

**ORDINANCE NO. 15-06**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING  
TITLE 10, CHAPTERS 2, 7, 12, & 13; 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 City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals permitted and conditional uses within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapters 2, 7, 12, & 13 and their various sections deal with permitted and conditional uses within certain zones 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 governing signage issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapters 2, 7, 12, & 13 and their various sections should be amended by adding new language governing permitted and conditional uses and regulations for the city; 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 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, Title 10, Chapters 2, 7, 12, & 13, be changed and amended to as set out in Attachment "A", 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been adopted by the City, or parts, which are in conflict with this Ordinance, are, to the extent of such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 17<sup>th</sup> day of February, 2015, and after publication or posting as required by law.

DATED this 17<sup>th</sup> day of February, 2015

SOUTH OGDEN, a municipal corporation

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

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov  
City Recorder

## Title 10 - ZONING REGULATIONS

### 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.

**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.

**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 types of banks: commercial/retail banks and investment banks. Bank does not mean short-term lending institution.

**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 association 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) guest rooms 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.

**CARPORT, 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.

**COURT:** 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.

**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.

**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 who has a severe, chronic disability attributable to a mental or physical impairment, or to a combination of mental and physical impairments, which is likely to continue indefinitely or which results in a functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency, and who requires a combination or sequence of special interdisciplinary or generic care or treatment.

**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.

**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.

**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.

**EAVE:** A portion of the roof that extends not more than two and one-half feet ( $2\frac{1}{2}$ ) measured parallel to the nearest exterior wall, gable end, support beam or post.

**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," for the purpose of this title, does not include post high school educational facilities, trade schools, tutorial services, boarding facilities or any residential uses.

**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.

**FAMILY:** Any of the following who occupy a dwelling unit: 1) One person living alone; 2) Two or more persons related by blood, marriage or adoption and foster children living together as a single housekeeping unit; and up to two other persons hired for domestic help residing on the same premises where the housekeeping unit is located; 3) Not more than four (4) unrelated persons living together as a single, nonprofit housekeeping unit; or 4) A group of persons with a disability living in a residential facility for persons with a disability as permitted by 10-14-16 of this Title.

**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.

**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.

**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.

**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 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 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.

**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 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:** 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.

**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.

**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.

**KENNEL<sup>1</sup>:** 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 launderettes may include self-service, coin operated dry cleaning machines.

**LIGHT REFRESHMENT:** Includes, by way of example and not limitation, foods such as sandwiches, hors d'oeuvres, finger foods, snacks, etc., prepared off site and made available 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 group dwellings and a guesthouse, not more than one dwelling structure shall occupy any one lot.

**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°).

**LOT, INTERIOR:** A lot other than a corner lot.

**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 10-9-306, 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 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.

**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.

**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.

**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.

**NURSING HOME:** A residential facility for people with chronic illness or disability. A place where people who are unable to 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 be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and 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 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 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 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.

**PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD):** A development in which the regulations of the zone in which 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.

**RESIDENTIAL FACILITY FOR DISABLED PERSONS:** A residence in which more than one person with a disability resides and which is licensed or certified by:

(1) The Utah Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or

(2) 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 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 be a minimum of fifty five (55) years of age at the time of initial occupancy. Also, physically or mentally disabled persons qualify under this definition as though they were fifty five (55) years of age.

**SENSITIVE AREA:** Lands containing environmentally and geologically sensitive elements which if encroached upon by unsuspecting urban land development such as utilities, housing, streets and/or public facilities, could be damaged beyond repairability or could cause severe damage to such urban development or cause complete destruction thereof, or 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 rockfall.

**SENSITIVE VEGETATION:** Vegetative cover which can be harmed by compaction from overuse, urban development or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing 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 perpetuance of certain species of wildlife, particularly if encroached upon by urban related development. It is specifically related to the elimination of a limited habitat and its related wildlife.

**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.

**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.

**STORY:** The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

**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.

**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.

**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.

**TAVERN<sup>2</sup>:** Any business establishment operating under a class C 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.

