building and between all accessory buildings	At least 6'
4. Maximum rear yard coverage by all accessory buildings	25%
5. Maximum size	599 Sq. Ft.

**SECTION 2:** This ordinance shall take effect upon adoption.

**PASSED and ADOPTED** this      <sup>th</sup> day of      **2022.**

**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 Dalpias:</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**

## Staff Report to the North Ogden City Planning Commission

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative amendment to revise the retaining wall standards to add clarifying language in Title 11 Grading and Drainage Standards

Agenda Date: September 21, 2022

Applicant: North Ogden City

File Number: ZTA 2022-09

### PUBLIC NOTICE:

Mailed Notice: None

Newspaper:

City Website: August 22, 2022 (public hearing notice), September 16, 2022 (staff report)

### STAFF INFORMATION

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

### APPLICABLE ORDINANCES

11: 11-22-1-G-8 GRADING AND DRAINAGE STANDARDS

### LEGISLATIVE DECISION

When the City is considering a legislative matter, 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. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### BACKGROUND

The Planning, Engineering, and Building Departments regularly have questions and concerns over retaining walls in North Ogden City. These can be new walls constructed along with homes, or retaining walls required as part of a subdivision approval. Generally, the City's standards for retaining walls are able to be met by developers, home builders and home owners. The basic standards are: walls up to 4 feet tall are permitted without engineering, rock walls 4 to 6 feet tall are permitted with engineering, and mechanically stabilized earth (MSE) concrete or engineered block retaining walls up to 8 feet tall are permitted with engineering.

While most developments can conform to those basic regulations, there are times when special circumstances cause rock walls, retaining walls, and other hillside development to exceed the

required standards in Title 11. When these special cases come up, the City's Planning and Engineering Departments have been left to interpret the rules and regulations, or look towards a Variance process to assist developers and homeowners with finishing their projects.

### ANALYSIS

The City Engineer has proposed the following language be added to the Code. In cases where walls exceed the permitted height, or there are additional risks to life or property damage if a wall were to fail, the City would like additional engineering be completed and approved as part of the public record. The additional risk analysis would clearly indicate who is liable in the case of a failure, and would help assure that future home owners understand what they are buying if they purchase a lot or home with a wall that represents a higher-than-average risk for failure.

The proposed ordinance reads as follows:

<p>8. Walls 8 feet in height or less should be designed and constructed according to standard design and construction practices, manufacturer recommendations and published design charts. Regardless of the height of a retaining wall, the building official or City Engineer may require stamped engineered plans if it is suspected that the retaining wall needs additional engineering due to design requirements or environmental conditions. This may also be true for areas with a high water table or poor soil conditions. Plans must be stamped by an engineer licensed in the state.</p> <p>9. Gravity rock walls and gravity block walls cannot exceed 6 feet in height. Gravity rock walls or gravity block walls can be tiered to create additional height (i.e. they must be spaced horizontally by the height of the tallest adjacent retaining wall).</p> <p>10. Mechanically stabilized earth (MSE) walls such as Keystone with geogrid or other tie-back systems are permitted. Reinforced concrete cantilevered retaining walls are also permitted. These walls may be tiered but any tier cannot exceed 8 feet in height.</p> <p>11. Rock or other coverings on a steepened slope (rockery) may be considered a retaining wall when the slope exceeds the maximum permanent cut or fill slope recommended by a geotechnical analysis. If a slope requires a rockery to be stable then it is to be treated as a retaining wall.</p> <p>12. If these requirements are more restrictive than the standards found elsewhere in the ordinance then these standards will apply.</p>	<p>Additional engineering may require a risk analysis if wall were to fail. Risk analysis to determine the potential loss of life or property damage. Performance of risk analysis requirement is at the discretion of the City Engineer and/or building official.</p>
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### Retaining Wall Heights

The City Council has asked the Planning Commission to consider retaining wall heights for North Ogden City. North Ogden City Code 11-21-1 G. Retaining Walls permits retaining walls up to four feet tall (4') without engineering, gravity rock walls between four and six feet tall (4-6') with engineering, and retaining walls up to 8 feet tall maximum (8') including: concrete, block, and other engineered walls. Wall systems may be tiered so long as the horizontal distance between tiers is greater than the tallest vertical wall in the system.

