

ORDINANCE NO. 20-03

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING THE CITY CODE SECTION 10-5.1A-4 & 10-5.1B-4 DEFINING CANNABIS PHARMACIES AND WHERE THEY SHOULD BE ALLOWED IN THE CITY; 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 Cannabis Pharmacies are now permitted in Utah and will be located within the City; and,

WHEREAS, the South Ogden City Council finds that the location of Cannabis Pharmacies should be planned and managed for maximum benefit and minimum disruption of City and its residents; and

WHEREAS, the City Council finds that certain changes should be made to existing city ordinances in order to manage the placement of Cannabis Pharmacies; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10.5 and various sections should be amended by adding new language governing placement of Cannabis Pharmacies 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:

Amended Section:

Upon the adoption of this Ordinance, Title 10.5 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 21st day of January, 2020, and after publication or posting as required by law.

DATED this 21st day of January, 2020.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 20-03

An Ordinance Of South Ogden City, Utah, Revising And Amending The City Code Section 10-5.1a-4 & 10-5.1b-4 Defining Cannabis Pharmacies And Where They Should Be Allowed In The City; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

21 Jan 20

10-5.1A-C-4(1): GENERAL REQUIREMENTS:

TABLE 4.1(1)
USES BY SUBDISTRICT

Key:	
P	Permitted
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	P	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	P	P	P	P	
Library/museum/Post Office (no distribution)	P	P	P	P	C
Police and fire	C	C	C	C	C
School	P	P	P	P	P
Retail:					
Neighborhood retail	P	P	P	P	
General retail	P	C	P		

Uses	Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Outdoor sales lot			C		
Medical Cannabis Pharmacy	P2		P2		
Service:					
Neighborhood service	P	P	P	P	
General service	P	C	C		
Vehicle service		C	P2		
Office and industrial:					
Office	P	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		
Temporary outdoor sales lot	P	P	P	P	
Beer and liquor:					
Class A license ¹	P		P		
Class B license ²	P	P	P	P	

Uses	Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Class C license ³	P	P	P	C	

Notes:

1. Class A: Beer and/or liquor served and consumed on or off premises (bar, tavern, microbrewery).
2. Class B: Beer and/or liquor sold on premises, but on premises consumption is prohibited (convenience and grocery stores, State liquor stores).
3. Class C: Beer and/or liquor may be served with a meal in a restaurant.

(Ord. 19-06, 4-16-2019, eff. 4-16-2019; amd. Ord. 19-08, 6-18-2019, eff. 6-18-2019; Ord. 19-09, 7-2-2019, eff. 7-2-2019)

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

C. Retail Uses: A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

1. Neighborhood Retail: A use in this category occupies a space of less than twelve thousand (12,000) square feet. Neighborhood retail includes such uses as those listed as follows:

Neighborhood retail:

Antique shop.

Apparel and accessory store.

Art and education supplies.

Bakery, retail.

Bicycle sales and repair.

Book, magazine, and newspaper store.

Building materials, hardware, and garden supply.

Camera and photo supply store.

China and glassware shop.

Convenience store.

Drugstore/pharmacy.

Fabric and craft store.

Florist.

Gift, novelty, and souvenir shop.

Grocery store.

Hardware store.

Hobby shop.

Jewelry sales and repair.

Luggage and leather goods.

Music store.

Musical instrument repair and sales.

Office supply.

Optical goods.

Paint and wallpaper.

Party supply shop.

Pet and pet supply.

Specialty food market (butcher, candy, fish market, produce, etc.).

Sporting goods sales and rental.

Stationery and paper store.

Toy shop.

Video/game sales and rental.

2. General Retail: A use in this category includes all neighborhood retail uses occupying a space of greater than twelve thousand (12,000) square feet and such uses as those listed as follows:

General retail:

All neighborhood retail.

Agriculture equipment and supply.

Appliance and electronic sales and service.

Automotive supply (no service).

Cabinet supply (display only).

Computer software sales and leasing.

Department store.

Electrical supplies.

Gun shop.

Heating, air conditioning and plumbing supplies, sales, and service.

Home furnishings and accessories sales and rentals.

Machine sales and rental.

Medical supply store and rental.

Medical supply store and sales.

Merchandise vending machine operators.

Motorcycle and motor scooter sales.

Pawnshop.