**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 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.

**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 as provided in [chapter 15](#) of this title, 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 distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

**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.

**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.

**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.

**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.

**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. 673, 1-8-1980; amd. Ord. 735, 9-11-1985; Ord. 809, 9-11-1990; Ord. 973, 7-7-1998; Ord. 99-18, 8-17-1999, eff. 8-17-1999; Ord. 99-21, 10-12-1999, eff. 10-12-1999; 2001 Code; Ord. 01-21, 8-7-2001, eff. 8-7-2001; Ord. 06-10, 3-7-2006, eff. 3-7-2006; Ord. 06-17, 8-16-2006, eff. 8-16-2006; Ord. 08-10, 3-18-2008, eff. 3-18-2008; Ord. 12-19, 11-13-2012, eff. 11-13-2012; Ord. 13-14, 6-18-2013, eff. 6-18-2013)

CHAPTER 7  
RESIDENTIAL ZONES

ARTICLE A. SINGLE-FAMILY RESIDENTIAL ZONES (R-1-6, R-1-8, R-1-10)

10-7A-1: PURPOSE AND INTENT:

The purpose of the R-1-10, R-1-8 and R-1-6 zone classifications is to provide regulated areas for single-family residential uses at three (3) different low density levels.

10-7A-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster Subdivision (see chapter 12 of this Title)

Educational institution - public.

Educational institution - private.

Golf course, except miniature golf course.

Home occupation (see chapter 19 of this Title).

Parking lot accessory to uses permitted in this zone.

Planned residential unit development, in accordance with [chapter 11](#) of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons. (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

10-7A-3: CONDITIONAL USES:

There are no conditional uses in this zone.

#### 10-7A-4: SITE DEVELOPMENT STANDARDS:

##### A. Minimum lot area:

1. R-1-10 zone, ten thousand (10,000) square feet.
2. R-1-8 zone, eight thousand (8,000) square feet.
3. R-1-6 zone, six thousand (6,000) square feet for dwelling and eight thousand five hundred (8,500) square feet for other main building.

##### B. Minimum lot width:

1. R-1-10 zone: Eighty feet (80').
2. R-1-8 zone: Sixty five feet (65').
3. R-1-6 zone: Sixty feet (60').

##### C. Minimum yard setbacks:

###### 1. Front:

- a. R-1-10 and R-1-8 zones: Thirty feet (30'), except average where fifty percent (50%) frontage is developed, but not less than twenty feet (20').
- b. R-1-6 zone: Twenty five feet (25'), except average where fifty percent (50%) frontage is developed, but not less than twenty feet (20').

###### 2. Side:

###### a. Dwelling:

- (1) R-1-10 zone: Ten feet (10') with total width of two (2) side yards not less than twenty four feet (24').
- (2) R-1-8 and R-1-6 zones: Eight feet (8') with total width of two (2) side yards not less than eighteen feet (18').

###### b. Other main building: Twenty feet (20').

c. Accessory building:

(1) R-1-10 zone: Ten feet (10'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.

(2) R-1-8 and R-1-6 zones: Eight feet (8'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot. (Ord. 08-10, 3-18-2008, eff. 3-18-2008)

3. Side facing street on corner lot: Twenty feet (20'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').

4. Rear:

a. Main building: Thirty feet (30').

b. Accessory building:

(1) R-1-10 zone: One foot (1'), except ten feet (10') where accessory building rears on side yard of adjacent corner lot.

(2) R-1-8 and R-1-6 zones: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.

D. Building height:

1. Minimum: One story.

2. Maximum: Two and one-half (2<sup>1/2</sup>) stories or thirty five feet (35').

ARTICLE B. TWO-FAMILY RESIDENTIAL ZONE (R-2)

10-7B-1: PURPOSE AND INTENT:

The purpose of the R-2 zone classification is to accommodate a need for moderate density residential districts incorporating both single-family and two-family dwelling units.

10-7B-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.



Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision (see chapter 12 of this Title).

Educational institution - public.

Educational institution – private.

Golf course, except miniature golf course.

Home occupation (see [chapter 19](#) of this title).

Parking lot accessory to uses permitted in this zone.

Planned residential unit development, in accordance with [chapter 11](#) of this title.

Public building, public park, recreation grounds and associated building.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

Temporary building and use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

#### 10-7B-3: CONDITIONAL USES:

There are no conditional uses in this zone.

#### 10-7B-4: SITE DEVELOPMENT STANDARDS:

##### A. Minimum lot area:

1. Single-family dwelling: Six thousand (6,000) square feet.
2. Two-family dwelling: Ten thousand eight hundred ninety (10,890) square feet.
3. Other main building: Eight thousand five hundred (8,500) square feet.

