

# Proposed Zoning Ordinance Amendment Limiting Multiple-family Development in C-2/CP-2 and C-3/CP-3 Zones



DRAFT MAY 28, 2024

**SECTION 1.** Section amended. Section 15-2-20 of the Ogden Municipal Code is hereby amended to read and provide as follows:

## **15-2-20: ["S" DEFINITIONS:]**

<u>SENIOR MULTIPLE-FAMILY DWELLING:</u>	<u>A multiple family dwelling designated to be occupied exclusively by persons 55 years of age or older.</u>
SENSITIVE AREA:	Lands containing environmentally and geologically sensitive elements which, if encroached upon by unsuspecting urban land development such as utilities, housing, streets, and/or public facilities, could be damaged beyond reparability or could cause severe damage to such urban development or cause complete destruction thereof or cause the loss of life or bodily harm. Such sensitive areas could include active earthquake faults, potential landslide areas, steep unstable terrain, or areas of potential rockfall.
SENSITIVE VEGETATION:	Vegetative cover which can be harmed by compaction from overuse, urban development or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing a severe retardation of growth or elimination of a particular variety of vegetative species.
SENSITIVE WILDLIFE HABITAT:	Wildlife habitat which provides an environmental biosphere critical to the well being and perpetuation of certain species of wildlife, particularly if encroached upon by urban related development. It is specifically related to the elimination of a limited habitat and its related wildlife.
SEXUALLY ORIENTED BUSINESSES:	An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, pursuant to Title 5, Chapter 15, which include for purposes of this title the following: outcall services, adult entertainment dancing agencies, adult businesses (an inclusive term including adult motion picture theaters, adult

bookstores or adult video stores), and adult live entertainment businesses. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of this title.

**SHELTER FOR THE HOMELESS:**

Charitable lodgings or sleeping rooms provided on a temporary basis (usually on a daily basis), to those members of society lacking other safe, sanitary or affordable shelter. May also include kitchen and cafeteria.

**SHELTERED WORKSHOP:**

An on site supervised educational or vocational training facility for persons with a disability that does not provide any residential facilities.

**SHORT TERM LOAN BUSINESS:**

A. An establishment engaged in extending credit to individuals (regardless of whether the debt is secured or unsecured or in the form of a loan, advance or other credit intermediation service) that:

1. generally charges an annual percentage rate of 30% or higher as calculated under the federal Truth in Lending Act (15 USC 1601 et seq.) or the rules or regulations adopted pursuant to the Truth in Lending Act; or

2. extends credit in amounts generally less than \$10,000.

B. This definition specifically includes businesses such as check cashers, deferred deposit lenders and title lenders, but does not include establishments whose primary activity is:

1. selling real estate or financing real estate transactions;
2. making retail or food sales or financing retail or food sales made on the installment plan;
3. selling vehicles or financing purchase money vehicle loans;
4. making repairs or improvements to real or personal property;
5. acting as a pawnbroker under the provisions of Title 5, Chapter 12, Article A;
6. providing professional, medical, dental, insurance or educational services;
7. acting as a charitable organization under Section 501(c)(3) of the Internal Revenue Code or as a community development entity that has been certified by the U.S.

Department of Treasury's Community Development Financial Institutions Fund; or

8. providing deposit banking as a depository institution or depository institution holding company as defined in Utah Code Section 7-1-103, as amended.

C. In determining the primary activity of a business, the value of any goods sold or services rendered compared with the amount of credit extended shall be taken into account.

D. A short term loan business may offer more than one type of credit intermediation service if it meets the licensing requirements for each service and operates from a single storefront.

SHORT-TERM  
RENTAL:

A dwelling unit or any portion of a dwelling unit that the owner of record or the lessee of the dwelling unit offers for occupancy for fewer than 30 consecutive days. "Short-term rental" excludes a facility licensed by Ogden City as a bed and breakfast inn, hotel, motel, boarding house, or lodging house.

SIDEWALK  
VENDOR:

Any person or persons licensed under Title 5, Chapter 13, Article B as a sidewalk vendor who sells, or offers to sell at retail, food, nonalcoholic beverages, balloons, or cut flowers on a public sidewalk.

SINGLE ROOM  
OCCUPANCY:

A residential facility with six or more sleeping units created from a building that was formerly used as a hotel or motel, where the facility has common sanitation facilities, kitchen facilities, or both, and where the majority of sleeping units have only one sleeping room.

SITE  
DEVELOPMENT  
STANDARDS:

Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

SLEEPING UNIT:

A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SOCIAL HALL:

A for profit privately owned, multiuse indoor space that provides for a variety of private and public functions such as banquets, parties, games, social gatherings, entertainment, lectures and receptions.

SOUP KITCHEN, CHARITABLE:	A not for profit establishment devoted exclusively to feeding the poor. Such establishment may provide one or more meals per day, at no monetary charge to the hungered.
STABLE, PRIVATE:	A detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.
STABLE, PUBLIC:	A stable other than a private stable.
STACKED UNITS (duplex, triplex, fourplex):	A multiple-family dwelling containing two (duplex), three (triplex), or four (fourplex) dwelling units where each dwelling unit is above or below a dwelling unit on another floor.
<u>STOREFRONT AREA, GROUND FLOOR</u>	<u>An area on the ground floor of a building that extends from the front or side street side of the building to a minimum depth of 60 feet within the building.</u>
STORY:	The space within a building, other than a cellar, included between the surface of any floor area and the surface of the ceiling next above.
STORY, HALF:	A story with at least two of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.
STREET:	A public thoroughfare, dedicated, abandoned or condemned for public use prior to the initial enactment of the zoning ordinance, which affords the principal means of access of abutting property and is more than 26 feet wide, and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.
STREET, PRIVATE:	A private right-of-way that is 26 feet wide or wider, that accesses the lots, other than footprint lots, within a PRUD, group dwelling, or similar development, and that otherwise functions much like a public street.
STRUCTURAL ALTERATIONS:	Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
STRUCTURE:	Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
SWAP MEET:	A business operated entirely within an enclosed building where, under direction of a swap meet proprietor, individual

sellers occupy a designated area where goods are sold or exchanged.

