

M-1/M-2 Permitted Uses and Standards Zoning Ordinance Amendment



Draft July 26, 2023

SECTION 1. Section amended. Section 15-2-2 of the Ogden Municipal Code is

amended to read as follows:

15-2-2: "A" DEFINITIONS:

ACCESS RIGHT OF WAY: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

ACCESSORY APARTMENT(S): A dwelling unit that is self-contained, but incorporated within an existing structure that is and will continue to be used primarily for a commercial business and is not substantially altered to accommodate the accessory apartment.

ACCESSORY DWELLING UNIT: A functionally separate living space developed subordinate to a single-family dwelling on the same lot or in the same building as the single-family dwelling; but which is not an independent residence or dwelling unit.

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty four (24) hours per day.

AFFECTED ENTITY: A county, municipality, independent special district under title 17D, chapter 2, Utah Code Annotated (independent special district), local district under title 17B, chapter 2, Utah Code Annotated (local districts), school district, interlocal cooperation entity established under title 11, chapter 13, Utah Code Annotated, interlocal cooperation act, specified public utility, a property owner, a property owners' association, or the Utah department of transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended land use;
- B. The entity has filed with the municipality a copy of the entity's general long range plan;
or
- C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this title or other requirement of state law.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

AIRPORT: The Ogden-Hinckley Airport.

ALLEY: A public thoroughfare less than twenty six feet (26') wide.

AMUSEMENT DEVICE: Any machine, device or contrivance not prohibited or declared unlawful by the city, designed, or intended to be operated or used for amusement or the playing of a game upon or in response to the payment of some charge or the insertion therein of a coin, slug or check.

ARCADE: Any commercial enterprise open to persons under twenty one (21) years of age, which contains four (4) or more amusement devices.

ARCHITECTURAL METAL: A paneled metal sheet building exterior that is not part of a prefabricated building; does not have a specific coating; consists of all new materials; and whose use is limited to accessory buildings in the rear yard or interior side yard.

ART GALLERY: A business that displays and sells fine art such as paintings, photographs, and sculptures.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under Utah department of health or the Utah department of human services rules to need any of these services. Each resident in an assisted living facility shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

AUTO REPAIR OR BODY SHOPS: A—A facility where automobiles are repaired or maintained within an enclosed building.

~~B.—Outdoor storage of junk vehicles, intended for restoration, repair or limited salvage as described in subsection B3 of this definition, may be allowed as an accessory use to an auto repair or body shop only in C-3, M-1 and M-2 zones, provided the following conditions are met:~~

~~1.—The area dedicated to outdoor storage does not exceed ten percent (10%) of the lot in a C-3 zone, thirty percent (30%) of the lot area in an M-1 zone or fifty percent (50%) of the lot area in an M-2 zone;~~

~~2.—All such outdoor storage shall be in a completely enclosed area screened by a seven foot (7') tall screening fence, made of any of the following fencing materials:~~

~~a.—Chainlink with vertical plastic or vinyl slats spaced no farther than three-eighths inch ($\frac{3}{8}$ ") apart;~~

~~b.—Solid wood, vinyl or other fencing materials having an appearance of wood of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no farther apart than one-eighth inch ($\frac{1}{8}$ ");~~

~~c.—Baked enamel finish, metal ribbed fence;~~

~~d.—Decorative masonry; or~~

~~e.—Other fence materials and construction approved by the community development director which provides adequate screening of the storage area similar to the above fencing materials; and~~

~~3.—Limited salvage of parts from such vehicles shall be permitted only as necessary for the repair of other vehicles on site and not as part of any other type of salvage operation.~~

AUTOMOBILE LUBE AND OIL CENTER: A retail business engaged solely in the service and sales of motor oil, lubricants and filters and placing those items directly in the motor vehicle.

AUTOMOBILE SERVICE STATION: A retail business engaged in the sale of motor fuel and having pumps from which fuel, such as gasoline, is dispensed either by an attendant or customer, and which may also provide as an accessory use, the sales and services generally required in the operation of a motor vehicle excluding painting, body and fender and upholstery work. This includes fuel sales that may be accessory to another use operated by the same or different business on the site.

SECTION 2. Section amended. Section 15-2-22 of the Ogden Municipal Code is

amended to read as follows:

15-2-22: "U" DEFINITIONS:

UNLICENSED REHABILITATION/TREATMENT FACILITY: A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment, or counseling services, which facility either does not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment, or counseling services, related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health.