##### B. Minimum lot width: Seventy five feet (75').

C. Minimum yard setbacks:

1. Front: Fifteen feet (15').
2. Side:
  - a. Main building: Eight feet (8'), with total width of two (2) sides of not less than eighteen feet (18') for single-family dwelling or two-family dwelling and twenty feet (20') each side for other main building. (Ord. 673, 1-8-1980)
  - b. Accessory building: Eight feet (8'), in side yard if located at least six feet (6') from main building, except one foot (1') in minimum rear yard if located at least six feet (6') from main building; but not closer than ten feet (10') to dwelling on adjacent lot.
3. Side, facing street or corner lot: Fifteen feet (15').
4. Rear:
  - a. Main building: Thirty feet (30').
  - b. Accessory building: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.

D. Building height:

1. Minimum: One story.
2. Maximum: Two and one-half ( $2\frac{1}{2}$ ) stories or twenty seven feet (27').

ARTICLE C. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

10-7C-1: PURPOSE AND INTENT:

The purpose of this zone is to provide residential areas that will accommodate the development of dwelling types from single-family through multiple-family units with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, higher density uses. (Ord. 673, 1-8-1980)

10-7C-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution - public.

Educational institution – private.

Golf course, except miniature golf course.

Multiple buildings on a single lot with twelve (12) or less dwelling units in accordance with chapter 13 of this title.

Home occupation (see [chapter 19](#) of this title).

Library or museum, public or nonprofit.

Multiple-family dwelling with twelve (12) or less dwelling units.

Parking lots accessory to uses permitted in this zone.

Planned residential unit development, in accordance with [chapter 11](#) of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling

#### 10-7C-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:

Daycare center.

Nursing home.

#### 10-7C-4: SITE DEVELOPMENT STANDARDS:

##### A. Minimum Lot Area:

##### 1. One-building dwelling:

- a. For single-family: Six thousand (6,000) square feet.

- b. For two-family: Eight thousand five hundred (8,500) square feet.
  - c. For multiple-family: Eight thousand five hundred (8,500) square feet, plus two thousand (2,000) square feet for each dwelling unit in excess of two (2) in each building.
- 2. a. Multiple buildings on a single lot: Eight thousand five hundred (8,500) square feet for each building, plus two thousand (2,000) square feet for each dwelling unit in excess of two (2) in each building.
- 3. a. Other main building: Eight thousand five hundred (8,500) square feet.
  - b. For nursing home: An additional seven hundred fifty (750) square feet for guest or patient accommodation in excess of four (4).

B. Minimum Lot Width: Sixty feet (60').

C. Minimum Yard Setbacks:

- 1. Front: Twenty five feet (25'), except average where fifty percent (50%) frontage is developed, but not less than twenty feet (20').
- 2. Side:
  - a. Main building:
    - (1) One-building dwelling and multiple buildings on a single lot: Eight feet (8') with total width of two (2) required yards of not less than eighteen feet (18'), plus one foot (1') each side for each one foot (1') main building is over thirty five feet (35') high.
    - (2) Other main building: Twenty feet (20') each side, plus one foot (1') each side for each one foot (1') main building is over thirty five feet (35') high.
  - b. Accessory building: Eight feet (8'), in side yard if located at least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot.
- 3. Side facing street on corner lot: Twenty feet (20'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').
- 4. Rear:
  - a. Main building: Thirty feet (30').
  - b. Accessory building: One foot (1'), except eight feet (8') where accessory building rears on side yard of adjacent corner lot.

D. Building Height:

- 1. Minimum: One story.

2. Maximum: Nursing home, two and one-half (2<sup>1</sup>/<sub>2</sub>) stories or thirty five feet (35'), none for other buildings.

E. Lot Coverage: No building or group of buildings with their accessory buildings shall cover more than forty percent (40%) of the lot area.

F. Open Green Space: At least forty percent (40%) of the lot area shall be left in open green space.

G. Special Regulations: In no case shall the ratio of total floor area in the building to the lot area exceed one to one (1:1).

#### ARTICLE D. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3A)

##### 10-7D-0: REQUIREMENTS:

The requirements of the R-3 zone are applicable except for the following amendments:

##### 10-7D-3: SITE DEVELOPMENT STANDARDS:

###### A. Minimum Lot Area:

###### 1. One building dwelling:

a. Same as multiple family dwelling in R-3 zone or eight (8) units per acre, whichever is less.