**SWIMMING POOL:** Any artificial or semiartificial container, whether indoors or outdoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

**SWIMMING POOL, FAMILY:** A swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it without payment of any fee or consideration.

**Section 2. Subsection amended.** Subsection 15-10-2 of the Ogden Municipal

Code is hereby amended to read and provide as follows:

**15-10-2: [TYPES OF GROUP DWELLINGS:]**

There are three types of group dwellings: a small lot group dwelling, a neighborhood group dwelling, and a ~~[mixed-use]~~ mixed-use group dwelling. Because of the different character and impact of these three ~~[(3)]~~ types of developments, some development standards may be different. The types of group dwellings are distinguished by their size:

- A. **Small Lot Group:** Small lot group dwelling is development on a ~~[small-parcel-of land]~~ lot that is less than two acres in total area.
- B. **Neighborhood Group:** A neighborhood group dwelling is a development on ~~[property]~~ a lot that is two acres or more in total area, excluding ~~[mixed-use]~~ mixed-use group dwellings.
- C. **~~[Mixed-use]~~ Mixed-use Group:** A ~~[mixed-use]~~ mixed-use group dwelling is a development in certain commercially zoned areas that is ~~[four]~~ 10 acres or larger and that is required to include a commercial component to the development.

**Section 3. Subsection amended.** Subsection 15-10-3.A. of the Ogden Municipal

Code is hereby amended to read and provide as follows:

A. [Lot Area Requirements:]

- 1. A group dwelling may be developed on a ~~[parcel-of property which]~~ lot that is:

- a. ten thousand square feet or larger in an R-2/R-2EC, R-2S, R-3/R-3EC, R-4, R-5, PI, or NC-2[, C-2/CP-2 or C-3/CP-3] zone [(see Subsection A.2 below for additional commercial standards)];
  - b. between 3,000 square feet and eight acres in an R-9 zone; or
  - c. ten acres or larger in a C-2/CP-2 or C-3/CP-3 zone (see Subsection A.2 for additional standards).
2. ~~Group dwelling developments in [commercial zones that are less than four acres may include a commercial component at any scale, but projects four acres or larger are required to develop at least 25% of the land area as non-residential, permitted commercial uses. If a commercially zoned lot is four acres or larger as of July 1, 2023, and subsequently subdivided, no more than 75% of the original unsubdivided land area may be developed as a residential use. Commercial land area includes the ground floor areas dedicated to non-residential uses, the required parking for the non-residential floor area and landscaping that is closest to the non-residential buildings and not outdoor recreation space.]~~ C-2/CP-2 or C-3/CP-3 are only allowed on lots that are at least 10 acres. They must comply with the following standards:
  - a. At least 75% of the total ground floor area of all buildings on the lot must be developed with allowable nonresidential uses.
  - b. Residential uses may not be located in the ground floor storefront area.
  - c. In addition to the amenities otherwise required, the following must be provided on site:
    - (1) A fitness center or gym with at least 2,000 square feet floor area.
    - (2) A common room available for reservation for large gatherings of at least 2,000 square feet floor area.
    - (3) Retail spaces containing at least 1,500 square feet floor area of each of the following:
      - (A) groceries; and
      - (B) personal services.
3. ~~If commercial zones within the areas described in Subsections a. and b. below, have existing multiple-family development that exceeds 30% of the total land area within one of these defined areas, then no additional group dwelling development is allowed. If the defined area has existing multiple-family development but the existing multiple-family~~

~~development does not exceed 30% of the defined land area, then the proposed group dwelling development can use the remaining percentage of available land area within the defined area. If the defined area has no existing multiple-family development, then the proposed group dwelling development may occupy up to 30% of the total land area. Said 30% excludes the street rights-of-way.~~

~~a. A 700-foot radius from the center point of the intersection of 30th Street and Washington Boulevard, 36th Street and Washington Boulevard, 12th Street and Harrison Boulevard, or 20th Street and Harrison Boulevard; or~~

~~b. A 1,000-foot radius from the center point of the intersection of 2nd Street and Washington Boulevard, 12th Street and Wall Avenue, 12th Street and Washington Boulevard, and 36th Street and Wall Avenue.~~

[4.]~~3.~~ If contiguous [~~parcels~~] lots are combined for the group dwelling development, the entire acreage of the combined properties shall be considered for the total lot area of the group dwelling.

**SECTION 4.** Section amended. Section 15-29-5 of the Ogden Municipal Code is hereby amended to read and provide as follows:

**15-29-5: EFFECT ON PROVISIONS OF UNDERLYING ZONE:**

A. [Less Restrictive:] The imposition of specific zoning conditions or restrictions pursuant to this chapter shall not be deemed to allow the granting of permission to comply with land use limitations or requirements which are less restrictive than those of the underlying zone.

B. [Conditional Uses:] The attachment of conditions to any zoning map amendment shall not prohibit or affect the applicability of the requirements of "conditional uses", including the requirement to obtain a conditional use permit.

C. [Effect on Change of Zone or Zoning Standards:] In the event that this title or the zoning map is amended subsequent to adoption of a conditional overlay such that the uses or project specifically included in a valid development agreement are no longer allowed or possible, the overlay shall be construed to allow the uses or project included in the agreement unless otherwise designated by ordinance.

**SECTION 5. Subsection amended.** Subsection 15-38-4. F of the Ogden

Municipal Code is hereby amended to read and provide as follows:

F. Multiple-Family Dwellings And Single-Family Rowhouses: [A] Where allowed, a multiple-family dwelling or single family rowhouses shall comply with the following restrictions:

1. Mixed-use multiple-family dwellings are only allowed on lots that are at least 10 acres. They must comply with the following standards:

a. At least 75% of the total ground floor area of all buildings on the lot must be developed with allowable nonresidential uses.

b. Residential uses may not be located in the ground floor storefront area.

c. In addition to the amenities otherwise required, the following must be provided on site:

(1) A fitness center or gym with at least 2,000 square feet floor area.