USABLE OPEN SPACE REQUIRED: Usable open space shall be provided as prescribed by the provisions contained in each zone. "Usable open space" shall be defined as the aggregate area

of side, rear and front yards, patios, and balconies and decks having a minimum horizontal dimension of not less than five feet (5'), on a building site or building, which is available and accessible to the occupants of the building for purposes of active or passive outdoor recreation. Upon determination by the planning commission, permanent recreational areas within the building may be considered for the purposes of contributing to the open space provisions contained in each zone. Usable open space does not include driveways, areas for off street parking and off street services, roofs of buildings, or other structures except as determined by the planning commission when substantial landscaping and/or recreation area is provided thereon; ground level areas with a width of five feet (5') or less; and a ground level area width of eight feet (8') or less, if over seventy five percent (75%) of the area is hard surfaced.

USE: The specified purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

USE, CONDITIONAL: A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit and subject to the limitations and conditions specified therein, as provided in chapter 7 of this title, intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

USE, PERMITTED: Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

~~USED AND REBUILDABLE CAR LOTS: A facility where used and rebuildable vehicles are sold and displayed for sale by a licensed dealer; provided, that no salvage operations shall be allowed as part of such use, and outdoor display and storage of any rebuildable vehicle must meet the requirements of subsection 15-23-5C of this title. Rebuildable vehicles shall include only damaged or disabled vehicles which are either intended to be sold "as is" for repair by the purchaser or intended to be sold and repaired for the purchaser by the seller as part of an associated auto body and repair shop use.~~ A facility where non-operable vehicles are sold and displayed for sale in whole by a licensed dealer, excluding any junk or salvage yard.

USED CAR LOTS: A facility where operable, used vehicles are sold and displayed for sale by a licensed dealer.

SECTION 3. Subsection amended. Subsection 15-6-2B of the Ogden Municipal Code is amended to read as follows:

B. Addition Or Enlargement:

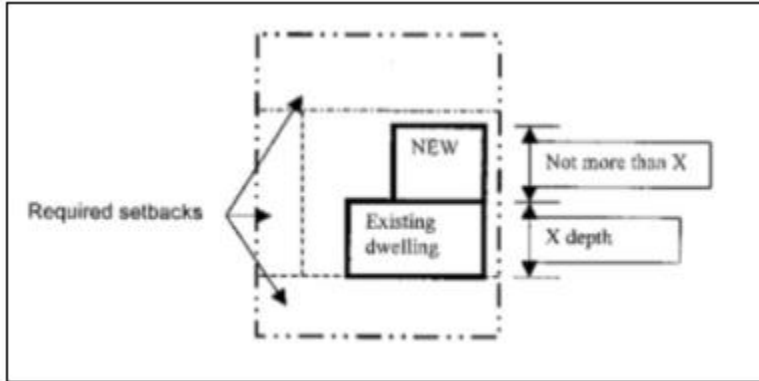
1. Authorization; Determination: A noncomplying structure shall not be added to or enlarged in any manner, unless the Director finds that such expansion is otherwise authorized under subsections B2 through ~~B4~~B5 of this section, or except by issuance of a noncomplying structure permit by the Planning Commission. In reviewing a request to expand a noncomplying structure, the Planning Commission shall determine:

- a. That granting the expansion will not adversely impact the attainment of the General Plan of the City;
- b. That the expansion will improve the general appearance or safety of the area;
- c. That by expanding the building, the character of the neighborhood is not adversely impacted;
- d. That the expansion will improve the area by providing additional or adequate parking;
- e. That any expansion will be adequately screened or buffered, if needed, so as not to increase impacts to the adjoining properties; and
- f. That the expansion will not otherwise violate the standards established in subsections B2 through ~~B4~~B5 of this section for any particular type of expansion.

2. Noncomplying As To Height: A main building noncomplying as to height regulations can be expanded provided the addition meets all required setbacks of the zone in which it is located and does not increase any other noncomplying or nonconforming status of the property on which it is located. If only a portion of the building is noncomplying as to height then the addition or expansion must meet the height regulations of the zone in which it is located. A noncomplying accessory building cannot be enlarged or expanded unless the addition or expansion complies with the height regulation and required setbacks of the zone and does not increase any other noncomplying or nonconforming status of the property on which it is located.

3. Noncomplying As To Setbacks Or Yard Regulations:

- a. A main building noncomplying to front yard setbacks may be expanded and maintain the existing nonconforming front yard setback provided such expansion will not displace required parking or otherwise require a parking variance, or will not result in the removal of existing landscaping in the required front yard setback.
- b. A residential main building with noncomplying side yard setbacks but having a minimum side yard of not less than three feet (3'), may be extended in depth along the nonconforming building line to a maximum of the depth of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling or required parking and provided, such enlargement does not increase any other nonconformity which may exist and conforms to all other regulations of the zone in which it is located.



c. A main building noncomplying to rear yard setbacks may be expanded provided the expansion does not increase the noncomplying rear yard setback and does not require any other variance.

