

ORDINANCE NO. 17-12

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING CITY CODE SECTION 10-5.1A DEALING WITH THE FORM BASED CODE; 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 recently adopted Form Based Code to provide additional clarity, and recognizing that the Form Based Code is presently in transition as the Planning Commission and City Council review various areas of the City which have the potential of directly affecting the economic and commercial well-being of the city; and

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

WHEREAS, the City Council finds that South Ogden City Code, at Title 10 and various subsections should be amended by adding new language addressing Form Based Code issues and regulations for the city; 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, Title 10-5.1A Is, For the Sections and Subsections Listed, 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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 4th day of May, 2017, and after publication or posting as required by law.

DATED this 4th day of May, 2017

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 17-12

An Ordinance Of South Ogden City, Utah, Revising And Amending City Code Section 10-5.1a Dealing With The Form Based Code; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

02 May 17

- 10-5.1A-10-1(G)(4) – changing the appeal body from the planning commission to the hearing officer on denied regulating or site plans.

G. Staff Review Committee: The city manager or designee shall approve, deny, or approve with conditions all submittals for regulating plans and site plans within the subdistricts upon review by a staff review committee.

1. The staff review committee shall include members of each regulatory agency, a representative of each affected city department (i.e., planning, zoning, public works, transportation, utilities).
2. The staff review committee shall meet regularly to process applications within the time lines established by subsections 10-5.1A-10-2A through E of this article.

3. The decision regarding approval or denial of a regulating plan or site plan shall state in writing the reasons for approval or denial.

4. If a regulating plan or site plan is denied by the city manager or designee, the applicant may appeal the decision to the ~~planning commission~~ [hearing officer](#). (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

[5. After an application is approved, approved with conditions, or denied, it will appear on the planning commission and city council agendas for their information.](#)

- 10-5.1A-1-2(F) – adding the sentence “Does not apply to outdoor sales lots within the Riverdale Road General Zone,” at the end of sections 1 and 2.

F. Block Access Configurations:

1. Driveway Access: Vehicular driveway access should not be located off a primary street, unless the parcel is fronted by more than two (2) primary streets, in which case, staff shall determine which is the appropriate street for vehicular access. The determination shall be based on locations of existing and proposed vehicular access points of other developments along the primary streets. [Does not apply to outdoor sales lots within the Riverdale Road General Zone.](#)

2. Alleys, Drives, And Driveways: Blocks may include alleys, drives, or driveway entrances with the following recommended configurations. See figure 1.2(2) of this section. [Does not apply to outdoor sales lots within the Riverdale Road General Zone.](#)

- 10-5.1A-2-1(B) – adding the sentence “Riverdale Road is already established as a location for outdoor sales lots and regulations concerning street types should be carefully considered before being applied to this zone to ensure such uses remain viable.”

B. Applicability: The standards in this section 10-5.1A-2 apply to all vehicular rights of way within all subdistricts.

Exceptions: Washington Boulevard and Riverdale Road are UDOT roads, and the city should work with UDOT on any future design changes, so that these roads can better support the goals of this form based code.

The future redesign of 40th Street will vary depending on whether it contains a transit line, and should be designed specifically for the type of transit mode it will contain.

[Riverdale Road is already established as a location for outdoor sales lots and regulations concerning street types should be carefully considered before being applied to this zone to ensure such uses remain viable.](#)

- 10-5.1A-3-1(A)(3) – adding the sentence “This subdistrict also encourages and promotes outdoor sales lots. Adjustments to the general requirements should be made to ensure such uses remain viable.”

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

Five (5) subdistricts have been created, and each consists of a series of uses and building types that have been specifically calibrated for the subdistrict.

1. City Center "Core": The city center "core" constitutes the center of the community and heart of the new city center, and includes the majority of the shops and workplaces within the city center. The storefront building type that comprises this subdistrict defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working.
2. City Center "General": The city center "general" subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales.
3. Riverdale Road "General": The Riverdale Road "general" subdistrict serves as the interstitial fabric of the city, separate from the defined center or core and the edges. [This subdistrict also encourages and promotes outdoor sales lots. Adjustments to the general requirements should be made to ensure such uses remain viable.](#) This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales. This subdistrict also permits drive-through structures and the limited bay building type to allow more flexibility for auto oriented uses.
4. 40th Street "General": The 40th Street "general" subdistrict combines the storefront building and stoop building to create a corridor that supports a future transit line along 40th Street. Development along this corridor will be at a smaller scale and finer grain, in relation to the city center.
5. Edge Subdistricts: The edge subdistricts are made up of smaller scale residential buildings, which provide a buffer between existing single-family residential neighborhoods and the "core" and "general" subdistricts. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