(2) A common room available for reservation for large gatherings of at least 2,000 square feet floor area.

(3) Retail spaces containing at least 1,500 square feet floor area of each of the following:

(A) groceries; and

(B) personal services.

[4.] 2. A senior multiple-family dwelling developed on a [parcel or lot of four (4)] lot four acres or larger is required to develop at [lease twenty-five percent (25%)] at least 25% of the land area as non-residential, permitted commercial uses. Commercial uses shall be located:

a. ~~[In]~~ in a commercial building on land fronting the street that is a minimum of ~~[twenty-five percent (25%) of the lot or parcel]~~ 25% of the lot area and has adequate depth for the commercial use;

b. ~~[On]~~ on the entire ground level of the proposed senior multiple-family dwelling structure fronting on the street, except for areas required to provide access to the upper floors; or



- c. [A] a combination of commercial buildings and ground level commercial provided the areas equal the minimum [~~twenty-five percent (25%)~~] 25% lot area requirement.

[2.] 3. A senior or mixed-use multiple-family dwelling [~~or single-family rowhouse~~] is not permitted if the sum of all land area devoted to existing and proposed [~~multifamily~~] multiple-family development exceeds [~~thirty percent (30%)~~] 30% of the total land area, excluding street rights-of-way, as measured by the lot area of all land within:

- a. A [~~seven hundred foot (700')~~] 700-foot radius from the center point of the intersection of 30th Street and Washington Boulevard, 36th Street and Washington Boulevard, 12th Street and Harrison Boulevard, or 20th Street and Harrison Boulevard; or
- b. A [~~one thousand foot (1,000')~~] 1,000-foot radius from the center point of the intersection of 2nd Street and Washington Boulevard, 12th Street and Wall Avenue, 12th Street and Washington Boulevard, and 36th Street and Wall Avenue.

[3.] 4. In addition to the requirements for parking and parking lot designs found in [~~chapter 12 of this title~~] Chapter 12, surface parking lots shall be located:

- a. [~~Behind~~] behind the building; or
- b. [~~To~~] to the side of the building, provided the parking lot width may not exceed [~~twenty-five percent (25%)~~] 25% of the frontage of the lot [~~or parcel~~].

[4.] 5. In the C-3/CP-3 zone, the minimum front setback of a senior or mixed-use multiple-family dwelling [~~or single-family rowhouse~~] may be reduced to:

- a. [~~Six feet (6')~~] six feet to the main entryways for the building if the entryways are enclosed;
- b. [~~Eight feet (8')~~] eight feet to projections from the main body of the building, provided the projections are not more than [~~fifty percent (50%)~~] 50% of the frontage width of the building and the areas between projections is landscaped with shrubs spaced so they create a solid area between the projection wall and sidewalk; and
- c. [~~Ten feet (10')~~] ten feet if the floor elevation of the dwelling units which face the street are at least three feet [~~(3')~~] above the sidewalk elevation of the street.

[5-] 6. Entries:

a. Entry Location:

- (1) Individual dwelling units, such as a single-family rowhouse or other housing types that have an individual outside entrance to a dwelling shall have the front door of each unit on a public street facing the street.
- (2) ~~[Multiple-family]~~ Multiple-family dwellings that have entrances to individual dwelling units access an interior hallway shall have the main building entrance facing the public street. The location of the entrance may be at the corner of the building facing the street or along a portion of the building that fronts the street, provided that on a corner lot the entrance may be at the corner of the building which faces the streets or along the primary street frontage of the street with the larger traffic counts.

b. Entry Design:

- (1) The entry design for a single-family rowhouse or a building that has an individual dwelling unit outdoor entrance shall provide an individual porch area for each unit facing the street as part of the entrance. The porch shall have a minimum four foot by six foot ~~[(4' x 6')]~~ cover above the entryway door which is either a projecting covering over the entryway or a recessed entryway covered by the building above the entrance.
- (2) A multiple-family dwelling street entrance shall be developed as part of the wall of the buildings and shall create an enclosed lobby and access corridor to the dwelling units within the building. The entry design shall be designed to be clearly visible from the street and shall:

- (A) ~~[Use]~~ use architectural elements which include either canopies over the entry or the entry recessed behind the main building wall;
- (B) ~~[Incorporate]~~ incorporate a change of building materials that focuses attention to the entrance or architectural elements that extend above the first floor of the entryway and are in keeping with the architectural design of the overall building; ~~[and]~~
- (C) ~~[Have]~~ have a minimum width of ~~[ten feet (10')]~~ 10 feet, including the width for the entry doors; and
- (D) for buildings having more than 100 feet building frontage, provide multiple entries such that no entry is further than 50 feet from the end of the building nor another entry.

~~[6.]~~ 7. Exterior Materials And Colors:

- a. The color and materials used for exterior wall surface treatments shall be based on the type and scale of the proposed building.
- b. The following materials are prohibited in all types of dwellings as an exterior finish material:
  - (1) ~~[Pre-cast]~~ pre-cast concrete and tilt-up wall systems that are primarily structural in appearance (such as Twin-Ts) ;
  - (2) ~~[Natural]~~ natural-colored cinder block;
  - (3) ~~[Materials]~~ materials intended for indoor finishes; and
  - (4) ~~[Vinyl]~~ vinyl or aluminum siding.
- c. Exterior materials for a single-family rowhouse may differ between each dwelling unit to express the individual units by materials or color, or the overall rowhouse structure can be treated as one building for materials and color.
  - (1) The rowhouse dwelling unit, or the rowhouse structure, as the case may be, is limited to a maximum of two ~~[(2)]~~ main building materials.
  - (2) The exterior covering materials are limited to:

- (A) Brick;
  - (B) Stone;
  - (C) Stucco limited to above the main floor of the building and no more than 20% of the building surface.
  - (D) Wood;
  - (E) Fibrous cement siding that appears as either wood siding or stucco; and
  - (F) Architectural metal with a ribbed or flat surface and is not galvanized.
- (3) Colors shall be muted earth tone colors of reds, ochres, browns, greens, silver, grey and white.
- (A) A maximum of two ~~[(2)]~~ colors or two ~~[(2)]~~ tones of one color are allowed per townhome unit if designed with the variation of materials per unit or building if designed as a common building material.
  - (B) Window trim, fascia, and entry columns or posts may share one additional tone of the color used on the building.

d. Multiple-Family Dwelling Up To ~~[Sixteen (16)]~~ 16 Units:

- (1) The exterior covering materials are limited to:
- (A) Brick;
  - (B) Stone;
  - (C) Stucco;
  - (D) Wood; or
  - (E) Fibrous cement siding that has a texture of wood, stucco, or other material. Use of fibrous cement siding will be considered as one material per each type of texture design used to look like different materials.
- (2) Stucco is limited to above the main floor of the building and no more than 20% of the building surface.
- (3) Precast sills, lintels, quoins and other similar architectural detail enhancements are permitted and not considered as a second material.

- (4) Colors shall be muted earth tone colors of reds, ochres, browns, beige and white. A maximum of two [(2)] colors or two [(2)] tones of one color are allowed.
- (5) A maximum of two [(2)] main exterior materials are allowed. The two main exterior materials shall comprise at least 80% of the exterior surface of each façade.

e. Multiple-Family Dwelling Of [~~Seventeen (17)~~]17 Units Or Larger:

- (1) The exterior covering materials are limited to:
  - (A) Brick;
  - (B) Stone;
  - (C) Stucco (limited to 20% of building surface);
  - (D) Fibrous cement siding that appears as stucco;
  - (E) Architectural metal with a ribbed or flat surface that is not galvanized;
  - (F) EIFS; or
  - (G) Precast concrete with a finish that appears as stone.
- (2) Stucco, EIFS, architectural metals and fibrous cement siding are limited to placement above the main floor of the building.
- (3) A maximum of two [(2)] main exterior materials are allowed. The two main exterior materials shall comprise at least 80% of the exterior surface of each façade.
- (4) Precast sills, lintels, belt courses, parapets, pilasters, columns and other similar architectural detail enhancements are permitted and not considered as a second material.
- (5) Colors shall be muted earth tone colors of reds, ochres, browns, beige and white. Metal finishes may also have colors in the silver and grey range. A maximum of two [(2)] colors or two [(2)] tones of one color are allowed.
- (6) Variations to the material and color requirements may only be considered on approval of the planning commission. In reviewing a request for a variation to the requirement the commission shall consider:

- (A) The architectural theme of the building and how the request is consistent with the architectural theme;
- (B) The compatibility of the request with the context of the building location and the developments around it; and
- (C) If the colors and materials create a visual conflict to the visual qualities of the street.

[7.] 8. Architectural Design: Buildings shall be designed to provide human scale, interest, and variety. The larger the building the simpler the design techniques should be to create that interest and variety.

a. Single-Family Rowhouse Units:

- (1) The rowhouse unit should be designed using recognized architectural styles found in Ogden. Those styles are [~~Arts and Crafts~~] arts and crafts, Victorian, [~~Prairie and Modern~~], prairie and modern.
- (2) The elements of architectural style such as window placement, details in cornice treatment overhangs, dormers and porches shall be in the design of the unit or building.
- (3) The roofline of each unit shall vary in height to define the individual unit.
- (4) Each unit shall have a two foot [~~(2')~~] stagger from the wall of the adjacent unit.
- (5) No more than seven [~~(7)~~] townhomes shall be joined together side by side.

b. Multiple-Family Dwelling Up To [~~Sixteen (16)~~] 16 Units:

- (1) The human scale and interest features shall be articulated by a projecting or recessed main entrance.
- (2) The building design shall include window sills and lintels to define the window openings. Lintels over each window shall be of a different material and color than the wall, extend at least six inches horizontally past the window frame and project at least two inches out from the wall. Glazing shall be a minimum of [~~ten percent (10%)~~] 20% of the exterior wall surface of each level of the building fronting the street.
- (3) Material changes if desired shall occur at changes in the wall plane such as projections or recesses of the front façade that have a minimum offset of two feet[~~(2')~~].

c. Multiple-Family Dwelling Of [~~Seventeen (17)~~]17 Units Or Larger:

- (1) These buildings shall have defined street facing building modules that occur at a maximum of every [~~fifty feet (50')~~] 50 feet of the length of the building. The modules can be defined by either two foot [~~(2')~~] minimum offsets of wall planes or breaks in the wall surface by pilasters or columns.
- (2) If desired one belt course to separate the ground level from the upper portions of the building or ground level and second story for buildings over four [~~(4)~~] stories is permitted as a means to create the appropriate scale of the building[ ~~is permitted~~].
- (3) Glazing shall be a minimum of [~~ten percent (10%)~~]20% of the exterior wall surface of each level of the building fronting the street. Lintels shall be placed over each window that are of a different material and color than the wall, extend at least six inches horizontally past the window frame and project at least two inches out from the wall.
- (4) Material changes if desired shall occur at changes in the wall plane such as projections, recesses or belt course above the ground level of the building front facade.
- (5) Buildings shall be limited to a flat roof with the roof line hidden behind a parapet wall or the roof extended over the building wall with cornices detailing to transition the overhang to the building wall.
- (6) Buildings shall provide at least one of the following along each street facing facade:
  - (A) balconies with a minimum depth of six feet and width of eight feet for at least 50% of the street facing dwelling units;
  - (B) roof overhangs extending a minimum of 18 inches from the wall surface and at least 75% of the wall length; or
  - (C) shutters, faux shutters, or awnings adjacent to each upper floor window.

