

ORDINANCE NO. 22-14

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-5.1A AND 10-5.1B, DEFINING DRIVE-THROUGHS AND WHERE THEY ARE LOCATED; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION I - RECITALS:

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

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

WHEREAS, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

WHEREAS, the City Council finds that the Planning Commission has recommended certain changes to the city zoning ordinance as it pertains to Drive-Throughs; and,

WHEREAS, the City Council finds that South Ogden City Code, Title 10 and various of its subsections should be amended by adding new language governing these changes and related regulations for the city; and,

WHEREAS, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

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

Amended Section:

Upon the adoption of this Ordinance, Title 10 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV - SAVINGS CLAUSE:

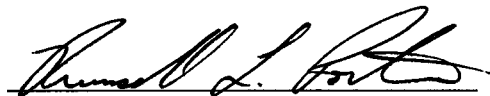
If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable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

SECTION V - DATE OF EFFECT

This Ordinance shall be effective on the 6th day of September, 2022, and after publication or posting as required by law.

DATED this 6th day of September, 2022.

SOUTH OGDEN CITY



Russell L. Porter, Mayor

ATTEST:



Leesa Kapetanov, CMC City Recorder



ATTACHMENT "A"

ORDINANCE NO. 22-14

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-5.1a And 10-5.1b, Defining Drive-Throughs And Where They Are Located; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

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10-5.1A-3-1: Introduction

A. The following subdistricts are hereby created to regulate the location of distinct mixes of building forms and uses permitted within the City Center and 40th Street Corridor Districts. Refer to section 10-5.1A-4, "Uses," of this article for uses and section 10-5.1A-5, "Building Types," of this article for building types permitted within each subdistrict.

The following subdistricts have been created, and each consists of a series of uses and building types that have been specifically calibrated for the subdistrict.

1. City Center "Core": The City Center "Core" constitutes the center of the community and heart of the new City center, and includes the majority of the shops and workplaces within the City center. The storefront building type that comprises this subdistrict defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working.
2. City Center "General": The City Center "General" Subdistrict serves as the interstitial fabric of the City, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. [This subdistrict also permits drive-through facilities to allow more flexibility for auto oriented uses as described in 10-5.1A-5-11 F\).](#)
3. Riverdale Road "General": The Riverdale Road "General" Subdistrict serves as the interstitial fabric of the City, separate from the defined center or core and the edges.

This subdistrict also encourages and promotes outdoor sales lots. Adjustments to the general requirements should be made to ensure such uses remain viable. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. This subdistrict also permits drive-through facilities ~~structures~~ and the limited bay building type to allow more flexibility for auto oriented uses.

4. 40th Street "General": The 40th Street "General" Subdistrict combines the storefront building and stoop building to create a corridor that supports a future transit line along 40th Street. Development along this corridor will be at a smaller scale and finer grain, in relation to the City center.
5. Edge Subdistricts: The Edge Subdistricts are made up of smaller scale residential buildings, which provide a buffer between existing single-family residential neighborhoods and the "Core" and "General" Subdistricts. (Ord. 17-12, 5-4-2017, eff. 5-4-2017)

10-5.1A-4-4: Definition Of Uses

TABLE 4.1(1)

USES BY SUBDISTRICT

Key:	
P	Permitted
P ²	Permitted with development standards
C	Requires a conditional use permit
Blank	Not permitted

Uses	Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Residential and lodging:					
Residential	P	P	P	P	P

Hotel and inn	P	P	P	P	P ²
Group living arrangements	C	C	C	C	
Civic:					
Assembly	C	C	C	C	P ²
Transit station	P	P	P	P	P ²
Hospital and clinic	P	P	P	P	
Library/museum/Post Office (no distribution)	P	P	P	P	C
Police and fire	C	C	C	C	C
School	P	P	P	P	P
Retail:					
Neighborhood retail	P	P	P	P	
General retail	P	C	P		
Outdoor sales lot			C		
Medical cannabis pharmacy	P ²		P ²		
Service:					
Neighborhood service	P	P	P	P	
General service	P	C	C		
Vehicle service		C	P ²		
Office and industrial:					
Office	P	P	P	P	P ²
Craftsman industrial	P ²	P ²	P		
Non-retail industrial			P ²		
Infrastructure:					

Parking lot	P ²	P ²	P ²	P ²	
Parking structure	P ²	P ²	P ²	P ²	
Utility and infrastructure	C	C	C	C	
Open space	P ²	P ²	P ²	P ²	P ²
Accessory uses:					
Drive-through facilities		P ²	P ²		
Home occupation	P	P	P	P	P
Parking lot	P	P	P	P	
Parking structure	P ²	P ²	P ²	P ²	
Outdoor storage of goods		P ²	P ²		
Temporary outdoor sales lot	P	P	P	P	
Beer and liquor:					
Class A license ¹	P		P		
Class B license ²	P	P	P	P	
Class C license ³	P	P	P	C	

Notes:

¹Class A: Beer and/or liquor served and consumed on or off premises (bar, tavern, microbrewery).