###### 2. Multiple buildings on a single lot:

a. Same as multiple buildings on a single lot in R-3 zone or eight (8) units per acre, whichever is less.

#### ARTICLE D1. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3B)

##### 10-7D1-0: REQUIREMENTS:

This zone is the same as R-3A except the density listed in section [10-7D-0](#) of this chapter under subsection [10-7D-3](#) A1a and A2a is limited to eleven (11) units per acre. (Ord. 11-01, 2-1-2011, eff. 2-1-2011)

## ARTICLE E. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-4)

### 10-7E-1: PURPOSE AND INTENT:

The purpose of the R-4 zone is to provide higher density residential areas with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density.

### 10-7E-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Boarding and lodging house.

Church, synagogue or similar permanent building used for regular religious worship.

College or university.

Daycare center.

Educational institution - public.

Educational institution - private

Golf course, except miniature golf course.

Multiple dwellings on a single lot with twenty four (24) or less dwelling units in accordance with [chapter 13](#) of this title.

Home occupation (see [chapter 19](#) of this title).

Library or museum, public or nonprofit.

Multiple-family dwelling with twenty four (24) or less dwelling units.

Parking lots accessory to uses permitted in this zone.

Planned residential unit development, in accordance with [chapter 11](#) of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

#### 10-7E-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:

Assisted living units.

Beneficial societies.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Hospital, clinic.

Nursing home.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work product of the studio involved.

Wedding chapel and reception center; provided, that light refreshment only shall be incidental to the principal use.

#### 10-7E-4: SITE DEVELOPMENT STANDARDS:

##### A. Minimum Lot Area:

##### 1. One-building dwelling:

a. For single-family: Six thousand (6,000) square feet, plus one thousand five hundred (1,500) square feet for each additional dwelling unit.

2. a. Multiple dwellings on a single lot: Six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building.

3. a. Other main building: Seven thousand five hundred (7,500) square feet.
- b. For nursing home: An additional five hundred (500) square feet for each guest or patient in excess of four (4).
- c. For hospital, beneficial society or wedding chapel: Twenty thousand (20,000) square feet.

B. Minimum Lot Width: Sixty feet (60').

C. Minimum Yard Setbacks:

1. Front: Twenty five feet (25'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15'). (Ord. 673, 1-8-1980)

2. Side:

a. For any dwelling, nursery school, office, clinic, boarding house or lodging house, six feet (6') with total of two (2) side yards not less than sixteen feet (16'), plus one foot (1') each side for each one foot (1') any building is over thirty five feet (35') high. (Ord. 673, 1-8-1980; amd. 2001 Code)

b. Other main building: Twenty feet (20') each side, plus one foot (1') each side for each two feet (2') main building is over thirty five feet (35') high. (Ord. 673, 1-8-1980)

c. Accessory building: Eight feet (8'), in side yard if located at the least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot. (Ord. 08-10, 3-18-2008, eff. 3-18-2008)

3. Side facing street on corner lot: Fifteen feet (15'), except average where fifty percent (50%) frontage is developed, but not less than ten feet (10').

4. Rear:

a. Main building: Thirty feet (30').

b. Accessory building: One foot (1'), except six feet (6') where accessory building rears on side yard of adjacent corner lot.

D. Building Height:

1. Minimum: One story.

2. Maximum: None.

E. Lot Coverage: No building or group of buildings with their accessory buildings shall cover more than fifty percent (50%) of the lot area.



F. Open Green Space: At least thirty percent (30%) of the lot area shall be left in open green space.

G. Special Regulations: In no case shall the ratio of floor area in the main building to the lot area exceed two to one (2:1).

#### ARTICLE E1. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-4A)

##### 10-7E1-1 PURPOSE AND INTENT:

The purpose of the R-4A zone is to provide office areas with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

The requirements of the R-4 zone are applicable except for the following amendments:

##### 10-7E1-2: PERMITTED USES:

**The following permitted uses allowed in the R-4 zone remain as permitted uses in the R-4A zone.**

Accessory building and use customarily incidental to any permitted use.

Agriculture

Church, synagogue or similar permanent building used for regular religious worship.

Parking lots accessory to uses permitted in this zone.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

**The following uses permitted in the R-4 zone were removed as permitted uses from the R-4A zone.**

Boarding and lodging houses.

College or university.

Daycare center.

Educational institution - public.