The City has received requests from developers, home builders, and home owners for retaining walls that exceed eight feet (8') in height. There have been walls constructed beyond that height that have been required to be cut down, back filled, or otherwise amended to meet the Code. In an attempt to right-size the Code, staff has reviewed other City ordinances and has prepared the following information for the Planning Commission's consideration.

### Centerville City:



(c) Grading, Cuts, Fills, Vegetation and Revegetation.

8. Retaining walls shall be used to retain existing slope or graded slope as may be approved by the City Engineer. The height of necessary and approved retaining walls shall be a maximum of eight feet. Extensive "rear yard" retaining walls built for the purpose of leveling a yard by backfilling, are expressly prohibited.

#### **Fruit Heights Development Agreement:**

Retaining Walls. Any roadway retaining walls recommended by the Geotechnical Study and required by the city shall be designed and approved by the city and a licensed geotechnical engineer. On any lots, any retaining walls more than four (4) feet in height shall be designed and inspected by a geotechnical engineer to ensure proper design and installation. The homebuilder will be required to supply these geotechnical inspections to the city prior to obtaining certificate of occupancy. Additionally, if the developer installs any retaining walls on any lots, he will be required to submit a design and inspection report from a licensed geotechnical engineer to ensure proper design and installation.

#### **Fruit heights building code:**

Permits shall not be required for the following:

- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

#### **Orem: More general grading and Drainage Ordinance:**

##### *17-8-2. Hillside Developments.*

A. All property within a hillside area shall be subject to the provisions of this section. All references to grades or slopes shall mean the grade or slope in its natural state. Where the natural state of a slope cannot be definitively determined, the natural state of a slope shall be determined by reference to the City's 1978 aerial map.

**(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)**

B. No grading shall take place on a hillside area until a grading plan has been submitted to and approved by the City. All grading shall conform to the grading plan. This applies to both lots of record and subdivision lots.

**(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)**

C. Every lot intended for building construction shall have a minimum buildable area behind the front setback line of at least forty percent (40%) of the minimum lot area required by the zone in which the lot is located, prior to any grading.

**(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)**

- D. Any area on a lot or parcel that has an average slope of thirty-five percent (35%) or greater shall remain ungraded except as provided below. The City Engineer may allow grading on twenty-five percent (25%) of all such slope areas on a lot or parcel provided all of the following requirements are met:
1. The proposed slope area can be graded without the use of a retaining wall or other methods of retainage (such as gabions, fabrics, spray-on materials, etc.) and without negatively impacting the stability of any part of the thirty-five percent (35%) slope area or any other part of the lot or parcel, or an adjoining lot or parcel.
  2. The proposed grading will not increase the slope of any part of the graded area above its natural slope.
  3. The applicant submits a geo-technical report prepared by a qualified engineer showing that the above conditions are met.
  4. No structure may be constructed in a natural slope area of thirty-five percent (35%) or greater unless:
    - a. No part of a thirty-five percent (35%) or greater slope located uphill from the structure on the same lot or parcel is graded.
    - b. There is a space of at least twenty feet between all points of the structure and any uphill slope of thirty-five percent (35%) or greater and such setback space has a natural grade of ten percent or less.
    - c. There is a space of at least ten feet between all points of the structure and any downhill slope that has a natural grade of thirty-five percent (35%) or more and such ten-foot setback space has a grade of five percent or less. The ten-foot setback space may be graded.

**(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002; Ord. No. O-2010-0015, Amended 05/25/2010)**

- I. Tops or toes of slopes shall be set back from property boundaries a minimum distance of five feet (5').

**(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)**

- M. Any buildable area or portion of a buildable area shall be no closer than thirty feet (30') to any man-made or natural drainage channel.

**(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0001, Amended, 01/08/2002)**

- N. All drainage areas shall be kept free of debris and soil sedimentation during subdivision development and building construction.

**Provo:**

(5) Notwithstanding the requirements in Subsection (4) of this Section, the use of terraced retaining walls is permitted to reduce the steepness of human-made slopes and to provide planting pockets conducive to revegetation. The following requirements apply for terraced retaining walls and vertical walls:

(a) Terraces created between retaining walls shall be permanently landscaped or revegetated.

