

**ORDINANCE NO. 13-06**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10 CHAPTER 19 SECTION 3 OF THE CITY CODE OF SOUTH OGDEN CITY REVISING VARIOUS SECTIONS AND SUBSECTIONS THEREOF BY MAKING CERTAIN CHANGES TO HOME OCCUPATION PROVISIONS OF THE CITY CODE; MAKING HOME OCCUPATION BUSINESSES AS A CONDITIONAL USE IN THE R-5zc(C) ZONE; 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 (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-717, and UCA §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA §10-3-717, and UCA §10-3-701, the governing body of the city has previously adopted a City Code which, among other things, deals with home occupation licensing and management provisions for and on behalf of the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10 Chapter 19 Section 3 deals with home occupation licensing and management provisions of the city and is based on and adopted in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate the procedures under which home occupation licensing and management provisions; and,

WHEREAS, the City Council finds that South Ogden City Code, in Title 10 Chapter 19 Section 3, and various of the subsections thereto should be amended by the addition of new language governing home occupation licensing and management provisions for and on behalf of the city by providing that home occupation businesses shall be conditional use in the R-5zc(C) zone; and,

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

WHEREAS, the City Council finds that the public safety, health and welfare is at issue in this matter 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 to as follows:

**Amended Section:**

Upon the adoption of this Ordinance, the following sections are amended and adopted to read as follows:

**Section 10-19-3 I** is amended to read as follows: Multi-Family Dwelling Units:  
Multi-Family Dwelling Units:

- a. An occupation that attracts customers, clients or students to the premises for sales or services; which require the storage of goods and/or using special equipment; which requires parking or storage of trucks or special vehicles; or which serves as a gathering place for off-site workers and employees shall not be allowed in multi-family dwelling units. Multi-family home occupations are limited to internet, on-line, mail order and similar minimal-impact uses only
- b. As part of the application process for a home occupation license under this section, where the business will be at a rental property and the applicant is not the property owner, a letter from the property owner stating he/she knows of the application and interposes no objection the operation of the business must be provided.

**Section 10-7G-3** is amended to read as follows:

10-7G-3: CONDITIONAL USES:

The following is an authorized conditional use for this zone:

On-line, mail order and similar home occupations

**Section 10-7H-2** is amended to read as follows:

10-7H-2: CONDITIONAL USES:

The following is an authorized conditional use for this zone:

On-line, mail order and similar home occupations

**Section 2 - Repealer of Conflicting Enactments:**

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

**Section 3 - Prior Ordinances and Resolutions:**

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

**Section 4 - Savings Clause:**

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be 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 16<sup>th</sup> day of April, 2013, and after publication or posting as required by law.

DATED this 16<sup>th</sup> day of April, 2013

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor James F. Minster

Attested and recorded

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Leesa Kapetanov  
City Recorder