Educational institution - private

Golf course, except miniature golf course.

Multiple buildings on a single lot with twenty four (24) or less dwelling units

Home occupation.

Library or museum, public or nonprofit.

Multiple-family dwellings.

Planned residential unit development.

Single-family dwelling.

Two-family dwelling.

#### 10-7E1-3: CONDITIONAL USES:

The following conditional uses allowed in an R-4 zone remain as conditional uses in the R-4A zone:

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

The following conditional uses allowed in the R-4 zone were removed from the R-4A zone:

Assisted living units.

Beneficial society.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Multiple buildings on a single lot. with twenty five (25) or more dwelling units in accordance with chapter 13 of this title.

Hospital, clinic.

Kindergarten.

Multiple-family dwellings.

Nursing home.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Studio for professional work, teaching, performances or exhibitions of the fine arts.

Wedding chapel and reception center.

#### 10-7E1-4: SITE DEVELOPMENT STANDARDS:

The following change was made to 10-7E-4(D)(2) of the R-4 site development standards

D. Building Height:

2. Maximum: 3 stories

ARTICLE F. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5)

10-7F-1: PURPOSE AND INTENT:

The purpose of the R-5 zone classification is to permit development of high density residential areas with their associated necessary public services and activities.

10-7F-2: PERMITTED USES:

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Bank.

Beneficial Society

Boarding and lodging house.

Church, synagogue or similar permanent building used for regular religious worship.

College or university.

Credit union.

Daycare center.

Educational institution - public.

Educational institution – private.

Golf course, except miniature golf course.

Multiple dwellings on a single lot with forty nine (49) or less dwelling units in accordance with [chapter 13](#) of this title.

Home occupation (see [chapter 19](#) of this title).

Library or museum, public or nonprofit.

Mortuary.

Multiple-family dwelling with forty nine (49) or less dwelling units.

Parking lot, accessory to uses permitted in this zone.

Planned residential unit development, in accordance with [chapter 11](#) of this title.

Private park, playground and recreation area, but not including privately-owned commercial amusement business.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).

Single-family dwelling.

Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work products of the studio involved.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

Wedding chapel and reception center; provided, that light refreshment only shall be served and the service or consumption of food or refreshment shall be directly incidental to the principal use.

#### 10-7F-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:

Assisted living units.

Hospital, clinic, including clinic for household pets for outpatient treatment only.

Medical laboratory.

Nursing home.

Public utility substation

#### 10-7F-4: SITE DEVELOPMENT STANDARDS:

##### A. Minimum lot area:

###### 1. One-building dwelling:

a. For single-family, six thousand (6,000) square feet.

b. For multiple-family, same as single-family dwelling, plus one thousand five hundred (1,500) square feet for each additional dwelling unit. (Ord. 739, 1-20-1986)

2. a. Multiple buildings on a single lot, six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building.

3. a. Other main building, seven thousand five hundred (7,500) square feet.

b. For nursing home, an additional five hundred (500) square feet for each guest or patient in excess of four (4). (Ord. 739, 1-20-1986)

c. For hospital, beneficial society, mortuary or wedding chapel, twenty thousand (20,000) square feet. (Ord. 739, 1-20-1986; amd. 2001 Code)

##### B. Minimum lot width, sixty feet (60').

##### C. Minimum yard setbacks:

1. Front, twenty five feet (25'), except average where fifty percent (50%) frontage is developed, but not less than fifteen feet (15').

###### 2. Side:

a. For any dwelling, nursery school, office, clinic, boarding house or lodging house, six feet (6') with total of two (2) side yards not less than sixteen feet (16'), plus one foot (1') each side for each one foot (1') any main building is over thirty five feet (35') high. (Ord. 739, 1-20-1986)

b. Other main: Twenty feet (20') each side, plus one foot (1') each side for building each two feet (2') main building is over thirty five feet (35') high. (Ord. 739, 1-20-1986; amd. 2001 Code)

c. Accessory building: Eight feet (8'), in side yard if located at the least six feet (6') from main building except one foot (1') in minimum rear yard if located at least six feet (6') from main building, but not closer than ten feet (10') to dwelling on adjacent lot. (Ord. 08-10, 3-18-2008, eff. 3-18-2008)

3. Side facing street on corner lot: Fifteen feet (15'), except average where fifty percent (50%) frontage is developed, but not less than ten feet (10').

