

ORDINANCE NO. 17-23

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING VARIOUS CHAPTERS OF TITLE 10 IN CONNECTION WITH THE ADOPTION OF THE FORM BASED CODES, INCLUDING ELIMINATING SOME ZONES AND REZONING SOME PROPERTIES DUE TO THE ELIMINATION OF THEIR ZONES; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - 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, the South Ogden City Council finds that certain changes should be made to the City Code Amending various chapters of title 10 in connection with the adoption of the Form Based Codes, including eliminating some zones and rezoning some properties due to the elimination of their zones; and

WHEREAS, the City Council finds that these changes should be made to the City Code in order more effectively manage these identified issues; and,

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

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

Amended Section:

Upon The Adoption Of This Ordinance, The Various Titles And Sections
Of The City Code Are Amended To Read As Set Out In **Attachment “A”**
And Incorporated Fully Herein By This Reference.

Section 2 - 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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 3 - Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering 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 5 - Date of Effect

This Ordinance shall be effective on the 21st day of November, 2017, and after publication or posting as required by law.

DATED this 21st day of November, 2017

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

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DATED this 21st day of November, 2017

SOUTH OGDEN, a municipal corporation

by: *Russell L. Porter*
Mayor ~~James F. Minster~~ Pro Tem
Russell L. Porter

Attested and recorded

Leesa Kapetanov
Leesa Kapetanov, CMC
City Recorder



ATTACHMENT “A”

ORDINANCE NO. 17-23

An Ordinance Of South Ogden City, Utah, Revising And Amending Various Chapters Of Title 10 In Connection With The Adoption Of The Form Based Codes, Including Eliminating Some Zones And Rezoning Some Properties Due To The Elimination Of Their Zones; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

21 Nov 17

Chapter 1 GENERAL PROVISIONS

10-1-1: SHORT TITLE:

This title shall be known as the *ZONING ORDINANCE OF SOUTH OGDEN CITY*. (Ord. 673, 1-8-1980)

10-1-2: PURPOSE:

This title is designed and enacted ~~for the purpose of promoting~~ to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including, amongst other things, the lessening of congestion on the streets or roads, securing safety from fire and other danger, providing adequate light and air, the classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the commercial, industrial and agricultural growth, and ~~the protection of~~ protecting both urban and nonurban development of the city. (Ord. 673, 1-8-1980)

10-1-3: INTERPRETATION, CONFLICT, EFFECT ON OTHER ORDINANCES:

A. In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

B. This title shall not nullify ~~the~~ any more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail ~~notwithstanding such~~ over any provisions which are less restrictive. (Ord. 673, 1-8-1980)

~~C. Any use not expressly permitted, or listed as a conditional use, in this title is prohibited.~~ (Ord. 15-22, 10-6-2015, eff. 10-6-2015) Unlisted Similar Use: If a use is not listed but is similar in nature and impact to a use permitted within a zone, the city manager or designee may interpret the use as permitted.
1. The unlisted use will be subject to any development standards applicable to the similar permitted use.
2. If the unlisted use is similar in nature and impact to a use requiring a conditional use permit, the city manager or designee may interpret the use as also requiring a conditional use permit.
D. Unlisted Dissimilar Use: If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zone that is either permitted or requires a conditional use permit, the use is not permitted and may only be approved through an amendment of this article.

Comment [LK1]: The FBC in not exclusive. See 10-5.1A-4-1(B). We should look at making them both the same.
Mr. Bradshaw comment: Agree: 10-5.1A-4-1(B) should be substituted here to replace this language

10-1-4: CHANGES AND AMENDMENTS:

This title, including the maps, may be amended from time to time by the city council after holding a public hearing. At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the area. For any amendment to the zoning map, the notice for a public hearing will be sent at least ten (10) calendar days before the public hearing to the record owner of each parcel to be rezoned and the record owner of each parcel ~~located~~ within five hundred feet (500') of the property to be rezoned regardless of whether such property is ~~located~~ within the jurisdictional boundaries of the city. All proposed amendments shall be ~~first~~ proposed by the planning commission or ~~shall~~ may be submitted by the city council to the planning commission for ~~its~~ consideration and recommendation which ~~recommendation~~ shall be returned to the city council for ~~its~~ consideration within ~~thirty (30)~~ sixty (60) days of receipt by the planning commission. Failure of the planning commission to take action on ~~the~~ any city council proposed amendment within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The city council may overrule ~~the~~ any planning commission's recommendation by a majority vote of its members. (Ord. 16-18, 9-6-2016, eff. 9-6-2016)

10-1-5: ADMINISTRATION AND ENFORCEMENT:

A. Official Designated: ~~The chief building official is hereby charged with the administration and enforcement of the provisions of this title. But the city council, by resolution or ordinance, may from time to time, entrust such administration, in whole or in part, to any other officer of the city, without amendment to this section.~~ The provisions of this article shall be administered and enforced by the city manager or designee, unless otherwise specifically stated. For the purposes of this article, the term city manager shall be inclusive of his or her designees.

B. Issuance Of Permits, Certificates: The chief building official shall not grant a permit for the construction or alteration of any building or structure, nor issue any certificate of occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this title or any other ordinance of the city or of any law of the state. (Ord. 673, 1-8-1980)

C. Inspections; Orders; Abatements: The chief building official shall enforce all ~~of the provisions of this title.~~ He shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, ~~in the course of~~ such inspection or otherwise, ~~it shall come to his attention~~ he finds that any such construction, alteration or repair, or that any use or contemplated use of land ~~is in violation of the provisions of~~ violates this title, he shall issue his written order to the person responsible therefor, ordering and directing such person to cease and desist such construction, alteration, repair or use. He shall report violation of this title to the legal department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the city council, the legal department shall bring a civil action for the abatement of any nuisance ~~existing- found to be~~ in violation of this title. (Ord. 673, 1-8-1980; amd. 2001 Code)

D. Assistance Of Law Enforcement: The chief building official may call for the assistance of law enforcement personnel whenever in his opinion such assistance is necessary in the investigation of a suspected violation of this title.

E. Rules Established; Filed: The chief building official may establish reasonable rules and regulations necessary or desirable in the administration of this title. Three (3) copies of such rules and regulations shall be filed with the city recorder and such rules and regulations shall become effective when so filed.

F. Fees: The city council may, by resolution or ordinance, prescribe ~~an exact payment of~~ reasonable fees to cover the expense of examining plans, issuing building permits, inspecting uses and issuing certificates of occupancy, and may determine the method of collecting such fees. (Ord. 673, 1-8-1980)

10-1-6: BUILDING PERMIT:

The construction, alteration, repair, removal or occupancy of any structure or of any part thereof, as provided or as restricted, in this title, shall not be commenced ~~or proceeded with~~ nor continued except after the issuance of written permit for the same by the chief building official; provided, that no permit shall be necessary where the erection, construction, reconstruction or alteration is minor in character, as defined herein, or as determined by the chief building official. (Ord. 673, 1-8-1980)

10-1-7: CERTIFICATE OF OCCUPANCY REQUIRED:

No land shall be used or occupied and no building ~~hereafter~~ structurally altered or erected, shall be used or changed in use until a certificate of occupancy shall have been issued by the chief building official stating that the building or structure or the proposed use ~~thereof, or the use of~~ of the building, structure, or land, complies with ~~the provisions of~~ this title. A like certificate shall be issued ~~for the purpose of~~ to permit maintaining, renewing, changing or extending a nonconforming use¹. A certificate

Comment [LK2]: Ask Bradshaw. The council gave the authority to staff under the FBC, but should the wording above be changed?
Mr. Bradshaw Comment:
This language should reflect (duplicate) the language granting authority to staff under the form based code that Leesa references. The language talking about amendment or change of assignment by resolution or ordinance as shown here, should be deleted since it is confusing and, ultimately, is redundant since the Council does not give up this authority.

of occupancy either for the whole or a part of a building or structure shall be applied for ~~coincidentally with~~ **at the same time** as the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this title. (Ord. 673, 1-8-1980)

10-1-8: PRELIMINARY SITE PLAN APPROVAL²:

~~A. Required: Prior to the issuance of a building permit for any change of use, new building or remodeling of an existing building that affects the site plan or new construction on an already approved site plan in a commercial or manufacturing zone, preliminary approval of a site plan by the planning commission is required². In considering any site plan, the planning commission may impose reasonable requirements to assure, among other things, the safety and convenience of traffic movement both within the area covered and in relation to access streets, a harmonious relationship between the buildings and uses, a harmonious relationship between such area and buildings of adjacent neighborhoods, and the preservation of future road locations. (Ord. 17-03, 1-17-2017, eff. 1-17-2017)~~

~~B. Considerations For Improvements, Changes: In furthering the above objectives, the planning commission shall review and may require certain improvements or design changes to be implemented by the developer as part of his construction, related, but not limited to, the following considerations, which shall be shown on a site plan, drawn to scale as follows:~~

- ~~1. Dimensions and orientation of the parcel.~~
- ~~2. Locations of buildings and structures, both existing and proposed. (Site development standards of applicable commercial or manufacturing zone, see chapters 8 and 9 of this title.)~~
- ~~3. Location and layout of off street parking and loading facilities. (See chapter 17 of this title.)~~
- ~~4. Location and size of points of entry and exit, in accordance with chapter 17 of this title, and internal vehicle circulation patterns, type of barrier or curb and gutter used on front property lines.~~
- ~~5. Provide preliminary grading and drainage information as well as preliminary utility connection information, i.e., culinary water, secondary water and sewer.~~
- ~~6. The location and design of walls and fences and indication of their height and materials of their construction. (See chapter 14 of this title.)~~
- ~~7. The height of existing and proposed buildings and structures.~~
- ~~8. The proposed use of buildings shown on the plot plan.~~
- ~~9. Location of exterior existing and proposed lighting standards and devices. (See section 10-14-9 of this title.)~~
- ~~10. The location and height of any overhead power and communication and transmission lines and all utility easements that may effect subject property.~~
- ~~11. Location and size of exterior, existing and proposed signs and outdoor advertising in accordance with the sign regulations of this title. (See chapter 21 of this title.)~~
- ~~12. Meaningful landscaping and open space on the site of not less than ten percent (10%) of the area to be developed and a bond posted guaranteeing landscaping at the planning commission's option. The plan shall identify landscaping details such as shrubs, trees and other plant material.~~
- ~~13. Where an attachment or minor addition of one thousand (1,000) square feet or less to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but at the discretion of the building official need not include other data required in subsections B1 through B12 of this section, unless it drastically changes any of the items required.~~

~~C. Compliance Required; Alterations: The building official shall ensure that development is in compliance with the site plan and all other requirements imposed by the planning commission. Upon approval of the site plan by the planning commission, no alterations shall be made without first obtaining approval from the planning commission. (Ord. 13-26, 12-17-2013, eff. 12-17-2013)~~

10-1-9: ISSUANCE OF LICENSES AND PERMITS:

All departments, officials and ~~public~~ employees of the city ~~who are~~ vested with the duty or authority to

issue permits or licenses shall proceed ~~in accordance with~~ under the provisions of this title, and shall issue no permit or license where the same would not be authorized or where the same would ~~be in~~ conflict with the provisions of this title. (Ord. 673, 1-8-1980)

10-1-10: TERRITORY ANNEXED TO CITY⁴:

~~At the time of the~~ Upon annexation of new territory to the city, the city council, with the recommendation of the planning commission, shall classify such territory for zoning purposes according to the zones established by this title. (Ord. 673, 1-8-1980)

10-1-11: TEMPORARY EXCEPTIONS:

A. Authority; Time Limit: ~~The city council has the authority to grant by motion, temporary exceptions from any term or condition of this title for a period of not to exceed three (3) months, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary exception may be made by the city council, with or without the prior recommendation concerning the same from the planning commission.~~ The chief building official has the authority to grant temporary exceptions from any term or condition of this title for a period not to exceed three months, and for a total duration for any single tract of land, not to exceed six months. A temporary exception may be granted by the chief building official with or without a prior recommendation on the matter from the planning commission.

B. Justification: Such temporary exceptions may be granted ~~upon the city council determining~~ by the chief building official when he determines that such a temporary exception is justified because of some unusual, emergency, act of God situation ~~and or~~ that the health, safety, convenience, order and welfare of the inhabitants of the city will not be materially, adversely affected, if such temporary exception is granted. (Ord. 673, 1-8-1980)

10-1-12: FEES FOR REZONING PETITIONS:

A. Consolidated Fee Schedule: At the time of filing a petition to change the zoning of any property, the petitioners shall pay to the city recorder and the city recorder shall collect for the city, fees as provided in the city's consolidated fee schedule. (Ord. 673, 1-8-1980; amd. 2001 Code)

B. Refunds Prohibited: The fee hereby assessed shall not be refundable regardless of the eventual disposition of the rezoning request and this fee is in addition to the costs for publishing the ordinance in the event the rezoning request results in the enactment of a rezoning ordinance. (Ord. 673, 1-8-1980)

10-1-13: VIOLATION A NUISANCE:

Any structure made or existing and any use of land in violation of any provision of this title is a public nuisance and may be abated by appropriate proceedings. (Ord. 673, 1-8-1980)

10-1-14: APPEALS:

~~Any person shall have the right to appeal to the appeal authority a~~ An adverse decision of disapproval ~~of involving~~ a zoning ordinance or map amendment and approval or disapproval of a conditional use application as set out in [chapter 4](#) of this title. ~~may be appealed to the city's appeal authority.~~ The reasons for the appeal shall be submitted in writing to the city recorder. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-1-15: PENALTY:

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or

Comment [LK3]: Bradshaw- will this go away as an administrative action?

Mr. Bradshaw Comment:

Unless they have somehow otherwise spoken differently to the planning commission, I understand the Council's direction to be that this authority would be vested in the chief building official. Therefore I would suggest the language read something like this: "the chief building official has the authority to grant temporary exceptions from any term or condition of this title for a period not to exceed three months, and for a total duration for any single tract of land, not to exceed six months. A temporary exception may be granted by the chief building official with or without a prior recommendation on the matter from the planning commission."

Comment [LK4]: Comment by Mr. Bradshaw; See note above for justification to change city Council to chief building official.

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causing or permitting the violation of any of the provisions of this title shall be guilty of a class C misdemeanor and upon conviction thereof shall be subject to penalty as provided in section [1-4-1](#) of this code. Such person, firm or corporation shall be deemed guilty of a separate offense for each ~~and every~~ day ~~during which~~ any portion of any violation of this title is committed, maintained, continued or permitted by such person, firm or corporation ~~and shall be punishable as herein provided~~. (Ord. 673, 1-8-1980; amd. 2001 Code)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See also [chapter 16](#) of this title.

[Footnote 2](#): See also subsection [7-2-4D](#) of this code for landscaping requirements.

[Footnote 3](#): For city center core, city center general, Riverdale Road general, 40th Street general, and edge zones, site plan approval will follow the process outlined in the city center/40th Street form based code as adopted June 21, 2016.

[Footnote 4](#): See also [title 1, chapter 8](#) of this code for annexation policy.

Chapter 2 DEFINITIONS

10-2-1: DEFINITIONS:

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory.

ACCESS RIGHT OF WAY: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

ALLEY: ~~A public thoroughfare less than twenty six feet (26') wide.~~ As defined in 10-5.1A-4 of this Title.

Comment [LK1]: Check with Bradshaw. Compare to 10-5.1A-2-4(B)
Ken Bradshaw's Comment:
As defined in section 10-5.1A-2-4

ASSISTED LIVING UNIT: A type of room in a long term care facility for elderly or disabled people who are able to get around on their own but who may need help with some activities of daily living or simply prefer the convenience of having their meals in a central cafeteria and having nursing staff on call.

Comment [LK2]: Verify this definition later.
Ken Bradshaw Comment:
This definition comes from the medical definition ... see
<http://www.medicinenet.com/script/main/art.asp?articlekey=10949>

AUTO SERVICE CENTER: ~~Limited to gas sales, tune ups, emission testing, lubrication and oil changes, front end alignment, detailing, brake, muffler, tire sales, and similar minor sales and services excluding engine, transmission, and differential overhauls and vehicle body repair and painting.~~

BANK: ~~A financial institution licensed as a receiver of deposits. There are two (2) types of banks: commercial/retail banks and investment banks. Bank does not mean short term lending institution.~~

Comment [LK3]: Covered in FBC

BASEMENT: A story partly underground and having at least one-half ($\frac{1}{2}$) its height below the average level of the adjoining ground. A basement shall not be counted as a story, for purposes of height measurement.

BENEFICIAL SOCIETY: An organization that exists for the mutual assistance of its members or its members' families, relatives or designated beneficiaries, during times of hardship, such as illness or financial need. The assistance provided by a beneficial society can take the form of life, accident, health or burial insurance. May also be called benevolent association.

BOARDING HOUSE: A building with not more than five (5) guestrooms where, for compensation, meals are provided for at least five (5), but not more than fifteen (15) persons.

BUILDING: Any structure other than a boundary wall or fence.

BUILDING, ACCESSORY: A subordinate building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING, HEIGHT OF: The vertical distance from the finished grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.

BUILDING, PUBLIC: A building owned and/or operated by a public agency of the United States Of

America, of the state of Utah, or any of its political subdivisions.

~~CAR WASH, LAUNDRY TYPE: A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods, but not limited to, chain conveyor, movable or revolving cleaning brushes, blower, steam cleaning or similar mechanical devices.~~

~~CAR WASH, MANUAL SPRAY: A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.~~

Comment [LK4]: Covered under FBC

CARPORY, PRIVATE: A space not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CLUSTER SUBDIVISION: A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot areas and lot width requirements of the zone in which the subdivision is located and where equivalent common open space areas are provided to compensate for such lot reduction.

CONDOMINIUM PROJECT: A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four (4) or more apartments, rooms, office spaces or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements of the condominium ownership act of the state of Utah. Structures shall conform with all area, yard, frontage and height regulations of the zone district in which they are located.

~~CORRAL: An enclosure for animals, other than a building.~~

Comment [LK5]: Can we remove?

Ken Bradshaw Comment:
Yes, if you are not going to permit corrals or animal enclosures.

~~COURTYARD: An outdoor area enclosed by a building on at least two (2) sides and is open to the sky. An unoccupied open space, other than yard, on the same lot with a building or buildings, which is bounded on two (2) or more sides by the walls of such building or buildings.~~

Comment [LK6]: Same as FBC

COVERAGE, LOT: The percent of the lot area covered by the main and accessory buildings.

CREDIT UNION: A member owned financial cooperative, controlled by its members and operated for the purpose of promoting thrift, providing credit at competitive rates, and providing other financial services to its members. Credit union does not mean short term lending institution.

~~DAIRY: A commercial establishment for the manufacture, processing or sale of dairy products.~~

Comment [LK7]: Only in Manufacturing zone.

Should we remove this definition and remove manufacturing zone?
Ken Bradshaw Comment:
OR, make it very clear that the use is ONLY permitted (or conditional) IN a manufacturing zone....leave NO doubt

DAYCARE CENTER: Any building or structure other than an occupied residence furnishing care, supervision and guidance for five (5) or more children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day; or as provided in [chapter 19](#) of this title, an occupied residence which furnishes care, supervision and guidance for not more than five (5) children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day. Occupied residence shall refer to being used as a residence by a family. The term "daycare center" is inclusive of kindergartens, preschools, nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

DISABLED PERSON: A person with a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment; a person with a "disability" under title 57, chapter 21 of the Utah code, as amended; a person with a "disability" under 42 USC section 12102(1), as amended; and a person with a "handicap" under 42 USC section 3602(h), as amended. A "disabled person" does not

include a person engaged in the current illegal use of, or addiction to, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC section 802.

