

**ORDINANCE NO. 20-18**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING THE CITY CODE SECTION AMENDING TITLE 10 OF THE CITY CODE HAVING TO DO WITH SHORT TERM LENDERS, MURAL SIGNS, CLARIFYING THAT FARM ANIMALS CANNOT BE KEPT IN THE CITY, REMOVING CONDITIONAL USES FROM THE R-3 ZONE, AND REDUCING BIKE PARKING REQUIREMENTS IN 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 City Council finds, in concert with recommendations from the Planning Commission, that certain societal and economic changes dictate that amendments to various sections of the City Code should be made in response thereto; and,

**WHEREAS**, the City Council finds that South Ogden City Code, at Title 10 and various of its subsections should be amended by adding new language governing these changes and related 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 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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 7<sup>th</sup> day of July, 2020, and after publication or posting as required by law.

DATED this 7<sup>th</sup> day of July, 2020.

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Russell Porter

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 20-18**

An Ordinance Of South Ogden City, Utah, Revising And Amending The City Code Section Amending Title 10 Of The City Code Having To Do With Short Term Lenders, Mural Signs, Clarifying That Farm Animals Cannot Be Kept In The City, Removing Conditional Uses From The R-3 Zone, And Reducing Bike Parking Requirements In The Form Based Code ; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

07 Jul 20

[Attachment to be provided by City Recorder]

**10-5.1A-4-2(D)(2):**

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

General service:

All neighborhood services.

Animal boarding (interior only).

Aquatic facilities.

Batting cages.

Bowling alley.

Concert hall.

Exterminating and disinfecting service.

Funeral home.

Miniature golf course.

Recreation, commercial indoor.

Repair of small goods and electronics.

Shooting and archery ranges (indoor only).

Short term lending business<sup>1</sup>.

<sup>1</sup>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.

**~~1. Short Term Lending Businesses:~~**

No short term lending business may be located or operate within one thousand feet (1,000') of another.

No more than three (3) short term lending businesses may be licensed within the City. Preexisting, nonconforming uses may continue until the business ceases operation or experiences a change in ownership.

Skating rink.

Tattoo/piercing parlor.

**10-5.1B-4-2(D)(2):**

2. General Service: A use in this category includes all neighborhood service 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 service:

All neighborhood services.

Animal boarding (interior only).

Aquatic facilities.

Batting cages.

Bowling alley.

Concert hall.

Exterminating and disinfecting service.

Funeral home.

Microbrewery.

Miniature golf course.

Recreation, commercial indoor.

Repair of small goods and electronics.

Shooting and archery ranges (indoor only).

Short term lending business<sup>1</sup>.

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Skating rink.

Tattoo/piercing parlor.

10-7C-3: CONDITIONAL USES:

There are no conditional uses in this zone.

~~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. (Ord. 15-06, 2-17-2015, eff. 2-17-2015)~~

10-5.1A-9-3: WALL SIGN:

B. General Requirements: Wall signs shall be developed according to the standards in table 9.3(1) of this section.

TABLE 9.3(1)  
WALL SIGN REQUIREMENTS

Permitted subdistricts	All subdistricts
Sign area	No maximum area for sign type; refer to section <a href="#">10-5.1A-9-2</a> , table 9.2(1) of this article for maximum per lot
Height	2' maximum letter or element height
Location on the building or site	Permitted on all facades
Placement on the building or site	1' maximum projection from building face
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry and neon glass; plastic and synthetics permitted only as separate alphanumeric characters or logos

1. Building Openings: Wall signs shall not cover windows or other building openings.
2. Architectural Features: Wall signs shall not cover architectural building features.
3. Murals: Murals, a type of wall sign painted onto the building face displaying the business name or activity, are prohibited ~~on front facades~~.

C. Computation: The area of a wall sign is calculated using the following information:

1. Wall Signs: Area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements, as is illustrated in figure 9.3(2) of this section.
  - a. Area Credit: All areas that utilize individual alphanumeric characters or logos (including only those using wood, wood substitute, metal, or masonry) may use a total area of ninety percent (90%) of the calculation as outlined above.