4. Rear:

a. Main building: Thirty feet (30').

b. Accessory building: One foot (1'), except six feet (6') where accessory building rears on side yard of adjacent corner lot.

D. Building Height:

1. Minimum: One story.

2. Maximum: None.

E. Lot Coverage: No building or group of buildings with their accessory buildings shall cover more than fifty percent (50%) of the lot area.

F. Open Green Space: At least thirty percent (30%) of the lot area shall be left in open green space.

G. Special Regulations: In no case shall the ratio of floor area in the main building to the lot area exceed two to one (2:1). (Ord. 739, 1-20-1986)

## ARTICLE G. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5A)

### 10-7G-1: PURPOSE AND INTENT:

The purpose of the R-5A zone classification is to permit development of limited residential and office/commercial uses with their associated necessary public services and activities.

The requirements of the R-5 zone are applicable except for the following amendments:

### 10-7G-2: PERMITTED USES:

**The following permitted uses in an R-5 zone remain as permitted uses in the R-5A zone.**

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Beneficial Society

Church, synagogue or similar permanent building used for regular religious worship.

College or university.

Daycare Center

Home Occupation

Library or museum, public or nonprofit.

Mortuary.

Parking lot, accessory to uses permitted in this zone.

Photo studio.

Planned residential unit development, in accordance with chapter 11 of this title.

Private park, playground and recreation area, but not including privately-owned commercial amusement business.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

The following use has been added as a permitted use in the R-5zc(A & B) zone:

Medical related retail, such as a pharmacy, maternity clothes and related item sales, and medical supplies and equipment, if located in an approved medical office building.

**The following uses permitted in the R-5 zone were removed as permitted uses from the R-5Azone.  
Bank.**

Boarding and lodging house.

Credit union.

Educational institutions – public.

Educational institutions - private

Golf course, except miniature golf course.

Multiple buildings on a single lot with forty nine (49) or less dwelling units in accordance with [chapter 13](#) of this title.

Multiple-family dwelling with forty nine (49) or less dwelling units.

Single-family dwelling.

Two-family dwelling.

10-7G-3: CONDITIONAL USES:

**The following conditional uses allowed in an R-5 zone remain as conditional uses in the R-5A zone:**

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Hospital, sanitarium, clinic, including clinic for household pets for outpatient treatment only.

Laboratories.

Nursing home.

**The following has been added as a conditional use in the R-5Azone:**

Senior housing.

**The following conditional uses allowed in the R-5 zone were removed from the R-5A zone:**

Assisted living units.

Beneficial society.



ARTICLE H. MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5B)

10-7H-1: PURPOSE AND INTENT:

The purpose of the R-5B zone classification is to permit development of high density residential areas with their associated necessary public services and activities.

**The requirements of the R-5 zone are applicable except for the following amendments:**

10-7H-1: PERMITTED USES:

**The following permitted uses allowed in an R-5 zone are also allowed in the R-5B zone:**

Accessory building and use customarily incidental to any permitted use.

Agriculture.

Boarding and lodging house.

Church, synagogue or similar permanent building used for regular religious worship.

Daycare center.

Multiple-family dwelling with forty nine (49) or less dwelling units.

Parking lot, accessory to uses permitted in this zone.

Planned residential unit development, in accordance with chapter 11 of this title.

Private park, playground and recreation area, but not including privately-owned commercial amusement business.

Public building, public park, recreation grounds and associated buildings.

Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).

Single-family dwelling.

Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work products of the studio involved.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling.

Wedding chapel and reception center; provided, that light refreshment only shall be served and the service or consumption of food or refreshment shall be directly incidental to the principal use.

**The following permitted uses in an R-5 zone are not permitted in the R-5B zone:**

Bank.

Beneficial Society

College or university.

Credit union.

Educational institution - public.

Educational institution - private

Golf course, except miniature golf course.

Home occupation

Multiple buildings on a single lot with forty nine (49) or less dwelling units in accordance with [chapter 13](#) of this title.

Library.

Mortuary.

Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.

10-7H-2: CONDITIONAL USES:

**The following conditional uses allowed in an R-5 zone are also allowed in the R-5B zone:**

Assisted living units.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Home occupation

Hospital, clinic, including clinic for household pets for outpatient treatment only.

Nursing home.