DRIVEWAY APPROACH: Vehicle access location to a lot or parcel for egress/ingress.

~~DRY CLEANER: An establishment which has as its sole purpose the cleansing of fabrics with substantially nonaqueous organic solvents. Laundry establishments with self-service, coin-operated dry cleaning machines shall not be classified as a dry cleaner.~~

DWELLING: A building or portion thereof designed or used as the living quarters for one family.

DWELLING, MULTIPLE BUILDINGS ON A SINGLE LOT: Two (2) or more ~~residential~~ buildings placed upon a single lot.

Comment [LK8]:

Comment Ken Bradshaw: I don't see a definition for Residential buildings.....Did I just miss it?

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by three (3) or more families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING, SINGLE-FAMILY ROW HOUSE: A building built directly against an adjoining building without an open space between, and containing a one-family dwelling unit extending from basement to roof. Each single-family attached dwelling unit shall have a front and rear entrance. Each group of single-family attached dwellings shall be considered one structure, for purposes of front, rear and side yard requirements.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping and eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit or their nonpaying guests. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate family.

Comment [LK9]:

Should we add this more detailed description to the FBC? This def. added to FBC as per comment below.
Ken Bradshaw Comment:
They should both be the same and be as comprehensive as possible.

EARTHQUAKE FAULT: For ~~purposes of~~ this title, earthquake fault shall refer to that portion of the Wasatch Fault which transverses the eastern area of the corporate limits of Ogden, said fault lines are being approximately delineated on the zoning map of South Ogden City. Source of delineation of the fault lines is "Wasatch Fault, Northern Portion, Earthquake Fault Investigation And Evaluation, A Guide To Land Use Planning", by Woodward/Clyde And Associates, Oakland, California. The detailed and exact location of a fault is to be determined by the review procedure as specified in section [10-10B-5](#) of this title.

EASEMENT: A legal interest in land, granted by the owner to another person or entity, which allows for the use of all or a portion of the owner's land for such purposes as access or placement of utilities.

EAVE: The edge of a pitched roof; it typically overhangs beyond the side of a building. A portion of the roof that extends not more than two and one-half feet (2⁺/₂[!]) measured parallel to the nearest exterior wall, gable end, support beam or post.

Comment [LK10]:

Changed to be same as FBC

EDUCATIONAL INSTITUTION, PRIVATE: A private educational institution, seminary or parochial school having a curriculum similar to that ordinarily given in grades 1 through 12 in the public school system. The term "educational institution, private", for the purpose of this title, does not include private post high school educational facilities, trade schools, tutorial services, boarding facilities or any residential uses.

EDUCATIONAL INSTITUTION, PUBLIC: A public elementary or secondary school or charter school having a curriculum similar to that ordinarily given in grades 1 through 12 in the public school system. The term "educational institution, public", for the purpose of this title, does not include post high school educational facilities, trade schools, tutorial services, boarding facilities or any residential uses.

FAMILY:

1. One person living alone.

2. Two (2) or more persons, related by blood, marriage, or adoption and foster children, living together as a single housekeeping unit; and up to two (2) other persons hired for domestic help residing on the same premises where the housekeeping unit is located, or

3. Not more than four (4) unrelated persons living together as a single, nonprofit housekeeping unit.

~~Any of the following who occupy a dwelling unit: a) one person living alone; b) two (2) or more persons related by blood, marriage or adoption and foster children living together as a single housekeeping unit; and up to two (2) other persons hired for domestic help residing on the same premises where the housekeeping unit is located; or c) not more than four (4) unrelated persons living together as a single, nonprofit housekeeping unit.~~

Comment [LK11]: Change FBC to be the same.
Ken Bradshaw Comment:
Agree

FENCE: A tangible barrier or obstruction of any material, with the purpose or intent ~~or having the effect of~~ preventing passage or view across the fence line. It includes hedges and walls.

FLOODPLAIN: Land adjacent to a body of water which has been or may be ~~hereafter~~ covered by floodwater as delineated on the flood hazard boundary map by the federal insurance administration, HUD.

FLOODPLAIN OVERLAY ZONE: Boundaries of the base flood as identified by the federal insurance administration, HUD, as set forth on the flood hazard boundary map (FHBM). The floodplain zone is designed to overlay or be superimposed over existing zoning within the defined floodplain. Within such an overlay zone, the existing zone remains effective with the additional conditions superimposed by the floodplain zone.

~~GROSS FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls. The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing of goods, or business offices. It shall not include attic space having headroom of seven feet (7') or less and areas devoted primarily to storage, balconies, off street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified above.~~

Comment [LK12]: Need to get one definition for both FBC and this code. 10-5.1A-10-5(B). Changed to FBC definition.
Ken Bradshaw comment:
Agree

FLOOR-LOT AREA RATIO: The total floor area of a building divided by the area of the lot on which it is located.

~~FRONTAGE: All the property fronting on one side of the street between intersecting or intercepting~~

~~streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts. The horizontal distance between the side property lines, measured at the front property lines. Refer to figure 10-5.1A-10.5(1), "Lots"~~

Comment [LK13]: Would like to change to FBC definition, but don't know how it will affect how it is used in old code. Need to look deeper.

GARAGE, PRIVATE: An enclosed space or accessory building for the storage of one or more motor vehicles; provided, that no business, occupation or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises. A garage ~~shall~~ will be considered part of a dwelling if the garage and dwelling have a roof or wall in common and are connected structurally.

~~**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.~~

GRADE: ~~The average level of the finished surface of the ground adjacent to the exterior walls of a building. The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the city engineer may establish the grade.~~

Comment [LK14]: Changed to same as FBC

GROUP LIVING ARRANGEMENT: A group living or congregate living arrangement where groups of more than four (4) unrelated persons live together in a single dwelling or housekeeping unit, including, but not limited to, assisted living unit, boarding house, lodging house, nursing home, senior housing, assisted living facility, nursing care facility, residential facility for disabled persons, dormitory, student housing, fraternity, club, institutional group, halfway house, convent, monastery, or other similar group living or congregate living arrangement of unrelated persons. A group living arrangement does not include clinics, medical or dental; hospital(s) or hospital/clinic.

GUESTHOUSE: A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

HOME OCCUPATION: ~~The use of~~ Using a portion of a dwelling as an office, studio or workroom for small occupations ~~which are~~ customarily conducted in the home and which are clearly incidental and accessory to the primary use of the dwelling for living purposes and which also meet all the conditions and requirements of [chapter 19](#) of this title.

HOSPITAL AND CLINIC: An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital. ~~These services may be located in one building or several buildings.~~

Comment [LK15]: Need to look at definition in FBC and this and come up with one that is the same. Combine hospitals with clinics?

~~**HOTEL:** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation lodged, with or without meals.~~

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or canaries, but not including a sufficient number of dogs or cats to constitute a "kennel", as defined in this section.

Comment [LK16]: Check with Bradshaw. Can the two codes have different definitions?

~~JUNKYARD: The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.~~

Comment [LK17]: The only place this appears is in the definitions. Remove?

KENNEL¹: The land or building used in the keeping of three (3) or more dogs at least four (4) months old.

KINDERGARTEN: See definition of Daycare Center.

~~LAUNDROMAT OR LAUNDERETTE: A self-service laundry establishment where clothes are cleansed in a coin-operated machine. Laundromats or laundrettes may include self-service, coin-operated dry cleaning machines.~~

Comment [LK18]: Covered under FBC

LIGHT REFRESHMENT: Includes, ~~by way of~~ ~~for~~ example and not limitation, foods such as sandwiches, hors d'oeuvres, finger foods, snacks, etc., prepared off site and ~~made available~~ ~~provided~~ to participants and guests at an authorized activity. Includes nonalcoholic drinks only. Light refreshments do not contemplate nor allow full meals.

LODGING HOUSE: A building where lodging only is provided for compensation to five (5) or more, but not exceeding fifteen (15) persons, in contrast to hotels.

LOT: A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street. Except for multiple buildings on a single lot and a guesthouse, not more than one dwelling structure shall occupy any one lot.

Comment [LK19]: This is different than FBC definition. Combine into one?

~~LOT, CORNER: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°). A parcel of land abutting at least two (2) vehicular rights of way, excluding an alley, at their intersection.~~

Comment [LK20]: Mark feels this is still a corner lot. Used definition in FBC

LOT, FLAG: A parcel of land having its only access to the adjacent vehicular right of way, excluding an alley, through a narrow strip of land.

Comment [LK21]: From FBC

LOT, INTERIOR: A parcel of land abutting a vehicular right of way, excluding an alley, along one property line; surrounded by lots along the remaining property lines. Refer to figure 10.5(1), "Lots", of this section. A lot other than a corner lot.

Comment [LK22]: Made same as FBC

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

MAP, OFFICIAL: Any map adopted by the city council under ~~the provisions~~ of Utah Code ~~Annotated~~ section 10-9a-406, as amended.

MEDICAL LABORATORY: A place for doing tests and research procedures, and for preparing chemicals and medications. Also known as a "medical lab" or simply "lab". Medical laboratory does not mean manufacturing laboratory.

MOBILE FOOD BUSINESS: A business that serves food or nonalcoholic beverages from a self-contained

unit either motorized or in a trailer on wheels, which conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food business" ~~shall~~ **does** not include vending carts or mobile ice cream vendors.

MOBILE FOOD COURT: An off street parcel of land where two (2) or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business, vending cart and seasonal farm stand, located on the same parcel of land shall be considered a mobile food court.

MOBILE FOOD TRUCK: A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts or mobile ice cream vendors.

MOBILE HOME: A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code).

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

Comment [LK23]: Ask Bradshaw if we have to allow these.

~~MOTEL: Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourist or transients, with garage attached or parking space conveniently located to each unit.~~

Comment [LK24]: Not allowed in FBC

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the chief building official, ~~and in which areas~~. No buildings shall be constructed **in these areas**.

NONCOMPLYING STRUCTURE: A building or structure or portion thereof lawfully existing at the time any applicable zoning regulations become effective, the design, erection, use, height, area and yard dimensions of which do not conform to the provisions of such regulation or regulations.

NONCONFORMING USE: The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the structure or land is situated.

Comment [LK25]: Have to compare Chpt. 16 and 10-5.1A-10-4 to determine how and if these will be used in this way.

NURSING HOME: A residential facility for people with chronic illness or disability. A place where people who ~~are unable to~~ **cannot** take care of themselves can live and be taken care of. Also known as "convalescent home" and "long term care facility".

OPEN GREEN SPACE: An open space suitable for relaxation or landscaping. ~~It shall~~ **which will** be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement ~~and~~ **or** packed gravel, except that such open green space may be traversed by necessary sidewalks and access rights of way.

OPEN SPACE EASEMENT: An easement granted to the city by the owner/developer on and over land in ~~that~~ a development which provides and guarantees that the designated common open space and recreation land is permanently reserved for and can be used only for open space and recreation purposes ~~in accordance with the~~ **under** plans and specifications approved by the planning commission and city council at the time of approval of the development.

OVERHANGING ROOF: See definition of Eave.

PARKING LOT: An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or

customers.

PARKING SPACE: Space within a building, lot or parking lot for parking or storage of one automobile with direct and unblockable access to a driveway.

PAYING GUEST: Any person hiring a room in a dwelling unit for living, eating or sleeping purposes.

~~PHARMACY: A business selling health or treatment items, including baby food and diet supplements and dispensing prescriptions for medical or health purposes, and including and limited to, candies, soft drinks, prepackaged ice cream products not prepared on the premises, tobacco products, magazines and greeting cards.~~

Comment [LK26]: Only allowed in commercial and R-5A zones, which will both go away.

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD): A development in which the regulations of the zone in which where the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.

PLANNING COMMISSION: The Planning Commission of South Ogden City, Utah.

POST OFFICE, LIMITED SERVICE: A post office operation providing services normally permitted and/or required by contract with the U.S. postal service.

~~RECREATIONAL COACH: A vehicle such as a recreational trailer, tent, camper trailer, truck camper, travel trailer, camp car, other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah vehicle code, designed for the use of human habitation.~~

~~RECREATIONAL COACH PARK: Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or uses of recreational coaches for a temporary time not to exceed two (2) weeks.~~

Comment [LK27]: Doesn't show up anywhere else.

RESIDENTIAL FACILITY FOR DISABLED PERSONS: A residence in which no more than eight (8) disabled persons reside and which is licensed or certified by:

A. The Utah department of human services under title 62A, chapter 2, of the Utah Code, Licensure Of Programs and Facilities;

B. The Utah department of health under title 26, chapter 21, of the Utah Code, Health Care Facility Licensing and Inspection Act.

SENIOR HOUSING: A building or group of buildings containing residential dwelling units where daily meals shall be are offered for the residents in a community dining room and support services such as crafts, exercise, TV, personal care and party rooms may be available on site. One family member of each residential dwelling shall must be a minimum of fifty five (55) years of age at the time of initial occupancy.

SENSITIVE AREA: Lands containing environmentally and geologically sensitive elements which if encroached upon by unsuspecting or uninformed urban land development such as utilities, housing, streets and/or public facilities, could be damaged beyond reparability or which could cause severe damage to such urban development or cause complete destruction thereof, or which could cause loss of life or bodily harm. Such sensitive areas could include active earthquake faults, potential landslide areas, steep unstable terrain or areas of potential rock fall.

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 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 the habitat area is encroached upon by urban related development. ~~It~~ The designation of "Sensitive Wildlife Habitat" is specifically related to the ~~elimination~~ preservation of a limited habitat and its related wildlife.

~~SHORT TERM LENDING BUSINESS: An establishment engaged in providing credit intermediation and related activities that facilitate the lending of funds, issuance of credit, or any other similar types of businesses in which the activity is generally contemplated to be completed within a term of six (6) months or less, including a check casher, deferred deposit lender or title lender. 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. This definition does not include investment companies and state or federally chartered banks or financial institutions.~~

Comment [LK28]: Add this definition to FBC and remove 10-8A-4(E) and put in FBC

~~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.~~

Comment [LK29]: No agricultural are allowed.

STORY: A habitable level within a building measured from finished floor to finished floor. ~~The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.~~

Comment [LK30]: Used FBC definition

~~STORY, HALF: A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two thirds ($\frac{2}{3}$) of the floor immediately below it.~~

Comment [LK31]: Don't see anywhere in existing code except here. Definition is in FBC

STREET: A thoroughfare ~~which has been~~ dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to ~~the~~ abutting property.

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.

SUBSTANTIAL ACTION: Action taken in good faith to pursue diligently any matter to obtain approval of an application filed under this title, or to exercise development rights authorized under such approval.

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.

TAVERN²: Any business establishment operating under a class ~~C~~ A beer license. Such establishments shall be limited in number to two (2) per linear block.

~~THEATER, INDOOR PICTURE: A building or part of a building devoted to the showing of moving pictures~~

on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles.

Comment [LK32]: Covered under FBC

USE: The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use customarily incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure. A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

Comment [LK33]: Used FBC definition

USE, CONDITIONAL: A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit and subject to the limitations and conditions specified therein in that permit as provided in chapter 15 of this title. Conditional uses are intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved. If a use is not listed as permitted or conditional it is prohibited.

USE, PERMITTED: Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required. If a use is not listed as permitted or conditional it is prohibited.

WIDTH OF LOT: The horizontal distance between the side property lines, measured at the front property lines. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

Comment [LK34]: Used FBC definition

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein. This definition does not apply to Chapter 5.1A of this Title.

YARD, FRONT: An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. On corner lots, the front yard shall be that part of the lot between the principal or entrance side of the building and the street line parallel thereto. The principal side of a building shall be that side with the greater number of entrances or the longer side, as designated by the building official. If there are an equal number of entrances or sides of equal length, either side may be designated as the principal side. This definition does not apply to Chapter 5.1A of this Title.

YARD, REAR: An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the main building. This definition does not apply to Chapter 5.1A of this Title.

YARD, SIDE: An open, unoccupied space on the same lot with a building, between the side line of the building (exclusive of steps), and the side lot line and extending from the front yard to the rear yard. The width of the side yard is the minimum distance between the nearest part of the side lot line and the nearest part of the side line of the building. This definition does not apply to Chapter 5.1A of this Title.

Comment [LK35]: Add sentence at end that says "This definition does not apply to any use of the word in 10-5.1A of this title". Do same with other definitions that may differ and we don't know what to do with.

ZONE: The geographical area of the city within which the zoning regulations are uniform.

ZONING ORDINANCE: The zoning ordinance of South Ogden City, Utah. (Ord. 15-06, 2-17-2015, eff. 2-17-2015; amd. Ord. 15-22, 10-6-2015, eff. 10-6-2015; Ord. 16-01, 1-19-2016, eff. 1-19-2016; Ord. 16-20, 12-6-2016)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See also definition of "kennel" at section [5-1-2](#) of this code.

[Footnote 2](#): See subsection [3-2-3C](#) of this code for provisions on class C licenses.

**Chapter 5
ZONES AND DISTRICTS**

10-5-1: ESTABLISHMENT OF ZONES:

For the purpose of this title, the city is divided into the following zones in which land uses shall be limited as specified in this title. Classification will be determined on the basis of location, topographic features and other reasonable considerations to guide the orderly physical growth, neighborhood compatibility and overall stability of the city.

~~Open space zone, O-1~~

Single-family residential zone, R-1-10

Single-family residential zone, R-1-8

Single-family residential zone, R-1-6

Two-family residential zone, R-2

Multiple-family residential zone, R-3

Multiple-family residential zone, R-3A

Comment [LK1]: Rezone 36h Street Daycare to R-3.

~~Multiple-family residential zone, R-3B~~

~~Multiple-family residential zone, R-4~~

~~Multiple-family residential zone, R-4A~~

~~Multiple-family residential zone, R-5~~

~~Multiple-family residential zone, R-5A~~

~~Multiple-family residential zone, R-5B~~

~~Multiple-family residential zone, senior housing, R-5C~~

~~Neighborhood commercial zone, C-1~~

~~Community commercial zone, C-2~~

~~Regional commercial zone, C-3~~

~~Regional commercial zone, C-3zc(A)~~

~~Neighborhood planned commercial zone, CP-1~~

~~Community planned commercial zone, CP-2~~

~~Regional planned commercial zone, CP-3~~

~~Commercial recreation zone, CRC-1~~

~~Manufacturing zone, M-1~~

~~Planned manufacturing zone, MP-1~~

~~Open space zone, O-1~~

Floodplain overlay zone, FP

Sensitive area overlay zone, SA

For the 40th Street General, City Center General, City Center Core, Riverdale Road General, Edge, Commercial General A, Commercial General B, Commercial Neighborhood, and Residential Edge Subdistricts, refer to Chapter 5.1 of this title.