~~2. Mural Sign: Area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background.~~ (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

10-5.1B-9-3: WALL SIGN:

B. General Requirements: Wall signs shall be developed according to the standards in table 9.3(1) of this section.

TABLE 9.3(1)  
WALL SIGN REQUIREMENTS

Permitted subdistricts	All core, general, and neighborhood subdistricts
Sign area	No maximum area for sign type; refer to section <a href="#">10-5.1B-9-2</a> , table 9.2(1) of this article for maximum per lot
Height	2' maximum letter or element height
Location on the building or site	Permitted on all facades
Placement on the building or site	1' maximum projection from building face
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
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~~2. Mural Sign: Area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)~~

## 4-1-2: SPECIFIC NUISANCES:

### A. Dead Animals, Putrid Meat, Offal, Etc.:

1. If any person shall leave exposed in any street, avenue, highway, alley, lot, public ground or watercourse within the city, the carcasses of any dead animal or any putrid meat, fish or other substance, or permit the same to be done with his consent; or shall make, use, keep or permit in his shop, store, factory, outbuilding, yard, lot or any other place within the city any noxious or offensive liquid or substance prejudicial to the health of the citizens or of any person; or shall throw any filth, offal or other offensive matter into any street, avenue, highway, public ground, alley, lot or watercourse in the city, or shall permit or cause the same to run in or upon any street, avenue, highway, public ground, alley, lot or watercourse, such person shall be deemed guilty of a class B misdemeanor and upon conviction, subject to penalty as provided in section [1-4-1](#) of this code.

2. It shall be the duty of all persons owning or having charge of animals, which shall die or be found dead, to have the dead animals removed, at his own expense and cost, and buried or otherwise disposed of at a site and in a manner approved by the local health department, and all putrid meats, fish, clippings of hides, pelts or other offensive substances shall likewise be buried by the owner or person handling the same, and if the persons whose duty it is made to bury such animals, putrid meats, fish, clippings of hides, pelts or other offensive substances shall fail for twenty four (24) hours to discharge their duties as herein required, it shall be the duty of the public works department to have the same buried. (1970 Code § 14-6; amd. 2001 Code)

B. ~~Hogs Not Kept Within City~~ [Animals Prohibited in the City](#): It shall be unlawful for any person to keep [in the city](#): ~~a hog within the city. (1970 Code § 14-7)~~

[1. Fowl, including chickens, turkeys, ducks, geese, or pigeons](#)

[2. Hogs or pigs](#)

[3. Goats](#)

[4. Sheep](#)

[5. Horses](#)

[6. Cows](#)

~~C. Cows; Keeping, Permit Required, Sanitary Requirements:~~

~~1. It shall be unlawful for any person to keep within the city more than one cow. Any person keeping such cow shall obtain from the health inspector a permit which shall be issued without cost to the applicant, and which shall be in force up to January 1 next following issuance. All stables, barns, yards, feeding and milking equipment, appliances and appurtenances shall be subject to the inspection of the health inspector, or his authorized representative, at all reasonable hours, and shall be kept clean and in a sanitary condition.~~

~~2. Notwithstanding the above, no cow shall be maintained or kept within the city except in an area zoned for such keeping. (1970 Code § 14-8; amd. 2001 Code)~~

DC. Outside Privies And Toilets:

1. Construction: All privies, toilets and outhouses used for depositing human excretions shall be made ~~flyproof~~ fly proof and erected as follows: the roof shall be watertight; the house shall be without cracks through which flies may enter; the door shall fit closely and be kept closed; the vault, whether pit, box, tank or other receptacle, shall be securely protected against flies and all openings for ventilation shall be screened with wire netting. (1970 Code § 14-9)

2. Contractors To Provide For Employees: It shall be the duty of all contractors in charge of the construction of any building or work where five (5) or more persons are employed, to provide a privy for every twenty five (25) or less employees or workers, such privy to be constructed and maintained in accordance with the provisions of subsection D1 of this section. (1970 Code § 14-10; amd. 2001 Code)

ED. Empty Buildings Kept Locked: The owners or agents or persons in charge of unoccupied buildings or structures within the city shall keep such buildings and structures closed and securely locked. (1970 Code § 14-11)

~~F. Offense Condition Of Premises, Soap Factories: Any owner or occupant of any soap factory, tannery, slaughterhouse, hide house, skinning or rendering establishment, or other place in the city who shall suffer or permit the same to become nauseous, foul or offensive and detrimental to the health of the citizens residing or passing in the vicinity of such place, shall be guilty of a class B misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this code. (1970 Code § 14-12; amd. 2001 Code)~~

GE. ~~Slaughterhouse~~; Market; Meat Shop: It shall be unlawful for the owner or occupant of any slaughterhouse, market, meat shop or other place wherein any animals are slaughtered, kept or

sold, to permit the premises or yard connected therewith to remain unclean or in any state or condition detrimental to the health of any person. (1970 Code § 14-13)

H.G. Unclean Drain Or Garbage Receptacle: It shall be unlawful for any person to cause or permit any unclean, stinking or foul, defective or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or manure box, or receptacle of similar character, to remain on his premises. (1970 Code § 14-14)