²Class B: Beer and/or liquor sold on premises, but on premises consumption is prohibited (convenience and grocery stores, State liquor stores).

³Class C: Beer and/or liquor may be served with a meal in a restaurant.

10-5.1A-4-2: Definition Of Uses

L. Accessory Uses: A category of uses that are not permitted to serve as the principal use on a zoning lot.

1. Drive-Through Facilities: A use that allows customers to receive services or goods through a window while remaining stationary in their motor vehicles. A drive-through facility does not include pumps at a gas station, or any other type of pick-up service (e.g., groceries or lumber) where the driver is required to leave the vehicle or where the

services and goods are delivered by other means than through a window. Refer to section 10-5.1A-5-11 of this article, for required drive-thru development standards.

10-5.1A-5-11: Additional Design Requirements

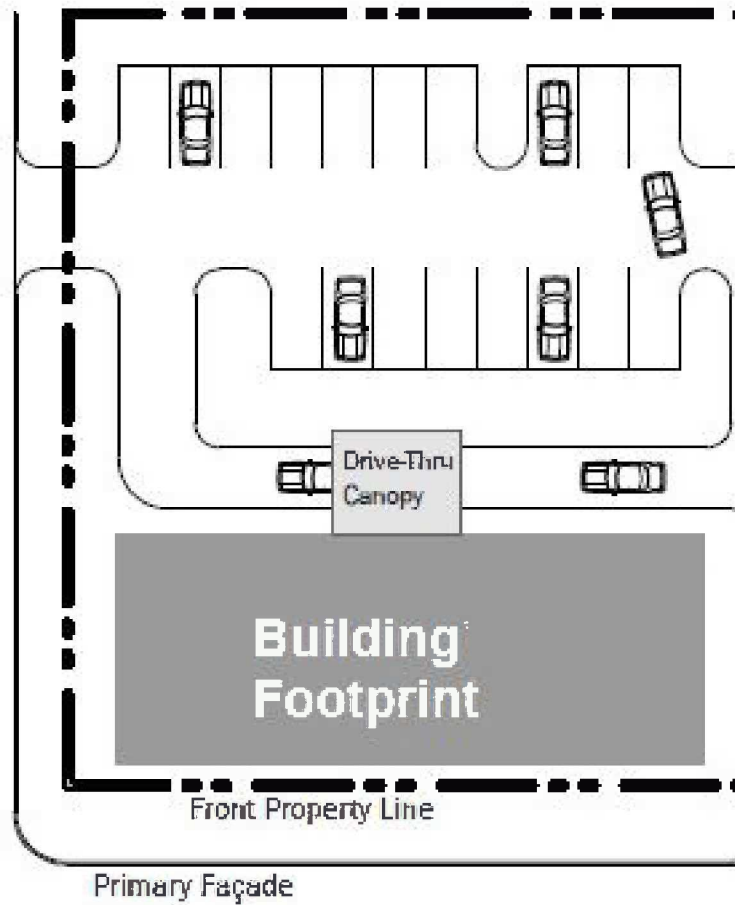
F. Drive-Through ~~Structures~~Facilities: Refer to figure 5.11(8) of this section for one illustration of the following requirements:

1. Application: Drive-through ~~structures~~facilities are only allowed in the Riverdale Road “General” and City Center "General" Subdistrict.
2. ~~Structure/Canopy~~Drive-Through Facilities Description: Drive-through ~~structures or canopies~~facilities include any window as described in 10-5.1A-4-2(L)(1), whether it has a canopy or is located in a separate structure from the main building. Drive-through facilities shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The ~~structure~~facility shall not be visible from ~~any~~ the primary street.
3. Stacking Lanes: Stacking lanes shall be located perpendicular to the primary facade or behind the building.
4. Canopy and Structure Material: The canopy and structure shall be constructed of the same materials utilized on the building.
5. For uses and lots that directly front any major street or gateway street (Riverdale Road, US-89/ Washington Boulevard, and Chimes View Drive), requirement 2 above does not apply, thereby permitting drive-through facilities to be located on one side façade or to the rear of a structure in zones where permitted by use.

~~4.6.~~Drive-through facilities are expressly prohibited on the front façade of any building.

FIGURE 5.11(8)

RECOMMENDED DRIVE-THROUGH FACILITY LAYOUT



[Note that Drive-through facilities may be permitted on the sides of buildings in some subdistricts – see 10-5.1A-5-11 F](#)

10-5.1A-11-2: City Center "General" Subdistrict

The city center "general" subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. Building heights range from one to five (5) stories. [This subdistrict also permits drive-through facilities in order to allow more flexibility for auto-oriented uses under special circumstances.](#)

10-5.1A-11-3: Riverdale Road "General" Subdistrict

The Riverdale Road "general" subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. This subdistrict also permits drive-through ~~structures~~ [facilities](#) and the limited bay building type to allow more flexibility for auto-oriented uses. Building heights range from one to four (4) stories.