(Ord. 673, 1-8-1980; amd. Ord. 995, 3-3-1999, eff. 3-8-1999; 2001 Code; Ord. 02-10, 7-2-2002, eff. 7-2-2002; Ord. 11-01, 2-1-2011, eff. 2-1-2011; Ord. 13-20, 10-1-2013, eff. 10-1-2013; Ord. 15-06, 2-17-2015, eff. 2-17-2015)

10-5-2: HEIGHT LIMITING ZONES¹:

In addition to the zones hereinabove established, all the land within the incorporated boundaries, and within fifty thousand feet (50,000') of the established airport reference point at Ogden Municipal Airport in Weber County and Hill Air Force Base in Davis County, Utah, is hereby divided into the following listed height limiting zones:

Instrument approach zone

Noninstrument approach zone

Transition zone

Horizontal zone

Conical zone

(Ord. 673, 1-8-1980)

10-5-3: BOUNDARIES OF ZONE DISTRICTS:

The boundaries of each of the ~~said~~ ~~above~~ zones are ~~hereby~~ established or described herein or as shown on the map entitled zoning map of South Ogden City and ~~the~~ map entitled airport zoning map of South Ogden City, or as ~~hereafter~~ ~~may be~~ amended, and all boundaries, notations and other data shown on said maps are made by this reference as much a part of this title as if fully described and detailed herein. Said maps ~~shall~~ ~~will~~ be filed in the custody of the city recorder and may be examined by the public, subject to any reasonable regulations established by the city recorder. (Ord. 673, 1-8-1980; amd. 2001 Code)

10-5-4: BOUNDARIES OF OVERLAY ZONES²:

The boundaries of the floodplain overlay zone and sensitive area overlay zone are ~~hereby~~ established as described and shown on the maps entitled South Ogden Floodplain Overlay Zone and South Ogden Sensitive Area Overlay Zone, and all boundaries, notations and other data ~~shown~~ on said maps is, ~~made~~ by this reference, as much a part of this section as if fully described and detailed herein. Said maps ~~shall~~

will be filed in the custody of the city recorder and may be examined by the public, subject to any reasonable regulations established by the city recorder. (Ord. 673, 1-8-1980; amd. 2001 Code)

10-5-5: RULES APPLICABLE WHERE BOUNDARIES UNCERTAIN:

Where uncertainty exists as to the boundary of any zone, ~~the following these~~ rules shall will apply:

A. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley or block, or such property line, shall will be construed to be the boundary of such zone. (Ord. 673, 1-8-1980)

B. Wherever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right of way, or public park or other public land, or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right of way, or the boundary line of such public land or such section line, shall will be deemed to be the boundary of such zone. (Ord. 673, 1-8-1980; amd. 2001 Code)

C. Where such boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

D. Where the application of the above rules does not clarify the zone boundary location, the ~~board of adjustment city engineer~~ shall interpret the map, ~~subject to appeal to the city's Appeal Authority~~. (Ord. 673, 1-8-1980)

Comment [LK2]: Ken Bradshaw comment
I made this change because we no longer use the board of adjustment.

10-5-6: ZONING MAP AMENDMENTS:

A. Restrictions: ~~In order to~~ To provide more specific land use designations and land development suitability; to ensure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
2. Dwelling unit density;
3. Building square footage;
4. Height of structures.

B. Designation: A zoning map amendment ~~attaching any of the conditions set forth in subsection A of under~~ this section shall be designated "~~z~~" ~~after the zoning classification~~ on the zoning map and any such conditions shall be placed on record with the planning commission and recorded with the city recorder.

C. Invalidation: ~~In the event if~~ If any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall will be void. Any deletion in or change to zoning conditions shall be ~~considered deemed~~ an amendment to this title and shall will be subject to the requirements of this section.

D. Applicability Of Attachment: The attachment of conditions to any zoning map amendment will shall not affect the applicability of other ordinance provisions. (Ord. 986, 10-20-1998, eff. 10-20-1998)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) See also [chapter 18](#) of this title for provisions regarding airport area special regulations.

[Footnote 2:](#) See also [chapter 10](#) of this title.

ARTICLE A. COMMERCIAL ZONES (C-1, C-2, C-3)

10-8A-1: PURPOSE AND INTENT:

The purpose of the C-1 neighborhood commercial, C-2 community commercial and C-3 regional commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the city. It is also to separate into three (3) zones uses based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory needs. (Ord. 673, 1-8-1980)

10-8A-2: SITE DEVELOPMENT STANDARDS:

	C-1	C-2	C-3
-	-	-	-
Minimum lot area	None	None	None
-	-	-	-
Minimum lot width	None	None	None
-	-	-	-
Minimum yard setbacks:	-	-	-
-	-	-	-
—Front—	20' for all buildings and walls or fences over 3' high	10'	10'
-	-	-	-
—Side—	None, except 10' adjacent to residential boundary		
-	-	-	-
—Side facing street on corner lot—	10'	10'	10'
-	-	-	-
—Rear—	None, except 10' where building rears on a residential zone or a street		
-	-	-	-
Building height:	-	-	-
-	-	-	-
—Minimum—	1 story	1 story	1 story

-	-	-	-
Maximum	2 1/2 stories or 35'	None	None
-	-	-	-
Maximum lot coverage	Not over 60% of lot area by buildings or accessory buildings	Not over 60% of lot area of buildings or accessory buildings	None

{Ord. 673, 1-8-1980; amd. Ord. 00-20, 11-7-2000, eff. 11-7-2000}

10-8A-3: SIGN REGULATIONS:

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in chapter 21 of this title. (Ord. 673, 1-8-1980)

10-8A-4: SPECIAL REGULATIONS:

A. Conditions Of Permitted And Conditional Uses: Hereinafter specified permitted and conditional uses shall be allowed only when the following conditions are complied with: (Ord. 673, 1-8-1980; amd. 2001 Code)

1. All manufacturing shall be done within a completely enclosed building.
2. All uses shall be free from objection because of odor, dust, smoke or noise.
3. In the C-1 neighborhood commercial zone no entertainment, except recorded music, shall be permitted in cafes, cafeterias, ice cream parlors or restaurants. (Ord. 673, 1-8-1980)

B. Car Wash¹: A car wash shall be allowed subject to the following restrictions: (Ord. 673, 1-8-1980; amd. 2001 Code)

1. Operation or use is forbidden between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
2. There shall not be more than four (4) washing bays for a manual spray car wash in C-1 zones only.
3. Off street vehicle storage required as follows:
 - a. One bay car wash: Four (4) spaces in the approach lane;
 - b. Two (2) bay car wash: Three (3) spaces in the approach lane for each wash bay;
 - c. Three (3) or more bay car wash: Two (2) spaces in the approach lane for each wash bay. (Ord. 673, 1-8-1980)

C. Dwelling Unit For Proprietor Or Night Watchman²: Dwelling unit for proprietor or night watchman and family, provided the following standards are met:

1. Landscaped areas for family with a minimum of one thousand eight hundred (1,800) square feet;
2. Landscaped area is fenced with six foot (6') fence;
3. Dwelling unit shall be separated from the business area;
4. Two (2) parking spaces shall be provided for family in addition to those required for business. (Ord. 853, 5-17-1994)

D. Temporary Bank Or Financial Institution³:

1. A temporary building may be allowed subject to the following restrictions:
 - a. The planning commission has approved a site plan for a permanent building and the site plan illustrates the location of the temporary building and all of the improvements that will be installed to facilitate the operation of the temporary building.

- b. A building permit for the permanent building is issued prior to the installation of the temporary building. The temporary building is removed upon approval of an occupancy permit for the permanent building by the building official.
- c. A time limit for the use may be set by the planning commission but shall not exceed the occupancy of the permanent building.
- d. A termination of the building permit shall require the removal of the temporary building. (Ord. 09-03, 1-20-2009, eff. 1-20-2009)

E. Short Term Lending Business: A short term lending business shall be allowed in commercial zones as set out in the use table in section [10-8A-5](#) of this article subject to the following restrictions:

1. No short term lending business may be located or operate within one thousand feet (1,000') of another.
2. No more than three (3) short term lending businesses may be licensed within the city. Preexisting, nonconforming uses may continue until the business ceases operation or experiences a change in ownership. (Ord. 13-14, 6-18-2013, eff. 6-18-2013)

10-8A-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 15](#) of this title. Uses designated "N" will not be allowed in that zone.

	C 1	C 2	C 3
-			
Accessory building and uses customarily incidental to a permitted use-	P	P	P
Air conditioning, sales and service-	N	N	P
Altering, pressing and repairing of wearing apparel-	P	P	P
Amusement arcade-	N	N	C
Amusement enterprises-	N	N	C
Animal hospital, small animals only and provided conducted within completely enclosed building-	N	N	C
Antique, import or souvenir shop-	P	P	P
Apartment, multi-family-	N	N	N
Archery shop and range, provided conducted within completely enclosed building-	N	P	P
Art and artists supply store-	P	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motorboats or motors-	P	P	P
Athletic club-	N	P	P
Auction establishment-	N	N	C
Auto gas station/convenience store-	P	P	P
Auto service center providing there is no outside storage of parts or materials and	N	P	P

any customer vehicles stored outside between seven o'clock (7:00) P.M. and six o'clock (6:00) A.M. shall be screened from view by a fence or wall			
Automobile, new or used, sales and service	N	C	P
Automobile parts 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
Awning sales and service	P	P	P
Baby formula service	P	P	P
Bakery manufacture limited to goods retailed on premises	P	P	P
Bank or financial institution, including temporary bank or financial institution	P	P	P
Barbershop	P	P	P
Bath and massage establishment	N	P	P
Beauty culture school	N	C	P
Beauty parlor for cats and dogs	P	P	P
Beauty shop	P	P	P
Beer parlor, sale of draft beer⁴	N	N	C
Bicycle sales and service	P	P	P
Billiard parlor	N	N	P
Blueprinting and photostating	P	P	P
Boarding house	N	C	P
Boat sales and service	N	C	P
Body art (tattooing)	N	P	N
Bookbinding	N	N	P
Bookstore, retail	P	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	C	P
Boxing arena	N	N	P
Building materials sales or yard	N	N	P
Bus terminal	N	P	P

Cafe or cafeteria-	P	P	P
Camera store-	P	P	P
Candy manufacture-	N	N	P
Candy store, confectionery-	P	P	P
Car wash ⁵ , laundry type-	N	C	P
Car wash ⁶ , manual spray-	C	P	P
Carbonated water sales-	N	N	P
Carpet, rug and linoleum service-	P	P	P
Cash register sales and service-	P	P	P
Catering establishment-	P	P	P
China, crystal and silver shop-	C	P	P
Christmas tree sales-	P	P	P
Church-	N	C	P
Church, temporary revival-	N	C	C
Circus, carnival or other transient amusement-	N	N	C
Cleaning and dyeing establishment-	P	P	P
Clinics, medical or dental-	P	P	P
Clothing and accessory store-	P	P	P
Cluster sign-	P	P	P
Coal and fuel sales office-	N	N	P
Communication equipment building-	N	P	P
Contractor shop, provided work conducted within a completely enclosed building-	N	N	P
Costume rental-	P	P	P
Dairy products store-	P	P	P
Dance hall-	N	N	C
Data processing service and supplies-	P	P	P
Delicatessen-	P	P	P
Department store-	N	P	P

Detective agency-	P	P	P
Diaper service, including cleaning-	N	P	P
Drapery and curtain store-	P	P	P
Drive it yourself agency or business-	N	P	P
Drug store-	P	P	P
Dry cleaning establishment-	P	P	P
Dry cleaning pick up station-	P	P	P
Dwelling unit for proprietor or night watchman and family²-	C	C	C
Educational institution-	N	P	P
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted-	P	P	P
Electrical and heating appliances and fixtures sales and service-	P	P	P
Employment agency-	P	P	P
Express and transfer service-	N	N	C
Fabric and textile store-	P	P	P
Farm implement sales-	N	N	P
Film exchange establishment-	P	P	P
Five and ten cent store-	P	P	P
Florist shop-	P	P	P
Frozen food lockers, incidental to a grocery store or food business-	P	P	P
Fruit store or stand-	P	P	P
Fur apparel sales, storage or repair-	N	P	P
Furniture sales and repair-	P	P	P
Garden supplies and plant materials sales-	P	P	P
Gift store-	P	P	P
Glass sales and service-	N	P	P
Government buildings or uses, nonindustrial-	C	P	P
Greenhouse and nursery; soil and lawn service-	P	P	P

Grocery store-	P	P	P
Gunsmith-	N	P	P
Gymnasium-	N	P	P
Hardware store-	P	P	P
Health club-	N	P	P
Health food store-	P	P	P
Heliport-	N	C	C
Hobby and crafts store-	P	P	P
Hospital supplies-	N	C	P
Hotel-	N	C	P
House cleaning and repair-	P	P	P
House equipment display-	N	P	P
Household appliance sales and service-	P	C	P
Household pets, dwelling units only-	P	P	P
Ice cream manufacture-	N	N	P
Ice cream parlor-	P	P	P
Ice manufacture and storage-	N	N	P
Ice store or vending station-	P	P	P
Indoor storage units-	N	P	P
Insulation sales-	N	P	P
Insurance agency-	P	P	P
Interior decorating and design-	P	P	P
Janitor service and supply-	P	P	P
Jewelry store sales and service-	P	P	P
Knitting mills-	N	N	C
Laboratory, dental and medical-	P	P	P
Launderette or laundromat-	P	P	P
Laundry or dry cleaners, laundromat type-	P	P	P

Laundry or dry-cleaning establishment-	N	N	P
Lawn-mower sales and service-	P	P	P
Leather goods, sales and service-	P	P	P
Legal office-	P	P	P
Library-	P	P	P
Linen store-	P	P	P
Linen supply service-	N	N	P
Liquor store ^g -	N	C	C
Locksmith-	P	P	P
Lodge or social hall-	N	P	P
Lodging house-	N	C	P
Lounge ^g -	N	N	C
Luggage store-	P	P	P
Lumberyard-	N	N	C
Machine shop operations incidental to any use permitted in C-3 zone-	N	N	P
Manufacture of goods retailed on premises-	N	C	C
Meat, fish and seafood store-	P	P	P
Medical office-	P	P	P
Millinery-	N	P	P
Miniature golf-	N	N	C
Mobile food business-	P	P	P
Mobile food business in the public right of way-	P	P	P
Mobile food court-	P	P	P
Mobile home sales lot and service-	N	N	P
Monument works and sales-	N	P	P
Mortuary-	N	C	P
Motel-	N	C	P
Motorcycle and motor scooters, sales and service-	N	C	P

Museum-	C	P	P
Music store-	P	P	P
Needlework, embroidery or knitting store-	P	P	P
Newsstand-	P	P	P
Nightclub or social club-	N	N	P
Notions store-	P	P	P
Novelty store-	P	P	P
Nursery school-	C	P	P
Office in which goods or merchandise are not commercially created, exchanged or sold-	N	P	P
Office machines sales and service-	P	P	P
Office supply-	P	P	P
Oil burner shop-	N	N	C
Optometrist, optician or oculist-	P	P	P
Ornamental iron sales or repair-	N	C	P
Outcall services¹⁰-	N	P	P
Paint and wallpaper store-	P	P	P
Paperhanger shop-	N	P	P
Park and playground-	P	P	P
Parking lot or garage for passenger automobiles-	C	C	C
Pawnshop-	N	N	P
Penny arcade-	N	N	C
Pest control and extermination-	P	P	P
Pet and pet supply store-	P	P	P
Pharmacy-	P	P	P
Photo studio-	P	P	P
Photographic supplies-	P	P	P
Physician or surgeon-	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
Popcorn or nut shop-	P	P	P
Post office-	C	P	P
Printing, lithographing, publishing or reproductions, sales and service-	P	C	P
Private club-	N	P	P
Professional office-	P	P	P
Public utilities substation-	C	C	C
Radio and television, sales and service-	C	P	P
Radio, television or FM broadcasting station-	N	P	P
Real estate agency-	P	P	P
Reception center or wedding chapel-	N	C	P
Recreation center-	N	C	P
Recreational vehicle storage-	C	C	P
Rental agency for home and garden equipment-	N	P	P
Restaurant, drive in-	N	P	P
Rollerskating rink-	N	C	P
Roofing sales or shop-	N	P	P
Secondhand store-	N	P	P
Seed and feed store, retail-	N	P	P
Sewing machine sales and service-	P	P	P
Sexually oriented businesses²⁴-	N	N	P
Sheet metal shop and retinning, provided all operations conducted within completely enclosed building-	N	N	C
Shoe repair and shine shop-	P	P	P
Shoe store-	P	P	P

Shooting gallery-	N	N	P
Short term lending business-	P	P	P
Supermarket-	P	P	P
Tailor shop-	P	P	P
Tavern-	N	N	P
Taxicab stand-	P	P	P
Taxidermist-	N	P	P
Telegraph office-	P	P	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work-	P	P	P
Theater, indoor-	N	P	P
Theater, outdoor-	N	N	C
Tire recapping or retreading sales and services-	N	N	C
Tobacco shop-	P	P	P
Tool design (precision), repair and manufacture-	N	N	C
Toy store, retail-	P	P	P
Trade or industrial school-	N	C	P
Trailer agency-	P	P	P
Trailer sales and service-	N	N	P
Truck terminal-	N	N	C
Upholstery shop-	C	P	P
Variety store-	P	P	P
Vegetable store or stand-	P	P	P
Ventilating equipment sales and service-	N	C	P
Warehouse storage-	N	N	P
Weather stripping shop-	N	P	P
Wedding chapel-	C	P	P
Welding shop-	N	N	C

Wholesale business	N	N	P
Window washing establishment	P	P	P

~~(Ord. 673, 1-8-1980; amd. Ord. 708, 12-13-1983; Ord. 853, 5-17-1994; Ord. 928, 11-18-1997; Ord. 950, 4-21-1998, eff. 4-21-1998; Ord. 00-20, 11-7-2000, eff. 11-7-2000; Ord. 01-02, 1-16-2001, eff. 1-16-2001; 2001 Code; Ord. 01-21, 8-7-2001, eff. 8-7-2001; Ord. 04-01, 1-6-2004, eff. 1-6-2004; Ord. 07-08, 4-3-2007, eff. 4-3-2007; Ord. 09-03, 1-20-2009, eff. 1-20-2009; Ord. 09-04, 1-20-2009, eff. 1-20-2009; Ord. 12-07, 6-5-2012, eff. 6-5-2012; Ord. 13-14, 6-18-2013, eff. 6-18-2013; Ord. 13-26, 12-17-2013, eff. 12-17-2013; Ord. 16-01, 1-19-2016, eff. 1-19-2016)~~

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See also designation under section [10-8A-5](#) of this article for uses.

[Footnote 2](#): See also designation under section [10-8A-5](#) of this article for uses.

[Footnote 3](#): See also designation under section [10-8A-5](#) of this article for uses.

[Footnote 4](#): See also [title 3, chapter 2](#) of this code for liquor control regulations.

[Footnote 5](#): See also subsection [10-8A-4B](#) of this article for special regulations.

[Footnote 6](#): See also subsection [10-8A-4B](#) of this article for special regulations.

[Footnote 7](#): See also subsection [10-8A-4C](#) of this article for special regulations.

[Footnote 8](#): See also [title 3, chapter 2](#) of this code for liquor control regulations.

[Footnote 9](#): See also [title 3, chapter 2](#) of this code for liquor control regulations.

[Footnote 10](#): See also chapter 22 of this title.

[Footnote 11](#): See also chapter 22 of this title.

ARTICLE A. ~~MANUFACTURING ZONE (M-1)~~

~~10-9A-1: PURPOSE AND INTENT:~~

~~The purpose of the manufacturing zone is to provide suitable areas that will accommodate the need for manufacturing and its associated accessory uses. (Ord. 673, 1-8-1980)~~

~~10-9A-2: PERMITTED USES:~~

~~Accessory uses and buildings customarily incidental to a permitted use.~~

~~Agriculture.~~

~~Animal hospitals.~~

~~Animals and fowl for family food production.~~

~~Any use permitted in a C-3 zone, except dwelling units.~~

~~Boat building.~~

~~Book binding.~~

~~Bottling works, soft drinks.~~

~~Carpenter shop, cabinet shop.~~

~~Carpet and rug cleaning and dyeing.~~

~~Coal, fuel and wood yards.~~

~~Construction of buildings to be sold and moved off the premises.~~

~~Dairy.~~

~~Dwelling unit for watchman and his family.~~

~~Egg handling, processing and sales.~~

~~Electric appliances and/or electronic instrument assembling.~~

~~Express office.~~

~~Garage, public.~~

~~Honey extraction.~~

~~Ice manufacturing and storage.~~

~~Kennel.~~

~~Knitting mill.~~

~~Laboratory.~~

Laundry.