H.I. Refuse Accumulation: It shall be unlawful for any person to permit vegetables, waste, litter, garbage, filth or refuse of any nature, kind or description, detrimental to health, to accumulate within or upon any private alley, yard or area, except when the same is temporarily deposited for removal. (1970 Code § 14-15)

~~J. Manure Accumulation In Stable: It shall be unlawful for any person having charge of any stable, stall, shed, apartment or yard in which any animal shall be kept, or in any place within the city in which manure or liquid discharges of any animal shall accumulate or collect, to permit such stable, stall, shed, apartment or yard to be kept in an unclean or unsanitary condition. (1970 Code § 14-16)~~

K. Fowl Kept In Enclosure:

~~1. It shall be unlawful for any person to keep chickens, ducks, pigeons or other fowl in the city unless the same are at all times kept confined in proper pens or enclosures. All such pens or enclosures shall be kept in a clean and sanitary condition and shall not be placed or maintained within seventy five feet (75') of any dwelling.~~

~~2. Notwithstanding this provision, no fowl shall be maintained or kept within the city unless the area wherein the fowl are kept or to be kept is zoned so as to allow such keeping. (1970 Code § 14-18; amd. 2001 Code)~~

L.I. Sanitary Premises: No person shall keep, operate or conduct any place of business at which birds, pigeons, guinea pigs, dogs, cats or other animals are kept for exhibition, sale or offered for sale, unless such place shall be kept in a clean and sanitary condition, and subject at all times to inspection by the health inspector or his authorized representative, and the health inspector is hereby authorized and empowered to close such place of business if the same shall not be kept clean and sanitary, and keep the same closed until the same shall be placed in a clean and

sanitary condition, and for the failure to keep such place in a sanitary condition, the owner, proprietor or manager thereof shall be subject to the penalty provided by this code. (1970 Code § 14-19)

~~MJ.~~ Dirt, Waste, Rags, Casks: Whenever there shall be found in or about any lot or place or piece of ground any dirt gathered in cleaning yards, waste of mills or factories, or any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes of any materials which are offensive or tend to decay, to become putrid or to render the atmosphere impure or unwholesome, the same shall be deemed a nuisance and it shall be unlawful for any person occupying or owning such premises to fail to abate the same. (1970 Code § 14-20)

~~N. Bone Crushing, Glue Making Businesses: The business of bone crushing, bone boiling, fat boiling, gut cleaning or the making of glue, or the manufacture of fertilizing material, from any dead animal, or part thereof, or any boiling of offal, swill, fat or grease, which shall be done or carried on in any offensive, unclean or defective manner in any building, yard or lot of ground within the city, shall be deemed a nuisance, and it shall be unlawful for the owner or manager of any such business to fail to abate the same. (1970 Code § 14-21)~~

~~OK.~~ Smoke Emission:

1. The emission of dense or thick, black or grey smoke, or cinders from any smokestack or chimney used in connection with any stationary engine, locomotive, steam boiler or furnace of any description, within the city, shall be deemed and is hereby declared to be a public nuisance.
2. The owner, agent, lessee or occupant of any building of any description from the smokestack or chimney of which there shall be issued or shall issue, or be emitted, thick or dense black or grey smoke, or cinders within the city, shall be deemed and held guilty of creating a public nuisance, and of violating this chapter and its provisions.
3. Nothing in this subsection shall be construed as applying to the chimneys of buildings used exclusively for private residences.
4. Nothing in this subsection shall be construed as preempting or negating any county, state or federal regulation or law governing emissions from smokestacks or chimneys. (1970 Code § 14-22; amd. 2001 Code)

~~P.L.~~ Coal Unloading: It shall be unlawful for any person to unload coal or unload ashes or other substances in such manner that the dust arising therefrom is offensive or injurious to any person or the business of any person. All such coal or ashes when unloaded in such place is likely to be offensive, shall be sprinkled with water sufficient to prevent dust. (1970 Code § 14-23)

~~Q.M.~~ Putrid Fat: It shall be unlawful for any person to keep, collect or use or permit to be kept, collected or used in any manner detrimental to health, any stale, putrid or noisome fat, grease or other offensive matter, or to throw or place in or on any street, alley, sidewalk, gutter or ditch, aqueduct, canal or property of another, any waste material. (1970 Code § 14-24)

~~R. Unlawful Keeping Of Animals: It shall be unlawful for any person to keep or have in his possession any animal, including dogs, whether licensed or unlicensed, which annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons. (1970 Code § 14-25)~~

#### **5-1-11: SALE OF ANIMALS:**

~~A. Animals Or Fowl: It shall be unlawful for any person to sell, offer for sale, barter or give away ducklings in any quantity less than two (2), or other fowl under two (2) months of age in any quantity less than six (6). Animals or fowl offered for sale shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of fowl by a private individual for his personal use and consumption; provided, that he shall maintain proper brooders and other facilities for the care and containment of such animals or fowl while they are in his possession, and comply with all zoning ordinances relating thereto.~~

~~B.A.~~ Premiums And Novelties: It shall be unlawful for any person to offer as a premium, prize, award, novelty or incentive to purchase merchandise, any live animal.