4. Single Family; Expansion Of Parking: A single-family detached dwelling nonconforming as to the number of properly located off street parking spaces located on the lot may add additional spaces not to exceed the minimum required in accordance with the following standards:

a. Location And Design: If the lot has at least one properly located off street parking space, or if legal off street parking does not exist and cannot be developed, then one parking stall may be constructed in one required side yard; provided that:

(1) The parking area and its associated driveway shall be hard surfaced with the materials described in subsection 15-12-8G3 of this title;

(2) The parking area and driveway slab must be at least eight feet (8') wide and of sufficient length, which may not be less than eighteen feet (18'), to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling;

(3) The space above any slab constructed within a side yard setback must remain open and unobstructed to the sky;

(4) All stormwater runoff from the hard surface of the slab must be directed so as to prevent drainage onto adjacent properties;

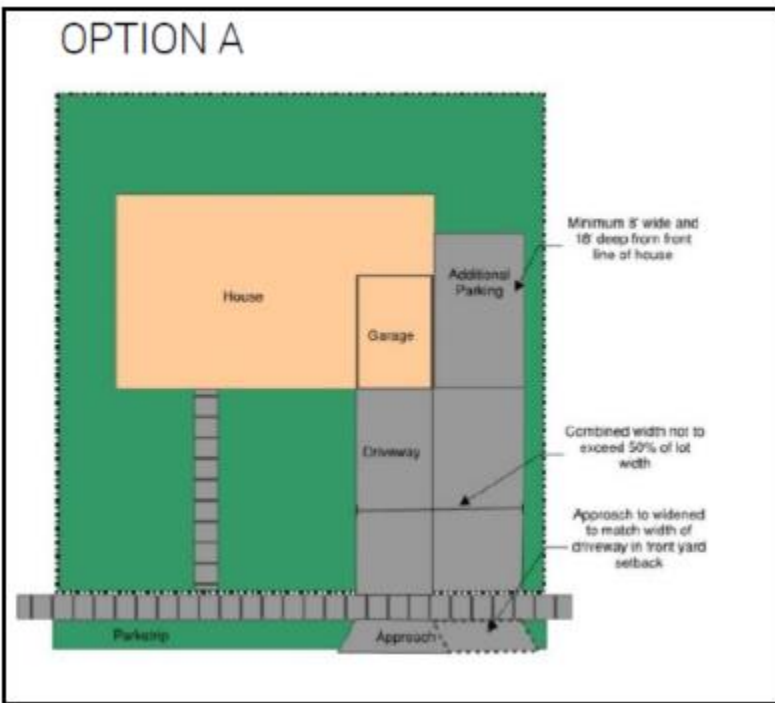
(5) No off street parking slab is permitted within the twenty foot (20') required side yard facing a street on a corner lot.

(6) Access to additional parking when one proper off street parking space exists shall be provided by either:

(A) Widening the drive approach from the street to match the width of the new driveway provided the other provisions of this Code can be met; or

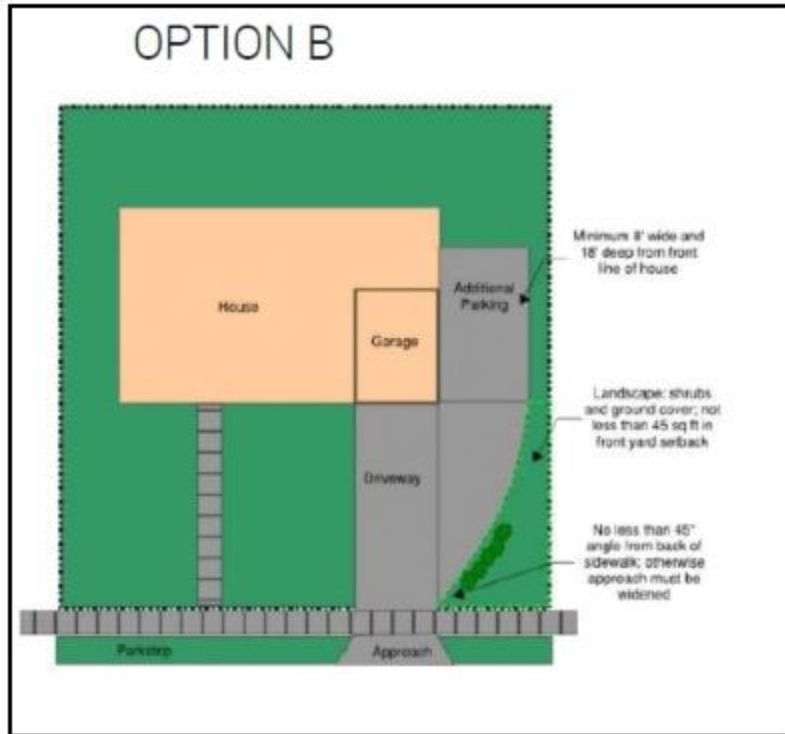
(B) A driveway taper from the sidewalk at no less than a forty five degree (45°) angle with the remnant area in the front yard setback landscaped with a minimum of shrubs and an approved ground cover, provided that this option is not allowed if the remnant landscaped area is less than forty five (45) square feet or if curb, gutter and sidewalk are not present.