Lithographing, including engraving and photo-engraving.

Machine shop.

Manufacturing and maintenance of the following:

Business machines.

Cameras and photographic equipment.

Electric and neon signs, billboards and/or commercial advertising structures.

Light sheet metal products, including heating and ventilating ducts and equipment.

Musical instruments.

Novelties.

Rubber and metal stamps.

Toys.

Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials:

Canvas.

Cellophane.

Cloth.

Cork.

Felt.

Shell.

Straw.

Textile.

Wood.

Yarn.

Manufacturing, compounding, processing, packing and treatment of the following products:

Baker goods.

Candy.

Dairy products.

Pharmaceuticals.

Mobile food business.

Mobile food business in the public right of way.

~~Mobile food court.~~

~~Monument work.~~

~~Motion picture studio.~~

~~Motor vehicles, trailers, bicycles and machinery repairing, rentals and sales and reconditioning.~~

~~Outcall services¹.~~

~~Parking lot.~~

~~Planing mills.~~

~~Printing, including engraving and photoengraving, blueprinting, photostating and duplicating.~~

~~Public and quasi-public uses.~~

~~Radio and television transmitting towers.~~

~~Sandblasting.~~

~~Service station.~~

~~Sexually oriented businesses².~~

~~Sign painting shop.~~

~~Temporary building for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.~~

~~Tire retreading and/or vulcanizing.~~

~~Transfer company.~~

~~Upholstering, including mattress manufacturing, rebuilding and renovating.~~

~~Used car lot.~~

~~Veterinary, and hotel and beauty parlors for cats and dogs.~~

~~Warehouse.~~

~~Weaving.~~

~~Welding shop.~~

~~Wholesale business. (Ord. 673, 1-8-1980; amd. 2001 Code; Ord. 16-01, 1-19-2016, eff. 1-19-2016)~~

10-9A-3: CONDITIONAL USES:

~~The following uses shall be allowed only when authorized by a conditional use permit as provided~~

in chapter 15 of this title:

Any conditional use allowed in a C-3 zone, except dwelling units.

Airport.

Battery manufacture.

Blacksmith shop.

Building materials sales yard, including the sale of rock, sand, gravel and the like, as an incidental part of the main business, but excluding concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section.

Contractors equipment storage yard or rental of equipment used by contractors.

Drying, freighting or trucking yard or terminal.

Fertilizer and soil conditioner manufacture, processing and/or sales, providing only nonanimal products and byproducts are used.

Foundry, casting lightweight, nonferrous metal without causing noxious odors or fumes.

Glass manufacturing.

Manufacture of brick and all clay, ceramic, cinder, concrete, synthetic, cast stone, plastic and pumice stone products, including the manufacture or fabrication of building blocks, tile or pipe from raw material for use in building construction or for sewer or drainage purposes, and including rock or gravel crushing of raw materials which is incidental to the manufacture or fabrication of the above described products; and provided, that such crushing facilities shall be located not closer than two hundred feet (200') to any property line.

Manufacturing, compounding and treatment of articles of merchandise from the following previously prepared materials:

Bone.

Feathers.

Fiber.

Fish.

Glass.

Hair.

Horn.

Leather.

Paint.

Paper.

~~Plastic.~~

~~Rubber.~~

~~Tobacco.~~

~~Manufacturing, compounding, processing, packing and treatment of the following products:~~

~~Cosmetics.~~

~~Food products, excluding the following: fish, sauerkraut, pickles, vinegar, yeast, the rendering of fat.~~

~~Toiletries.~~

~~Meat products smoking, curing and packing; provided, that no objectionable fumes are emitted. (Ord. 673, 1-8-1980; amd. Ord. 928, 11-18-1997; 2001 Code)~~

10-9A-4: SITE DEVELOPMENT STANDARDS:

~~A. Minimum lot area, three thousand (3,000) square feet.~~

~~B. Minimum lot width, forty feet (40').~~

~~C. Minimum yard setbacks:~~

~~1. Front, twenty feet (20').~~

~~2. Side, none, except twenty feet (20') adjacent to a residential zone boundary.~~

~~3. Rear, none, except twenty feet (20') where building rears on a residential zone.~~

~~D. Building height:~~

~~1. Minimum, one story.~~

~~2. Maximum, none.~~

~~E. Lot coverage, not over eighty percent (80%) of lot area by buildings. (Ord. 673, 1-8-1980)~~

Footnotes — Click any footnote link to go back to its reference.

Footnote 1: See also chapter 22 of this title.

Footnote 2: See also chapter 22 of this title.

Chapter 14
REGULATIONS APPLICABLE TO ALL ZONES

10-14-1: APPLICABILITY:

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations contained elsewhere in this title. (Ord. 673, 1-8-1980)

10-14-2: ADDITIONAL USE REGULATIONS:

A. The requirements of this title ~~as to regarding~~ minimum site development standards ~~will shall~~ not be construed to prevent ~~the use for~~ a single-family dwelling of any parcel ~~of upon~~ land ~~if in the event~~ such parcel was held in separate ownership prior to May 15, 1964.

B. Any use not expressly permitted, or listed as a conditional use, is prohibited. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-14-3: ADDITIONAL MAIN BUILDING REGULATIONS:

Every main building shall be located and maintained on a "lot", as defined in section [10-2-1](#) of this title, and every lot shall have the required frontage on a "street", as defined in section [10-2-1](#) of this title, or upon a right of way or access strip of not less than sixteen feet (16') wide as approved by the ~~board of adjustment~~ [hearing officer](#). (Ord. 673, 1-8-1980)

10-14-4: ADDITIONAL YARD REGULATIONS:

A. No required yard or other open space around an existing building or which is hereafter provided around any building, ~~in order to comply for the purpose of complying with the provisions of~~ this title, ~~will shall~~ be ~~considered deemed~~ as providing a yard or open space for any other building; nor ~~will shall~~ any yard or other required open space on an adjoining lot be ~~considered as providing deemed to provide~~ a yard or open space on a lot whereon a building is to be erected or established.

~~B. On any lot under a separate ownership from adjacent lots and of record at the time of the initial enactment of the zoning ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the following regulations shall apply:~~

- ~~1. For interior lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width; provided, that in no case shall the smaller of the two (2) side yards be less than five feet (5') or the larger less than eight feet (8').~~
- ~~2. On corner lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width; provided, that in no case shall the side yard on the street side be less than fifteen feet (15') in R-1-10, R-1-8, R-1-6, R-2 and R-3 zones, or less than ten feet (10') in R-4 and R-5 zones, and the other side yard shall be not less than five feet (5') in all residential zones.~~

~~C. On any interior lot where a private garage containing a sufficient number of parking spaces to meet the requirements of this title has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any corner lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen feet (15'), provided the garage also has a rear yard of at least fifteen feet (15'). (Ord. 673, 1-8-1980)~~

~~B.D.~~ Every part of a required yard ~~shall will~~ be open to the sky and unobstructed except for:

1. The ordinary projections of sills, belt courses, cornices and other ornamental features, chimneys and flues, eave overhangs; and (Ord. 08-10, 3-18-2008, eff. 3-18-2008)

Comment [LK1]: This section should be moved to chapter 16 – Nonconforming Uses and Structures and add Lots to title.

2. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers which may project into a yard not more than five feet (5'); and
3. Accessory buildings in a rear yard; and (Ord. 808, 9-11-1990)

4. Accessory buildings ~~shall~~ will be measured from edge of eave to eave to property line.

~~5. Patios and uncovered decks. Decks may extend into the rear yard ten feet (10'). A deck that extends more than ten feet (10') into the rear yard and is more than three feet (3') above grade shall require a conditional use approval by the planning commission. Only adjoining property owners shall be notified of the conditional use hearing. No rear yard shall be covered by more than 50% or 750 square feet, whichever is less. Patios and Uncovered decks. Uncovered decks may extend into the rear yard setback ten feet (10'). A deck that extends more than ten feet (10') into the rear yard and is more than three feet (3') above grade shall require a conditional use approval by the planning commission. Only adjoining property owners shall be notified of the conditional use hearing.~~

Comment [LK2]: Check with Jeff to see if he's ok with eliminating this and check on square footage.

6. The side yard of a dwelling may be used for parking licensed vehicles; however, the side yard adjoining the street of a corner lot ~~shall~~ must be landscaped a minimum of within ten feet (10') ~~of inside~~ the property line. (Ord. 08-10, 3-18-2008, eff. 3-18-2008)

CE. No accessory building nor group of accessory buildings in any residential zone will ~~shall~~ cover more than twenty five percent (25%) of the rear yard.

DF. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be conveyed away from such lot or building, except as permitted by the city building official and subject to appeal to city's hearing officer ~~except as permitted by the board of adjustment~~, and any attempted conveyance or lease in violation hereof shall be void.

Comment [KDB3]: this language, in this paragraph and the one below, are intended to: 1) maintain some consistency throughout the code; and, 2) focus on an executive staff decision (whether it be the city engineer or the city building official) subject to approval or appeal to the hearing officer.

EG. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except as permitted by the city building official and subject to appeal to city's hearing officer, ~~except by permit of the board of adjustment~~. (Ord. 673, 1-8-1980; amd. Ord. 808, 9-11-1990)

Comment [LK4]: Check with Bradshaw

Comment [LK5]: Check with Bradshaw

10-14-5: ADDITIONAL HEIGHT REGULATIONS:

A. Specified: Penthouse or roof structures for ~~the~~ housing ~~of~~ elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks and water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits prescribed in the zone height regulations, but no space above the height limit ~~shall~~ will be allowed to provide for the purpose of providing additional floor space, and no structure, howsoever denominated, of a height greater than the heights are permitted above the maximum allowed under airport area height provisions, shall be permitted or maintained. (Ord. 673, 1-8-1980)

B. Minimum For Dwellings; Maximum For Accessory: No dwelling will ~~shall~~ be erected to a height less than ten feet (10') and no accessory building in a residential zone will ~~shall~~ be erected to a height greater than nineteen feet (19') ~~and or~~ one story. For nonvehicle accessory buildings, the walls will ~~shall~~ not exceed ten feet (10') high from the finished floor. For vehicle accessory buildings, the height of the eaves or cornice may be two feet (2') higher than the vehicle door but not to exceed fourteen feet (14'). (Ord. 06-05, 2-7-2006, eff. 2-7-2006)

10-14-6: ANIMALS AND FOWL:

No barn, coop, pen or corral will ~~shall~~ be maintained closer than one hundred feet (100') to any street, twenty five feet (25') to any lot line and seventy five feet (75') to any dwelling on an adjacent lot. (Ord. 673, 1-8-1980)

10-14-6-1: BEEKEEPING:

A. Definitions:

APIARY: Any place where one or more colonies of bees are located.

APIARY EQUIPMENT: Hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax or hives.

BEE: The common honeybee, *Apis mellifera*, at any state of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

BEEKEEPER: A person who owns or has charge of one or more colonies of bees.

BEEKEEPING: To hold a colony of bees in a hive for ~~the purpose of~~ pollination, honey production, study or similar purpose.

COLONY: Bees in any hive including queens, workers, or drones.

FLYWAY BARRIER: A solid fence or hedge used in beekeeping, at least six feet (6') in height extending ten feet (10') from the hive in each direction. It is used to force bees to fly at least six feet (6') above ground over neighboring property lines.

HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may ~~be used to~~ house bees.

B. Beekeeping In Residential Zones: An apiary, ~~comprising~~ ~~consisting~~ of not more than two (2) hives or an equivalent capacity, may be maintained in a rear yard (or side yard) of any residential lot. If a lot is one-half (0.5) acre or larger, the number of hives ~~located~~ on the lot may be increased up to four (4) hives.

1. Additional requirements:

a. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

2. Each beekeeper ~~shall~~ ~~must~~ be registered with the Utah department of agriculture and food as provided in the Utah bee inspection act ~~set forth~~ in [title 4, chapter 11](#) of the Utah Code, as amended.

3. Honeybee colonies ~~will~~ ~~shall~~ be kept in hives with removable frames, which ~~shall~~ ~~hives will~~ be kept in sound and usable condition.

4. Hives ~~will~~ ~~shall~~ be placed at least ten feet (10') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive.

5. Hives ~~will~~ ~~shall~~ be operated and maintained as provided in the Utah bee inspection act.

6. Each hive ~~will~~ ~~shall~~ be conspicuously marked with the owner's name, address, telephone number, and state registration number.

7. A hive ~~shall~~ ~~must~~ be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located between ten feet (10') and fifteen feet (15') from any property line, a flyway barrier ~~will~~ ~~shall~~ be established and maintained around the hive except as needed to allow access.

8. On all lots, if the apiary is ~~located~~ in an area that borders a public walk or street, the area ~~will~~ ~~shall~~ be separated from the public walk or street by a fence or wall.

9. Each beekeeper ~~must~~ ~~shall~~ ensure that a convenient source of water is available to the colony continuously. The water ~~must~~ ~~shall~~ be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

10. Each beekeeper ~~will~~ ~~shall~~ ensure that no bee comb or other apiary equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment ~~will~~ ~~shall~~ promptly be disposed of in a sealed container or placed within a building or other beeproof enclosure.

11. Each beekeeper ~~must~~ ~~shall~~ comply with all state laws and regulations pertaining to beekeeping.

12. Notwithstanding compliance with the ~~various~~ requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.
13. ~~In the event of~~ if a conflict ~~arises~~ between any regulation ~~set forth~~ in this chapter and bee management regulations adopted by the Weber County health department, the most restrictive regulations ~~will shall~~ apply.
14. The on site sale of honey or other products obtained through beekeeping operations ~~will shall~~ be limited to a period of two (2) consecutive weeks each year and limited to honey produced on site. (Ord. 17-02, 1-17-2017, eff. 1-17-2017)

10-14-7: BUILDING REGULATIONS:

Domestic water supply and sewage disposal shall comply with the Weber-Morgan County health department requirements in all applications for a building permit where either an approved supply of piped water under pressure, or a sewer, is not available. When a public sewer is not available, no building permit shall be issued for any lot less than twenty thousand (20,000) square feet in area, except by approval of the county board of health. (Ord. 673, 1-8-1980; amd. 2001 Code)

Comment [LK6]: Have Brad look at this.

10-14-8: FENCE HEIGHT REGULATIONS:

- A. Maximum Specified: No fence or other similar structure ~~may shall~~ be erected in any required front yard of a dwelling to a height in excess of four feet (4'); nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet (6').
- B. Corner Lots: On corner lots, no fence or other similar structure ~~may shall~~ be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'), except a six foot (6') high fence may be placed not less than ten feet (10') away from the property's side yard property line, with said fence not to extend further toward the front of the property than a point equal to the front line of the house. From the rear of the house to the front of the house a fence shall: (Ord. 08-10, 3-18-2008, eff. 3-18-2008)
1. Be made of a permanent material such as wrought iron or vinyl, excluding wood.
 2. The stiles of the fence shall not be greater than three-fourths inch ($\frac{3}{4}$ ") wide.
 3. The stiles of the fence shall be placed four inches (4") apart.
 4. The fence shall be clear view. No vegetation or materials may obstruct the view at any time.

Provided, however, that the hearing officer may grant special exceptions as provided for in subsection [10-4-6B](#) of this title, to allow fence types and fence heights of up to six feet (6') in height for public and semipublic buildings, including schools and churches, where ~~the hearing officer finds in its opinion~~: 1) the fence height is necessary for protection or safety of persons or property; 2) no significant adverse effect will be suffered by any surrounding property; and 3) the requirements of section [10-14-14](#) of this chapter are maintained. (Ord. 06-06, 2-7-2006, eff. 2-7-2006)

C. Difference In Elevation: Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence ~~will shall~~ be measured from a point halfway between the top of the retaining wall and the land on the lower side, or from the average elevation of the surface of the land on either side of the fence, but nothing herein contained ~~will shall~~ be construed to restrict a fence to less than four feet (4') in height measured from the surface of the land on the side having the highest elevation. (Ord. 08-10, 3-18-2008, eff. 3-18-2008)

D. Exceptions: The provisions of this section shall not apply to fences required by state law to enclose public utility installations and public schools. (Ord. 673, 1-8-1980)

10-14-9: LIGHTING:

A. Exterior Lighting: No spotlight or floodlight shall be installed in any way which will permit the direct rays of such light to penetrate into any residential zone or onto any property used for residential purposes.

B. Constituting Traffic Hazard: No light, sign or other advertising structure as regulated by this title shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, ~~because by reason of~~ the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or which makes use of the words "stop", "look", "drive-in", "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. (Ord. 673, 1-8-1980)

10-14-10: PRIVATE PARK, PLAYGROUND OR RECREATIONAL AREA:

In all residential zones, a private park, playground or recreation area with or without a swimming pool shall meet the following requirements:

A. Ownership: The lands and facilities used for such purpose shall be owned or leased and operated by a nonprofit corporation for the exclusive benefit of the members, their immediate families and nonpaying guests. (Ord. 673, 1-8-1980)

B. Sanitary Facilities: Adequate restrooms and sanitary facilities shall be provided and kept available for use by members, their families and guests, and shall be maintained in proper working order and in a clean and sanitary condition and in full compliance with the reasonable standards, rules and regulations established by the Weber-Morgan County health department. (Ord. 673, 1-8-1980; amd. 2001 Code)

C. Parking: Twenty five (25) off street parking spaces, or one off street parking space for each four (4) memberships in the operating corporation, whichever is greater, shall be provided on the lot devoted to the principal use, ~~as a private park, playground, or recreation area.~~

D. Hours: Operation or use of the recreational or other facilities provided is forbidden between the hours of eleven o'clock (11:00) P.M. to six o'clock (6:00) A.M., the next following day.

E. Setbacks: All facilities, equipment and building shall be set back not less than twenty feet (20') from any property line and shall be located not less than fifty feet (50') from any main building on an adjoining lot and from any area upon which any such main building may be constructed upon said adjoining lot if no such main building ~~exists -is in existence.~~

F. Lot Size: The minimum size of the lot or suite used for such recreational or other purposes shall be one acre.

G. Lighting: Any lights used to illuminate the premises shall be installed in such manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside ~~the said~~ premises. (Ord. 673, 1-8-1980)

10-14-11: PUBLIC UTILITY SUBSTATION:

In all residential zones, public utility substations shall meet the following requirements:

A. Lot Area: Each public utility substation in a residential zone shall be located on a lot not less than two thousand (2,000) square feet in area.

B. Yards: Each public utility substation in a residential zone shall be provided with a yard on each of the four (4) sides of the building not less than five feet (5') in width, except that for such stations ~~located on~~

lots fronting on a street abutted by one or more residential lots, the front yard, side yards and rear yard shall equal those required for a single-family residence in the same zone.

C. Street Access: Each public utility substation in a residential zone shall be located on a lot which has adequate access from a street, alley or easement.

D. Location To Be Approved: The location of a public utility substation in a residential zone shall be approved ~~subject to approval~~ by the planning commission. (Ord. 673, 1-8-1980)

10-14-12: SWIMMING POOL, FAMILY:

A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:

A. Location: The location of such family swimming pool or accessory machinery shall not be less than ten feet (10') from any interior property line. On corner lots, the distance from ~~the said~~ pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.

B. Enclosure: An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet (6') in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises. A substantial fence shall mean any fence that would not allow passage by any person and one that would feature a self-locking gate ~~if~~ ~~the event~~ a gate is utilized. (Ord. 789, 4-18-1989)

10-14-13: DAYCARE CENTER REGULATIONS:

A. State Statute Applicability: The regulations and licensing of daycare centers shall be in accordance with Utah Code ~~Annotated~~ title 62A, chapter 2, as amended, or as hereafter amended.