Smoke shop. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

3. Outdoor Sales Lot: A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the subdistricts where an outdoor sales lot is permitted by conditional use ("C"), the following applies:
 - a. Includes permanent construction of a building utilizing one of the permitted building types in the subdistrict.
 - b. Front setback and corner setback limitations indicated in the building type tables in section [10-5.1A-5](#) of this article do not apply to outdoor sales lots in the Riverdale Road General Subdistrict.
 - c. Notes limiting double-loaded parking for the permitted building types in the Riverdale Road General Subdistrict do not apply to this use. (Ord. 17-11, 4-18-2017, eff. 4-18-2017)

4. Medical Cannabis Pharmacy: A business that purchases cannabis products or devices from a processing facility as described in UCA 4-41a-102(4) and sells the cannabis products or devices in a medicinal form to a medical cannabis cardholder. In the subdistricts where medical cannabis pharmacies are allowed with development standards (P2), the following standards apply in addition to those found in UCA 26-61a-301.

a) Pharmacy shall maintain exterior façades in a manner that maintains the natural color and appearance of the building and avoids drawing special attention to the building;

b) Windows shall not be darkened or covered to prohibit view into the interior of the sales space from the public view;

c) Pharmacy shall be operated entirely within a closed building; and

d) Hours of operation shall commence no earlier than 8:00 am and end by 8:00 pm.

10-5.1B-4-1: GENERAL REQUIREMENTS:

TABLE 4.1(1)
USES BY SUBDISTRICT

Key:	
P	Permitted
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	P	P	P	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				
Medical Cannabis Pharmacy	P2	P2		

Uses	Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
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	
Temporary outdoor sales lot	P	P	P	
Beer and liquor:				
Class A license ¹	P			
Class B license ²	P	P	P	
Class C license ³	P	P	P	

Notes:

1. Class A - Beer and/or liquor served and consumed on premises (bar, tavern, microbrewery).
2. Class B - Beer and/or liquor sold on premises, but on-premises consumption is prohibited

(convenience and grocery stores, State liquor stores).

3. Class C - Beer and/or liquor may be served with a meal in a restaurant.

Refer to subsections 10-5.1B-4-2C1 and C2 of this section 10-5.1B-4 to determine which beer and liquor uses are allowed in neighborhood retail and general retail.

(Ord. 19-06, 4-16-2019, eff. 4-16-2019; amd. Ord. 19-08, 6-18-2019, eff. 6-18-2019; Ord. 19-09, 7-2-2019, eff. 7-2-2019)

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

C. Retail Uses: A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

1. Neighborhood Retail: A use in this category occupies a space of less than twelve thousand (12,000) square feet. Neighborhood retail includes such uses as those listed as follows:

Neighborhood retail:

Antique shop.

Apparel and accessory store.

Art and education supplies.

Bakery, retail.

Beer and liquor sales (see section [10-5.1B-4-1](#), table 4.1(1) of this article).

Bicycle sales and repair.

Book, magazine, and newspaper store.

Building materials, hardware, and garden supply.

Camera and photo supply store.

China and glassware shop.

Convenience store.

Drug store/pharmacy.

Fabric and craft store.

Florist.

Gift, novelty, and souvenir shop.

Grocery store.

Hardware store.

Hobby shop.

Jewelry sales and repair.

Luggage and leather goods.

Music store.

Musical instrument repair and sales.

Office supply.

Optical goods.

Paint and wallpaper.

Party supply shop.

Pet and pet supply.

Specialty food market (butcher, candy, fish market, produce, etc.).

Sporting goods sales and rental.

Stationery and paper store.

Toy shop.

Video/game sales and rental.

2. General Retail: A use in this category includes all neighborhood retail uses and has the ability to occupy a space of greater than twelve thousand (12,000) square feet and such uses as those listed as follows:

General retail:

All neighborhood retail.

Agriculture equipment and supply.

Appliance and electronic sales and service.

Automotive supply (no service).

Beer and liquor sales (see section [10-5.1B-4-1](#), table 4.1(1) of this article).

Cabinet supply (display only).

Computer software sales and leasing.

Department store.

Electrical supplies.

Gun shop.

Heating, air conditioning and plumbing supplies, sales, and service.

Home furnishings and accessories sales and rentals.

Machine sales and rental.

Medical supply store and rental.

Medical supply store and sales.

Merchandise vending machine operators.

Motorcycle and motor scooter sales.

Pawn shop.

Smoke shop.

State liquor store.

3. Outdoor Sales Lot: A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the subdistricts where an outdoor sales lot is permitted by conditional use ("C"), the following applies:

a. Not permitted on corner parcels.

b. Includes permanent construction of a building utilizing one of the permitted building types in the subdistrict.

4. Medical Cannabis Pharmacy: A business that purchases cannabis products or devices from a processing facility as described in UCA 4-41a-102(4) and sells the cannabis products or devices in a medicinal form to a medical cannabis cardholder. In the subdistricts where medical cannabis pharmacies are allowed with development standards (P2), the following standards apply in addition to those found in UCA 26-61a-301:

a) Pharmacy shall maintain exterior façades in a manner that maintains the natural color and appearance of the building and avoids drawing special attention to the building;

b) Windows shall not be darkened or covered to prohibit view into the interior of the sales space from the public view;

c) Pharmacy shall be operated entirely within a closed building; and

d) Hours of operation shall commence no earlier than 8:00 am and end by 8:00 pm.