OPTION A



OPTION B





b. Front Yard Parking: A maximum of two (2) hard surfaced parking spaces may be added in the front yard setback, when all of the following standards and conditions are met:

(1)(A) No legal parking has existed on the property or the property has a garage/carriage house that may appear to provide legal parking, but is incapable of accommodating modern vehicles due to having original interior wall dimension space of twelve feet (12') or less in width, seven feet (7') or less in height, and a depth of less than twenty feet (20'); and

(B) There is no reasonable access to locate legal parking either in the side or rear yards;

(2) Front yard parking must remain open and unobstructed to the sky;

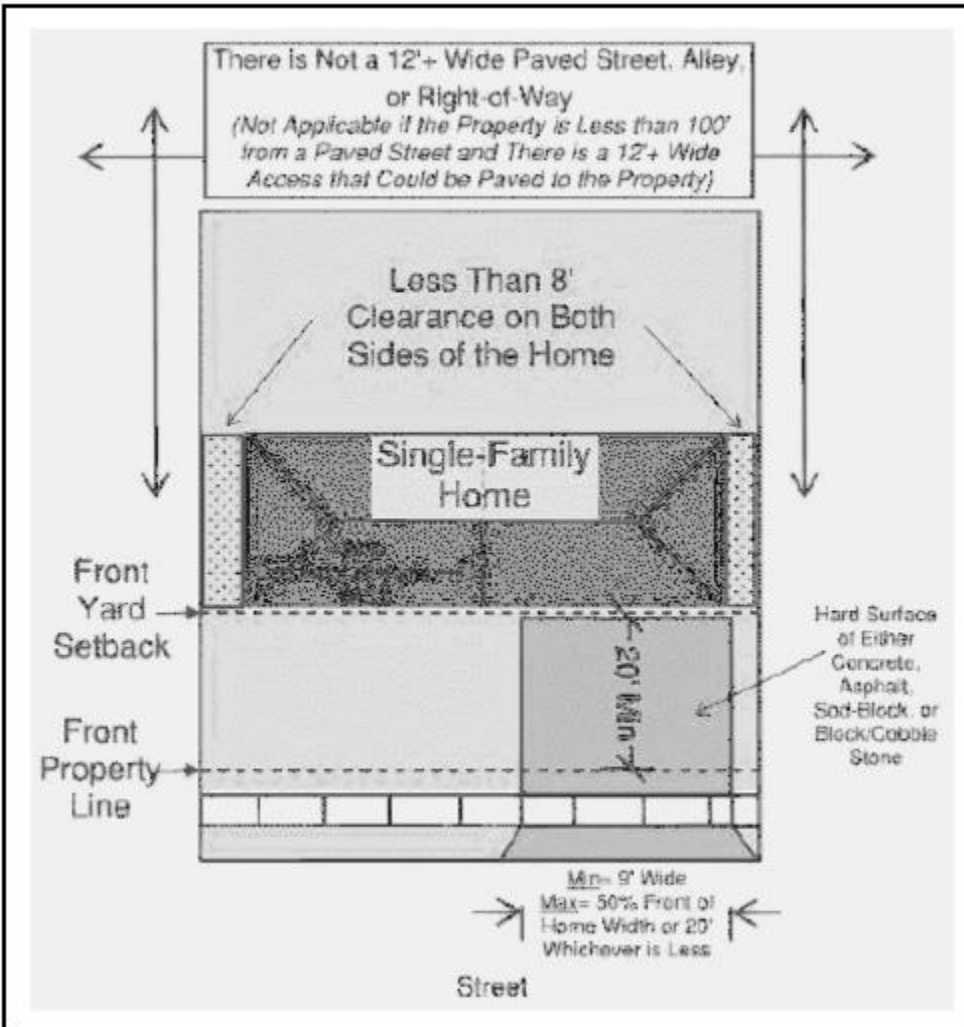
(3) No portion of a vehicle parked in the front yard shall extend beyond the front property line into the public right-of-way;

(4) Vehicle(s) parked in the front yard shall not exceed eight feet (8') in width, twenty feet (20') in length, and seven feet (7') in height;

(5) The front yard parking area and its associated driveway shall be a hard surface with the materials described in subsection 15-12-8G3 of this title;

(6) The front yard parking area shall have a minimum width of nine feet (9'); and

(7) Front yard driveways and parking areas installed after August 1, 2017, that are greater than nine feet (9') wide shall not exceed fifty percent (50%) of the width of the home fronting the public street or twenty feet (20'), whichever is less.



c. Nonconforming Or Noncomplying As To Lot Area:

(1) A single-family dwelling with inadequate lot area in a residentially zoned district shall be allowed to expand or construct on the lot provided that the construction will meet required setbacks or has received the needed setback variances.