B. Fencing Of Outdoor Play Areas; Hours Of Use: All outdoor play areas shall be within a fenced area and shall be limited to use between the hours of eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M. Fence height shall be in accordance with section [10-14-8](#) of this chapter.

C. Parking: Sufficient off street parking shall be provided to satisfy the requirements of section [10-17-3](#) of this title. (Ord. 673, 1-8-1980)

10-14-14: CLEAR VIEW OF INTERSECTING STREETS:

~~In all~~ zones [In zones R-1, R-2, R-3 and their subzones](#), -which require a front yard, no obstruction to view in excess of three and one-half feet ($3\frac{1}{2}'$) in height, except a chainlink fence of not more than forty two inches (42") in height shall be placed on a corner lot within a triangular area formed by the street curb lines and a line connecting them at points forty feet (40') from the intersection of the back of the curbs except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal type identification signs. (Ord. 04-22, 10-19-2004, eff. 10-19-2004)

10-14-15: ZERO SIDE YARDS:

One zero side yard may be permitted when approved by the planning commission ~~and city council~~, and only if the following requirements are met:

A. The remaining one side yard is equal to the combined total of the required two (2) side yards of the zone in which it is located; and

B. No window or other similar opening shall be installed in the building or any accessory building along the side having a zero side yard; and

C. No zero side yard will be permitted on the lot side bordering on a nonresidential zone, or on a residential lot not utilizing zero side yard provisions; and

D. Use of the zero side yard is contingent upon development of or commitment to development of a zero side yard on adjacent lot. (Ord. 673, 1-8-1980)

10-14-16: RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY:

A. Purpose: ~~It is the intent of the city that~~ The city intends this section to ~~shall~~ be interpreted and applied in a manner that is consistent with title 57, chapter 21, Utah fair housing act, the Federal Fair Housing Amendments Act of 1988, 42 USC section 3601 et seq., title II of the Americans With Disabilities Act and the Rehabilitation Act.

B. Scope: If any group living arrangement, facility, residence, congregate living or other housing arrangement meets the definition of a residential facility for disabled persons as defined in section [10-2-1](#) of this title, the requirements of this chapter shall govern the same notwithstanding any conflicting provision of this title or this code. Except as provided herein, the requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, this code or other laws.

C. Permitted Uses:

1. Notwithstanding any contrary provision of this title, a residential facility for disabled persons shall be a permitted use in any zone where a group living arrangement is allowed either as a permitted or conditional use, subject to the same development standards as ~~are~~ applied to group living arrangements in this title.

2. In determining whether a group living arrangement is allowed, only those uses ~~currently and presently~~ allowed by ordinance shall be considered; variances, prior accommodations, preexisting nonconforming buildings, or preexisting nonconforming uses shall not be considered.

D. Reasonable Accommodation:

1. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation ~~necessary~~ to afford a disabled person an equal opportunity to use and enjoy a dwelling as required by the fair housing amendments act of 1988, title II of the Americans with disabilities act, the Utah fair housing act, the rehabilitation act, and any other federal or state law requiring a reasonable accommodation for a disabled person.

2. Any person or entity wanting a reasonable accommodation shall submit an application to the accommodation review committee (ARC) and shall in writing:

a. Provide the address of the property to which the accommodation will be applied;

b. Specify the accommodation requested, including the regulation(s), policy or procedure for which an accommodation is sought;

c. Explain why the accommodation is reasonable and ~~absolutely~~ necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

d. Provide all information necessary and sufficient for the findings ~~required set forth~~ in subsection D4 of this section.

3. The ARC shall evaluate all reasonable accommodation requests based on the criteria ~~required of an applicant by set forth in~~ subsection D4 of this section.

4. Within thirty (30) days after receipt of a complete application, the ARC shall issue a written decision on the requested reasonable accommodation. The ARC may either grant, grant with modifications, or deny a request for reasonable accommodation ~~under in accordance with~~ the following factors:

a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by a disabled person;

b. Whether the requested accommodation is necessary to afford disabled persons equal opportunity to use and enjoy a dwelling when compared to similarly situated persons or groups without a disability;

- c. Whether the requested accommodation would impose an undue financial or administrative burden on the city;
 - d. Whether the requested accommodation would require a fundamental alteration in the nature of the city's land use, zoning or building programs;
 - e. Whether the requested accommodation is reasonable;
 - f. Whether the request for accommodation would ~~cause result in~~ a dwelling being made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would ~~cause result in~~ substantial physical damage to the property of others; and
 - g. Any other relevant considerations under federal or state law.
5. If a reasonable accommodation request is denied, the decision may be appealed to the hearing officer in the manner provided for appeals of administrative decisions ~~set forth in~~ [chapter 4](#) of this title. The review of all such appeals, including any appeals from the hearing officer to the district court, shall be based upon the record presented to the ARC and shall not be de novo.
 6. A reasonable accommodation shall not be deemed a variance or to run with the land.
 7. If the ARC fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by subsection D4 of this section, the request shall be deemed denied based upon the insufficiency of the applicant's information to satisfy the criteria ~~set forth in~~ subsection D4 of this section.
 8. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
 9. It is the applicant's burden to demonstrate that the accommodation is necessary and reasonable under the standards and definitions set forth in federal and state law, including federal and state case law.

E. Accommodation Review Committee (ARC):

1. The purpose of the ARC is to assure that all reasonable accommodation requests comply with ~~the provisions of~~ this title and that all decisions on reasonable accommodation requests are reviewed and handled in compliance with this title, the Fair Housing Amendments Act of 1988, title II of the Americans With Disabilities Act, the Utah Fair Housing Act, the Rehabilitation Act, and any other federal or state law requiring a reasonable accommodation for a disabled person.
2. The ARC shall consist of five (5) members: the city manager, the fire chief, the chief building official, and the city attorney or their designee(s). The police chief, the city engineer, the public works director and any other person(s) designated by the ARC shall serve as advisors to the ARC.
3. The city manager shall serve as the chairperson of the ARC.
4. The ARC may establish procedures for ~~preparing the preparation of~~ its agendas, the scheduling of meetings, and the conduct of meetings and field trips, if any.
5. The ARC may retain the services of any other outside professionals or technical experts to help evaluate any and all requests for accommodation. (Ord. 16-20, 12-6-2016)

10-14-17: TELEVISION SATELLITE DISH ANTENNAS:

Building permits are required for TSDAs and shall comply with the following regulations:

A. Location:

1. In any residential zone, TSDAs shall be located only in the rear yard of any lot. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the roof or side yard (except side yards facing the street on a corner lot) as a special exception by approval of the planning commission.
2. In any commercial or manufacturing zone, TSDAs may be located on the roof or in the rear or side yards. They may be permitted in the front yard or on a side yard facing the street on a corner lot as a special exception by approval of the planning commission when a usable satellite signal cannot be obtained in an otherwise approved location.

3. All TSDAs shall have setbacks of at least ten feet (10') from the property lines in rear yards. The setback shall be measured from the property lines to the nearest point of the antenna. The distance for rotating dish antennas shall be measured from the nearest point of the antenna in its closest rotational configuration.

B. Antenna Size: No TSDA shall exceed twelve feet (12') in diameter in a residential zone. However, upon the approval and issuance of a conditional use permit from the planning commission, business and professional offices located in residential R-4 and R-5 zones may install a TSDA which exceeds the twelve foot (12') diameter where there is a finding made of no adverse impact to adjoining properties.

C. Antenna Height: No antenna attached to a structure shall exceed the building height limitation in its respective zone.

D. Construction Standards:

1. All antennas in a residential zone shall be located and designed to reduce the visual impact from surrounding properties at street level and from public streets by appropriate screening (i.e., landscaping, fencing, etc.).

2. All antennas shall be erected in a secure and wind resistant manner.

3. Every antenna must be adequately grounded for protection against a direct strike of lightning.

E. Temporary Television Satellite Antennas: Temporary TSDAs may be located on the property for a total of thirty (30) days, subject to the provisions of subsections A2 and A3 of this section. (Ord. 845, 4-6-1993)

Comment [LK7]: Needs to be updated! Check to see if we have regulations for ham radio antennas.

10-14-18: DRIVEWAY APPROACH:

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. 973, 7-21-1998)

Comment [LK8]: Put 2nd Driveway policy in policies folder.

10-14-19: LANDSCAPE AND MAINTENANCE OF DEVELOPED LAND:

A. Required: ~~All Construction~~ on land approved for development in the city will ~~shall~~ be undertaken ~~constructed~~ as required by city ordinances and the planning commission or city council. Land remaining on developed sites ~~that is~~ not covered with structures or impervious surfaces such as driveways, walks, courts, landscape features (sculptures, boulders, etc.), shall be landscaped with live plant material and irrigated ~~with an appropriate~~ a system to maintain plants in a healthy, growing condition, compatible with the general neighborhood appearance.

B. Residential Yard Areas: Landscaping shall be installed in all required residential yard areas adjoining a public or private street within eighteen (18) months of occupancy. Landscaping of a residential site shall consist of a combination of trees, shrubs, grass and an irrigation system. (Ord. 972, 7-7-1998, eff. 7-7-1998)

C. Failure To Comply: Owners/operators of commercial property not landscaped or maintained as required by the planning commission, ~~under the criteria established in this code~~ may have their business licenses revoked. Owners of residential property not landscaped or maintained as required are subject to prosecution for a class C misdemeanor, and upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 972, 7-7-1998, eff. 7-7-1998; amd. 2001 Code)

10-14-20: SALE OF A DWELLING UNIT IN A MULTIPLE-UNIT BUILDING:

Two (2) or more units in a building may be divided into lots with a permanent homeowners' association or covenants as appropriate, if all building codes and other applicable city ordinances are complied with. The planning commission may require additional lot improvements as needed to make the site

compatible with neighboring lots or provide amenities for future owners. (Ord. 09-15, 10-20-2009, eff. 10-20-2009)

10-14-21: GROUP LIVING ARRANGEMENTS:

A. Group living arrangements which are not expressly permitted within a zone or by the zoning ordinance are expressly prohibited.

~~B. Group living arrangements are a permitted use in only the following zones:~~

~~R-4
R-4A
R-5
R-5A
R-5B
R-5C~~

~~B.C. Group living arrangements are a conditional use in only ~~the following zones:~~~~

~~C-2
C-3
C-3ze(A)
CP-2
CP-3
CP-3 ze(A)~~

~~t~~The following subdistricts of the City Center ~~/and~~ 40th Street ~~corridor~~ and Commercial Areas form based codes:

City center "core"
City center "general"
Riverdale Road "general"
40th Street "general"
[Commercial General A](#)
[Commercial General B](#)
[Commercial Neighborhood](#)

D. No group living arrangement shall be allowed, established or maintained within the city if it is located or proposed to be located within a two thousand six hundred forty foot (2,640') radius of any other group living arrangement, whether located in the city, county, state, or a surrounding municipality. (Ord. 16-20, 12-6-2016)

Chapter 15 CONDITIONAL USES

10-15-1: PURPOSE AND INTENT:

This chapter sets forth requirements for considering and approving conditional use permits [in the R-1, R-2, R-3, R-3A, and O-1](#). [See Chapter 5.1 Form Base Code for conditional use requirements for all other zones/subdistricts](#). ~~The purpose of~~ A conditional use permit ~~is to~~ allow evaluation of a land use proposed at a particular location to determine if the use may detrimentally affect the city, surrounding neighbors, or adjacent land uses. Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-2: AUTHORITY:

The planning commission ~~is authorized to~~ ~~may~~ approve, deny, or revoke conditional use permits as provided in this chapter. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-3: CONDITIONAL USE PERMIT REQUIRED

A conditional use permit shall be required for any land use listed as a conditional use in the zone regulations set forth in this title. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-4: REVIEW PROCEDURE:

A. Application: Application for a conditional use permit shall be made to the planning commission via assigned city staff using application forms provided by the city.

B. Information Required: At a minimum, detailed location, site, and building plans shall accompany an application for a conditional use. For a conditional use ~~located~~ in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting following receipt of the completed application.

D. Public Hearing: The planning commission may hold a public hearing on any application if it is deemed ~~to be~~ in the public interest. If a public hearing is held, notice of the public hearing shall be sent at least ten (10) calendar days to the record owner of each parcel located within five hundred feet (500') of the property seeking a conditional use regardless of whether such property is located within the jurisdictional boundaries of the city. The planning commission shall take action on the application by the second meeting of the planning commission after the application filing date. (Ord. 16-18, 9-6-2016, eff. 9-6-2016)

10-15-5: PLANNING COMMISSION ACTION:

A. Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the use ~~under pursuant to~~ the standards ~~set forth in~~ of section [10-15-6](#) of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

1. The use is not an ~~authorized~~ conditional use in the zone where the use is proposed to be located.
2. The use does not comply with the regulations and conditions specified in this title for such use; or

3. The anticipated detrimental effects of the use cannot be substantially mitigated by ~~imposing the imposition of~~ reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the planning commission may consider any of the factors ~~apply set forth~~ in section [10-15-6](#) of this chapter that may ~~be applicable~~ and then determine whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The planning commission may require an applicant to provide reasonably available information that the planning commission considers necessary to address such factors. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-6: CONDITIONAL USE STANDARDS:

This section sets forth standards ~~to determine for determining~~ whether a conditional use will have any detrimental effect and if the requested use should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, ~~relate be relevant~~ to a particular conditional use, as requested or as proposed to be applied given the character of the sited, and adjacent uses, the planning commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use. Any use not expressly permitted, or listed as a conditional use, is prohibited.

A. General Plan: The proposed use conforms to applicable policies of the city's general plan.

B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.

C. Access: Access to the site ~~avoids is designed to avoid~~ traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.

D. Circulation: On site vehicle circulation and truck loading areas ~~are designed to~~ mitigate adverse impacts to adjacent property.

E. Parking: The location and design of off street parking complies with applicable standards of this title.

F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.

G. Utility Services: Utility capacity is sufficient to support ~~the~~ use at normal service levels.

H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.

I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely ~~affect impact~~ surrounding uses.

J. Signs: Sign size, location, and lighting are compatible with, and are not likely to adversely impact, surrounding uses.

K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to ~~support use at normal service levels serve the use~~.

L. Environmental Impact: The use does not significantly ~~impact~~ affect the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.

M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-7: NOTICE OF DECISION:

Within ten (10) days after the planning commission makes a final decision to approve or deny a conditional use permit, staff ~~shall~~ will send written notice ~~thereof~~ to the applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the city recorder. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-8: APPEAL OF DECISION:

Any person adversely affected by a final decision of the planning commission regarding a conditional use permit may appeal such decision to the hearing appeals officer as provided in section [10-4-3](#) of this title. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-9: EFFECT OF APPROVAL:

A conditional use permit shall not relieve an applicant from obtaining any other authorization, permit, or license required under this title or any other title of this code. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-10: AMENDMENT:

A conditional use permit may be amended ~~subject to~~ by following the original approval procedure set forth in this chapter. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-11: TRANSFER OF PERMIT:

A conditional use permit may be transferred so long as the use ~~conducted~~ authorized conditional ~~thereunder~~ conforms to the terms of the permit. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:

The building official shall ensure development under a conditional use permit is undertaken and completed in compliance with the permit and any conditions pertaining thereto. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-13: PERIODIC REVIEW:

The planning commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-14: REVOCATION:

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

1. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use.
2. The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.

3. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder Or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the planning commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

10-15-15: EXPIRATION:

A. Substantial Action: A conditional use permit shall expire one year after issuance unless substantial action, as determined by the planning commission, is taken to implement the permit. Upon request by the holder or user of a permit, filed with the building official prior to the expiration date, the planning commission may grant a maximum extension not to exceed six (6) months.

B. Cessation Of Use: Once substantial action has been taken under a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one year (365 calendar days) or more. The permit holder shall be given written notice that the permit has expired. (Ord. 15-22, 10-6-2015, eff. 10-6-2015)

Chapter 16

NONCONFORMING BUILDINGS AND USES¹

10-16-1: NONCOMPLYING STRUCTURES:

A. Maintenance, Repairs And Upkeep:

1. A noncomplying structure may be maintained.
2. Repairs and structural alterations may be made to a noncomplying structure.
3. A noncomplying structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion.

B. Additions, Enlargements And Moving:

1. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located, except by permit of the ~~board of adjustment~~ hearing officer or as herein provided.
2. No noncomplying structure shall be moved in whole or in part to any other location on the lot, except by permit of the ~~board of adjustment~~ hearing officer as herein provided, unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.
3. Notwithstanding the provisions of subsection B1 of this section, an existing dwelling, noncomplying as to side yard requirement but having minimum side yard of not less than three feet (3') may be extended in depth along the noncomplying structure line to the extent of one-half ($\frac{1}{2}$) the length of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling units in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located.

10-16-2: NONCOMPLYING LOTS

A. Notwithstanding the provisions of subsection 10-16-1B(1), on any lot under a separate ownership from adjacent lots and of record at the time of the initial enactment of the zoning ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the following regulations shall apply:

1. For interior lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width; provided, that in no case shall the smaller of the two (2) side yards be less than five feet (5') or the larger less than eight feet (8').
2. On corner lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width; provided, that in no case shall the side yard on the street side be less than fifteen feet (15') in R-1-10, R-1-8, R-1-6, R-2 and R-3 zones, or less than ten feet (10') in R-4 and R-5 zones, and the other side yard shall be not less than five feet (5') in all residential zones.

B. On any interior lot where a private garage containing a sufficient number of parking spaces to meet the requirements of this title has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any corner lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen feet (15'), provided the garage also has a rear yard of at least fifteen feet (15'). (Ord. 673, 1-8-1980)

C. Abandonment By Nonuse: A noncomplying structure or portion thereof shall be deemed abandoned by nonuse during a continuous period of one year. If a nonconforming building or structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a

Comment [LK1]: I added this language after talking to Mr. Bradshaw.

use which conforms to the use regulations of the zone in which it is located. (Ord. 06-10, 3-7-2006, eff. 3-7-2006)

10-16-32: NONCONFORMING USE OF STRUCTURES:

A. Use Continued: The nonconforming use of a structure existing at the time the applicable zoning regulations became or becomes effective may be continued.

B. Additions, Enlargements: A structure nonconforming as to use regulations shall not be added to or enlarged in any manner, except by permit of the ~~hearing officer board of adjustment~~ as provided herein.

C. Permit Required: By permit of the ~~hearing officer board of adjustment~~ as provided herein, the use of a nonconforming structure may be changed to a use which is first listed in the same zone use regulations as the use which is to be changed is first listed, or to a use which is first listed in the use regulations of a more restrictive zone than that in which the use to be changed is first listed. But, in the event that the nonconforming use to be changed is a permitted use where first listed, and the changed use is a conditional use in the same zone, the petitioner must also obtain a conditional use permit in accord with the provisions of [chapter 15](#) of this title.

D. Vacant Structure: A vacant noncomplying structure may be occupied by a use for which the structure was designed or intended and is so occupied within a period of one year after the structure became noncomplying.

E. Extension Of Use: A noncomplying use may be extended to include the entire floor area of the existing structure in which it was conducted at the time use became noncomplying.

F. Insufficient Parking: A structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged, provided additional automobile parking space is supplied on the lot to meet the requirements of this title.

