

ORDINANCE NO. 23-19

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-14-18 AND 10-17-2 TO ALLOW SECOND DRIVEWAYS FOR ADDITIONAL OFF-STREET PARKING; AND MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT 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 to allow second driveways for additional off-street parking; and,

WHEREAS, the City Council finds that South Ogden City Code 10-14-18 and 10-17-2 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 public safety, health and welfare is at issue and requires action by the City as noted above; and,

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

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

SECTION II – CITY CODE AMENDED

Upon the adoption of this Ordinance, Title 10, Chapter 17 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 III - 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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 IV - 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 V - 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 VI - DATE OF EFFECT

This Ordinance shall be effective on the 17th day of October, 2023, and after publication or posting as required by law.

DATED this 17th day of October, 2023.

SOUTH OGDEN CITY, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 23-19

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-17 Concerning Second Driveways For Additional Off-Street Parking; And Making Necessary Language Changes To The City Code To Effect Those Changes

17 Oct 23

10-14-18: Driveway Approach Reserved.

~~One vehicle access location is permitted to a residential lot. Circular driveways and second accesses are allowed with the approval of the Planning Commission. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~

10-17-2: Off Street Parking Space And Driveway Requirements For Dwellings

~~A.~~ **Applicability:** Single-Family Residences, Mobile Homes And Multiple-Family Residences Of Four (4) Or Less Dwelling Units Per Building:

A. Off Street Parking:

1. ~~-~~Requirements: For all zones referenced in section 10-17-1, (see subsection 10-17-5C of this chapter for exception):
 - a. For a single-family dwelling: two (2) parking spaces.
 - b. For a two-family dwelling: four (4) parking spaces.
 - c. For a three-family dwelling: six (6) parking spaces.
 - d. For a four-family dwelling: seven (7) parking spaces.
 - e. Housing exclusively for seniors, one parking space per unit.
2. Increase: If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
3. Paying Guests: In addition to the above parking space requirements, one parking space shall be provided for every two (2) paying guests residing in such dwelling units. Such paying guests refers to the rental of sleeping rooms within the dwelling unit.
4. **Location and Surfacing:** Required off street parking shall be located on the same lot or parcel as the use it is intended to serve. Off street parking stalls located in the side yard or rear yard setbacks of a structure shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.
5. **Access:** Parking spaces shall have direct and unblockable access to a driveway
6. **Maximum Yard Area Used For Parking:** No portion of the required front yard shall be used for parking vehicles. The front yard shall be left open, except for driveways that provide access to garages or side or rear yard parking areas (see 10-23: Landscape Regulations).
7. **Additional Vehicle Parking:** If additional parking of vehicles including trailers and recreational vehicles is proposed, such parking places shall meet the following standards:
 - a. The proposed parking space may not occupy areas required to meet the minimum number of required off-street parking spaces stipulated in subsection 10- 17-2-B.

- b. The parking area must be at least eight feet (8') wide. For corner lots, the parking area may not exceed a maximum of twelve feet (12') in width when located in the corner side yard.
- c. The parking area must be located behind or to the side of the residence and be of sufficient length to accommodate the vehicle. No portion of the vehicle shall extend beyond the front facade of the dwelling.
- d. For corner lots, no vehicle shall be parked within the required Clear View Area (see 10-14-14: Clear View of Intersecting Streets).
- e. If a roof or cover is desired over an accessory vehicle parking slab, it must comply with all applicable codes and regulations, and an appropriate building permit must be obtained. Otherwise, the parking slab must remain open and unobstructed from the sky.
- f. All storm water runoff from hard surfaces must be directed to prevent drainage onto adjacent properties.
- g. Screening: All additional off-street parking spaces and associated access lanes shall be screened from adjoining properties within a residential zone by a masonry wall or solid fence not less than four feet (4'), nor greater than six feet (6') in height. The use of shrubs or other live screening material may be used in place of a wall or fence if approved by staff. Such live plant materials must extend along the length of the adjoining property line and meet the same minimum and maximum height requirements of a wall or fence at maturity without impacting or extending into the adjacent property.

4.

~~5. Surfacing:~~

- ~~a. The first thirty feet (30') from the public right-of-way of all primary driveways used to access the required parking stalls under subsection 11-17-2A1 for any residential unit shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.~~
- ~~b. a. Off street parking stalls located in the side yard or rear yard setbacks of a structure shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.~~
- ~~c. Multi-family units are required to utilize asphaltic concrete, pavement bricks, or cement concrete, or other materials approved by the City Engineer which complies with air quality and SWPPP standards.~~

B. Driveways:

- 1. Width: -Primary driveways and access ways shall be not less than ten feet (10') wide for one-way traffic, and not less than twenty feet (20') wide for two-way traffic.
- 2. The first thirty feet (30') from the public right-of-way of all primary driveways used to access the required parking stalls shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material

approved by the City Engineer which complies with air quality and SWPPP standards.

3. Number of Driveway Accesses: Single-family or duplex lots shall be allowed one driveway access onto the public street for each lot.

6.a. Exception: One additional driveway access may be permitted for single-family and duplex lots if used to service additional vehicle parking. All second driveway accesses must be approved by City staff before being constructed. Properties that have double frontage, i.e. both the front and rear yards have frontage on a street, must receive Planning Commission approval for second driveway accesses.

- ~~7. If additional parking of vehicles and trailers takes place, including recreational vehicle parking pads, such parking places shall meet the following standards:~~
- ~~a. The dwelling unit has the minimum number of required off street parking spaces as stipulated by subsection A.~~
 - ~~b. The parking area is at least eight feet (8') wide, and in the case of corner lots, a maximum of twelve feet (12') wide in the side yard area, and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling. In the case of a corner lot, no vehicle shall be parked in the forty-foot (40') sight triangle.~~
 - ~~c. The appurtenant driveway to the slab must be tapered to use the existing driveway approach.~~
 - ~~d. Any slab constructed must remain open and unobstructed to the sky, or appropriate building permit be obtained to comply with all setbacks and other requirements of this code.~~
 - ~~e. All storm water runoff from hard surfaces must be directed so as to prevent drainage onto adjacent properties.~~

4. Coverage: In no case may the combined area of all driveways cover more than seventy percent (70%) of the front yard. If a second driveway is proposed, the combined width of both driveways shall not exceed 50% of the lot width.

~~8. Maximum Yard Area Used For Parking And Vehicle Access Lanes: For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking, but shall be left in open green space, except that access across and over the required front yard is allowed to access the side or rear yard.~~

~~9. All off street parking spaces and associated access lanes shall be screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet (4'), nor over six feet (6') high, except that some hedgerow shrubs, as identified by the City's arborist or building official, may be used in place of a wall or fence, provided the hedge is continuous along adjoining property and at maturity is not less than five feet (5') nor more than six feet (6') high. Hedgerow shrubs shall be maintained and replaced where necessary in order that the hedge may become an effective screen from bordering property within a maximum five (5) year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.~~

~~10. A driveway may be expanded to include the space between the drive and the nearest property line. In addition, for existing dwellings, a drive may be twenty feet (20') wide to include required off street parking if access from the existing drive cannot otherwise provide access to required parking.~~

~~B. Access: Parking spaces shall have direct and unblockable access to a driveway and shall not include any space that can only be used by obtaining access through another parking space. (Ord. 17-23, 11-21-2017, eff. 11-21-2017; amd. Ord. 20-04, 2-18-2020)~~