[~~8.~~] 9. Screening Of Utilities And Dumpsters:

- a. Electrical and gas meters shall be screened or located out of view from the public street. All utilities and their connections shall be underground where permitted by the utility provider and other regulations.
- b. Design for screening enclosures for trash shall be incorporated into building architecture and utilize the same materials as the principle building to the greatest degree practicable.

(1) Screening and fences shall be one foot [~~(4')~~] higher than the object being screened, but not more than eight feet [~~(8')~~] high, on all sides where access is not needed.

(2) A metal gate shall be included where required for complete screening.

(3) The trash enclosures shall be located behind the building and not visible to public view from the public right-of-way.

[9-] 10. A multiple-family dwelling of [~~seventeen (17)~~] 17 units or more shall provide electric vehicle charging stalls as follows:

a. [~~0~~] At least one charging station for [~~up to~~] the first [~~thirty (30)~~] 30 units; plus at least one additional charging station for every [~~fifty (50)~~] 50 units thereafter; and

b. For senior [~~living~~] multiple-family and moderate to low income housing, at least one [~~(4)~~] [~~re~~] charging station per [~~fifty (50)~~] 50 units.

**SECTION 6.** Section amended. Section 15-38-5 of the Ogden Municipal Code is

hereby amended to read and provide as follows:

#### **15-38-5: [USES:]**

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 7 of this title. Uses designated as "N" will not be allowed in that zone.

		<b>C-1 And CP- 1</b>	<b>C-2 And CP- 2</b>	<b>C-3 And CP- 3</b>
A.	Accessory apartment, 1 unit.	P	P	P
	<b>Accessory apartment, 2 or more units (provided 1 additional parking space is provided on site for each unit in excess of 1).</b>	<b>N</b>	<b>N</b>	<b>P</b>
	Accessory buildings and uses customarily incidental to a permitted use.	P	P	P
	Adult daycare with hours of operation between 6:00 A. M. and 6:00 P. M. on weekdays.	P	N	N
	Air conditioning, sales and service.	N	N	P
	Altering, pressing and repairing of wearing apparel.	P	P	P



	Ambulance base stations.	N	C <sup>1</sup>	P
	Amusement park.	N	N	C
	Animal hospital, small animals only, and provided all animals are maintained and kept within completely enclosed building.	N	P	P
	Animal hospital, small animals only, and provided conducted within completely enclosed building. Outdoor kenneling of animals, patients provided.	N	C <sup>1</sup>	C
	Arcade (on the following conditions):	N	P	P
	1. That in C-2 zones, arcades be located in planned shopping centers or malls; and that such mall or shopping center be on at least a 4 acre site;			
	2. That in both C-2 and C-3 zones, no arcade be located within 600 feet of any public elementary or secondary school, measured linearly between closest property lines;			
	3. That in C-3 zones, no 2 arcades shall be closer than 600 feet apart, measured linearly between closest property lines.			
	Archery shop and range, provided conducted within completely enclosed building.	N	P	P
	Athletic club.	N	P	P
	Auction establishment.	N	N	P
	Automobile lube and oil center.	N	P <sup>1</sup>	P
	Automobile, new or used, sales and service.	N	N	P
	Automobile part sales.	N	P	P
	Automobile repair, including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building.	N	N	P
	Automobile, sales only online, subject to the following conditions:	N	N	P
	1. Office space shall be located only in a commercial building.			
	2. On-site parking for dealership owned vehicles shall be limited to a maximum of 6 stalls. On-site parking will be subject to meeting the provisions of Chapter 12 <del>[of this title]</del> .			
	3. Space for the vehicles shall be on the same site as the office. Vehicles parked on site shall not have any attached signage, writing on the windows or advertising to promote the sale of the vehicle. The parking area shall be treated as normal office parking and shall not have any promotional banners or temporary signage as defined in Title 18 <del>[of the Ogden Municipal Code]</del> .			

		4. On-site parking stalls shall not be used for automobile detailing, maintenance, or repair, such as paint, body and fender, brake, muffler, upholstery, or transmission work.			
		5. On-site parking stalls shall be used to park functioning, operable vehicles for retail sales. Vehicles parked on the site for sale or potential sale shall not have any appearance of damage and shall be in good operating condition and physical appearance. No noticeable significant damage, such as broken windows, extensive body rust, flat tires, missing bumpers, or body damage, is allowed.			
		Automobile service station; provided, that service bays are part of the main building and limited to a maximum of 1 bay in a C-1 and 2 bays in a C-2. No outside display of accessory items to be sold nor outside storage shall be permitted. [4] <u>One</u> freestanding single bay, rotating brush car wash shall be permitted as an accessory use.	P	P <sup>1</sup>	P
		Awning sales and service.	N	P	P
B.		Baby formula service.	P	P	P
		Bakery goods manufacturing.	N	N	P
		Bakery manufacture limited to goods retailed on premises.	P	P	P
		Bank or financial institution.	P	P	P
		Barbershop.	P	P	P
		Bath and massage establishment.	N	P	P
		Beauty culture school.	N	N	P
		Beauty shop.	P	P	P
		Bed and breakfast inn, subject to the following standards:	N	P	P
		1. [2] <u>Two</u> parking spaces shall be provided for the host family, plus 1 space for each guestroom;			
		2. Proprietor or owner must occupy the property;			
		3. Meals may only be served to overnight guests;			
		4. Signs are limited to nameplate signs, not exceeding 2 square feet in residential zones. In addition, a freestanding identification sign not to exceed 4 square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.			
		Beer parlor, sale or draft beer.	N	N	C
		Billiard parlor.	N	N	P
		Blueprinting and photostating.	N	P	P
		Boarding house.	N	P	P
		Boat sales and service.	N	C <sup>1</sup>	P
		Bookbinding.	N	N	P
		Bottling and distribution plant.	N	N	P