G. Abandonment By Nonuse: The noncomplying use of a structure or portion thereof shall be deemed abandoned by nonuse during a continuous period of one year. If a noncomplying use by any such structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located. (Ord. 06-10, 3-7-2006, eff. 3-7-2006)

10-16-43: NONCONFORMING USE OF LAND; ABANDONMENT BY NONUSE:  

A nonconforming use of tract of land or portion thereof may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or any adjoining tract of land. A nonconforming use of land shall be deemed abandoned by nonuse if discontinued for a continuous period of one year. If a nonconforming use of land has been or shall be abandoned, such land shall not thereafter be used or occupied except for a use which conforms to the use regulations of the zone in which the use is located. (Ord. 673, 1-8-1980)

10-16-54: SIGNS PERMITTED WITH NONCONFORMING USES:  

A. Nonconforming Uses In Residential Zone: One sign per use. One square foot of sign area per linear foot of building frontage with a maximum of fifty (50) square feet.

B. Nonconforming Uses In Other Than Residential Zone: One sign per use. Area of the sign shall be in accordance with the provisions of chapter 21 of this title for the respective zone in which the nonconforming use is located. (Ord. 673, 1-8-1980)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See also section [10-1-7](#) of this title for provisions requiring certificate.

Chapter 17
PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS
10-17-1: PURPOSE AND INTENT:

~~The purpose of~~ This chapter ~~is to~~ regulate parking and loading spaces in the R-1, R-2, R-3, R-3A, and O-1 zones. See Chapter 5.1 Form Base Code for parking requirements for all other zones/subdistricts. ~~It also regulates~~ vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing promote the safety and well being of the citizens of the city.

~~Consequently,~~ There shall be provided ~~during at the time of~~ the erection of any main building or ~~when at the time~~ any main building is enlarged or increased, minimum off street parking space with adequate provisions for ingress and egress by standard sized automobiles. (Ord. 673, 1-8-1980)

10-17-2: PARKING SPACE FOR DWELLINGS:

A. Provided Parking Requirements: In all zones there shall be provided in a private garage or in an area properly located for a future garage (see subsection 10-17-5C of this chapter for exception): (Ord. 03-01, 1-7-2003, eff. 1-7-2003)

1. For a single-family dwelling: Two (2) parking spaces.
2. For a two-family dwelling: Four (4) parking spaces.
3. For a three-family dwelling: Six (6) parking spaces.
4. For a four-family dwelling: Seven (7) parking spaces. (Ord. 673, 1-8-1980)
5. For other multiple-family dwellings:
 - a. One and three-fourths ($1\frac{3}{4}$) parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
 - b. Housing exclusively for seniors, one parking space per unit. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)

B. Increase: If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

C. Paying Guests: ~~Besides~~ ~~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.

D. 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. 673, 1-8-1980)

10-17-3: PARKING SPACE FOR NONDWELLING BUILDINGS:

For new buildings or for any enlargement or increase in seating capacity, floor area or guestrooms of any existing building, there shall be provided:

Apartment hotel	-	1 space per 2 sleeping units
Assisted living units		1 space per 2 living units
Auditorium		1 space per 5 fixed seats
Auto repair shop	-	1 space per employee, plus 5 spaces for client use
Bank/credit unions	-	No less than 30 spaces
Barbershop	-	2 spaces per staff member
Beautician shop	-	3 spaces per staff member

Boarding house	- 3 spaces per 4 persons to whom rooms will be rented
Business office	- 1 space per employee on highest shift
Cafe	- 1 space per eating booth and table, plus 1 space per 3 stools
Cafeteria	- 1 space per eating booth and table, plus 1 space per 3 stools
Car wash	- 4 spaces in approach lane to each wash bay
Chiropractor office	- 4 spaces per professional staff, plus 1 space per subordinate staff
Church	1 space per 5 fixed seats
Clinic	- 4 spaces per professional staff, plus 1 space per subordinate staff
Club, private	- At least 20 client spaces
Dance hall	- 1 space per 200 square feet of floor space
Daycare center	1 space per employee, plus 1 space per 10 children
Drive-in food establishment, convenience stores	- 1 space per 100 square feet of floor space, but not less than 10 spaces
Dry cleaner	- 1 space per employee, plus 5 spaces for client use
Educational institution (private)	2 spaces per 3 student capacity, plus 1 space per staff member
Employment office	- 1 space per employee, plus 6 spaces for client use
Financial office	- 1 space per staff member, plus 3 spaces for client use
Grocery store	- 1 space per 200 square feet of floor space in building
Hospital	- 1 space per 2 bed capacity
Hotel	- 1 space per 2 sleeping units
Insurance/office	- 1 space per 2 staff members, plus 4 professional spaces for client use
Laboratory	- 1 space per employee on highest shift
Laundromat	- 1 space per 3 coin-operated machines
Legal office	- 1 space per professional staff, plus 4 spaces for client use
Library	At least 30 spaces
Liquor store	- At least 20 spaces
Lodging house	- 3 spaces per 4 persons to whom rooms will be rented

Lounge	-	At least 20 client spaces
Medical/dental office	-	4 spaces per professional staff, plus 1 space per subordinate staff
Mortuary	-	At least 30 spaces
Motel	-	1 space per sleeping or living unit
Museum		At least 30 spaces
Nightclub	-	At least 20 client spaces
Nursing home		1 space per 2 ¹ / ₂ bed capacity
Photo studio	-	At least 6 spaces
Post office		At least 20 client spaces
Professional office	-	4 spaces per professional staff, plus 1 space per subordinate staff
Real estate office	-	1 space per 2 employees, plus 4 spaces for client use
Reception center	-	At least 30 spaces
Recreation center		1 space per 200 square feet of recreation area
Rental establishment	-	At least 4 client spaces
Residential facilities for persons with a disability	-	At least 2 spaces
Restaurant	-	1¹/₂ spaces per eating booth or table
Retail store (with drive-up window)	-	1 space per 200 square feet of floor space in building (plus storage capacity of 4 cars per window on the property)
Sanatorium	-	1 space per 2 bed capacity
Service repair shop, general	-	At least 4 client spaces
Stadium		1 space per 5 fixed seats
Tavern	-	At least 15 spaces
Terminal, transportation		At least 30 spaces
Theater	-	1 space per 5 fixed seats
Travel agency	-	1 space per employee, plus 4 spaces for client use
Upholstery shop	-	1 space per employee, plus 3 spaces for client use
Used car lot	-	1 space per employee, plus 4 spaces for client use

Warehouse	- 2 spaces per 3 employees
Wedding	- At least 30 spaces
Wholesale business	- 2 spaces per 3 employees, plus 3 spaces for client use
For other uses	Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers and similar requirements of like businesses

(Ord. 673, 1-8-1980; amd. Ord. 735, 9-11-1985; Ord. 975, 8-5-1998; 2001 Code; Ord. 06-17, 8-16-2006, eff. 8-16-2006; Ord. 15-06, 2-17-2015, eff. 2-17-2015)

10-17-4: COMPUTATION OF PARKING REQUIREMENTS:

When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half (¹/₂) shall be disregarded, and fractions including one-half (¹/₂) and over shall require one parking space. (Ord. 673, 1-8-1980)

10-17-5: PARKING LOT DESIGN AND MAINTENANCE:

A. Parking Lot Location: Parking space as required in sections [10-17-2](#) and [10-17-3](#) of this chapter shall be on the same lot with the main building, or in the case of buildings other than dwellings, may be located no farther than five hundred feet (500') therefrom. (Ord. 673, 1-8-1980)

B. Parking Lot Standards: Every parcel of land ~~hereafter~~ used as a parking area, including driveways, shall be paved with an asphalt or concrete surface. Public lots shall have ~~appropriate~~ bumper guards or curbs where needed, as determined by the building official, to protect adjacent property owners or persons using a sidewalk. Catch basins and drains shall be provided to collect surface drainage of all paved areas at a minimum rate of one inch (1") an hour rainfall. Surface drainage is not allowed across pedestrian walkways. (Ord. 09-14, 11-10-2009, eff. 11-10-2009)

C. 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.

1. Exception one: An existing residential use, which is nonconforming because of not satisfying the minimum parking requirement, may provide additional parking in the front yard area for up to two (2) vehicles providing the side yard and/or the rear yard is not accessible by an eight foot (8') space or larger and if the existing location of public utilities does not otherwise prohibit travel through that area.

2. Exception two: Notwithstanding anything in the foregoing to the contrary, residential lots that have a driveway ~~that is with~~ **a** twelve percent (12%) slope or greater may be granted one additional parking space ~~located~~ in the front yard providing the parking space is accessed from the driveway and not part of the street right of way. No additional driveway access is intended unless the parking space is part of a circular drive. Parking space exceptions under this subsection C2 must be approved by the planning commission as a special exception for good cause shown. (Ord. 06-04, 2-7-2006, eff. 2-7-2006)

3. 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. (Ord. 09-14, 11-10-2009, eff. 11-10-2009)

Any parking space provided under this subsection may not be used for recreational vehicles, boats, unlicensed vehicles, etc. If ~~at any time~~ the residential use needing or utilizing the parking authorized by this exception is abandoned, the parking area must be removed. Any use granted this exception shall have the exception recorded with the county recorder. (Ord. 06-04, 2-7-2006, eff. 2-7-2006)

D. Design And Maintenance: The design and maintenance of off street parking facilities shall be subject to the following provisions:

1. Each parking space ~~will shall~~ encompass not less than one hundred eighty (180) square feet of net area. Each parking space shall be not less than nine feet (9') wide, the width being measured at a right angle from the side lines of the parking space.
2. Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right of way shall be as follows, based upon the number of units to be served:
 - a. Up to and including four (4) dwelling units: Sixteen feet (16').
 - b. Five (5) or more dwelling units: One 24-foot two-way access right of way or two (2) 16-foot one-way access rights of way.
 - c. A greater size of access right of way may be required as deemed necessary by the planning commission, especially ~~in cases~~ where access right of way will create corner lots from otherwise interior lots.
3. All off street parking spaces and associated access lanes shall be ~~effectively~~ screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet (4'), nor ~~more than over~~ six feet (6') high, except that some ~~type of~~ hedgerow shrubs, ~~as identified by the city's arborist of 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.
4. Lighting and signs shall conform to the requirements ~~set forth~~ in this title.
5. Parking requirements for dwellings will be located on the same lot with the dwelling. (Ord. 673, 1-8-1980)

10-17-6: OFF STREET TRUCK LOADING SPACE:

On the same premises with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services ~~in order~~ to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided, shall include a ten foot by twenty five foot (10' x 25') loading space with fourteen feet (14') height clearance, for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor area used for above mentioned purposes, or for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of land used for above mentioned purposes. (Ord. 673, 1-8-1980)

~~10-17-7: BUSINESS REQUIRING AUTOMOBILE ACCESS:~~

~~Service stations, roadside stands, public parking lots, and all other business requiring motor vehicle access, shall meet the following requirements:~~

~~A. Number; Dimensions: Access to the station or other structure or parking lot shall be by not more than two (2) roadways for each one hundred feet (100') or fraction thereof of frontage on any street, no two (2) of said roadways shall be more than thirty four feet (34') in width and shall not be closer than twenty feet (20') to the point of intersection of two (2) property lines or at any street corner; and a curb, hedge or fence of not more than two feet (2') in height shall be provided by the owner to limit access to the permitted roadway.~~

~~B. Gasoline Pump Setback: Gasoline pumps shall be set back at least twenty feet (20') from any property line bordering a street; provided, that a pump island parallel to an adjoining street may be located not less than fifteen feet (15') from the property line bordering said street. (Ord. 673, 1-8-1980)~~

10-17-8: ~~VEHICULAR TRAFFIC TO~~ ACCESSING COMMERCIAL OR MANUFACTURING ZONES THROUGH RESIDENTIAL PROPERTY:  

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones. (Ord. 673, 1-8-1980)

ARTICLE A. ADMINISTRATION

10-21A-1: TITLE OF CODE:

This chapter shall be known as the *OUTDOOR SIGN CODE OF SOUTH OGDEN CITY*. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21A-2: ENFORCEMENT:

A. Building Official: The building official ~~shall be~~ is responsible for the enforcement and administration of this chapter. The building official ~~or his designee~~ shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to ~~the provisions of~~ this chapter.

Comment [LK1]: As per Jeff Barfuss

B. Enter Upon Premises: Upon presentation of proper credentials, the building official may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this chapter.

C. Noncompliance Fee Schedule: Building official or acting agent shall enforce noncompliance fee based on noncompliance fee schedule for each offense:

FEE SCHEDULE

First violation	Warning
Second violation	\$250.00
Third violation	Revoke business license

(Ord. 09-18, 11-10-2009, eff. 11-10-2009)

10-21A-3: APPLICABILITY; EXEMPTIONS:

~~The provisions of~~ This chapter shall apply to all signs erected in the city, except for the following signs, which shall be exempt from permit requirements:

A. Traffic and other municipal signs, house numbers, legal notices, railroad crossing signs, and danger and warning signs.

B. Memorial tablets or tablets containing the name, date, erection and use of the buildings, when built into the walls of the buildings and constructed of bronze, brass, marble, stone or other incombustible materials.

C. Signs for political, civic, philanthropic or service club purposes or promotions.

D. Nonilluminated and nonfloodlighted signs having an area not in excess of six (6) square feet on private property.

E. Nonilluminated and nonfloodlighted signs having an area not ~~in excess of over~~ thirty six (36) square feet announcing the destruction or construction or remodeling of a building or announcing the enterprise to be located in a building under construction or announcing the name and address of the architect or contractor of the building, or the owner thereof; provided, that not more than one such sign shall be erected on each street frontage; and also provided, that ~~said~~ signs are erected not more than thirty (30) days prior to construction and are removed not more than thirty (30) days after completion.

F. Nonilluminated and nonfloodlighted religious, charitable and educational ground signs having an area not ~~in excess of~~ over twelve (12) square feet.

G. Real estate for sale signs with a maximum of six (6) square feet. ~~Signs over six (6) square feet require a permit. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

Comment [LK2]: As per Jeff.

10-21A-4: SIGN PERMIT REQUIRED:

A. It shall be unlawful to erect or remodel any sign upon or over public or private property within the city until a sign permit ~~with respect to~~ regarding such sign has been obtained from the building official.

B. No illuminated or floodlighted sign shall be connected to the electrical wiring source at a location until an electrical permit with respect thereto has been issued by the building official.

C. No sign permit shall be issued to any person other than a licensed contractor except ~~for~~ in the case of a property owner, lessee or tenant, when work is to be done on the owned or leased property. All sign permit requests shall be accompanied with two (2) complete sets of drawings, specifications and design criteria when required by the building official. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21A-5: VIOLATIONS A MISDEMEANOR:

Any person who shall fail to comply with, or shall violate any of ~~the provisions of~~ this chapter, or any rules or regulations promulgated hereunder, shall be deemed guilty of a class C misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this code. The penalty provided ~~herein~~ shall be in addition to any suspension or revocation of any license or permit issued ~~hereunder~~. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, maintained, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21A-6: COMPLIANCE WITH STATE, FEDERAL HIGHWAY SIGN REGULATIONS:

Before sign permits are issued for signs on state and/or federally controlled and/or funded highways, proof of approval where necessary from the controlling agency must be submitted with sign permit application before ~~the said~~ application is considered for approval. In no instance will federal or state approval preempt the requirements of this chapter. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

~~ARTICLE B. DEFINITIONS~~

~~10-21B-1: DEFINITIONS:~~

~~The words and terms hereinafter defined in this article shall have the meaning indicated. Words used in the present tense include future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in city ordinances shall be construed as termed therein.~~

~~ARCHITECTURAL PROJECTION: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.~~

~~BANNER: Any cloth, bunting, plastic, paper, or similar material used for temporary advertising.~~

~~BLANKET OR BLANKETING: When applied to signs or sign structure, shall mean the partial or complete~~

~~shutting off of the face of one sign by another sign.~~

~~BUILDING: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.~~

~~BUILDING FACADE: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.~~

~~BUILDING FACADE FACING: A resurfacing of an existing facade with approved material illuminated or nonilluminated.~~

~~BUILDING OFFICIAL: The official charged with the administration and enforcement of this title or his duly authorized deputy.~~

~~CHANGEABLE COPY PANEL: A panel which is characterized by changeable copy, regardless of method of attachment.~~

~~CLUSTER: One or more properties contiguous to a premium property.~~

~~CURRENT ADOPTED BUILDING CODE: The current edition of the building code as adopted by South Ogden City.~~

~~FRONTAGE: The linear measurement of a lot or parcel facing upon a street.~~

~~INCOMBUSTIBLE MATERIAL: Any material which will not ignite at or above a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue a burn or glow at that temperature. Tests shall be made as specified in the current adopted building code.~~

~~LINEAR SPACING: The radial distance between signs.~~

~~MAINTAIN: Includes, and is limited to, the following: service, repair or repaint. Owner or lessee of sign may repaint and/or change letters on his own sign if it is changeable copy sign.~~

~~MARQUEE: A permanent roofed structure attached to and supported by the building and projecting over public property.~~

~~NONPREMIUM PROPERTY: Property which is not a premium property but is directly adjacent to and contiguous with a premium property.~~

~~NONPREMIUM PROPERTY AGREEMENT: An agreement between a premium property owner and a nonpremium property owner specifically allowing the nonpremium property owner to place a cluster sign on the premium property. (Required for all cluster signs involving a nonpremium property owner.)~~

~~NONPREMIUM PROPERTY OWNER: The individual, corporation, or other entity owning or legally controlling a property which is not a premium property but is directly adjacent to and contiguous with a premium property.~~

~~NONPREMIUM PROPERTY RECORDED PLAN: A site plan developed by a nonpremium property owner that clearly identifies the geographic location and legal description of a premium property, together with the desired location on that premium property for the requested cluster sign, that shall be submitted by the nonpremium property owner to South Ogden City for approval and for subsequent recording with the city and the Weber County recorder's office. This required site plan must show, and clearly identify, all properties (nonpremium property and premium property) involved in the placement~~

and utilization of the proposed cluster sign.

PERSON: One or more persons, an association, a copartnership or a corporation or firm, either by themselves or represented by an agent, employee, guardian or trustee.

PREMIUM PROPERTY: Property located along the main road in which a cluster sign will be located.

PREMIUM PROPERTY OWNER: The individual, corporation, or other entity owning or legally controlling a premium property.

SHOPPING CENTER: Two (2) or more businesses with more than fifty thousand (50,000) square feet of combined building area doing business under a common roof structure.

SIGN: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or any natural object upon which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

SIGN, ADVERTISING: See definition of Sign, Off Premises.

SIGN, ANIMATED: A sign which involves motion or rotation of any part, created by natural or artificial means, or displays flashing or intermittent lights.

SIGN AREA: The area of a sign that is used for display purposes excluding the minimum frame and supports and regardless of how the copy is divided into subjects. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. In computing sign area, only the face or faces which can be seen from any one direction at one time shall be counted; providing, that the sign faces are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°).

SIGN, BUSINESS: A sign which directs attention to the principal business or service performed on the premises.

SIGN, CLUSTER: Business sign located on a premium property which include advertising for properties contiguous to the premium property. All signage related to nonpremium properties, and designed to be part of the overall cluster sign, shall be incorporated with the premium property's signage and shall conform to the square footage and other signage requirements of the premium property.

SIGN, COMBINATION: A sign incorporating any combination of the features of projecting, roof or freestanding signs.

SIGN, CONSTRUCTION PROJECT: A sign identifying a construction project. The sign may contain name of project, name and address of construction firm, architect and developer.

SIGN, DIRECTIONAL: On premises incidental signs designated to guide or direct pedestrians or vehicular traffic.

SIGN, ELECTRONIC MESSAGE DISPLAY: A sign which uses changing patterns of lights to display public information and/or commercial messages.

SIGN, FABRIC: Any sign executed upon or composed of any flexible woven fabric material such as cloth, paper, fiberglass, vinyl, or other synthetic product.

