

## CITY OF OGDEN VALLEY PLANNING COMMISSION PUBLIC NOTICE

**Subject:** Proposed Changes to Chapter 108-19 Accessory Dwelling Units

**Notice Date:** April 17<sup>th</sup>, 2026

**Public Hearing Date:** Tuesday, April 28<sup>th</sup>, 5:00 PM

**Location:** 7474 East 200 South, Huntsville, Huntsville Town Council Chambers

### Summary of Proposed Design Review Changes:

The proposed updates to Chapter 108-19 Accessory Dwelling Units design standards by removing references to Weber County and obsolete zones; removal of language requiring Transferable Development Rights or double acreage that conflicts with State Code; modifications of definitions; changes in minimum and maximum square footage; modifications of regulations on unit height; modifications of design standards requiring conforming architectural standards; clarification on access standards; modification of application and review process.

### Key Changes Include:

#### Sec 108-19-2 Applicability

*Applicability.* The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.

~~—Ogden Valley detached accessory dwelling unit. In the Ogden Valley, a detached accessory dwelling unit shall only be allowed in one of the two following circumstances:~~

~~—Double acreage. The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the detached accessory dwelling unit; the number of residential development rights subtracted from the base density by any other means; and the number of residential development rights remaining for the property.~~

~~—Transferable development right. A landowner has successfully negotiated the reallocation of a second residential development right from another lot or parcel, and is in compliance with the following:~~

~~—The reallocated residential development right may only be transferred from a lot or parcel that:~~

~~—Is located in one of the following zones: RE-15, RE-20, AV-3, FV-3, and S-1; and~~

~~—Has an available residential development right. Available residential development rights are determined by the lot or parcel's base density~~

~~and adjusted for any previous residential development right reduction or addition.~~

~~—The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units developed on the lot or parcel, including the accessory dwelling unit, if applicable; the number of residential development rights subtracted from, or added to, the base density by any means; and the number of residential development rights remaining for the lot or parcel.~~

### **Sec 108-19-3 General Provisions**

"Dwelling Unit" means one or more rooms arranged for the use of one or more individuals living together, as in a single housekeeping unit normally having cooking, living, sanitary, and sleeping facilities.

*Parking.* Required parking may be provided on asphalt, concrete, gravel, or other all-weather dust-controlled surfaces suitable for vehicle access. Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall be on a hard surfaced area prepared to accommodate vehicle parking.

*Occupancy.* At least one dwelling unit on the property shall be under common ownership with the accessory dwelling unit. Ownership may be held by an individual, family trust, or legal entity. Owner occupancy shall not be required provided the units remain accessory and are not separately conveyed. Either the accessory dwelling unit or the primary dwelling shall be owner occupied. While away, the owner shall not offer the owner occupied dwelling unit for rent. The non-owner occupied unit is limited to no more than one family.

### **Sec 108-19-4 Standards And Requirements**

*Size.* The size regulations for an accessory dwelling unit are as follows:

An accessory dwelling unit shall contain a minimum of 300 square feet of habitable space.

~~The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all levels when viewed from above, shall not be less than 400 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit be greater than 2,000 square feet.~~

The gross floor area of an accessory dwelling unit shall not exceed 1,000 square feet.

No separate footprint limitation shall apply provided lot coverage limits are met.

However, an accessory dwelling unit located entirely within a basement of a single-family dwelling may consume the entire basement area regardless of square footage.

Except as provided in Subsection (b)(3) of this section, the height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 35-25 feet. (Can be increased up to 35 in increments of one foot in height for every one foot additional setback from property line from minimum ADU setback.)

***Relationship to the primary dwelling; appearance.***

Accessory dwelling units shall not be required to match the architectural style or materials of the primary dwelling. Exterior design standards may only address objective factors including height, scale, and setbacks.

Agricultural, rural, or accessory building forms including post-frame, barn-style, cabin, or similar structures shall be permitted.

Alternative building methods allowed under adopted building codes shall not be prohibited.

Architectural review shall not require use of a licensed architect unless otherwise required by state building code.

~~The exterior design of an accessory dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the primary dwelling in a manner that preserves the appearance of the lot's single-family use.~~

~~The exterior of the accessory dwelling unit shall either:~~

~~Conform to the primary dwelling in architectural style and materials on all sides of the building and roof;~~

~~Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or~~

~~Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.~~

An accessory dwelling unit located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a part of the single-family dwelling provided that the distance between them is no greater than 15 feet.

**Access.** Access to the accessory dwelling unit shall be located in a manner that provides safe and functional access and complies with building and fire code requirements. No specific entrance orientation shall be required. The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have

~~direct access to the exterior of the building in a manner that does not require passage through any other part of the building.~~

## **Sec 108-19-5 Application Procedure**

### *Application submittal requirements.*

A completed application form signed by the property owner or assigned agent.

An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.

Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.

A statement of feasibility, also known as a will-serve letter from the utilities providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or septic system, the local health department.