~~€B.~~ Pet Turtles: It shall be unlawful for any pet shop to sell any Pseudemys Scripta-Elegans, or P. Troostii family Testudinidae, "pet turtles", less than four inches (4") in diameter or in contravention of any state or federal law or regulation dealing with same. (Ord. 670, 11-13-1979)

**10-14-6: ANIMALS AND FOWL:**

No area in the city is zoned for the keeping of farm animals or fowl. This includes, but is not limited to, chickens, turkeys, ducks, geese, pigeons, hogs, pigs, goats, sheep, horses, and cows. Cats and dogs are allowed, but are restricted to two dogs and/or three cats per residence. Refer to 5-1-13(G) of this code.

~~No barn, coop, pen or corral will be maintained closer than one hundred feet (100') to any street, twenty five feet (25') to any lot line and seventy five feet (75') to any dwelling on an adjacent lot. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~



## 10-5.1A-8-2: PARKING REQUIREMENTS:

A. General Requirements For Parking: Off street parking spaces shall be provided in conformance with tables 8.2(1), "~~Required Bicycle Parking~~", and ~~8.2(2)~~, "Required Off Street Vehicular Parking", of this section.

1. Required Accessible Parking: Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state accessibility code, including quantity, size, location, and accessibility.
2. Requirements For Unlisted Uses: Upon receiving a site plan approval, occupancy certificate, or other permit application for a use not specifically addressed in this section, the city manager or designee is authorized to apply off street parking standards specified for the use deemed most similar to the proposed use. In instances where an equivalent may not be clearly determined, the city manager or designee may require the applicant to submit a parking study or other evidence that will help determine the appropriate requirements.
3. Private Off Premises Parking: Where private off site parking facilities are approved, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
  - a. Possession: Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the use served by the parking.
  - b. Agreement: The agreement providing for the use of off site parking, executed by the parties involved, shall be in a form approved by the city attorney and filed with the city manager or designee.
  - c. Duration: The deed or lease shall require the owner to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
  - d. Location Of Parking: Any off premises parking must be within one thousand three hundred feet (1,300') from the entrance of the use to the closest parking space measured along a dedicated pedestrian path.
4. Tandem Parking: Tandem parking is permitted with approval of the city manager or designee through the site plan review process.

B. Required Vehicular ~~And Bicycle~~ Parking: Tables 8.2(1) ~~and 8.2(2)~~ of this section outlines the required vehicular ~~and bicycle~~ parking requirements.

1. Organized By Use: The parking requirements are organized by use, in a similar fashion to section [10-5.1A-4-1](#), table 4.1(1) of this article, use table.
  - a. Parking rates are provided for general use categories; these numbers are applicable for all of the uses within these categories.
  - b. If a specific use requires a different parking rate than its use category, it is also listed in tables 8.2(1) ~~and 8.2(2)~~ of this section, required vehicular ~~and bicycle~~ parking.

2. Vehicular Spaces Required: The vehicular spaces required column indicates the required off street parking ratio, which may be subject to credits and other reductions and a maximum number, as are detailed in this section.
3. Maximum Allowable Vehicular Spaces: When a use requires more than twenty (20) spaces, it is not permitted to provide greater than twenty percent (20%) over the minimum parking requirement.

- a. For those uses with no requirements, the maximum number of spaces required should be no more than the next level up of that use. For example, for neighborhood retail, the number of spaces should be no more than the requirements for general retail.

~~4. Required Bicycle Parking: The required bicycle parking table 8.2(1) of this section indicates the minimum bicycle parking ratio for a given use.~~

~~5.4.~~4. Computation: Off street parking spaces shall be calculated using the following information:

- a. Area Measurements: The following units of measurements shall be utilized to calculate parking requirements:

(1) Dwelling Unit: Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.

(2) Gross Square Footage: Unless otherwise expressly stated, parking standards for nonresidential uses shall be computed on the basis of gross floor area in square feet.

(3) Occupancy Or Capacity Based Measurements: Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire rated capacity, whichever measurement is applicable.

(4) Bench Seating: For uses in which users occupy benches, pews, or other similar seating facilities, each twenty four inches (24") of such seating shall be counted as one seat.

- a. Fractions: When computation of the number of required off street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- b. Multiple Uses On A Lot: When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduce parking. (Refer to subsections C and D of this section.)

