

ORDINANCE NO. 19-09

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING CITY CODE SECTION 10-5.1A-4-2, DEFINITIONS et., seq. ,DEFINING, MANAGING, AND PERMITTING “DRIVE-THRU” USES; 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-4-2 And Other Sections And Subsections Listed, Are Amended To Read As Set Out In **Attachment “A”** And Incorporated Fully Herein By This Reference.

The foregoing recitals are incorporated herein.

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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 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 render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance shall be effective on the 2nd day of July, 2019, and after publication or posting as required by law.

DATED this 2nd day of July, 2019

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 19-09

An Ordinance Of South Ogden City, Utah, Revising And Amending City Code Section 10-5.1a-4-2, Definitions et., seq., Defining, Managing, And Permitting “Drive-Thru” Uses; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

02 Jul 19

10-5.1A-4-1

TABLE 4.1(1)
USES BY SUBDISTRICT

Key:	
P	Permitted
P1	Permitted in upper stories only
P2	Permitted with development standards
C	Requires a conditional use permit
Blank	Not permitted

Uses	Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Residential and lodging:					
Residential	P1	P	P	P	P
Hotel and inn	P	P	P	P	P2
Group living arrangements	C	C	C	C	
Civic:					
Assembly	C	C	C	C	P2
Transit station	P	P	P	P	P2
Hospital and clinic	P1	P	P	P	
Library/museum/post office (no distribution)	P	P	P	P	C
Police and fire	C	C	C	C	C
School	P1	P	P	P	P
Retail:					

	Neighborhood retail	P	P	P	P	
	General retail	P	C	P		
	Outdoor sales lot			C		
Service:						
	Neighborhood service	P	P	P	P	
	General service	P	C	C		
	Vehicle service		C	P2		
Office and industrial:						
	Office	P1	P	P	P	P2
	Craftsman industrial	P2	P2	P		
Infrastructure:						
	Parking lot	P2	P2	P2	P2	
	Parking structure	P2	P2	P2	P2	
	Utility and infrastructure	C	C	C	C	
	Open space	P2	P2	P2	P2	P2
Accessory uses:						
	Drive-thru			P2		
	Home occupation	P	P	P	P	P
	Parking lot	P	P	P	P	
	Parking structure	P2	P2	P2	P2	
	Outdoor storage of goods		P2	P2		
Beer and liquor:						
	Class A license ¹	P		P		
	Class B license ²	P	P	P	P	
	Class C license ³	P	P	P	C	

10-5.1A-4-2: DEFINITION OF USES

L. Accessory Uses: A category of uses that are not permitted to serve as the principal use on a zoning lot.

1. Drive-Thru: A use that allows customers to receive services or goods through a window while remaining stationary in their motor vehicles. A drive-thru does not include pumps at a gas station, or any other type of pick-up service (e.g. groceries or lumber) where the driver is required to leave the vehicle or where the services and goods are delivered by other means than through a window. Refer to section 10-5.1A-5-11, for required drive-thru development standards.
2. Home Occupation: An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
3. Parking Lot: An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking lot locations are regulated by building type. Refer to section [10-5.1A-5](#), "Building Types", of this article.
4. Parking Structure: A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking structures within the buildings are regulated per building type. Refer to section [10-5.1A-5](#), "Building Types", of this article. Separate structure locations are also regulated by building type, but shall also meet all of the requirements of subsection I, "Parking Structure", of this section.
5. Outdoor Storage Of Goods: Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the subdistricts where outdoor storage of goods is permitted with development standards ("P2"), the following development standards apply:
 - a. Outdoor storage areas shall be located in the rear or side yard of the lot.
 - b. Loose materials shall not be stacked higher than six feet (6').
 - c. Loose materials shall at a minimum be stored in a three (3) sided shelter and shall be covered.
 - d. Materials shall be set back a minimum of five feet (5') from any lot line.
 - e. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer; refer to section [10-5.1A-7](#) of this article, landscape requirements for side and rear buffer.

10-5.1B-4-1

TABLE 4.1(1)
USES BY SUBDISTRICT

Key:	
P	Permitted
P1	Permitted in upper stories only
P2	Permitted with development standards
C	Requires a conditional use permit
Blank	Not permitted

Uses	Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
Residential and lodging:				
Residential	P1	P	P1	P
Hotel and inn	P	P	P	
Group living arrangement	C	C	C	
Civic:				
Assembly	P2	P2	P2	P2
Transit station	P	P	P	P2
Hospital and clinic	P	P	P	C
Library/museum/Post Office (no distribution)	P	P	P	C
Police and fire	C	C	C	C
School	P	P	P	P
Retail:				
Neighborhood retail	P	P	P	
General retail	P	P	P2	

	Outdoor sales lot				
Service:					
	Neighborhood service	P	P	P	
	General service	P2	C	C	
	Vehicle service	P2	C		
Office and industrial:					
	Office	P	P	P2	
	Craftsman industrial	P	P	P	
Infrastructure:					
	Parking lot	P2	P2	P2	
	Parking structure	P2	P2	P2	
	Utility and infrastructure	C	C	C	C
	Open space	P2	P2	P2	P2
Accessory uses:					
	Drive-thru	P2	P2	P2	
	Home occupation	P	P	P	C
	Parking lot	P	P	P	P
	Parking structure	P2	P2	P2	
	Outdoor storage of goods	P2	P2	P2	
Beer and liquor:					
	Class A license ¹	P			
	Class B license ²	P	P	P	
	Class C license ³	P	P	P	

10-5.1B-4-2: DEFINITION OF USES

L. Accessory Uses: A category of uses that are not permitted to serve as the principal use on a zoning lot.

1. Drive-Thru: A use that allows customers to receive services or goods through a window while remaining stationary in their motor vehicles. A drive-thru does not include pumps at a gas station, or any other type of pick-up service (e.g. groceries or lumber) where the driver is required to leave the vehicle or where the services and goods are delivered by other means than through a window. Refer to section 10-5.1B-5-11, for required drive-thru development standards.
2. Home Occupation: An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
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 - c. Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.
 - d. Materials shall be set back a minimum of five feet (5') from any lot line.
 - e. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to section [10-5.1B-7](#) of this article, landscape requirements for side and rear buffer.