**The following conditional uses allowed in the R-5 zone are not allowed in the R-5B zone:**

Beneficial Society

Medical Laboratories

10-7H-3: SITE DEVELOPMENT STANDARDS:

Same as R-5 zone except for the following amendments to 10-7F-4(A)and (D):

A. Minimum lot area:

1. One-building dwelling:

a. For single-family, six thousand (6,000) square feet.

b. For multiple-family, same as single-family dwelling, plus one thousand five hundred (1,500) square feet for each additional dwelling unit or twenty (20) units per acre, whichever is less (Ord. 739, 1-20-1986)

2. a. Multiple buildings on a single lot, six thousand (6,000) square feet for first building, plus two thousand (2,000) square feet for each additional building, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one in each building, or twenty (20) units per acre, whichever is less.

D. Building Height:

1. Minimum: One story.

2. Maximum: Three (3)stories or forty two feet (42').

ARTICLE I. MULTIPLE-FAMILY RESIDENTIAL ZONE, SENIOR HOUSING (R-5C)

10-7I-0: REQUIREMENTS:

The requirements of the R-5 zone are applicable except for the following zc amendments:

The following is a conditional use in the R-5zcC) zone:

Senior housing at a maximum density of thirty eight (38) units per acre.



CHAPTER 12  
CLUSTER SUBDIVISIONS SPECIAL REGULATIONS

10-12-1: PURPOSE AND INTENT:

Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of single-family and two-family dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area. (Ord. 673, 1-8-1980)

10-12-2: GENERAL REGULATIONS:

A. Zones Allowed As Conditional Use: A cluster subdivision shall be a conditional use in R-1-10, R-1-8, R-1-6 and R-2 zones, and notwithstanding any other provisions of this title, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided, however, that no such cluster subdivision shall contain more than twenty five (25) dwelling units. (Ord. 919, 8-5-1997, eff. 8-5-1997)

B. Lot Area Reduction: Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located, may be approved by the planning commission, provided the provisions of this chapter are met, and further; provided, that the cluster subdivision receives subdivision approval. (Ord. 673, 1-8-1980)

10-12-3: SITE DEVELOPMENT STANDARDS:

A. Minimum Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but no lot shall have an area less than two-thirds ( $\frac{2}{3}$ ) of the minimum lot area required for such dwelling in the respective zone.

B. Minimum Lot Width And Yard Setbacks: The minimum lot width and side yard may be reduced below the side yard normally required in the zone in which the cluster subdivision is located, but no lot shall have a width or side yard of less than three-fourths ( $\frac{3}{4}$ ) of the minimum lot width or side yard required in the respective zone. (Ord. 673, 1-8-1980)

10-12-4: OPEN SPACE PROVISION:

There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located. (Ord. 673, 1-8-1980)

10-12-5: OPEN SPACE PRESERVATION AND MAINTENANCE:

Recreation and/or open space areas to be permanently reserved shall be imposed, landscaped and maintained in accordance with a plan approved by the planning commission and the cluster subdivision provision of the subdivision title. (Ord. 673, 1-8-1980)

10-12-6: PROCEDURE:

A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the planning commission before the cluster subdivision proposal becomes allowed. (Ord. 673, 1-8-1980; amd. 2001 Code)

CHAPTER 13

MULTIPLE DWELLINGS ON A SINGLE LOT SPECIAL REGULATIONS

10-13-1: YARD REGULATIONS:

Multiple dwellings on a single lot shall be considered as one building for the purpose of front, side and rear yard requirements, the entire group as a unit requiring one front, one rear and two (2) side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet (10') for single-story buildings, fifteen feet (15') for two (2) story buildings and twenty feet (20') for three (3) or more story buildings. (Ord. 673, 1-8-1980)

10-13-2: MULTIPLE DWELLINGS ON A SINGLE LOT PRUD:

A multiple dwellings on a single lot complex must be developed as a PRUD if the area of the complex is equal to or exceeds the following zone minimums:

<b>Zone</b>	<b>Acres</b>
<b>R-3</b>	4
<b>R-4</b>	4
<b>R-5</b>	3

(Ord. 673, 1-8-1980; amd. 2001 Code)

10-13-3: CONDITIONAL USE:

All multiple dwellings on a single lot with thirteen (13) or more dwelling units in an R-3 zone, with

twenty five (25) or more dwelling units in an R-4 zone, or with fifty (50) or more dwelling units in an R-5 zone, are considered as a conditional use and as such must comply with the provisions of [chapter 15](#) of this title. (Ord. 673, 1-8-1980)