~~TABLE 8.2(1)  
REQUIRED BICYCLE PARKING~~

<del>Use</del>	<del>Bicycle Spaces</del>
<del>Multi-family</del>	<del>Minimum 2 spaces or 0.5 space per bedroom, whichever is greater</del>
<del>Civic/institutional</del>	<del>Minimum 2 spaces, 1 per additional 10,000 square feet</del>
<del>Retail</del>	<del>Minimum 2 spaces, 1 per additional 5,000 square feet</del>
<del>Services</del>	<del>Minimum 2 spaces, 1 per additional 5,000 square feet</del>
<del>Office</del>	<del>Minimum 2 spaces, 1 per additional 10,000 square feet</del>
<del>Open space</del>	<del>Per city manager or designee</del>

TABLE 8.2(12)  
REQUIRED OFF STREET VEHICULAR PARKING

Use	Required Vehicle Space
Residential:	
Single-family, all sizes, or multi-family, 1 bedroom	1.5 per dwelling unit
Multi-family, 2 bedrooms	2 per dwelling unit
Multi-family, 3 or 3+ bedrooms	2 per dwelling unit
Hotel and inn	1 per room and 1 per 200 square foot office and dining room
Residential care	0.33 per unit and 0.66 per employee
Civic/institutional:	
Assembly	1 per 5 seats
Transit station	Per city manager or designee
Hospital	0.20 per bed and 0.66 per employee

	Library/museum/post office (no distribution)	1 per 600 square feet
	Police and fire	Per city manager or designee
	Post office (distribution)	1 per 400 square feet
	School:	
	Pre-K to junior high	1 per classroom and 1 per 200 square foot office
	High school, higher education	1 per classroom, 1 per 200 square foot office, and 0.17 per student
	Retail:	
	Neighborhood retail	1 per 300 square feet
	General retail	1 per 300 square feet
	Outdoor sales lot	1 per 250 square feet of sales area, with 1 per 10 vehicle display
	Service:	
	Neighborhood service	1 per 250 square feet
	General service	1 per 250 square feet
	Eating and drinking establishments	1.0 per 3 seats plus $\frac{1}{3}$ number of employees
	Vehicle services	2 per service bay and 1 per 200 square feet of retail
	Office and industrial:	
	Neighborhood, general office	1 per 300 square feet
	Craftsman industrial	1 per 1,000 square feet of production space and 1 per 500 square feet of retail space
	Open space and recreation:	
	Open space and recreation	Per city manager or designee

C. Multiple Use Reductions: The following reductions may be taken for multiple nonresidential uses:

1. Shared Vehicular Parking: An arrangement in which two (2) or more nonresidential uses with different peak parking demands use the same off street parking spaces to meet their off street parking requirements.
  - a. General Provisions: Through review of the site plan the city manager or designee may permit up to one hundred percent (100%) of the parking required for a daytime use to be supplied by the off street parking spaces provided for a nighttime or Sunday use and vice versa.
  - b. Approval: In order to approve a shared parking arrangement, the city manager or designee must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
  - c. Description Of Uses With Weekday, Nighttime, And Sunday Peak Parking:
    - (1) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the city manager or designee.
    - (2) The following uses are typically considered predominantly nighttime or Sunday uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the city manager or designee.
2. Cooperative Vehicular Parking: When two (2) or more categories of non-single-family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:
  - a. General Provisions: Cooperative parking will be approved in accordance with the following. Refer to table 8.2(~~32~~) of this section.
    - (1) For each applicable land use category, calculate the number of spaces required as if it were the only use. Refer to table 8.2(~~21~~) of this section.
    - (2) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in table 8.2(~~32~~) of this section. This table establishes six (6) time periods per use.
    - (3) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six (6) time periods.
    - (4) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a share parking basis.
  - b. Uses In Different Buildings: Through review of the site plan the city manager or designee may approve the cooperative agreement if any of the uses are not located in the same structure or building.

- c. Location Of Cooperative Parking: Any cooperative parking must be within six hundred sixty feet (660') from the entrance of the use to the closest parking space within the cooperative parking lot, measured along a dedicated pedestrian path.
- d. Off Site Cooperative Parking Agreement: An agreement approved by the city attorney providing for cooperative use of off site parking spaces, executed by the parties involved, shall be reviewed by the city manager or designee during review of the site plan.

(1) Off site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.

(2) If the agreement is no longer in force, then parking must be provided as otherwise required in this section.