(2) A single-family dwelling shall be allowed to be constructed on a vacant subdivided lot with inadequate lot area in a residentially zoned district provided that the construction will meet required setbacks or has received the needed setback variances.

(3) A multiple-family dwelling and associated buildings with inadequate lot area may expand the buildings or structure on the lot; provided, that:

(A) The construction will meet required setbacks or has received the needed setback variances; and

(B) The expansion will create covered parking in areas that are presently paved and used for parking.

(4) For purposes of subsection B4c(3) of this section, if a multiple-family dwelling is not otherwise allowed in the zone, the required setbacks shall be those applicable to single-family dwellings.

d. Reasonable Access: For purposes of subsection B4b(1) of this section, reasonable access is defined as either:

(1) Having at least eight feet (8') of clearance in the side yard setback on either side of the building without obstructions that cannot reasonably be avoided, such as utilities, window-wells, a direct elevation change of three feet (3') or greater, or retaining walls three feet (3') high or greater; or

(2) Having a right-of-way or alley adjacent to the property with established rights for access, where:

(A) The travel distance to the property line is less than one hundred feet (100') from an improved street and the right-of-way or alley has at least a minimum twelve foot (12') clearance that is, or could be paved; or

(B) The travel distance to the property line is more than one hundred feet (100') from an improved street and the right-of-way or alley has an existing minimum twelve foot (12') wide paved surface.

5. Expansion And Improvements In The M-1 And M-2 Zones: A noncomplying structure in the M-1 or M-2 zone may be expanded or improved up to fifty percent (50%) of its original floor area or improvement value provided the noncomplying items are corrected proportionally to the expansion to achieve complete compliance at fifty percent (50%) expansion or improvement. This includes:

(a) Landscaping shall be brought into compliance proportionally to the proposed expansion or improvement. For example, if the proposal would expand the floor area by ten percent (10%), then at least twenty percent (20%) of the missing landscape area shall be installed.

(b) Noncomplying accesses shall be brought into compliance proportionally to the proposed expansion or improvement. For example, if the proposal would improve an industrial building to add twenty-five percent (25%) to its improvement value and all the parking spaces back into the street, then fifty percent (50%) of the parking spaces shall be rearranged so as not to back into the street.

SECTION 4. Subsection amended. Subsection 15-12-8F of the Ogden Municipal Code

is amended to read as follows:

F. Yards: For all uses ~~permitted in the zone districts~~, none of the required front yard or side yard facing street on corner lot setback area of the respective zones shall be used for parking, but shall be completely landscaped, except access across and over the required front yard or side yard facing street on corner lot setback is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than fifty percent (50%) of the required side and rear yards shall be used for parking or vehicular access lanes. Commercial and manufacturing zones may use the side and rear yard building setbacks for parking or access unless the property line is next to a residential zone and then the required setback on that side which adjoins the residential zone shall not be used for parking or access but shall be landscaped and meet the screening requirements of subsection 15-4-5F of this title.

SECTION 5. Section amended. Section 15-21-2 of the Ogden Municipal Code is

amended to read as follows:

15-21-2: USES ALLOWED IN EACH MANUFACTURING AND INDUSTRIAL ZONE:

Of the following list of possible uses, those designated in any district as a "P" are permitted uses; uses designated as a "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 7 of this title; uses designated as "N" are not allowed in that district. Uses which are designated with an asterisk (*) indicate special requirements exist for the design or location of the use, which requirements can be found in chapter 23 of this title. Accessory uses to the permitted or conditional uses are allowed. Uses that are not listed are not allowed.

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Entertainment and recreational:							
Cabarets (see main use classification of drinking establishments, or restaurants, under the category of Sales).	N	N	N	N	N	N	N
Indoor entertainment business which provides activities for patrons of all ages by means of film, performance or activities, e.g., theaters, movies, bowling alleys.	N	P	P	N	N	N	P*