	Bowling alley.	N	P	P
	Boxing arena.	N	N	P
	Bus terminal.	N	P <sup>1</sup>	P
	Business or professional office.	P	P	P
C.	Cafe or cafeteria.	P	P	P
	Candy manufacture.	N	N	P
	Cannabis production establishment.	N	N	N
	Car wash, laundry type.	N	C <sup>1,2</sup>	P
	Car wash, manual spray.	C	P <sup>1</sup>	P
	Carbonated water sales.	N	P	P
	Carpenter and cabinet shop.	N	N	P
	Carpet and rug cleaning.	N	N	P
	Carpet, rug and linoleum service.	N	P	P
	Cash register sales and service.	N	P	P
	Catering establishment.	N	P	P
	Charitable soup kitchen, provided the following conditions are complied with:	C	C	C
	1. Minimum lot size shall be 1 acre;			
	2. Minimum building size shall be 3,500 square feet of floor space;			
	3. [4]One parking space shall be provided per employee or volunteer on the highest shift;			
	4. At least 1 accessible restroom or "port- a-john" shall be provided on the site and kept open to patrons during off hours;			
	5. All yard areas not used for parking and associated accessways shall be landscaped;			
	6. The site shall be fenced with a minimum 5 foot high fence along adjoining properties;			
	7. The planning commission may allow the installation of open space improvements to occur in phases.			
	Christmas tree sales.	P	P	P
	Church.	N	P	P
	Church, temporary revival.	N	C	C
	Circus, carnival or other transient amusement.	N	N	C
	Coal and fuel sales office.	N	N	P
	Communication equipment building.	N	P	P

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	Contractor shop, provided work conducted within a completely enclosed building.	N	N	P
	Convenience store.	P	P <sup>1</sup>	P
	Convenience store, 1 freestanding single bay rotating brush car wash shall be permitted as accessory use.	P	P <sup>1</sup>	P
	Costume rental.	N	P	P
D.	Dance hall.	N	N	C
	Data processing service and supplies.	N	P	P
	Delicatessen.	P	P	P
	Detective agency.	P	P	P
	Diaper service, including cleaning.	N	P	P
	Drapery and curtain store.	N	P	P
	Drinking establishment. In addition to the requirements of the conditional use process, the following conditions shall apply:	N	N/C	C
	1. No more than 2 drinking establishments per linear block;			
	2. Parking shall be located on the same lot with the building and conveniently located to the entrance of the building. In determining conveniently located parking, the planning commission shall consider:			
	a. The visibility of the parking area from the building;			
	b. The lighting, existing physical development, and types of uses adjacent to the parking lot and drinking establishment;			
	c. The potential for parking conflicts with the parking lots of adjacent uses;			
	d. The potential for customer usage of on street parking in front of residential uses.			
	3. Operational hours shall be considered to assure compatibility with the surrounding uses.			
	4. In addition, the following conditions shall apply to the CP-2 zone:			
	a. Must be located in a multi-tenant retail or office center of at least 3 separate uses in the building;			
	b. The drinking establishment shall not be located on the ground floor;			
	c. The drinking establishment shall be no closer than 200 feet to any residential use, measured by a direct pedestrian route from the main entrance of the establishment to the property line of the residential use.			

	Drinking establishment with cabaret license. In addition to the requirements applicable generally to drinking establishments, the planning commission shall consider the potential effects of cabaret operations on adjacent uses, including, but not limited to, any residential dwellings in the vicinity, considering hours of operation, noise, parking and traffic conflicts, and possible activities of patrons on and around the site.	N	N	C
	Drive-it-yourself agency or business.	N	P	P
	Driving range.	N	N	C
	Dry cleaning establishment:			
	Industrial.	N	N	P
	Personal service.	N	P	P
	Dry cleaning pick up station.	P	P	P
E.	Educational institution/post-high school educational institution.	N	P	P
	Educational institution/post-high school educational institution with housing.	N	P	P
	Electrical and heating appliances and fixtures, sales and service.	N	P	P
	Electronic equipment sales and service.	N	P	P
	Employment agency.	N	P	P
	Express and transfer service.	N	N	C
F.	Farm implement sales.	N	N	P
	Film exchange establishment.	P	P	P
	Fireworks stands and sales.	N	P <sup>1</sup>	P
	Frozen food lockers, incidental to a grocery store or food business.	P	P	P
	Fruit store or stand.	P	P	P
G.	Garden supplies and plant material sales.	P	P	P
	Glass sales and service.	N	P	P
	Go-cart track, indoor.	N	N	C
	Government buildings or uses, nonindustrial.	P	P	P
	Greenhouse and nursery.	N	P	P
	Gunsmith.	N	P	P
	Gymnasium.	N	P <sup>1</sup>	P
H.	Health club.	N	P <sup>1</sup>	P
	Heliport.	N	C <sup>1</sup>	C
	Hospital supplies.	N	P	P
	Hotel.	N	P <sup>1</sup>	P
	House cleaning and repair.	N	P	P

	House equipment display.	N	P	P
	Household pets, dwelling units only.	P	P	P
I.	Ice cream manufacture.	N	N	P
	Ice cream parlor.	P	P	P
	Ice manufacture and storage.	N	N	P
	Ice store and vending station.	P	P	P
	Indoor batting ranges.	N	P	P
	Insulation sales.	N	P	P
	Interior decorating and design establishment.	N	P	P
J.	Janitor service and supply.	N	P	P
K.	Kenneling (indoor) with outdoor exercise area.	N	N	C
	Knitting mills.	N	N	P
L.	Laboratory, dental or medical.	N	P	P
	Launderette or laundromat.	P	P	P
	Laundry or dry cleaning establishment, industrial.	N	N	P
	Library.	P	P	P
	Linen supply service.	N	N	P
	Liquor store.	N	C	C
	Locksmith.	P	P	P
	Lodge.	P	P	P
	Lodging house.	N	C	P
	Luggage store.	N	P	P
	Lumberyard.	N	N	C
M.	Machine shop operations incidental to any use permitted in C-3 zone.	N	N	P
	Manufacture of goods subject to the following conditions:	N	P <sup>1</sup>	P
	1. All uses and storage shall be inside a building;			
	2. Manufacturing uses are limited to assembly of products only;			
	3. A portion of the building shall be used as office or retail area;			
	4. Maximum total building size is 15,000 square feet.			
	Medical cannabis pharmacy.	P	P	P
	Millinery.	N	P	P
	Miniature golf.	N	N	C
	Mobile food trailer.	N	P	P
	Mobile food truck.	N	P	P
	Mobile home sales lot and service.	N	N	P