(b) Terracing is limited to three (3) walls with a maximum vertical height of eight (8) feet each. The width of a terrace shall be a minimum of a one-to-one ratio with the height of the wall. Terraces are measured from the back of the lower wall to the face of the upper wall. Terraces created between retaining walls shall be permanently landscaped or revegetated.

(i) The Development Services Director or designee may grant an increase in the number of terrace walls or an increase in vertical height of a terrace wall, if the applicant provides documentation, which has been stamped by an engineer licensed in the State of Utah, that demonstrates the property to be developed would be inaccessible without granting an increase.

(c) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.

(d) Vertical walls are only allowed if approved by the City Engineer and if the following criteria are met:

(i) The applicant provides documentation, which has been stamped by an engineer or landscape architect licensed in the State of Utah, that demonstrates an environmental, aesthetic, or safety concern with installing retaining walls on the subject property.

(ii) The vertical wall shall be constructed of earth-colored materials similar to the surrounding natural landscape.

(e) All applicable building code requirements must be met and applicable permits obtained.

**Figure 14.33A.1. Terracing and Retaining Wall – Permitted**



(Retaining wall faced with stone. Terraces have been revegetated.)

(g)

**Figure 14.33A.2. Terracing and Retaining Wall – Not Permitted**



(Wall is not constructed of earth-colored materials and does not provide opportunities for planting pockets.)

(Enacted 2020-22, Am 2020-25)

Given the information above, Staff concludes that eight feet (8') has become a relatively standard maximum height for those cities who regulate or restrict retaining wall heights. It appears that for most cities the Codes either reference eight feet (8') or they are silent on a maximum height. Engineered walls can safely exceed eight feet (8'), but there are other impacts and considerations such as aesthetics and views that need to be taken into account when developing on hillsides. Staff does not present a firm opinion on the matter, and would like to discuss options with the Planning Commission.

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

There is nothing in the General Plan that was determined to pertain to this issue. Planning Department Staff is proposing this text amendment to Title 11 of City Code, at the request of the City Engineer and Building Official.

### **RECOMMENDATION**

The Planning Department Staff recommends approval of the proposed text amendment, as a means of adjusting City Code to be responsive to retaining wall impacts and reducing the risk of loss of life or property. Staff further recommends the Planning Commission consider the presented information on heights of retaining walls to determine what an appropriate maximum height is for retaining walls in North Ogden City.

### **EXHIBITS**

None

## Staff Report to the North Ogden City Planning Commission

### SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion, consideration, and recommendation on a legislative amendment to develop short term rental regulations.  
Agenda Date: September 21, 2022  
Applicant: North Ogden City  
File Number: ZTA 2022-07

### PUBLIC NOTICE:

Mailed Notice: N/A  
Newspaper: N/A  
City Website: July 21, 2022 (public hearing notice), September 16, 2022 (staff report)

### STAFF INFORMATION

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### APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-9M-10 K(5) Accessory Dwelling Units (business license required for rental of ADU)

### LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting 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. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

### BACKGROUND

North Ogden City has previously considered Short Term Rental Regulations in 2018 and 2019. In 2019, the Code was updated to allow short term rental of accessory dwelling units. Currently, any residential structure in the City can be operated as a short term rental so long as the operator obtains a Rental Business License. This includes the rental of any portion of an owner occupied home or accessory dwelling unit, as well as the rental of an entire residential structure.

Staff has recently received calls from property owners asking questions about short term rentals and their legality. The Council has since asked Staff to consider regulations for short term rentals.

### Analysis

Short term rentals have the potential to impact local housing affordability and availability, especially in destination communities or gateway communities (communities with immediate access to public lands). North Ogden City is largely a community of homeowners, with a relatively

limited long term and short term rental population compared to some surrounding communities, or other cities in the State. Short term rentals in our area represent a minor percentage of the overall housing market, and are not a growing segment of business licenses in the City. Likewise, the number of accessory dwelling units has increased slowly. North Ogden City currently has ten (10) active short term rental business licenses, and nine (9) active long term rental licenses within accessory dwelling units. Staff understands that the number of business licenses does not necessarily reflect the number of actual rentals there are in the community. A review of airbnb.com shows twenty-four (24) available short term rental homes available in August. The city could/should do an information campaign to begin bringing those rentals without a license into compliance. This is a small percentage of the roughly 6,000 residential units we have in the city.