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Indoor recreation business which provides activities for patrons of all ages by means of indoor sports, human powered or motor vehicle use, e.g., soccer, BMX, motor tracks.	N	C	C	N	N	N	N
Outdoor entertainment or recreation businesses which provide activities for patrons of all ages by means of film, performance or activities, e.g., drive-ins, outdoor sports, go-cart tracks, stadiums.	N	C	C	N	N	N	N
Entertainment and performance business that provides live performance, film, or action activities for audiences. Examples include movie theaters, live theater, dance halls, sporting events, and the like. Sexually oriented businesses or cabarets are not included in this category.	N	N	N	N	N	N	N
Vehicle-based entertainment business that relies on the use of motorized vehicles for personal or group entertainment. Examples include go-carts, dirt bike tracks, and racetracks.	N	C	C	N	N	N	N
Outdoor gun range*.	N	C	C	N	N	N	N
Sexually oriented businesses:							
Adult live entertainment businesses or adult movie theaters.	N	P*	P*N	N	N	N	N
Outcall services or adult entertainment dance agencies.	N	N	N	N	N	N	N
Institutional:							
Churches or houses of worship.	N	P	N	N	N	N	N
Correctional institution.	N	C	C	N	N	N	N
Educational institutions.	N	N	N	N	N	N	N
Private jail or prison.	N	N	N	N	N	N	N

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Public buildings or other public uses.	N	C	C	C	N	N	N
Rehabilitation/treatment facility.	N	P	P	N	N	N	N
Soup kitchens, shelters for the homeless and low income multiple-unit housing provided housing is:	N	C	C	N	N	N	N
A. Part of the campus or in the same building as the homeless shelter.							
B. Includes counseling and other lifestyle services in the facility on site.							
Trade or vocational school or post-high school education.	P	P	P	P	N	N	P
Manufacturing:							
Already processed materials:							
Establishment engaged in the assembly of already processed materials into new products, provided, all activities and storage are inside an enclosed building and outside noise, smell, or smoke is not a significant byproduct of the manufacturing process and no outdoor storage occurs, e.g., toys, book publishing, electronic components, medical, clothing. Accessory sales are allowed of product created on site, provided, the sales area does not exceed 15 percent of the floor area of the building. Warehousing of the manufacturer's product line produced or assembled at another location is allowed to be stored in the same building; provided, that a minimum of 74 percent of the required parking of the building is for nonwarehousing uses contained in the building.	P	P	P	P	P	P	P
Establishment engaged in the assembly of already processed materials into new products, provided, all activities are inside an enclosed building and outside noise, smell, or smoke is not a significant byproduct of the							

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
manufacturing process, e.g., sign shops, sheet metal shops, trailers, truss plants, etc. No accessory outdoor storage shall be allowed, except that outdoor storage of finished product is allowed to the following percentage of total lot area usage:							
No outdoor storage.	P	P	P	P	P	P	P
Outdoor storage area is 15 percent or less of lot area.	P*	P	P	P*	P	P*	N
Outdoor storage area is between 15.1 percent and 25 percent.	N	P*	P	P*	P	P*	N
Outdoor storage area is between 25.1 percent and 50 percent	N	P*	P	N	P	N	N
Outdoor storage area is greater than 50 percent.	N	N	C	N	P	N	N
Food products:							
Manufacturing, packaging, or storage inside an enclosed building of food products, provided, any objectionable fumes or odors which could be emitted are controlled by environmental devices to eliminate such smells, e.g., dog food, sugar processing, slaughtering and meatpacking, smoked meats, etc. Accessory sales of products created on site are allowed, provided, the sales area does not exceed 15 percent of the floor area of the building.	N	N	P	N	N	N	P
Cannabis production establishment only in an enclosed building.	N	N	N	N	P*	N	N
Manufacturing, packaging, or storing inside an enclosed building of food products for human consumption, provided, no objectionable fumes or odors are emitted. Objectionable odors are such odors as come from sugar beet processing, rendering of fat, sauerkraut, vinegar, animal byproducts other	N	P	P	P	P	P	P

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
<p>than dairy products and other similar smells. Objectionable odors shall not include odors emitted from bakeries, ice cream manufacturing, egg handling or other manufacturing processes involving dairy products. Accessory sales of products created on site are allowed, provided, the sales area does not exceed 15 percent of the floor area of the building.</p>							
<p>Manufacturing, processing, packaging and storage inside an enclosed building of food products for nonhuman consumption which do not create objectionable fumes or odors that can be detected outside the building. Outdoor storage of raw, unprocessed or finished products or byproducts is not allowed.</p>	N	N	P	N	P	N	N
Metals:							
<p>Manufacturing process and storage inside an enclosed building which involves refining, casting, cutting or assembling metals and which does not produce noise, fumes or waste products which can be detected outside the building, e.g., light metal part molding. Warehousing of the manufacturer's product line produced or assembled at another location is allowed to be stored in the same building; provided, that a minimum of 75 percent of the required parking of the building is for nonwarehousing uses contained in the building.</p>	C	P	P	P	P	P	P
<p>Manufacturing process inside an enclosed building which involves refining, casting, cutting or assembling metals and which does not produce noise, fumes or waste products which can be detected outside the building but which stores the finished product outside. The allowable outdoor storage less than 50</p>	N	N	P	P*	P	N	N