TABLE 8.2(32)  
COOPERATIVE OR SHARED VEHICULAR PARKING SPACES

Use Category	Weekdays			Weekends		
	Midnight - 7:00 A.M.	7:00 A.M. - 6:00 P.M.	6:00 P.M. - Midnight	Midnight - 7:00 A.M.	7:00 A.M. - 6:00 P.M.	6:00 P.M. - Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail and service	5%	100%	80%	5%	100%	60%
Hotel and inn	100%	65%	100%	100%	65%	100%
Place of worship	0%	30%	50%	0%	100%	75%
Eating and drinking establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater/entertainment	5%	30%	100%	5%	80%	100%

D. Parking Credits: Vehicular parking standards in table 8.2(21) of this section may be reduced by achieving one or all of the following credits:

- 1. On Street Parking Credit: For all nonresidential uses, on street parking spaces that meet the following shall be credited one for one against the parking requirement:
  - a. Spaces shall be designated on street parking available twenty four (24) hours of every day.

- b. On street space must be located adjacent to the property line.
2. Public Parking Credit: For all nonresidential uses, public parking spaces located within six hundred sixty feet (660') of any property line may be credited against the parking requirement at a rate of one credit for every three (3) public parking spaces.
3. Transit Credit: For all uses, vehicular parking requirements may be reduced with proximity to any commuter rail station or transit line with up to fifteen (15) minutes headways. Proximity is measured along a walking path from any point along the property line to the platform or transit stop.
  - a. Within four hundred feet (400'): A reduction of fifteen percent (15%) of the required off street parking.
  - b. Within eight hundred feet (800'): A reduction of ten percent (10%) of the required off street parking.
4. Car Share Parking Credit: The vehicular parking requirements can be reduced with the inclusion of car share parking spaces as follows:
  - a. Reduction: Per each car share parking space provided, required parking spaces shall be reduced by four (4) spaces.
  - b. Total Reduction: Required parking spaces may be reduced up to forty percent (40%).
  - c. Approval: Applicant must provide documentation of an agreement with a car share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.
5. Other Parking Reductions: Additional reductions may be approved by the City Manager or designee with the submittal of a parking study illustrating the reduction. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

E. Required Bicycle Parking: Bicycle parking facilities shall be provided for any new use for which vehicular parking is required; or for modification or change of any use listed in Table 8.2(1) that results in the need for additional vehicular parking facilities.

1. One bicycle parking space is required for every 20 required vehicular parking spaces for such use, with a minimum requirement of two bicycle parking spaces for any use. There shall be no maximum limits.
2. The proposed bicycle parking spaces shall be clearly shown on the site plan indicating location and type.
3. Bicycle parking spaces shall:
  - a. Be located on the same lot as the principal use;
  - b. Be located and designed to prevent damage to bicycles by cars;
  - c. Be located so as not to interfere with pedestrian movements;
  - d. Be located in a highly visible, well-lighted area that is located near entrance(s) to the building

- e. Be located to provide safe access from the spaces to the public right-of-way or bicycle lane;
- f. Be designed to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles;
- g. Be anchored to resist removal by vandalism and resistant to rust or corrosion.
- h. Not be located on sidewalks or in areas that obstruct pedestrian traffic flow.
- i. Be located within one hundred (100) feet of a primary building entrance.

### **10-5.1B-8-2: PARKING REQUIREMENTS:**

- A. General Requirements For Parking: Off-street parking spaces shall be provided in conformance with tables 8.2(1), ~~"Required Bicycle Parking", and 8.2(2)~~, "Required Off-Street Vehicular Parking", of this section.
  - 1. Required Accessible Parking: Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the State Accessibility Code, including quantity, size, location, and accessibility.
  - 2. Requirements For Unlisted Uses: Upon receiving a site plan approval, occupancy certificate, or other permit application for a use not specifically addressed in this section, the City Manager or designee is authorized to apply off-street parking standards specified for the use deemed most similar to the proposed use. In instances where an equivalent may not be clearly determined, the City Manager or designee may require the applicant to submit a parking study or other evidence that will help determine the appropriate requirements.
  - 3. Private Off-Premises Parking: Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
    - a. Possession: Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the use served by the parking.
    - b. Agreement: The agreement providing for the use of off-site parking, executed by the parties involved, shall be in a form approved by the City Attorney and filed with the City Manager or designee.
    - c. Duration: The deed or lease shall require the owner to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
    - d. Location Of Parking: Any off-premises parking must be within one thousand three hundred feet (1,300') from the entrance of the use to the closest parking space measured along a dedicated pedestrian path.



4. Tandem Parking: Tandem parking is permitted with approval of the City Manager or designee through the site plan review process.

B. Required Vehicular ~~And Bicycle~~ Parking: Tables 8.2(1) ~~and 8.2(2)~~ of this section outlines the required vehicular ~~and bicycle~~ parking requirements.