Staff met with representatives from the Code Enforcement, Building, and Fire Departments to discuss the impact that short term rentals have had on the community. From these discussions it appears that there are perceived negative issues from short term rentals that rarely become actual issues. The main complaint received is parking related, with a few noise complaints that are typically addressed with the renter at the time of the complaint.

Staff has researched other Utah community's regulations for the consideration of the Planning Commission (see Exhibits A, B, and C).

The discussions with the Building and Fire Department were useful in determining potential steps the city can take to assure that these rentals are safe and secure. The suggestion from Ryan Barker, Fire Marshall, was to develop clear guidelines for inspection of short term rentals to assure that they meet fire/life safety requirements. These requirements are recommended to be similar to the inspection requirements for accessory dwelling units.

Planning Commission met on August 3, 2022 and discussed standards for Short Term Rentals. Based on that discussion, staff is proposing the additional regulations below in red for the Planning Commission's consideration.

#### Draft Short Term Rental Regulations:

1. Short term rentals are recommended to continue to be permitted within residential units as a stand alone use, or when renting any portion of an existing home or accessory dwelling unit.
  - a. Staff is recommending that short term rentals be limited to only single-family homes.
2. Short term rentals require the property owner to provide a phone number and contact information for an owner or property manager who can be reached by phone 24/7, as well as contact information for an owner, property manager, or representative who can be physically at the house within one hour. If the owner or property manager is not responsive within three contact attempts, then fines will be assessed at XX daily. (\*Staff needs to research what the Civil penalty is in this case).
3. Short term rentals must obtain a Rental Business License.

4. Short term rentals are recommended to be required to be inspected by the Fire Department prior to initial approval of the Business License, and annually at renewal thereafter.
5. Building/Fire Department Inspection is recommended to include:
  - a. Compliance with Building, Fire, and Health Codes
  - b. Smoke Detectors installed in each bedroom
  - c. Ground fault circuit interrupter (GFCI) outlets recommended to be required in locations set by Building Code
  - d. Ingress and egress doors and windows recommended to be required to meet Building Code at the time of application
  - e. Hand or Guard Rails recommended to be required in locations set by Building Code
  - f. Parking recommended to be required at one stall per bedroom rented
  - g. Maximum occupancy recommended to be no more than 12 persons in the entire short term rental property

## **CONFORMANCE WITH THE GENERAL PLAN**

### **Housing Goals**

#### **Goal #1 – Increase Housing Quality and Variety**

- Encourage adequate housing types which accommodate lifecycle transitions and changing population norms.
- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.
- The General Plan housing goals and strategies are supportive of providing appropriate design standards and increasing housing types, e.g., adding accessory dwelling units.

#### **Strategies**

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

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

- Should residential units be allowed to continue being rented on a short term basis?
- Is the amendment consistent with the General Plan?

## **RECOMMENDATION**

Staff's recommendation is to for the Planning Commission to consider whether or not short term rentals are impacting North Ogden City's housing negatively, how short term rentals should be regulated, and how those regulations should be administered.



**EXHIBITS**

- A. Hurricane Short Term Rental Guide
- B. Murray City Short Term Rental Draft Ordinance
- C. Springville City Short Term Rental Ordinance



# Short-Term Rental Rules and Regulations

## 3 TYPES OF SHORT-TERM RENTALS

**01.**

### Residential Hosting

- Renting out a guestroom or casita while you live in the main home. A residential hosting license is required.

**02.**

### Vacation Rental in a single family zone

- Renting out an entire home that you do not live in. A limited number of vacation rental licenses are available call the city office to reserve a space on the waiting list. No vacation rentals are allowed in multifamily zones

**03.**

### Vacation Rental in a resort

- Renting out an entire home in a designated resort community. A vacation rental license is required.