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
percent of the lot area, e.g., fuel tank construction, I-beam construction, etc.							
Outdoor storage area between 50 and 80 percent of the lot area.	N	N	N	N	P	N	N
Noise, fumes, and waste:							
Manufacturing process inside an enclosed building which involves refining, processing or creating a product in which the process creates noise, fumes or waste which are detectable outside the building, e.g., steel or iron foundries, petroleum refining, etc.	N	N	N	N	N	N	N
Manufacturing process inside an enclosed building which involves refining, processing or creating a product in which the process does not create noise, fumes or waste which are detectable outside the building and which does not have outdoor storage of materials, e.g., semiconductors, crystals, etc.	P	N	P	P	P	P	P
Raw organic and inorganic materials:							
Manufacturing processes involving assembly of raw inorganic materials, such as sand and gravel, into a new product, which raw and finished materials may be stored outdoors, e.g., concrete mixing, glass, brick, tile, pipe.	N	N	C	N	N	N	N
Manufacturing processes involving assembly of raw organic materials, such as wood or plant material but excluding animals or their parts, into a new product, which raw material or finished material may be stored outdoors, e.g., mulch or fertilizer.	N	N	C	N	N	N	N
Removal of materials from ground:							
Removal of materials from the ground for use in their existing state or crushed or treated and intended for use off site, e.g., sand and gravel extraction, mining, etc.	N	N	N	N	N	N	N

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Residential:							
Single-family, duplex or multiple-family units.	N	N	N	N	N	N	N
Single-family dwelling unit for night watchman and family, provided, accessory to allowed business use on the site and no larger than 1,400 square feet.	N	P	P	N	P	P	P
Sales:							
A restaurant with cabaret license shall only be allowed as shown herein.	N	C*	C*	N	N	N	P*
Accessory sales of products warehoused or held in association with the main use of the building, but not produced or assembled on site, provided the sales area does not exceed the lesser of 15 percent of the floor area of the building or 10,000 square feet. Such sales area may be a part of, but not in addition to, any sales area otherwise allowed.	P	N	N	P	N	P	P
An establishment engaged in the preparing, serving and selling of food and drink for human consumption on or off premises, e.g., restaurants, drive-ins, etc.	P	P	P	C	P*	N	P*
An establishment engaged in the selling within an enclosed building of goods or merchandise to the general public for personal, household or business use, e.g., grocery stores, furniture, or clothing stores, etc.	N	N	N	N	N	N	N
Medical cannabis pharmacy.	P*	P*	P*	P*	P*	P*	P*
<u>Manufactured home sale and display.</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
An establishment engaged in the selling within an enclosed building of goods or merchandise to the general public for personal, household or business use limited to the following items:							
<u>Manufactured houses displayed on lot.</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Retail sales of commodities warehoused in the same building or a separate building located in the DDR Zone and said building is part of the same business operation and the sales area is not greater than 50 percent of the associated warehousing floor area; excluding sales of food, personal and household goods, and tobacco products.	N	N	N	P	N	N	N
Retail tobacco specialty business provided it meets the requirements of section 15-13-35 of this title.	N	N	N/P ¹	N	N/P ¹	N	N
Sales of goods and merchandise, excluding grocery stores, new or used cars, and tire stores; provided, stores are located and front only along 1900 West or 2550 South.	N	N	P	N	P	N	N
Sales (or rental) establishments classified as sexually oriented businesses* including adult bookstores or adult videos; provided, that in the OCIP Zone such sales are limited to businesses located along 1900 West or 2550 South.	N	P	P	N	P	N	N
Used and rebuildable car lot.	N	N	P*N	N	N	N	N
Used car lot, provided the display area is located out of the front yard setback and does not exceed the lesser of 2,500 square feet or 15 percent of the lot area, and there be 2 or more main uses on site.	N	N	N	N	N/P ¹	N	N
Wholesale or retail sales of bulk petroleum products, e.g., oils, lubricants, propane.	N	C*	C*	N	C*	N	N
Wood or coal for heating.	N	N	P	N	N	N	N
An establishment primarily involved in the retail sale of motor fuels dispensed on site, e.g., convenience stores, service stations, gas stations.	C	P	P	N	P	N	N
An establishment within an enclosed building engaged in the sale of building materials,	N	P	P	C*	P*	N	N