10-5.1B-4-1: General Requirements

TABLE 4.1(1)

USES BY SUBDISTRICT

Key:	
P	Permitted
P ²	Permitted with development standards
C	Requires a conditional use permit
Blank	Not permitted

Uses	Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
Residential and lodging:				
Residential	P	P	P	P
Hotel and inn	P	P	P	
Group living arrangement	C	C	C	
Civic:				
Assembly	P ²	P ²	P ²	P ²
Transit station	P	P	P	P ²
Hospital and clinic	P	P	P	C
Library/museum/Post Office (no distribution)	P	P	P	C
Police and fire	C	C	C	C
School	P	P	P	P
Retail:				
Neighborhood retail	P	P	P	
General retail	P	P	P ²	
Outdoor sales lot				
Sexually oriented business			P ²	
Medical cannabis pharmacy	P ²	P ²		
Service:				
Neighborhood service	P	P	P	
General service	P ²	C	C	
Vehicle service	P ²	C		
Office and industrial:				
Office	P	P	P ²	
Craftsman industrial	P	P	P	
Infrastructure:				
Parking lot	P ²	P ²	P ²	
Parking structure	P ²	P ²	P ²	
Utility and infrastructure	C	C	C	C
Open space	P ²	P ²	P ²	P ²
Accessory uses:				
Drive-through facility	P ²	P ²	P ²	
Home occupation	P	P	P	C
Parking lot	P	P	P	P
Parking structure	P ²	P ²	P ²	
Outdoor storage of goods	P ²	P ²	P ²	
Temporary outdoor sales lot	P	P	P	

Beer and liquor:				
Class A license ¹	P			
Class B license ²	P	P	P	
Class C license ³	P	P	P	

Notes:

¹Class A - Beer and/or liquor served and consumed on premises (bar, tavern, microbrewery).

²Class B - Beer and/or liquor sold on premises, but on-premises consumption is prohibited (convenience and grocery stores, State liquor stores).

³Class C - Beer and/or liquor may be served with a meal in a restaurant.

Refer to subsections 10-5.1B-4-2C1 and C2 of this section 10-5.1B-4 to determine which beer and liquor uses are allowed in neighborhood retail and general retail.

10-5.1B-4-2: Definition Of Uses

- L. Accessory Uses: A category of uses that are not permitted to serve as the principal use on a zoning lot.
 - 1. Drive-~~Thru~~Through: A use that allows customers to receive services or goods through a window while remaining stationary in their motor vehicles. A drive-thru does not include pumps at a gas station, or any other type of pick-up service (e.g., groceries or lumber) where the driver is required to leave the vehicle or where the services and goods are delivered by other means than through a window. Refer to section 10-5.1B-5-11 of this article, for required drive-thru development standards.

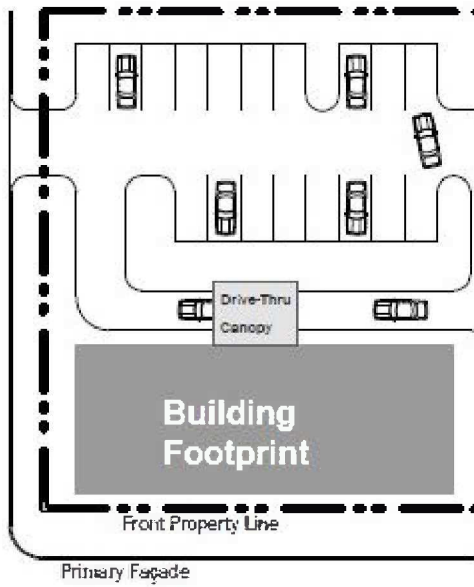
10-5.1B-5-11: Additional Design Requirements

- F. Drive-Through Structures: Refer to figure 5.11(8) of this section for one illustration of the following requirements.
 - 1. Application: Drive-through ~~facilities structures~~ are only allowed in the Gateway Core, Gateway General, and Neighborhood Commercial Subdistricts.
 - 2. ~~Structure/Canopy~~Drive-Through Facilities Definition: Drive-through ~~facilities structures or canopies~~ include any window as described in 10-5.1A-4-2(L)(1), whether it has a canopy or is located in a separate structure from the main building. Drive-Through facilities shall be located on the rear facade of the building or in the rear of the lot behind the building, or side facades where permitted by use. ~~The structure shall not be visible from any primary street.~~
 - 3. Stacking Lanes: Stacking lanes shall be located perpendicular to the primary facade or behind the building.
 - 4. Canopy And Structure: The canopy and structure shall be constructed of the same materials utilized on the building.

- 4- [Drive-through facilities are expressly prohibited on the front façade of any building.](#)

FIGURE 5.11(8)

RECOMMENDED DRIVE-THROUGH FACILITY LAYOUT



[Note that Drive-through facilities may be permitted on the sides of buildings where permitted by use – see 10-5.1B-5-11 F](#)