	Monument works and sales.	N	P	P
	Mortuary.	N	P <sup>1</sup>	P
	Motel.	N	P	P
	Motorboat sales and service.	N	C	P
	Museum.	N	P	P
N.	Newsstand.	P	P	P
	Nursery school.	P	P <sup>1</sup>	P
O.	Office in which goods or merchandise are not commercially created, exchanged or sold.	N	P	P
	Office supply.	N	P	P
	Ornamental iron sales or repair.	N	C	P
	Outdoor batting cages.	N	C <sup>1</sup>	C
P.	Paperhanger shop.	N	P	P
	Park and playground.	P	P	P
	Parking lot or garage for passenger automobiles.	C	C <sup>1</sup>	C
	Pawnshop.	N	N	P
	Personal storage units.	N	N	N
	Pest control and extermination.	N	P	P
	Pet grooming.	C	P	P
	Pet store.	N	P	P
	Photo studio.	P	P	P
	Photocopying and printing services, with floor area of 1,200 square feet or less.	P	P	P
	Pie manufacture.	N	P	P
	Plumbing shop.	N	C	P
	Pony ring, without stables.	N	N	C
	Pool hall.	N	N	P
	Post office.	P	P	P
	Precious metal purchasing provided it is an accessory use to a use permitted in the zone.	P	P	P
	Printing, lithographing, publishing or reproductions sales and service.	N	P	P
	Privately operated concession or amusement business in a public park.	C	C	C
	Propane retail sales as an accessory use:	N	P	P
	1. An aboveground bulk propane storage tank shall:			
	a. Be located outside of any required setback;			
	b. Not exceed 16 feet in length if tank is horizontal;			

		c. Not exceed the primary building height or 10 feet, whichever is lower, if tank is vertical;			
		d. Not exceed a volume of 1,100 gallons;			
		e. Be limited to 1 tank per site.			
	Public utilities substation.		C	C	C
Q.	Reserved.				
R.	Racquet club.		N	P	P
	Radio and television sales and service.		C	P	P
	Radio, television or FM broadcasting station.		N	P	P
	Real estate agency.		N	P	P
	Reception center or wedding chapel.		N	C	P
	Recreational vehicle storage.		C	C	P
	Rental agency for home and garden equipment.		N	P	P
	<b>Residential:</b>				
		[Group] Mixed-use group dwelling (see [chapter 10 of this title] Chapter 10 for applicable conditions).	N	C	C
		Mixed-use multiple-family dwelling.	N	C	C
		Multiple-family dwelling or two-family/duplex dwelling within an OGX station area where indicated in a city adopted station area plan.	N	P	[P] N
		Multiple-family dwelling with commercial on ground floor.	N	P	P
		Senior multiple-family dwelling.	N	P	P
		Single-family row house dwelling	N	P	P
		Two-family dwelling.	N	N	P
	Restaurant.		P	P	P
	Restaurant, drive-in.		P	P <sup>1</sup>	P
		Drive-in restaurants in the C-1 zone shall comply with the following conditions of approval:			
		1. Shall be located only on arterial roads.			
		2. Hours of business be from 7:00 A. M. to 11:30 P. M.			
		3. The minimum square footage of the building shall be 2,600 square feet and the maximum 4,000 square feet.			
		4. Exterior speakers shall be designed and installed to minimize the audible impact to the adjacent residences.			
		5. Drive-up windows shall face either the street or nonresidential uses.			
		6. Business signs shall be only monument signs and they shall not exceed 8 feet in height.			



		7. At least 60% <del>[percent]</del> of the building square footage shall be designed and devoted for sit down dining.			
		Restaurant with cabaret. In addition to the requirements of the conditional use process, the planning commission shall consider the potential effects of the type of proposed cabaret operations on adjacent uses, including, but not limited to, any residential dwellings in the vicinity, considering hours of operation, noise, parking and traffic conflicts, and possible activities of patrons on and around the site.	N	N	C
		Retail sales establishment doing business and having displays inside an enclosed building whose main use is the selling of goods or merchandise to the general public for personal, household or business use and rendering services incidental to the sale of such goods:			
		Total building size 3,000 square feet or less.	P	P	P
		Total building size 3,001 to 10,000 square feet.	C	P	P
		Total building size 10,001 to 40,000 square feet.	N	P	P
		Total building size 40,001 to 60,000 square feet.	N	C	P
		Total building size 60,001 or greater.	N	C	C
		Retail sales establishment doing business whose main use is the selling of goods or merchandise to the general public for personal, household or business use and rendering services incidental to the sale of such goods, including outdoor displays or storage of such things as building materials, garden supplies, but not tires, vehicles or vehicle parts:			
		Total building size less than 10,000 square feet.	N	N	C
		Total building size 10,000 square feet or greater.	N	C	C
		Retail tobacco specialty business provided it meets the requirements of section <a href="#">15-13-35</a> <del>[of this title]</del> .	N	N	P
		Rollerskating rink. Rollerskating rinks in the C-1 and C-2 zones, as well as CP-1 and CP-2 zones, shall comply with the following conditions of approval:	P	P	P
		1. Shall be located in a commercial center or site of at least 1 acre in size;			
		2. Such establishment shall not be open for business later than 10:00 P. M. Sunday through Thursday, and not later than 11:30 P. M. on Fridays and Saturdays;			
		3. No alcoholic beverages shall be sold or consumed on the premises of the skating rink;			
		4. Minimum of 5 foot high screening fence shall be required along all property lines abutting residential property except that no fence shall be higher than 3½ feet in a front yard setback or side yard facing a street on a corner lot;			