SIGN, FLOODLIGHTED: Any sign illuminated in the absence of daylight only, by devices which reflect or project light upon it.

SIGN, FREESTANDING: A sign which is supported by one or more columns, uprights or braces in or upon the ground.

SIGN, IDENTIFICATION AND INFORMATION: A flat sign displayed to indicate the name or nature of a building, or use, including all professional and business buildings, home occupations, apartment complexes, and public and semipublic buildings.

SIGN, ILLUMINATED: A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs other than floodlighted signs.

SIGN, INCOMBUSTIBLE: A sign which is constructed entirely of incombustible material.

SIGN, LOW PROFILE: An on-premises or identification sign having a maximum height of six feet (6').

SIGN, MARQUEE: A sign attached to the street frontage or sides of a marquee, the sign must be constructed to be the same thickness or less as the marquee and may not project above or rest upon the top of the marquee. A sign may be attached to the bottom of a marquee if the clearance above the sidewalk, as defined in the current adopted building code, is maintained.

SIGN, MULTIPLE COPY: A sign which advertises other than the name of the business and the principal product or service.

SIGN, NAMEPLATE: A sign indicating the name of a person or persons residing on the premises.

SIGN, OFF PREMISES: A sign which directs attention to a use, product, commodity or service not related to the premises on which it is located but not including a cluster sign.

SIGN, ON PREMISES: See definition of Sign, Business.

SIGN, PROJECTING: Any sign attached to a building or other structure and extending in whole or in part more than eighteen inches (18") beyond the building line.

SIGN STRUCTURE: A structure which supports any "sign", as defined in this article. A sign structure may be a single pole or poles, or an integral part of the building.

SIGN, TEMPORARY: A. A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, on a temporary basis. A sign which is intended to advertise community or civic projects or construction projects shall be erected not earlier than thirty (30) days prior or date of beginning of event and shall be removed within thirty (30) days after event is concluded.

B. A sign used for a temporary basis until a permanent sign is established. Sign or signs shall be erected no earlier than fifteen (15) days prior to and removed forty five (45) days after occupancy given by building department.

C. A sign identifying a business opening.

SIGN, TIME AND/OR TEMPERATURE: A display containing numerals to show the time and/or temperature.

SIGN, WALL: A sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen inches (18") from a building or structure wall and which does not extend more than two feet (2') above the parapet, eaves or building facade upon which it is located.

~~TRIM, NONSTRUCTURAL: Nonstructural trim is molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure. (Ord. 08-02, 1-22-2008, eff. 1-22-2008; and Ord. 09-18, 11-10-2009, eff. 11-10-2009; Ord. 12-07, 6-5-2012, eff. 6-5-2012)~~

ARTICLE C. GENERAL REGULATIONS^{1,2}

10-21C-1: MISLEADING, UNSIGHTLY OR OBSCENE SIGNS PROHIBITED:

No signs shall be erected or maintained or be permitted to remain publicly displayed which are of a misleading, fraudulent, obscene, immoral, indecent or unsightly character. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-2: PAINTING, PASTING AND TACKING PROHIBITED:

No sign shall be painted, pasted or glued directly upon any wall or roof or affixed directly upon any wall or roof. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-3: ANIMATED SIGNS:

No animated signs shall be erected or maintained in, nor closer than seventy five feet (75') from any residence. ~~Revolving animated signs are limited to eight (8) revolutions per minute and may not have flashing lights attached thereto.~~ (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-4: RESERVED:

(Ord. 08-02, 1-22-2008, eff. 1-22-2008)

~~10-21C-5: WALL SIGN AREA:~~

~~Wall sign area on a building facade shall not exceed fifteen percent (15%) of the wall elevation square footage. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

10-21C-6: SIGNS TO BE REMOVED:

If a sign does not conform with the requirements of this [chapter title](#), or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the building official shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter or to remedy the defects therein. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-7: REFUSAL OF OWNER TO REMOVE DANGEROUS SIGNS; REMOVAL BY BUILDING OFFICIAL:

Where immediate action [to remove a dangerous sign](#) is deemed necessary to protect limb, life or property and where the owner of a sign or the owner of the property upon which the sign is erected fails to remove such sign [pursuant to](#) [upon receipt of](#) notice from the building official [and](#) within a specified time fixed in such notice, the building official may proceed in any manner deemed necessary to cause the immediate removal of such sign. The building official shall certify a statement of the expenses incurred in such removal to the city manager, who in turn shall assess and charge the same against the real estate upon which the sign was erected, and unless said assessment is paid within ninety (90) days after and from the date of notice thereof, the same shall, when recorded in the offices of the county clerk and city recorder, become a lien upon the real estate whereon the sign is erected and collectible in the same manner as general taxes. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-8: SIGNS OVER STREETS PROHIBITED:

It shall be unlawful to erect and/or maintain any sign over any street or alley, except as herein expressly provided. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-9: SIGNS NOT TO COVER WINDOWS, DOORS OR SIMILAR OPENINGS:

No sign shall cover a window, doorway, or ~~to the an~~ opening providing light, ~~in a manner that would block~~ ventilation, or exit facilities which are required by the building code or which are deemed by the fire department to be necessary to give the fire department access to the building, or to afford fire protection in the event of a fire; provided, however, that flat signs, wall signs, fabric signs or projecting signs shall be permitted to cover transoms. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

Comment [LK3]: As per Jeff.

10-21C-10: SIGNS ON PUBLIC PROPERTY:

It shall be unlawful for any person to fasten or attach, paint or place, any sign, handbill, poster, advertisement or notice of any kind or sort, except for political or civic purposes, or to cause the same to be done in or upon the curbstone, lamppost, telephone pole, electric light or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall be unlawful to paste, place, paint or attach any "sign", as defined in this chapter, upon any building, street or property of the city; provided, however, that a campaign sign or sign advertising a civic purpose or the promotion of a civic or service club may be placed between the sidewalk and curb area with the permission of the owner of the lot which said area fronts. Such a sign shall be governed by the provisions of section [10-21C-20](#) of this article, and the candidate or sponsoring entity or group shall be responsible for the removal thereof. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-11: SIGNS ON PRIVATE PROPERTY:

It shall be unlawful for any person to fasten or attach, paint or place any "sign", as defined in this chapter, upon any private wall, window, door, gate, fence or sign, or upon any other personal property without the consent of the owner or lessee, or someone authorized to act on behalf of such owner or lessee. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-12: MAINTENANCE OF SIGNS:

Signs regulated by this ~~chapter~~ [title](#) shall be securely fastened, maintained in a clean, safe and attractive condition. This includes the replacement of defective parts, cleaning and other acts ~~necessary~~ for proper maintenance and ~~to maintain a safe structural condition at all times~~. The city, its building official, and its other agents shall in no way be liable for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good condition, or be responsible for any damage caused by defective conditions. (Ord. 09-18, 11-10-2009, eff. 11-10-2009)

10-21C-13: REMOVAL OF SIGNS:

Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith, shall upon vacating the premises, or discontinuing the business advertised, ~~cause remove~~ the sign ~~to be removed~~. Any person who owns and maintains a sign ~~sign which is maintained~~ for the benefit of another person who occupies a building or part of a building whereon the sign is located shall ~~cause the sign to be removed~~ ~~remove the sign~~ if the person for whom the sign is maintained vacates the premises. Failure of the owner of the sign or of the person responsible for maintaining ~~the sign same~~ to remove the sign within thirty (30) days after notice from the building official shall be considered as a violation of this chapter and shall subject the owner of the sign and the owner of the property to the penalties herein. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-14: SIGNS TO COMPLY WITH ZONING ORDINANCE:

A. Required: All signs shall be erected and maintained in full compliance with this title.

B. Removal Of Nonconforming Signs:

1. Any sign not in conformance with ~~the provisions of~~ this title and which was erected or installed without a permit shall be removed within thirty (30) days upon notification from the building official.

~~2. Signs for which permits were previously issued and which are made nonconforming by the provisions of this chapter shall be removed upon written notice from the city. It being understood that the city will pay an amount equal to the fair market value of sign, excluding any cost for removal of the existing sign or costs of placing a new conforming sign. Business names or trade styles on signs made nonconforming by provision of this chapter may be changed only if ownership of business does not change and size and placement of sign is not changed. Under no circumstances shall such nonconforming signs be remodeled or replaced other than specified. The provisions of section 10-21C-6 of this article shall apply to such nonconforming signs.~~

~~3. Any existing sign, conforming to the provisions of this chapter relative to size and location but nonconforming to structural requirements shall be removed or replaced within one year upon written notice from the city. However, if they are deemed to be a hazard or more than fifty percent (50%) damaged, they shall be removed or repaired in accordance with the structural requirements of article D of this chapter, within ten (10) days after receiving notice from the city.~~

~~4. Any sign determined to be abandoned shall be removed within thirty (30) days of notification by the building official to the property owner and/or owner of the business advertised and/or owner of the sign. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

Comment [LK4]: Check with Jeff

10-21C-15: COMPLIANCE WITH SAFETY REGULATIONS:

It is unlawful for any person erecting any sign or other advertising structure to fail to comply strictly with the requirements of this chapter and any and all regulations pertaining to safety promulgated by the city council pursuant to section [10-21C-17](#) of this article. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

~~10-21C-16: ERECTION OF SIGNS OVER PUBLIC STREETS OR SIDEWALKS; SAFETY PRECAUTIONS:~~

~~Whenever any sign or other advertising structure shall be erected in whole or in part on or over any public street or sidewalk, the person performing the work shall before proceeding to erect the same, take all precautions necessary to ensure the safety of persons and property on such street or sidewalk. Before hoisting any material whatsoever above the surface of any street or sidewalk or placing any material upon the traveled portion of any street or sidewalk, the person performing such work shall exclude the traveling public from the portion of such street or sidewalk in which such work is to be done by means of suitable barriers, protected walkways and warning devices approved by the building official, and whenever said building official shall deem it necessary under the conditions then existing, shall provide a guard or guards to exclude all persons not concerned in the work from the portion of the street or sidewalk in which the work is to proceed. When hoisting any sign or advertising structure above the surface of any street or sidewalk, the same shall be accomplished by hoisting devices of approved design and adequate capacity to accomplish the work in accordance with approved engineering practices. All hoisting equipment shall be kept and maintained in good and workable condition. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

10-21C-17: PROMULGATION OF SAFETY REGULATIONS:

The city council may establish such rules and regulations as it may find to be reasonably necessary to protect the public from injury in the course of the erection of signs and other advertising structures. ~~and~~ When such regulations are established, all sign contractors and holders of sign permits shall comply strictly therewith. Such regulations shall be filed with the city recorder and a copy thereof to be

furnished to all persons, firms and corporations holding licenses as sign contractors and holders of sign permits and who shall comply strictly therewith. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

~~10-21C-18: ZONES PERMITTED AND CONTROLS; APPENDIX:~~

~~Appendix A which follows article D of this chapter, is hereby made a part of this section by reference. It is unlawful for any person to erect or otherwise install a sign having a size or height greater than allowed in this appendix. It is unlawful for any person to erect or otherwise install a sign located on the site or in a zone in violation of the controls specified in this appendix. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

~~10-21C-19: TIME LIMITATION FOR CONSTRUCTION PROJECT OR LAND DEVELOPMENT SIGNS:~~

~~No construction project or land development sign shall be erected earlier than thirty (30) days prior to beginning of construction and shall be removed within thirty (30) days after such construction is completed. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

10-21C-20: POLITICAL OR CAMPAIGN SIGNS:

Political or campaign signs are permitted ~~under in accordance with~~ the following provisions provided that ~~any no~~ such sign ~~will shall~~ be erected ~~no~~ earlier than forty five (45) days prior to the election where the candidates or measure will be voted upon and shall be removed within five (5) days after such election, campaign or event, unless the election is a primary election, in which case candidates who stand through the primary election may leave their signs in place until five (5) days after the general election. The candidate or, in the case of a measure or proposition, the sponsoring entity or group, is responsible for removal of all signage and related materials.

A. In any zone, ~~there is permitted not no~~ more than one stationary, unlighted, temporary sign per candidate ~~is permitted~~ on any lot or contiguous parcels of land under one ownership on behalf of candidates for public office or measures on the ballot; provided, that any such sign shall not exceed ten feet (10') in height and shall not exceed sixteen (16) square feet in area.

B. No political or campaign sign shall be placed within one hundred fifty feet (150') from a polling place.

C. No political or campaign sign may be placed in any clear view area or in such a manner as to create a safety hazard or constitute a public nuisance.

D. Political signs shall not be placed on private property without the property owner's permission. (Ord. 15-08, 3-17-2015, eff. 3-17-2015)

~~10-21C-21: FABRIC SIGNS:~~

~~Permits may be issued by the building official upon approval by the city council for hanging of display banners or other fabric decorations for special occasions, such as religious, charitable, civic or festive occurrences, or for Christmas decorations, or in celebration of some event of religious, national, state or civic significance or in honor of a visit from a person of note. It is specifically prohibited to incorporate in any such decorations any political advertising or advertising of a commercial nature. The building official may permit such signs to be hung over public streets or walks after proper approval. Permits issued pursuant to this section may be issued without charge of any fee, but shall specify a period of time, not to exceed fifteen (15) days during which such signs shall be permitted to be used.~~

~~Fabric sign banners may be used as temporary signs for real estate or lease advertising for a building under construction and shall be removed upon issuance of a certificate of occupancy. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

~~10-21C-22: ELECTRIC SIGNS:~~

~~All signs which utilize or are illuminated by electricity shall comply with the electrical code and fire prevention code of the city. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

~~10-21C-23: SHOPPING CENTER SIGNS:~~

~~A shopping center may have a freestanding business sign. A sign is sized using the frontage occupied by the center. If "pads" for separate buildings are subdivided or otherwise located on the same frontage, the pads may have a low profile sign and wall signs. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

10-21C-24: HISTORICAL SIGNS:

Any sign designating historical property is subject to the provisions of this chapter; provided, however, that the city council, upon recommendation by the planning commission, can waive any restrictions found in the provisions of this chapter in allowing the erection of such a sign. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

10-21C-25: BENCH SIGNS:

Bench signs shall be allowed upon proper permit by the city council, with the location thereof to be approved by the building official. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

~~10-21C-26: LOW PROFILE SIGNS:~~

~~Low profile signs are encouraged in all commercial, industrial and high density zoning districts and shall be allowed in conformance with the following provisions:~~

~~A. Low profile on premises or identification signs will be allowed in all commercial, manufacturing and high density residential zoning districts; provided, that these signs:~~

- ~~1. May have a minimum front setback of zero feet (0').~~
- ~~2. Must have a minimum setback from any driveway or traffic access of ten feet (10').~~
- ~~3. Shall be limited to a maximum of six feet (6') in height and not exceed sixty (60) square feet, but excluding a maximum eighteen inch (18") foundation and a twelve inch (12") frame around the sign.~~

~~(Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) See also section [10-16-4](#) of this title for signs permitted with nonconforming uses.

[Footnote 2:](#) See also section [10-22-5](#) of this title for sexually oriented business signs.

ARTICLE D. DESIGN AND CONSTRUCTION REGULATIONS

10-21D-1: DESIGN:

~~A. Wind, Seismic Forces: Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof. Design calculations shall be submitted with permit applications when required. The overturning moment produced from lateral forces shall in no case exceed two-thirds ($\frac{2}{3}$) of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed~~

~~over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.~~

~~**B.A.** Current Building Code Provisions: Signs and sign structures shall be designed and constructed to resist wind forces as specified in the current building code thirty feet (30') aboveground with adjustment in pressure for height as outlined in the building code and seismic zone D2. must meet the requirements of the latest adopted version of the IBC.~~

~~**C.** Suspension Over Public Or Private Property: No sign shall be placed on top of or suspended from the bottom of another sign over public or private property unless application is made to the building official with necessary calculations to show that the sign is structurally sound and safe to support the additional weight, display area and wind resistance and is properly fastened to the existing sign structure.~~

~~**D.** Plastic Material; Technical Data Submitted: The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material, and if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use. Design and construction with plastic material shall be in accordance with the building code. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

Comment [LK5]: Jeff OK.

10-21D-2: CONSTRUCTION:

The supports for all signs or sign structures shall be placed in or upon private property and shall be designed, constructed and erected in conformance with the requirements of the building code. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)

~~**10-21D-3: PROJECTION AND CLEARANCE:**~~

~~A. All types of signs shall conform to the clearance and projection requirements of this chapter.~~

~~B. Signs shall be located not less than eleven feet six inches (11'6") horizontally or sixteen feet (16') vertically from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. The term "overhead conductors", as used in this section, means any electrical conductor, either bare or insulated, installed above the ground except such conductors which are enclosed in rigid conduit or other material covering of equal strength.~~

~~C. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.~~

~~D. Signs erected within five feet (5') of an opening in an exterior wall shall be constructed of incombustible material of building code approved plastic.~~

~~E. No sign or sign structure shall project into any public alley below a height of fourteen feet (14') above grade, nor project more than eighteen inches (18") into the public alley where the sign or sign structure is located more than sixteen feet (16') above grade.~~

~~F. For purposes of illumination, light shall not extend more than eight feet (8') from the sign structure if attached to the sign or sign structure. (Ord. 08-02, 1-22-2008, eff. 1-22-2008)~~

~~**ARTICLE E—APPENDIX A**~~

~~TABLE 1—MAJOR SIGN GROUPS-~~

Major Sign Groups	Zones In Which Sign Is Permitted	Maximum Size Of Sign Area; Linear Spacing Of Signs	Maximum Height Regulations	Location Of Sign On Site
Business sign: A sign which directs attention to the business or service performed on the premises	C-1	2 sq. ft. per linear foot of frontage with a maximum of 200 sq. ft. for freestanding sign. 150 ft. minimum spacing	30 ft.	Must not be placed on or extend into required yard more than 6 ft. 1 sign per 300 ft. frontage or part thereof
	C-2	2 sq. ft. per linear foot of frontage with a maximum of 300 sq. ft. for freestanding sign. 150 ft. minimum spacing	35 ft.	Must not be placed or extend over public property. No projecting sign shall extend more than 18 in. from the building to which it is attached. 1 sign per 300 ft. frontage or part thereof
	C-3	2 sq. ft. per linear foot of frontage with a maximum of 400 sq. ft. 150 ft. minimum spacing	35 ft.	
	M-1	2 sq. ft. per linear foot of frontage with a maximum of 400 sq. ft. for freestanding sign. 150 ft. minimum spacing	35 ft.	
	R-4 and R-5	1 sq. ft. per linear foot of frontage with a maximum of 100 sq. ft. for freestanding sign. 150 ft. minimum spacing	25 ft.	1 sign per 300 ft. frontage or part thereof. Freestanding sign requires a 15 ft. setback from property lines adjoining a street
Identification and information sign: A sign displayed to indicate the name or nature of a building or use. Includes only professional and business buildings,	All zones	8 sq. ft. in all zones, except 12 sq. ft. in zones permitting professional and business offices and for churches and public	Shall not extend above roofline or parapet wall	Must not be placed on or extend over public property

apartment and public and semipublic buildings and directional signs-		schools-		
Off premises sign: A sign which directs attention to a use, product, commodity or service not related to the premises on which it is located-	C-3 (conditional use) M-1 (conditional use) MP-1 (conditional use)-	400 sq. ft. with cutouts and extensions not to exceed an additional 12% of the size. 750 ft. spacing between signs-	35 ft.-	10 ft. front yard-