1. Organized By Use: The parking requirements are organized by use, in a similar fashion to section 10-5.1B-4-1, table 4.1(1) of this article, use table.
  - a. Parking rates are provided for general use categories; these numbers are applicable for all of the uses within these categories.
  - b. If a specific use requires a different parking rate than its use category, it is also listed in tables 8.2(1) ~~and 8.2(2)~~ of this section, required vehicular ~~and bicycle~~ parking.
2. Vehicular Spaces Required: The vehicular spaces required column indicates the required off-street parking ratio, which may be subject to credits and other reductions and a maximum number, as are detailed in this section.
3. Maximum Allowable Vehicular Spaces: When a use requires more than twenty (20) spaces, it is not permitted to provide greater than twenty percent (20%) over the minimum parking requirement.
  - a. For those uses with no requirements, the maximum number of spaces required should be no more than the next level up of that use. For example, for neighborhood retail, the number of spaces should be no more than the requirements for general retail.

~~4. Required Bicycle Parking: The required bicycle parking table 8.2(1) of this section indicates the minimum bicycle parking ratio for a given use.~~

~~5.4.~~ Computation: Off-street parking spaces shall be calculated using the following information.

- a. Area Measurements: The following units of measurements shall be utilized to calculate parking requirements.

(1) Dwelling Unit: Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.

(2) Gross Square Footage: Unless otherwise expressly stated, parking standards for non-residential uses shall be computed on the basis of gross floor area in square feet.

(3) Occupancy- Or Capacity-Based Measurements: Parking spaces required per available seat or per employee, student, or occupant shall be based on the

greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.

(4) Bench Seating: For uses in which users occupy benches, pews, or other similar seating facilities, each twenty four inches (24") of such seating shall be counted as one seat.

- b. Fractions: When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- c. Multiple Uses On A Lot: When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduce parking. (Refer to subsections C and D of this section.)

~~TABLE 8.2(1)  
REQUIRED BICYCLE PARKING~~

<del>Use</del>	<del>Bicycle Spaces</del>
<del>Multifamily</del>	<del>Minimum 2 spaces or 0.5 space per bedroom, whichever is greater</del>
<del>Civic/institutional</del>	<del>Minimum 2 spaces, 1 per additional 10,000 square feet</del>
<del>Retail</del>	<del>Minimum 2 spaces, 1 per additional 5,000 square feet</del>
<del>Services</del>	<del>Minimum 2 spaces, 1 per additional 5,000 square feet</del>
<del>Office</del>	<del>Minimum 2 spaces, 1 per additional 10,000 square feet</del>
<del>Open space</del>	<del>Per City Manager or designee</del>

TABLE 8.2(21)  
 REQUIRED OFF-STREET VEHICULAR PARKING

Use	Required Vehicle Space
Residential:	
Single-family, all sizes, or multifamily, 1 bedroom	1.5 per dwelling unit
Multifamily, 2 bedrooms	2 per dwelling unit
Multifamily, 3 or 3+ bedrooms	2 per dwelling unit
Hotel and inn	1 per room and 1 per 200 square foot office and dining room
Residential care	0.33 per unit and 0.66 per employee
Civic/institutional:	
Assembly	1 per 5 seats
Transit station	Per City Manager or designee
Hospital	0.20 per bed and 0.66 per employee
Library/museum/Post Office (no distribution)	1 per 600 square feet
Police and fire	Per City Manager or designee
Post Office (distribution)	1 per 400 square feet
School:	
Pre K to junior high	1 per classroom and 1 per 200 square foot office

	High school, higher education	1 per classroom, 1 per 200 square foot office, and 0.17 per student
Retail:		
	Neighborhood retail	1 per 300 square feet
	General retail	1 per 300 square feet
	Outdoor sales lot	1 per 250 square feet of sales area, with 1 per 10 vehicle display
Service:		
	Neighborhood service	1 per 250 square feet
	General service	1 per 250 square feet
	Eating and drinking establishments	1.0 per 3 seats plus $\frac{1}{3}$ number of employees
	Vehicle services	2 per service bay and 1 per 200 square feet of retail
Office and industrial:		
	Neighborhood, general office	1 per 300 square feet
	Craftsman industrial	1 per 1,000 square feet of production space and 1 per 500 square feet of retail space
Open space and recreation:		
	Open space and recreation	Per City Manager or designee