- 10-5.1A-5-3(B) – excluding outdoor sales lots from the following requirements in all permitted building types: Multiple principle buildings, occupation of corner, front build-to zone, corner build-to zone, parking and loading location, and vehicular access

	Permitted Subdistricts			
	City	City	Riverdale	40th Street

		Center "Core"	Center "General"	Road "General"	"General"	
1.	Building Siting: Refer to figure 5.3(1) of this section					
		Multiple principal buildings	Permitted	Permitted	Permitted ⁶	Permitted
	(a)	Front sidewalk coverage	85%	80%	80%	80% ¹
		Occupation of corner	Required	Required	Required ⁶	Required
	(b)	Front build-to zone	0' to 5'	0' to 5'	0' to 10' ⁶	0' to 5'
	(c)	Corner built-to zone	0' to 5'	0' to 5'	0' to 10' ⁶	0' to 5'
	(d)	Minimum side yard setback	0'	0'	0'	0'
	(e)	Minimum rear yard setback	10'	10'	10'	10'
	(f)	Minimum lot width	None	None	None	None
		Maximum lot width	None	None	None	None
	(g)	Parking and loading location	Rear yard	Rear yard	Rear yard ⁶	Rear and side yard ¹
	(i)	Vehicular access	Alley only; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the city manager or designee	Alley; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the city manager or designee	Alley; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the city manager or designee ⁶	Alley; if no alley exists, 2 driveways are permitted off nonprimary facades, or as approved by the city manager or designee
2.	Height: Refer to figure 5.3(2) of this section					
	(j)	Minimum overall height	2 story	1 story	1 story	1 story
	(k)	Maximum overall height	5 stories ²	3 stories	5 stories ²	3 stories
	(l)	Ground story:				
		Minimum height	14'	14'	14'	14'
		Maximum height	20' ³	20' ³	20' ³	20' ³

	(m)	Upper stories:				
		Minimum height	9'	9'	9'	9'
		Maximum height	14'	14'	14'	14'
3.		Uses: Refer to figure 5.3(2) of this section. Refer to section 10-5.1A-4, "Uses", of this article for permitted uses				
	(n)	Ground story	Retail, service	Retail, service, office	Retail, service, office	Retail, service, office
	(o)	Upper story	Any permitted use			
	(p)	Parking within building	Permitted fully in any basement and in rear of upper floors			
	(q)	Required occupied space	30' deep on all full floors measured from the front facade			
4.		Street Facade Requirements: Refer to figure 5.3(3) of this section				
	(r)	Minimum ground story transparency. Measured between 2' and 8' above grade	75%	65%	65%	65% front only
	(s)	Minimum transparency per each story	15%	15%	15%	15%
		Blank wall limitations	Required, see subsection 10-5.1A-5-2D2 of this article			
	(t)	Front facade entrance type	Storefront, arcade ^{4,5}	Storefront, arcade ^{4,5}	Storefront, arcade	Storefront, arcade ^{4,5}
	(u)	Principal entrance location	Front facade ^{4,5}	Front facade ^{4,5}	Front facade	Front or corner facade ^{4,5}
		Required number of street entrances	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 100' of front facade
		Vertical facade divisions	Every 30' of facade width	Every 30' of facade width	Every 50' of facade width	Every 50' of facade width
		Horizontal facade divisions	Required within 3' of the top of the ground story, and every fifth floor above the first floor			

5.	Roof Type Requirements: Refer to figure 5.3(3) of this section					
	(v)	Permitted roof types	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat
		Tower	Permitted	Permitted	Permitted	Permitted

Notes:

1. Lots wider than 140 feet are permitted 1 double loaded aisle of surface parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.
2. Above the third story, the upper stories of any building facade with street frontage shall have a step back from the lower stories that is a minimum of 6 feet.
3. If 18 feet or more in height, ground story shall count as 2 stories toward maximum building height.
4. Commercial uses only allowed when fronting on 40th Street or Washington Boulevard.
5. Uses limited to residential on lots lacking frontage on 40th Street or Ogden Avenue.
6. [Does not apply to outdoor sales lots.](#)

- 10-5.1A-7-3(D)(1) - Staff recommends that the following addition be made to promote visibility of car lots from streets:

D. Minimum Street Tree Requirements: The following standards apply to the installation of street trees:

1. Exception: Street trees are not required on alleys or the lane street types, [or along the fronting streets of outdoor sales lots.](#) (refer to sections 10-5.1A-2-4 and 10-5.1A-2-5 of this article, street types).