## BUSINESS LICENSE REQUIREMENTS

**01.**

Fill out the applicable license form available at [cityofhurricane.com](http://cityofhurricane.com)

**02.**

Submit the following

- Application fee
- Parking plan
- Fire inspection

## Enforcement

Any violation of city ordinances with regards to short-term rentals carries a \$750 a day fine. Call 435-625-3737 to report a non-compliant rental

Call 435-635-2811 for questions

**CHAPTER 17.XX:  
RESIDENTIAL SHORT-TERM RENTAL (STR):**

SECTION:

- 17.XX.010: PURPOSE
- 17.XX.020: APPLICABILITY
- 17.XX.030: DEFINITIONS
- 17.XX.040: STANDARDS AND REQUIREMENTS
- 17.XX.050: VIOLATIONS
- 17.XX.060: ENFORCEMENT
- 17.XX.070: FINES

17.67.010: PURPOSE:

This chapter is established to provide regulations for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of residents and preserving the residential character of neighborhoods. Allowing STRs, is intended to provide economic relief to existing property owners who might otherwise be forced to leave a neighborhood, thus promoting, and preserving stable and affordable housing in the city. This chapter also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.

17.XX.020: DEFINITIONS:

The following words and phrases when used in this chapter shall be construed as defined in this section:

- A) DEDICATED VACATION RENTAL: Renting an entire dwelling where there are no owner occupants.
- B) HOSTED SHARING: Renting a portion of the dwelling while the owner occupants of a residence remain on-site with guests.
- C) INCIDENT: A violation or series of violations that have occurred in a time period of 24 hours.
- D) RENTER: a single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.
- E) STR LAND USE PERMIT: An administrative permit issued to the property owner seeking to use property as an STR after Community and Economic Development staff have determined that the owner's property qualifies under the requirements of this chapter.
- F) SHORT-TERM RENTAL (STR): Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.
- G) UNHOSTED SHARING: Renting an entire dwelling unit where the owner occupants of a residence vacate the unit while it is rented to short-term guests.

17.XX.030: APPLICABILITY:

- A) An STR is allowed in all primarily residential districts after obtaining both an STR land use permit and a business license.
- B) The following are exempt and shall not be subject to the provisions of this chapter:
  - 1) A residential lease of thirty (30) or more consecutive days.

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RESIDENTIAL SHORT-TERM RENTAL (STR):**

- 2) RV parks, campgrounds, hotels, and motels, as described and regulated in Title 17.

17.XX.040: STANDARDS AND REQUIREMENTS:

An STR may be allowed within any existing legal conforming residential dwelling by obtaining an STR land use permit from the Community and Economic Development Department, wherein the applicant demonstrates compliance with requirements found in Title 17 and all of the following standards and requirements:

- A) Application: A completed application form and payment of all fees. -Application form provided by the City.
- B) Property Information:
- 1) A detailed written description of the proposed use.
  - 2) A basic site plan of the property including locations of accessory structures, setbacks, parking, and entrances to the dwelling and STR.
  - 3) A floorplan drawing of the dwelling that identifies the portions of the dwelling to be used for the STR.
  - 4) Only one designated STR or STR area is allowed per dwelling.
- C) Parking Plan: A detailed drawing of an off-street parking plan must be provided to ensure that all occupants of the primary dwelling and STR can be accommodated on-site at all times.
- 1) Parking may not include any on-street parking, and shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit.
  - 2) Shared guest parking as part of a multi-family dwelling shall only be permitted upon express written approval of the HOA or property management, as applicable.
  - 3) Any proposed parking improvements shall also be included in the off-street parking plan and must be completed prior to issuance of a business license.
  - 4) All elements of the parking plan must comply with all other requirements of this chapter.
  - 5) The applicant shall provide the maximum renter occupancy proposed and demonstrate that sufficient parking has been provided off street at a rate of one-half ( $1/2$ ) space per bedroom or sleeping area and in no case shall the parking be less than one (1) space.
- D) Owner Occupancy: The owner shall live in the dwelling in which an STR is desired and must reside as their primary residence.
- 1) The owner shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner.
    - a) Fee title owner may be an individual or trustor of a family trust that possesses fifty percent (50%) or more ownership of the proposed STR.
    - b) Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.
  - 2) To establish that the property is the owner's primary residence, the owner shall:
    - a) Present a government issued identification document listing the address of the property as the address of the owner; and
    - b) A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, wherein they reside at least one hundred eighty-three (183) days per calendar year.
- E) Occupancy During Rental Period: The owner shall comply with the following occupancy restrictions:

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- 1) The property shall not be rented to more than one party at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple parties at the same time.
  - 2) Hosted sharing is allowed 365 days a year.
  - 3) Unhosted sharing shall not be conducted for more than one hundred eighty-two (182) nights per year.
    - a) The property shall only be rented for a minimum duration of one night and a maximum of thirty (30) nights.
  - 4) Dedicated Vacation Rentals are not allowed.
- F) No Conflict with Private Restrictions: The property owner shall sign an affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.
- G) Urgent Response: The owner, or a designated representative, shall be available to immediately respond twenty-four (24) hours a day, three hundred sixty-five (365) days a year by telephone.
- 1) When necessary, the owner, or a designated representative be able to physically respond within one hour of an inquiry or request by the City.
  - 2) If the owner or designated representative is unreachable after three (3) attempted contacts by Murray City within one hour, a citation may be issued.
  - 3) If the owner or designated representative is not able to respond within an hour a citation may be issued.
- H) Nameplate Sign: One nameplate sign shall be permanently attached to the building in a conspicuous location near the front entrance of the STR. The nameplate sign shall:
- 1) Provide the name and telephone number of the owner or designated representative that can be contacted twenty-four (24) hours a day;
  - 2) Contain the occupant load of the building as allowed by the International Building Code;
  - 3) Be made of durable, weather resistant material;
  - 4) Not exceed three inches by five inches in dimension; and
  - 5) Contain no advertising.
- I) Noticing and Posting Requirements: A guest informational packet must be maintained in a clearly visible location within the STR area, and must include all of the following:
- 1) STR permit and business license.
  - 2) 24/7 contact information for owner or a designated representative.
  - 3) Parking requirements, including site map of approved designated parking areas.
  - 4) Maximum occupancy.
  - 5) Sign indicating no excessive or undue noise between 10 p.m. and 7:00 a.m.
  - 6) Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up and retrieval All garbage must be retrieved and disposed of on a regular basis and in a timely and appropriate manner.
  - 7) Numbers for 911 and Non-emergency dispatch.
  - 8) Other contact information or information related to other regulations or conditions of an approval through the land use permit process, as required by the Community and Economic Development Department.
- J) Property Maintenance Requirements: All STRs shall adhere to all City ordinances relating to the maintenance and management of property.

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RESIDENTIAL SHORT-TERM RENTAL (STR):**

- K) Noise and Nuisance Control: The owner shall ensure that the guests adhere to the noise control in section 8.16 of the Murray City Code, as amended. Should a renter violate the noise control chapter more than once in any given 48-hour period they shall be immediately evicted from the property by the owner.

17.XX.050: VIOLATIONS AND PENALTIES:

- A. Failure to comply with this chapter shall constitute a violation for which the City may issue a citation and impose penalties. -Each day that a violation occurs or continues is a separate violation.
- B. Operation of a property in the city for short-term rental purposes without an STR Land Use Permit or a business license shall be a violation of this code for which the City may issue a citation and impose penalties, with each day of unpermitted or unlicensed operation constituting a separate offense.
- C. It shall be a violation for any person to operate and STR in violation of any federal, state or local law, rule or regulation.
- D. For noncompliance with this chapter, the issuing officer shall issue a written citation to the owner or operator, specifying the violation. -Except as otherwise provided in this chapter, the penalty for violation of this chapter shall be as follows:
  - 1. The first violation within any 12-month period is an infraction, the penalty of which shall be no less than \$500;
  - 2. The second violation within any 12-month period is an infraction, the penalty of which shall be no less than \$750; and
  - 3. The third violation within any 12 month period is an infraction, the penalty of which shall be no less than \$750 and revocation of the STR Land Use Permit and the business license for the short-term rental for the subject property; provided, however, that the operator may not re-apply for any available STR Land Use Permit or short-term rental business license for such property for two years from the date of such revocation.
  - 4. Any violation following the third violation within 12 months is a class B misdemeanor, the penalty of which shall include a fine of no less than \$1,000, and the owner shall be ineligible for an STR Land Use Permit or business license related to an STR for any property within the City.