C. Multiple Use Reductions: The following reductions may be taken for multiple non-residential uses.

1. Shared Vehicular Parking: An arrangement in which two (2) or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.

- a. General Provisions: Through review of the site plan the City Manager or designee may permit up to one hundred percent (100%) of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice versa.
  - b. Approval: In order to approve a shared parking arrangement, the City Manager or designee must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
  - c. Description Of Uses With Weekday, Nighttime, And Sunday Peak Parking:
    - (1) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the City Manager or designee.
    - (2) The following uses are typically considered predominantly nighttime or Sunday uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the City Manager or designee.
2. Cooperative Vehicular Parking: When two (2) or more categories of non-single family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:
- a. General Provisions: Cooperative parking will be approved in accordance with the following. Refer to table 8.2(~~3~~2) of this section.
    - (1) For each applicable land use category, calculate the number of spaces required as if it were the only use. Refer to table 8.2(~~2~~1) of this section.
    - (2) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in table 8.2(~~3~~2) of this section. This table establishes six (6) time periods per use.
    - (3) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six (6) time periods.
    - (4) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a share parking basis.
  - b. Uses In Different Buildings: Through review of the site plan the City Manager or designee may approve the cooperative agreement if any of the uses are not located in the same structure or building.
  - c. Location Of Cooperative Parking: Any cooperative parking must be within six hundred sixty feet (660') from the entrance of the use to the closest parking space within the cooperative parking lot, measured along a dedicated pedestrian path.

d. Off-Site Cooperative Parking Agreement: An agreement approved by the City Attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the City Manager or designee during review of the site plan.

(1) Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.

(2) If the agreement is no longer in force, then parking must be provided as otherwise required in this section.

TABLE 8.2(32)  
COOPERATIVE OR SHARED VEHICULAR PARKING SPACES

Use Category	Weekdays			Weekends		
	Midnight - 7:00 A.M.	7:00 A.M. - 6:00 P.M.	6:00 P.M. - Midnight	Midnight - 7:00 A.M.	7:00 A.M. - 6:00 P.M.	6:00 P.M. - Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail and service	5%	100%	80%	5%	100%	60%
Hotel and inn	100%	65%	100%	100%	65%	100%
Place of worship	0%	30%	50%	0%	100%	75%
Eating and drinking establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater/entertainment	5%	30%	100%	5%	80%	100%

D. Parking Credits: Vehicular parking standards in table 8.2(~~2~~1) of this section may be reduced by achieving one or all of the following credits.

1. On-Street Parking Credit: For all non-residential uses, on-street parking spaces that meet the following shall be credited one for one against the parking requirement.
  - a. Spaces shall be designated on-street parking available twenty four (24) hours of every day.
  - b. On-street space must be located adjacent to the property line.
2. Public Parking Credit: For all non-residential uses, public parking spaces located within six hundred sixty feet (660') of any property line may be credited against the parking requirement at a rate of one credit for every three (3) public parking spaces.
3. Transit Credit: For all uses, vehicular parking requirements may be reduced with proximity to any commuter rail station or transit line with up to fifteen (15) minutes headways. Proximity is measured along a walking path from any point along the property line to the platform or transit stop.
  - a. Within four hundred feet (400'): A reduction of fifteen percent (15%) of the required off-street parking.
  - b. Within eight hundred feet (800'): A reduction of ten percent (10%) of the required off-street parking.
4. Car-Share Parking Credit: The vehicular parking requirements can be reduced with the inclusion of car-share parking spaces as follows.
  - a. Reduction: Per each car-share parking space provided, required parking spaces shall be reduced by four (4) spaces.
  - b. Total Reduction: Required parking spaces may be reduced up to forty percent (40%).
  - c. Approval: Applicant must provide documentation of an agreement with a car-share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.
5. Other Parking Reductions: Additional reductions may be approved by the City Manager or designee with the submittal of a parking study illustrating the reduction. (Ord. 17-21, 11-21-2017, eff. 11-21-2017)

E. Required Bicycle Parking: Bicycle parking facilities shall be provided for any new use for which vehicular parking is required; or for modification or change of any use listed in Table 8.2(1) that results in the need for additional vehicular parking facilities.

4. One bicycle parking space is required for every 20 required vehicular parking spaces for such use, with a minimum requirement of two bicycle parking spaces for any use. There shall be no maximum limits.

5. The proposed bicycle parking spaces shall be clearly shown on the site plan indicating location and type.
6. Bicycle parking spaces shall:
  - j. Be located on the same lot as the principal use;
  - k. Be located and designed to prevent damage to bicycles by cars;
  - l. Be located so as not to interfere with pedestrian movements;
  - m. Be located in a highly visible, well-lighted area that is located near entrance(s) to the building
  - n. Be located to provide safe access from the spaces to the public right-of-way or bicycle lane;
  - o. Be designed to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles;
  - p. Be anchored to resist removal by vandalism and resistant to rust or corrosion.
  - q. Not be located on sidewalks or in areas that obstruct pedestrian traffic flow.
  - r. Be located within one hundred (100) feet of a primary building entrance.