~~Verification of ownership shall be required at the time of application. Continued owner occupancy shall not be required provided the accessory dwelling unit remains in compliance with this chapter. Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.~~

### *Review procedure.*

Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.

~~Planning Division staff shall route the application only to departments necessary to verify compliance with specific requirements of this chapter including building, fire, water, and wastewater providers.~~

~~Planning Division staff will route the application to the local fire authority, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.~~

~~Additional reviews may only be required where reasonably necessary to verify compliance with adopted ordinance standards.~~

### **Affected Property Owners (Map Amendments)**

This is a citywide amendment, affecting all applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial, and manufacturing buildings, structures, and uses, and their accessory buildings. No map changes are proposed by these amendments.

### **Reviewing Documents**

The draft ordinance/map changes are available for public review at:

- **Online:** [www.ogdenvalley.gov/public-meeting/planning-commission-public-hearing-april-28-2026/](http://www.ogdenvalley.gov/public-meeting/planning-commission-public-hearing-april-28-2026/)
- **In-Person:** 7474 East 200 South, Huntsville  
Mondays and Wednesdays 9am to 1pm  
Thursdays 1pm to 5pm

### **Providing Comment**

All interested parties are invited to attend the public hearing or submit written comments.

Written comments may be submitted prior to the hearing via:

- **Email:** [planning@ogdenvalleyut.org](mailto:planning@ogdenvalleyut.org)
- **Mail:** 7474 East 200 South, Huntsville, Utah 84317

### **ADA Accommodations**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Kay Hoogland, Council Member, at 847-404-7770 or by email at [khoogland@ogdenvalleyut.org](mailto:khoogland@ogdenvalleyut.org) at least 24 hours prior to the hearing.

## Chapter 108-19 Accessory Dwelling Units

Sec 108-19-1 Purpose And Intent

Sec 108-19-2 Applicability

Sec 108-19-3 General Provisions

Sec 108-19-4 Standards And Requirements

Sec 108-19-5 Application Procedure

Sec 108-19-6 Moderate Income Housing Provision

Sec 108-19-7 Enforcement

### HISTORY

*Amended by Ord. 2020-27*

### Sec 108-19-1 Purpose And Intent

The purpose of this chapter is to provide regulations for accessory dwelling units that are incidental and accessory to a single-family dwelling, where allowed by the zone. Accessory dwelling units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life.

~~(Ord. of 1956, § 42-1)~~

### HISTORY

*Amended by Ord. 2020-27*

### Sec 108-19-2 Applicability

*Applicability.* The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.

~~—Ogden Valley detached accessory dwelling unit. In the Ogden Valley, a detached accessory dwelling unit shall only be allowed in one of the two following circumstances:~~

~~—**Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the detached accessory dwelling unit; the number of residential development rights subtracted from the base density by any other means; and the number of residential development rights remaining for the property.~~

~~—**Transferable development right.** A landowner has successfully negotiated the reallocation of a second residential development right from another lot or parcel, and is in compliance with the following:~~

~~—The reallocated residential development right may only be transferred from a lot or parcel that:~~

~~—Is located in one of the following zones: RE-15, RE-20, AV-3, FV-3, and S-1; and~~

~~—Has an available residential development right. Available residential development rights are determined by the lot or parcel's base density and adjusted for any previous residential development right reduction or addition.~~

~~The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units developed on the lot or parcel, including the accessory dwelling unit, if applicable; the number of residential development rights subtracted from, or added to, the base density by any means; and the number of residential development rights remaining for the lot or parcel. Detached accessory dwelling units may also be approved as an accessory use where the lot contains a lawfully established single-family dwelling and the accessory dwelling unit complies with the standards of this chapter. A detached accessory dwelling unit approved under this provision shall not be considered a separate density unit.~~

## HISTORY

*Adopted by Ord. 2020-27 on 12/22/2020*

*Amended by Ord. 2022-14 on 5/25/2022*

*Amended by Ord. 2023-01*

## **Sec 108-19-3 General Provisions**

The following provisions shall apply:

***Number of accessory dwelling units per parcel.*** No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.

***Amenities.*** An accessory dwelling unit shall contain sufficient amenities to be definable as a dwelling unit. "Dwelling Unit" means one or more rooms arranged for the use of one or more individuals living together, as in a single housekeeping unit normally having cooking, living, sanitary, and sleeping facilities.

***Parking.*** ~~Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall be on a hard surfaced area prepared to accommodate vehicle parking. Required parking may be provided on asphalt, concrete, gravel, or other all-weather dust-controlled surfaces suitable for vehicle access.~~

***Occupancy.*** ~~Either the accessory dwelling unit or the primary dwelling shall be owner occupied. While away, the owner shall not offer the owner occupied dwelling unit for rent. The non-owner occupied unit is limited to no more than one family. At least one dwelling unit on the property shall be under common ownership with the accessory dwelling unit. Ownership may be held by an individual, family trust, or legal entity. Owner occupancy shall not be required provided the units remain accessory and are not separately conveyed.~~

**Short-term rentals not allowed.** Neither the single-family dwelling unit, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code, unless specifically allowed elsewhere in this Land Use Code.

**Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

~~(Ord. of 1956, § 42-3)~~

## HISTORY

~~Amended by Ord. 2020-27 on 12/22/2020~~

~~Amended by Ord. 2023-01~~

## **Sec 108-19-4 Standards And Requirements**

**Standards same as single-family dwellings.** The provisions of Subsection (c) of this section notwithstanding, if new construction for an accessory dwelling unit is proposed or will occur, the standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have more than one kitchen.

**Size.** The size regulations for an accessory dwelling unit are as follows:

~~The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all levels when viewed from above, shall not be less than 400 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit be greater than 2,000 square feet.~~ An accessory dwelling unit shall contain a minimum of 300 square feet of habitable space.

~~The gross floor area of an accessory dwelling unit shall not exceed 1,000 2,000-square feet. No separate footprint limitation shall apply provided lot coverage limits are met.~~

However, an accessory dwelling unit located entirely within a basement of a single-family dwelling may consume the entire basement area regardless of square footage.

Except as provided in Subsection (b)(3) of this section, the height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 3525 feet ~~(Can be increased up to 35 in increments of one foot in height for every one foot additional setback from property line from minimum ADU setback.)~~.

For a lot that has 20,000 square feet or less:

The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 90% of the height of the single-family dwelling.

The total area of the footprint of a detached accessory building that houses an accessory dwelling unit combined with the total area of the footprint of the single-family dwelling, if different, shall not cover more than 25 percent of the total lot area.

~~—*Relationship to the primary dwelling; appearance.* The exterior design of an accessory dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the primary dwelling in a manner that preserves the appearance of the lot's single-family use.~~

~~—The exterior of the accessory dwelling unit shall either:~~

~~—Conform to the primary dwelling in architectural style and materials on all sides of the building and roof;~~

~~—Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or~~

~~Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.~~ Accessory dwelling units shall not be required to match the architectural style or materials of the primary dwelling. Exterior design standards may only address objective factors including height, scale, and setbacks.

Agricultural, rural, or accessory building forms including post-frame, barn-style, cabin, or similar structures shall be permitted.

Alternative building methods allowed under adopted building codes shall not be prohibited.

Architectural review shall not require use of a licensed architect unless otherwise required by state building code.

An accessory dwelling unit located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a part of the single-family dwelling provided that the distance between them is no greater than 15 feet.

**Location.** An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.

~~**Access.** The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of the building in a manner that does not require passage through any other part of the building.~~ Access to the accessory dwelling unit shall be located in a manner that provides safe and functional access and complies with building and fire code requirements. No specific entrance orientation shall be required.

**Undivided ownership.** Ownership of an accessory dwelling unit shall not be transferred separate from the single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

**Converting existing dwelling unit.** An existing single-family dwelling unit, lawfully established at least 5 years prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit and is exempt from the standards of this section.

**HISTORY**

~~Adopted by Ord. 2020-27 on 12/22/2020~~

~~Amended by Ord. 2023-01~~

## **Sec 108-19-5 Application Procedure**

Approval of an accessory dwelling unit requires a land use permit. The application and review procedure for a land use permit is as follows:

### *Application submittal requirements.*

A completed application form signed by the property owner or assigned agent.

An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.

Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.

A statement of feasibility, also known as a will-serve letter from the utilities providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or septic system, the local health department.

~~Written verification that the applicant is the owner of the property and has permanent residency in the existing single family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner occupant and will remain an owner-occupant.~~  
Verification of ownership shall be required at the time of application. Continued owner occupancy shall not be required provided the accessory dwelling unit remains in compliance with this chapter.

### *e Review procedure.*

Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.

~~Planning Division staff will route the application to the local fire authority, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.~~  
Planning Division staff shall route the application only to departments necessary to verify compliance with specific requirements of this chapter including building, fire, water, and wastewater providers.

~~Additional reviews may only be required where reasonably necessary to verify compliance with adopted ordinance standards.~~

If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the

approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.

If the application does not comply, Planning ~~Division~~ staff shall notify the applicant using the notification method typical for similar Planning ~~Division~~ correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.

Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory dwelling unit. The ~~County~~ City may combine the land use permit and building permit application process.

If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

~~(Ord. of 1956, § 42-4; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

#### ~~HISTORY~~

~~Amended by Ord. 2020-27 on 12/22/2020~~

~~Amended by Ord. 2023-01~~

### **Sec 108-19-6 Moderate Income Housing Provision**

In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the planning advisory areas of ~~unincorporated Weber County~~ the city. Accessory dwelling units created in accordance with this chapter will assist in providing for this need.

~~(Ord. of 1956, § 42-5)~~

#### ~~HISTORY~~

~~Amended by Ord. 2020-27~~

### **Sec 108-19-7 Enforcement**

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this chapter shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long term rental of the accessory dwelling unit.

**HISTORY**

*Adopted by Ord. 2020-27 on 12/22/2020*