{Ord. 08-02, 1-22-2008, eff. 1-22-2008}

TABLE 2 – SIGN TYPES AND LIMITATIONS-

Sign Types And Limitations-	Zones In Which Sign Is Permitted-	Maximum Size Of Sign Area, Linear Spacing Of Signs-	Maximum Height Regulations-	Location Of Sign On Site-
Construction project sign: A temporary sign identifying a construction project. The sign may name the project, name of construction firm, architect and developer-	Residential zones and O-1 zone-	60 ft.-	15 ft.-	On premises under construction-
	Commercial zones-	100 ft.-	25 ft.-	-
	M-1-	200 ft.-	35 ft.-	-
Directional sign: On premises incidental signs designed to guide or direct pedestrian or vehicular traffic-	All zones-	Up to 6 sq. ft.-	5 ft.-	On premises-
Electronic message display sign: Only time and temperature type and electronic message display signs-	C-1-	See applicable major sign group, table 1, column 3 of this appendix-	See applicable major sign group, table 1, column 4 of this appendix-	See applicable major sign group, table 1, column 5 of this appendix-
	C-2, C-3, M-1,	A message	-	Message display signs

	R-5-	display sign may be added to an approved sign in the R zones in addition to the allowed square footage but no more than 100 sq. ft.-		are subject to planning commission approval, modification and approval, or denial in the R zones-
Freestanding sign: A sign which is supported by 1 or more columns, uprights or braces in or upon the ground-	All C, CP, and CRC zones-	See applicable major sign group, table 1, column 3 of this appendix-	See applicable major sign group, table 1, column 4 of this appendix. Minimum 10 ft. above grade-	See applicable major sign group, table 1, column 5 of this appendix. The minimum height of all signs shall be 8 ft. aboveground-
Low profile sign: A maximum 6 ft. high, 60 sq. ft. sign with an 18 in. maximum foundation and 12 in. maximum frame-	C, M zones. R zones for professional and business buildings, multiple housing and public and semipublic buildings only-	Maximum size is 60 sq. ft. Minimum spacing is 150 ft.-	Maximum height is 6 ft.-	A low profile sign may be used in place of a freestanding sign at 0 ft. setback-
Monolithic sign: A business sign that is continuous from the ground up without visible columns, uprights or braces and uses the total structure as a sign-	R-5A zone, where there exists a C zone directly across the street from the proposed sign location, and all C, CP, and CRC zones-	See applicable major sign group, table 1, column 3 of this appendix-	Up to 10 ft. less than a freestanding sign in all zones except the R-5A zone, where the maximum height should equal the height allowed for a freestanding business sign, or 25 ft. maximum-	Not allowed in the clear view area of a public street (section 10-14-14 of this title) or private drive as measured from the drive surface or back of curb. Front yard is the same as a freestanding sign. Nonfrontage yards are 3 ft. minimum. Not allowed within 40 ft. of a residential dwelling lot line or zone boundary except where the existing development is nondwelling-

Nameplate: A sign indicating the name of a person or persons residing in the premises-	All zones-	1 1/2 sq. ft.-	None-	None-
Projecting sign: Any attached sign extending in whole or in part more than 18 in. beyond the building line-	C-1, C-2, C-3, M-1, table 1, column 3 of this appendix-	See applicable major sign groups, table 1, column 3 of this appendix-	See applicable major sign groups, table 1, column 4 of this appendix. Minimum 10 ft. above grade-	No projecting sign may extend more than 24 in. from the building to which it is attached-
Specialty sign: Includes wind signs, banner signs, portable signs, A-frame signs and other specialty signs-	Refer to section 10-21C-20 of this chapter-	-	-	-
Temporary sign: A. A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease on a temporary basis. Sign or signs shall be erected not earlier than 30 days prior to date of beginning of event and shall be removed within 7 days after event is concluded. B. A sign used for a temporary basis until a permanent sign is established. Sign or signs shall be erected no earlier than 15 days prior to and removed 45 days after occupancy given by	All zones-	See applicable major sign group, table 1, column 3 of this appendix-	See applicable major sign groups, table 1, column 4 of this appendix-	See applicable major sign group, table 1, column 5 of this appendix-

building department. C. A sign identifying a business opening. Sign or signs shall be erected no earlier than 15 days prior to and removed 45 days after occupancy given by building department.				
Wall sign: A sign which is affixed to an exterior wall of a building or structure and which projects no more than 18 in. from the building or structure wall and which does not extend more than 2 ft. above the parapet, eaves or building facade of the building on which it is located.	All zones	Sign area shall not exceed 15% of the wall elevation sq. ft.	See applicable major sign group of this appendix	See applicable major sign group of this appendix

(Ord. 08-02, 1-22-2008, eff. 1-22-2008; amd. Ord. 09-18, 11-10-2009, eff. 11-10-2009; Ord. 14-02, 4-1-2014, eff. 4-1-2014; Ord. 15-06, 2-17-2015)

TABLE 3 – SPECIALTY SIGNS⁴

Sign Group	Zone Permitted	Maximum Sign Size	Maximum Number	Location	Limited To	Permit Required
Banner	C-1, C-2, C-3, CP-2, R-5	24 sq. ft.	1	1 on facade	Any time	No, tie to business license
Banner special events	C-1, C-2, C-3, CP-2, R-5	Any	1	On premises	2 times annually up to 30 days each	Yes
Business, temporary (face stands,	C-1, C-2, C-3, CP-2	24 sq. ft.	1 on cart	1 additional on premises	Business license	No, tie to business license

Xmas tree lots-						
Cluster sign-	C-1, C-2, C-3, CP-2-	As provided in major sign group section-	1-	As provided in major sign group section-	Any time-	Yes-
Inflatables and balloons-	C-1, C-2, C-3, CP-2, R-5-	No limit-	1-	On premises-	2 times annually up to 30 days each-	Yes, no fee-
6-foot specialty signs-	All zones-	6 sq. ft. and smaller-	2-	On premises-	Any time-	No-

Note:

1. The signs listed in this table are intended to be examples and are not all inclusive.

(Ord. 09-18, 11-10-2009, eff. 11-10-2009; amd. Ord. 12-07, 6-5-2012, eff. 6-5-2012)

Chapter 22
SEXUALLY-ORIENTED BUSINESSES¹

10-22-1. PURPOSE:

The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the interests of the city and its residents, regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the United States and Utah constitutions. (Ord. 984, 10-6-1998, eff. 10-6-1998)

10-22-2. DEFINITIONS:

Terms involving sexually-oriented businesses which are not defined in this title shall have the meanings set forth in section 3-8-3 of this code. (Ord. 984, 10-6-1998, eff. 10-6-1998)

10-22-3. LOCATION OF BUSINESSES; RESTRICTIONS:

A. Outcall Services: Outcall services shall be permitted in areas zoned C-2, C-3 and M-1.

B. Sexually-Oriented Businesses: Sexually-oriented businesses, except outcall services, shall only be permitted in areas zoned C-3 and any M-zone under this title, subject to the following additional restrictions: (Ord. 984, 10-6-1998, eff. 10-6-1998; amd. 2001 Code)

1. No sexually-oriented business shall be located:

- a. Within one thousand feet (1,000') of any school, public park, library or religious institution.
- b. Within six hundred feet (600') of any residential use or any agricultural or residential zoning boundary.
- c. Within six hundred feet (600') of any other sexually-oriented business, except outcall services.
- d. Within three hundred fifty feet (350') of any gateway corridor. The distance shall be measured from the right of way boundary.

2. Distance requirements between structures and uses specified in this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use or other sexually-oriented business, or from the right-of-way line of a gateway corridor to the structure of the sexually-oriented business.

3. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually-oriented business structure. (Ord. 984, 10-6-1998, eff. 10-6-1998)

10-22-4. EFFECT ON NONCONFORMING BUSINESSES:

All existing legal, nonconforming sexually-oriented businesses, as of the effective date hereof, or any amendment hereto, shall comply with the provisions of this chapter within nine (9) months from the date the ordinance codified herein is enacted. (Ord. 984, 10-6-1998, eff. 10-6-1998)

10-22-5. SIGNS:

Notwithstanding anything to the contrary contained in this code, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:

A. No more than one exterior sign shall be allowed.

B. No sign shall be allowed to exceed eighteen (18) square feet.

~~C. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.~~

~~D. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.~~

~~E. Only flat wall signs and/or awning signs shall be permitted.~~

~~F. Painted wall advertising shall not be allowed.~~

~~G. Other than the signs specifically allowed by this chapter, the sexually oriented business shall not attach, construct or allow to be attached or constructed any temporary sign, banner, light or other device designed to draw attention to the business location. (Ord. 984, 10-6-1998, eff. 10-6-1998)~~

Footnotes – Click any footnote link to go back to its reference.

Footnote 1: See also title 3, chapter 8 of this code for business license regulations.

Chapter 24 MOBILE FOOD BUSINESSES

10-24-1: MOBILE FOOD BUSINESS; REQUIREMENTS:

A. Mobile Food Businesses Allowed:

1. Persons selling food or beverages from mobile food businesses may do so by ~~use of~~ using private property only, unless otherwise permitted as provided elsewhere in this title. Use of private property by mobile food businesses shall be ~~arranged~~ with the express approval of the real property owner and proof of ~~such property owner authorization shall~~ that approval will be required prior to the issuance of a business license.
2. Mobile food businesses ~~will~~ shall be a permitted use only within all general, commercial neighborhood, and core subdistricts~~the C-1, C-2, C-3, CP-1, CP-2, CP-3, CRC-1, M-1 and MP-1 zones~~, in accordance with the provisions of this chapter.
3. Provisions found in this section ~~shall~~ shall not apply to vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses ~~that are~~ specifically authorized by this title or other city ordinances.

~~B. Business License And Fees Required: No mobile food business shall continue in operation unless the holder thereof has paid an annual business regulatory fee and has met all applicable requirements of South Ogden City.~~ Business License And Fees Required: No mobile food business shall continue in operation unless the holder thereof has paid an annual business regulatory fee, an amount that reimburses the City for the cost of regulating the food truck, and has met all applicable requirements of South Ogden City. Notwithstanding the foregoing, the city will issue a license to a food truck operator who has obtained a business license to operate a food truck in another political subdivision within the state if the food truck operator presents to the city a current business license from the other political subdivision within the state; and, a current health department food truck permit from a local health department within the state; and, a current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Utah code §11-55-104(4)(a).

~~C. Separate Applications/Licenses Not Required: Separate business license applications are not required for multiple food trucks of any single Food Truck Operator. Separate business license fees are not required for each mobile food business vehicle operating under one business license granted to an individual food truck operator.~~ Separate Applications: Separate business license applications may be required for each mobile food business. Separate business license fees shall be required for each mobile food business vehicle operating under one business license.

D. Business Activity To Be Temporary: All business activity related to mobile food businesses shall be of a temporary nature subject to the requirements below:

1. A mobile food truck may not park in one individual location for more than twelve (12) hours during any twenty four (24) hour period.
2. The mobile food truck shall be occupied by the owner or operator thereof at all times.
3. No overnight parking is allowed.

E. Location And Placement Requirements: The business operating location must be on private property, on city streets, within the specified zones, or as otherwise authorized by applicable city ordinance, subject to the requirements below:

1. Parking on a park strip, or otherwise landscaped area is not allowed.
2. A mobile food business shall park on a hard surface. Alternatives to asphalt and cement may be approved by the city engineer if the applicant is able to demonstrate that the alternative will not result in the accumulation of debris on the city right of way.
3. Mobile food business vehicles must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard.

4. No mobile food business shall interfere with the internal parking lot circulation.
5. Mobile food businesses shall not use the public right of way unless otherwise allowed by ordinance.
6. Any auxiliary power required for the operation of the mobile food truck shall be self-contained; no use of public or private power sources are allowed without providing written consent from the owner to the city.
7. Hours of operation are between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
8. Vehicles ~~may not~~ ~~are not allowed to~~ idle.
9. All materials generated from a mobile food business ~~requiring disposal~~ ~~that are to be disposed of~~ should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
10. Mobile food businesses shall comply with all other applicable city ordinances.

Provisions found in this subsection shall not apply to downtown vendors, vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses that are specifically authorized by this title or other city ordinances.

F. Design And Operation Guidelines: Mobile food trucks operating in the public right of way shall comply with the following design requirements:

1. Mobile food truck vehicles shall ~~be designed to~~ meet all applicable Weber County health department requirements relating to the handling and distribution of food.
2. Mobile food truck vehicles shall be kept in good operating condition, no peeling paint or rust shall be visible.
- ~~3. No mobile food truck vehicle shall operate within one hundred fifty feet (150') of a door to a restaurant, food cart, or city authorized special event selling food, except:~~
 - ~~a. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the business license administrator. Such waiver shall not exempt the applicant from compliance with the other location and distance restrictions of this chapter.~~
43. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
54. Trash and recycling containers shall be provided for use of the business patrons.
65. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right of way not authorized by the city.

G. Signs: No signs shall be used to advertise the conduct of a mobile food business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized elsewhere in this title.

H. Professional And Personal Services Prohibited: The performance of professional or personal services for sale shall not be provided from a mobile food business.

I. Approved Kitchen: If the mobile food business includes an area for food preparation and/or sale, it must be approved by the Weber County health department. (Ord. 16-01, 1-19-2016, eff. 1-19-2016)

10-24-2: MOBILE FOOD COURTS:

A. Mobile Food Courts Allowed:

1. Operating a mobile food court is unlawful without first obtaining approval subject to the qualifying provisions written below.
2. Mobile food courts shall be a permitted use only within ~~the all general, commercial neighborhood, and core subdistricts C-1, C-2, C-3, CP-1, CP-2, CP-3, CRC-1, M-1 and MP-1 zones,~~ the all general, commercial neighborhood, and core subdistricts, in accordance with the provisions of this chapter.

3. Provisions found in this section shall apply to mobile food businesses, vending carts, and seasonal farm stands that are specifically authorized by this title or other city ordinances.

B. Qualifying Provisions:

1. A mobile food court ~~must is required to~~ be on a parcel of at least two thousand (2,000) square feet in size.
2. No less than two (2) and no more than ten (10) individual mobile food businesses or other authorized vendors are allowed on a parcel.
3. No participating mobile food business or other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid an annual business regulatory fee as set forth by South Ogden City.
4. Mobile food courts are for the sale of food products only. Retail sale of nonfood items is not permitted.
5. All ~~the~~ proposed activities will be conducted on private property owned or otherwise controlled by the applicant or public property where permission has been received and none of the activities will occur on any public right of way.
6. The proposed mobile food court will not impede pedestrian or vehicular traffic in the public way.
7. The proposed mobile food court must comply with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
8. All activities associated with a mobile food court must comply with Weber County health department requirements.
9. A detailed site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.
 - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other shade structures, barriers or any other site requirement by the international building code, or health department.
 - c. The location of all existing and proposed activities on site.
 - d. The circulation of all pedestrian and vehicle traffic on the site.
10. Hours of operation are between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
11. Vehicles ~~may not are not allowed to~~ idle. (Ord. 16-01, 1-19-2016, eff. 1-19-2016)

10-24-3: MOBILE FOOD BUSINESS IN THE PUBLIC RIGHT OF WAY:

A. Purpose And Intent: Mobile food businesses conducted within public streets pose special dangers to the health, safety and welfare of the public. Companies and individuals who engage in the operation of mobile food businesses require clear and concise regulations ~~in this regard~~, to prevent safety, traffic and health hazards, ~~and as well as~~ to preserve the peace, safety and welfare of the community.

B. Mobile Food Businesses Allowed:

1. No person shall operate a mobile food business in the public right of way, without first having obtained a business license from South Ogden City.
2. Mobile food truck vehicles are allowed to operate in the public right of way ~~only~~ within ~~the all~~ general, commercial neighborhood, and core subdistricts C-1, C-2, C-3, CP-1, CP-2, CP-3, CRC-1, M-1 and MP-1 zones, in accordance with the provisions of this chapter.
3. Provisions found in this section shall not apply to vending carts, mobile food trailers, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses ~~that are~~ specifically authorized by this title or other city ordinances.

C. Separate Applications: Separate business license applications may be required for each mobile food business. Separate business license applications are not required for multiple food trucks of any single Food Truck Operator. Separate business license fees are not required for each mobile food business vehicle operating under one business license granted to an individual food truck operator ~~Separate business license fees shall be required for each mobile food business vehicle operating under one business license.~~

D. Fees; Annual Operation: No license shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee.

E. Business Activity To Be Temporary: All business activity related to mobile food businesses shall be ~~of a~~ temporary ~~in~~ nature, the duration of which shall not extend for more than twelve (12) hours within a twenty four (24) hour period at any one premises or location.

F. Use Of Public Right Of Way: Each mobile food business, offering food from motorized vehicles within the public right of way shall abide by the following conditions and requirements. Failure to comply may ~~cause result in~~ the suspension or revocation of a business license, and is a class B misdemeanor:

1. Mobile food business shall obey all parking and traffic regulations.
2. Parking on a park strip, or otherwise landscaped area is not allowed.
3. Mobile food truck vehicles utilizing the parking space within the public right of way shall park only in parallel parking spaces. Mobile food truck vehicles must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses.
4. The operator shall locate the vending window facing the sidewalk. Mobile food truck vehicles manufactured to operate from the rear of the vehicle must obtain special permission from the city to operate in the public right of way.
5. Operator of the mobile food truck vehicle shall ensure that its use of the right of way, including the sidewalk, in no way interferes with or limits the free and unobstructed passage of pedestrians.
6. The mobile food truck vehicle shall be prohibited from pulling any ~~type of~~ trailer.
7. The operator of the mobile food truck vehicle shall not sell to any person standing in the roadway unless approved by the city.
8. Mobile food truck vehicles shall not operate on public streets where the speed limit exceeds forty five (45) miles per hour.
9. Any auxiliary power required for the operation of the mobile food truck shall be self-contained; no use of public or private power sources are allowed without providing written consent from the owner to the city.
10. All motorized vehicles of the applicant and operators shall comply with all other requirements of this chapter and any other requirements of ordinance or statute that may ~~apply be applicable.~~
11. All materials generated from a mobile food business ~~requiring disposal that are to be disposed of~~ should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.

G. Design And Operation Guidelines: Mobile food trucks operating in the public right of way shall comply with the following design requirements:

1. Mobile food truck vehicles shall ~~be designed to~~ meet all applicable Weber County health department requirements relating to the handling and distribution of food.
2. Mobile food truck vehicles shall be kept in good operating condition, no peeling paint or rust shall be visible.
3. No mobile food truck vehicle operating in the public right of way shall operate within the same block face of another mobile food vendor at any one time.
4. No mobile food truck vehicle shall operate within one hundred fifty feet (150') of a door to a restaurant, mobile food vendor, food cart, or city authorized special event selling food, except:
 - a. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the business license administrator. Such waiver shall not exempt the applicant from compliance with the other location and distance restrictions of this chapter.
5. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
6. Trash and recycling containers shall be provided for ~~use of~~ the business patrons.

7. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right of way not authorized by the city.

8. Hours of operation are between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

9. Vehicles ~~are not allowed to~~ may not idle.

H. Signs: No signs shall be used to advertise the conduct of the mobile business at the premises other than that which is physically attached to the vehicle, except temporary signs otherwise authorized by this title.

1. Professional And Personal Services Prohibited: The performance of professional or personal services for sale shall not be provided from a mobile food truck.

2. Special Events: The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing mobile food businesses, other than those licensed under this chapter, to conduct concurrent vending operations within the public right of way, or such other areas as the city may deem appropriate, during special events (special event vendors). The special event vendors shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable. However, as long as the public right of way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances. If the city is closing a public right of way to general access, either partially or fully, in order to accommodate a special event, the mobile food business may not access that right of way unless specifically authorized by the city. (Ord. 16-01, 1-19-2016, eff. 1-19-2016)