	5. No musical instruments, phonograph, sound amplifier or similar device shall be operated in such a manner as to create a noise disturbance across a real property boundary. If such a device is plainly audible on the property of another or within a building other than that within which the device is located, and if a complaint is made to the police department and verified by them that a noise disturbance exists, this shall serve as prima facie evidence of a violation of this condition of approval.			
	Roofing sales or shop.	N	P	P
S.	Seasonal sales of produce and beverage, subject to the following standards:	P	P	P
	1. All stands or trucks and displayed produce must be located on private property and not in the public right of way;			
	2. Such stands or displays shall be set back at least 20 feet from adjoining street right of way lines;			
	3. Off street parking must be available on site or within 500 feet of the site;			
	4. No portable, flashing or banner signs shall be permitted;			
	5. Such use shall either locate in a temporary building under 400 square feet for a period not to exceed 6 months in 1 calendar year, or in a permanent building year round. (The requirement to locate in a permanent or temporary building shall not apply in the M-1 and M-2 zones. )			
	Service station automobile, excluding painting, body and fender and upholstery work.	P	P <sup>1</sup>	P
	Sexually oriented businesses (see [s]Section <a href="#">15-13-13</a> [of this title] for applicable conditions):			
	Adult business and adult live entertainment businesses.	N	N	P
	Outcall services and adult entertainment dancing agencies.	N	P	P
	Sheet metal shop and retinning, provided all operations are conducted within completely enclosed building.	N	N	C
	Shelter for the homeless.	N	N	C
	Sheltered workshop, provided the activities and processes are allowed as uses in the zone.	N	N	P
	Shoe repair or shoeshine shop.	P	P	P
	Shooting gallery.	N	N	P
	Short term loan business (see [s]Section <a href="#">15-13-34</a> [of this title] for applicable regulations).	N	P	P
	Sidewalk vendor.	N	N	N
	Sign manufacture or sign painting.	N	N	P

	Signs (see [t]Title 18, [e]Chapter 5, "Appendix A"[-of this code]).			
	Single room occupancy.	N	N	N
	Social hall, subject to the following minimum standards which may be further restricted or added to by the planning commission:	N	C	C
	1. The social hall has a maximum size of 4,000 square feet.			
	2. The facility is open for business at least 5 days per week with a maximum of 2 days per week allowed for events where individual paid entry is linked to: dancing to live music; or an event or performance by an individual or group, such as live music or live entertainment.			
	3. Hours of operation to be determined based on site location and characteristics.			
	4. No alcohol is permitted in the building or the property unless a special event license is issued for a private function.			
	5. The use has games, social areas, programs or other activities available for use during the hours of operation but not a sufficient number of devices to be an arcade or pool hall.			
	6. The use for private functions does not allow for ticket sales to the function or for participating in events associated with the function.			
	Studio for professional work, teaching, performance or exhibitions of fine arts.	P	P	P
	Swap meet, subject to the following conditions: Must be operated in a completely enclosed building, except for incidental outdoor displays, and accessory fenced areas for storage of such things as living plant materials or items that because of fire code regulations may not be stored inside of building, i. e. , gas lawn mowers, rototillers, compressors, or other machinery producing fumes or exhaust.	N	N	C
	Swimming pools.	N	C	P
T.	Tailor shop.	N	P	P
	Taxicab stand.	P	P	P
	Taxidermist.	N	P	P
	Telegraph office.	P	P	P
	Temporary automotive summer sales in commercial parking lots.	N	P	P
	Temporary building for uses incidental to construction work. Such buildings shall be removed upon completion of the construction work.	P	P	P
	Temporary business.	N	N	N
	Theater, indoor.	N	P	P
	Theater, outdoor.	N	N	C
	Tire stores, sales and service, subject to the following standards:	N	P <sup>1*</sup>	P

		1. No outside tire storage is permitted;			
		2. Incidental repair work is permitted such as alignments, inspections, minor tune ups, but no muffler, transmission, bodywork, or major engine repair shall be permitted.			
		*3. Stores in the C-2 Zone shall be subject to the following additional standards:			
		a. The store shall be located in a minimum 10 acre shopping center and only as a portion of a main building;			
		b. The building design shall not be altered contrary to the established theme of the shopping center;			
		c. No freestanding accessory structures shall be allowed;			
		d. Vehicle access doors to the building shall not be visible from any public street or residentially zoned property;			
		e. No customer cars shall be kept overnight outside the building.			
		Tool design (precision) repair and manufacture.	N	N	C
		Towing or impound lot.	N	N	C
		Trade or industrial school.	N	C	P
		Trailer sales and service.	N	N	P
		Transitional housing. Subject to the site development standards meeting [s]Section <a href="#">15-38-2</a> [of this chapter]for the C-2 Zone and [s]Section <a href="#">15-38-2</a> [of this chapter]for the C-3 Zone.	N	C	C
		Travel agency.	P	P	P
		Truck terminal.	N	N	N
U.		Upholstery shop.	P	P	P
		Used car lot.	N	N	C
V.		Ventilating equipment, sales and service.	N	C	P
W.		Warehouse storage.	N	N	N
		Waterslide.	N	C <sup>1</sup>	C
		Weather stripping shop.	N	P	P
		Welding shop.	N	N	C
		Wholesale business.	N	N	P
		Window washing establishment.	N	P	P

<sup>1</sup>These uses are considered high impact uses when abutting or within 100' of a residential zone boundary. Residentially zoned property that is developed with a nonresidential use does not apply. Additional requirements are required to mitigate potential impacts to adjacent residentially zoned property. See Section 15-38-3.

<sup>2</sup>Laundry-style (automatic) car washes are not allowed within 300' of property zoned residential. Residentially zoned property that is developed with a nonresidential use does not apply.