**11-6-133 Residential Short-Term Rental (STR).**

- (1) Purpose. This Section is established to:
- (a) Provide regulations for residential short-term rentals in residential zones;
  - (b) Preserve the residential character of Springville neighborhoods;
  - (c) Provide existing homeowners economic relief;
  - (d) Help promote affordable housing; and
  - (e) Protect the safety and general welfare of Springville residents.
- (2) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (a) "Host" means an owner who rents their primary residence as a short-term rental.
  - (b) "Owner" means a person or persons who permanently occupies a primary residence they own in fee title. A permanent resident shall not be a corporation, partnership, limited liability company, or similar corporate entity.
  - (c) "Primary residence" means the owner's usual place of return for housing as documented by at least two (2) of the following: motor vehicle registration; driver's license; voter registration; or tax documents showing the residential unit as the owner's residence for the purposes of a home owner's tax exemption. A person may have only one (1) primary residence.
  - (d) "Short-term rental" or "STR" means a portion of a primary residence that is used for a temporary stay for a period of less than thirty (30) consecutive days by a renter. An STR shall not be a place that hosts events, parties or activities.
  - (e) "STR stay" means the entire period of time, including both days and nights, a renter stays within an STR.
- (3) Host Present. A host shall be present and occupy their primary residence during the entirety of an STR stay, unless one (1) of the following exceptions applies:
- (a) Ninety (90) Nights. A host may rent out their primary residence as an STR for up to ninety (90) nights in a calendar year without occupying the primary residence during the STR stay. The host shall provide the contact information to an STR renter of a representative who will be available to immediately respond twenty-four (24) hours per day for any day the host is not occupying the primary residence during an STR stay.
  - (b) Temporary Absence. A host may leave their permanent residence for a temporary, bona fide absence not to exceed three (3) years, such as a temporary job assignment, sabbatical, or voluntary service. In order to continue to rent the STR during the host's temporary absence, the host must designate with the City a host representative who shall fulfill all of the host's requirements for STR stays within the host's primary residence during the host's temporary absence.
- (4) Noise Requirements.
- (a) The noise levels during an STR stay shall not:
    - (i) Exceed sixty (60) decibels at any property boundary of the host's primary residence from the hours of 10:00 p.m. to 7:00 a.m., or

- (ii) Exceed eighty (80) decibels at any property boundary of the host's primary residence for longer than one (1) hour during the hours of 7:00 a.m. to 10:00 p.m.
  - (b) A host shall be responsible to make sure the noise requirements in this subsection and all other noise-related regulations of this Code are followed during an STR stay.
- (5) Permit/Licensing.
- (a) As a requirement of operating an STR, a host shall meet the requirements for, obtain and maintain a valid STR permit from the Community Development Department. In order to obtain a permit, a host shall complete an application form as provided by the Community Development Department.
  - (b) As part of the application, a host will be required to provide, among other items, a parking plan showing:
    - (i) One (1) additional designated off-street parking space for an STR that is under two thousand (2,000) square feet in size; or
    - (ii) Two (2) additional designated off-street parking spaces for an STR that is over two thousand (2,000) square feet in size.
  - (c) In addition to an STR permit from the Community Development Department, a host shall also obtain and maintain a current business license and follow all required STR-specific current and future business license requirements.
- (6) Violations.
- (a) It shall be a violation for any host to operate an STR:
    - (i) Without first obtaining an STR permit or maintaining a valid business license for the STR; or
    - (ii) That does not comply with the requirements of this Section or this Code.
  - (b) Each day that a violation occurs or continues is a separate violation.
  - (c) For any violation of this Section, the Code Enforcement Officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
    - (i) For the first violation within any twelve (12) month period, the host shall be given a written warning.
    - (ii) For a second violation within any twelve (12) month period, the penalty shall be a \$500.00 fine.
    - (iii) For a third violation within any twelve (12) month period, the penalty shall be a \$750.00 fine.
    - (iv) For a fourth violation within any twelve (12) month period, the penalty shall be a \$750.00 fine and the host's STR permit and business license shall be revoked for a period of one (1) year.

(Ord. No. 18-2020 § 2, 09/15/2020)