- 10-5.1A-7-4(B) – Adding note 3 – “No fence required within frontage buffer for Outdoor Sales Lots.”

B. Frontage Buffer Requirements:

1. Buffer depth and location¹:			
	Depth	7'	(a)
	Location on the site	Between street facing property line and parking area ²	(b)
2. Buffer landscape requirements:			
	Uses and materials	Uses and materials other than those indicated are prohibited in	

		the buffer	
	Shade trees	Medium or large shade tree required at least every 40'; locate on the street side of the fence; spacing should alternate with street trees	(c)
	Planting area	Required continuous planting area on street side of fence, between shade trees and in front of vehicular areas	(d)
	Planting area composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48"	
	Existing vegetation	May be credited toward buffer area	
	3. Fence:		(e)
	Location	2' from back of curb of vehicular area ³	
	Materials	Composites, steel, wood, or colored PVC; masonry columns (maximum width 2'6") and base (maximum 18" height) permitted	
	Minimum height	3'	
	Maximum height	4'	
	Colors	No bright or white colors	
	Opacity	Minimum 30%; maximum 80%	
	Gate/opening	1 gate permitted per street frontage; opening width maximum 6'	

Notes:

1. This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

2. In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

[3. No fence required within frontage buffer for Outdoor Sales Lots](#)

- 10-5.1A-7-6(B) – Adding note 4 – “For Outdoor Sales Lots, Interior Parking requirements apply only to required staff and visitor parking areas. Parking earmarked for the display of vehicles is exempt.

B. Interior Parking Lot Landscape Requirements: "Parking lot interior" is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement.⁴

1. Landscape island requirements:			(a)
Required island locations	Terminal ends ¹ of freestanding rows or bays of parking; after every ninth parking space for rows of parking greater than 8 spaces in length ²		(b)
Minimum width	5'; islands less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; islands under 9' must install an aeration system and utilize permeable pavement		
Required trees within islands	Minimum of 1 medium or large shade tree per island		(c)
2. Landscape median requirements:			(d)
Required median location	Required in each freestanding bay of parking along the length of the bay		
Minimum width	5'; medians less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; islands under 9' must install an aeration system and utilize permeable pavement		
3. Tree requirements:			
Requirements per parking space ³	Each parking space must be located within 50' of a tree planted within parking lot interior		
	Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces		
Tree shade goal	Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Refer to table 7.6(1) of this section for calculation		
4. Shade structure requirements:			
Shade structure requirements	Shade structures should be considered an acceptable alternative for meeting the tree shade goal that 30% of the interior parking lot		

	should be shaded. Detail designs for such features should be submitted as part of section 10-5.1A-10-2, "Development Review Procedures", of this article for review and approval	
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Notes:

1. Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
2. There shall be no more than 8 continuous parking spaces in a row without a landscape island.
3. Trees within a designated buffer area may not be utilized to meet these requirements.
4. [For outdoor sales lots, interior parking requirements apply only to required staff and visitor parking areas. Parking earmarked for the display of vehicles is exempt.](#)

- 10-5.1A-7-7(B) – Adding note 2 – “No fence required within active frontage for Outdoor Sales Lots.”

B. Active Frontage Requirements:

1. Frontage location:		
Location on the site	Required adjacent to dining patio or display area	
2. Required fence: ²		
Location	Between 0' and 5' from the front and corner side property lines; only required in front of patio/display area	(a)
Materials	Steel or colored PVC; masonry base or columns permitted	(b)
Minimum height	3'	(c)
Maximum height	4'	
Opacity	Minimum 30%; maximum 60% ¹	
Gate/opening	1 gate permitted per street frontage; opening width maximum 6'	

Note:

1. Fence may be solid if 42 inches or less in height.

| 2. No fence required within active frontage for Outdoor Sales Lots.