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
equipment or supplies for the construction trade. The use may utilize outdoor storage as an accessory use, e.g., lumberyard, plumbing supplies, cabinet shop, etc.							
Drinking establishments:							
Drinking establishments.	C*	C*	C*	N	N	N	P*
Drinking establishments: with cabaret.	N	C*	C*	N	N	N	P*
Services:							
A business engaged in providing health, grooming and kenneling services for animals, provided, all activities other than kenneling are in a completely enclosed building.	N	P	P	N	N/P ³	N	N
A business engaged in repairs of motor vehicles, recreational vehicles, aircraft or boats, provided, all the work occurs in a completely enclosed building. Retail sales or related items to these vehicles are permitted, provided, not more than 10 percent of the floor area is utilized for such sales, e.g., brake, body shop, repair, machine shop, changing oil, etc.	N	P*	P*	C*	P*	N	N
A business engaged in the construction trade and located in a permanent enclosed building which may include outside storage of construction materials or equipment of the business, e.g., general contractor, planing mill, roofing, plumbing, rental agencies, or other specific contractors.	N	P*	P*	C*	P*	N	N
A business located in an enclosed building engaged in providing data processing, telemarketing, product user support services, or other business support services. Such businesses do not have contact with the general public except by means of mail or telecommunications.	P	N	N	P	P	N	P
A business located in an enclosed building engaged in providing services directly to	P	N	N	P	N/P ²	N	P

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
individuals, businesses or agencies such as personal, professional, financial, and business services, e.g., barbershop, laundry, daycare, architects, doctors, funeral homes, banking, copy centers, real estate, hotels, etc.							
A business located in an enclosed building which does research and development of products or processes but does not include materials in amounts which would be considered hazardous to general health and welfare.	P	P	P	P	P	P	P
A business located in an enclosed building which provides storage for businesses excluding personal storage units, e.g., warehousing, distribution centers, etc.:							
Buildings 50,000 square feet or less.	P	P	P	P	P	P	N
Buildings over 50,000 square feet.	P*/C*	N	P	P	P	N/P4*	N
Including outdoor storage not exceeding 30 percent of lot area.	N	P*	P*	N	P	N	N
Petroleum products, flammable or hazardous materials as main storage.	N	N	C	N	C	N	N
A business located on a lot without a main building which offers outdoor storage of recreational vehicles or storage of finished manufactured products assembled in Ogden City limits.	N	P	P	N	N	N	N
<u>Outdoor recreational vehicle storage</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
A medical clinic located in an enclosed building engaged in providing medical services for workplace injuries or other work related conditions.	P	N	N	P	P	N	P
A use of land or business that provides outdoor storage, collection, or recycling of used materials:							

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Junk or salvage yards.	N	N	G* N	N	N	N	N
Landfill.	N	N	N	N	N	N	N
Recycling collection center.	N	P* N	P* N	N	N	N	N
Towing or impound lots.	N	P*	P*	N	N	N	N
Waste transfer station.	N	N	N	N	N	N	N
Construction trade contractor storage within the area from 3300 South to Hinckley Drive, and from 1600 West to Pennsylvania Avenue if the company has its main office in Ogden City.	N	P*	P*	N	N	N	N
Indoor/outdoor recreation business which provides activities for patrons of all ages by means of education, training, meditation and physical and spiritual wellness, e.g., <u>gymnasium</u> , <u>health club</u> , <u>dance studio</u> , martial arts and related training businesses.	N	P N	P N	N	N	N	N
Personal storage units	N	P5*	P5*	N	N	N	N
Transportation, utilities, communication uses:							
Business and land use which has an enclosed building and is engaged in trucking uses such as a truck terminal or transfer business.	N	N	P	P	P	N	N
Businesses or land uses which are primarily engaged in uses of public transportation, e.g., parking lots, bus stations, handitrans, airports, etc.	P*	P	P	P	N	N	N
Communication business engaged in the delivery of communication services, e.g., business office, studios, broadcast, multimedia.	P	P	P	P	P	N	P
Freestanding utility or communication facilities, e.g., substations, relay towers, commercial transmitting towers.	C	C	C	C	C	N	N
Railroads and related uses:							

Uses	MRD	M-1	M-2	DDR	OCIP	BEI	BEH
Main lines.	N	N	P	P	N	N	N
Spurs which deliver service only to businesses.	P	P	P	P	P	N	N
Switching yards and repair facilities.	N	N	P	P	N	N	N

Notes:

- On 1900 West and 2550 South only.
- On 1900 West only.
- On 1900 West and 2550 South only with no outdoor kenneling.
- On 626 W. Stockman Way only.
- New personal storage units are limited. See Section 15-23-5T of this title.

SECTION 6. Section amended. Section 15-22-1 of the Ogden Municipal Code is

amended to read as follows:

15-22-1: DIMENSIONAL REQUIREMENTS:

The following dimensional requirements shall apply in each manufacturing zone to building and parking setbacks:

	M-1	M-2	MRD	OCIP	DDR	BEI	BEH
Minimum lot area	3,000 sq. ft.	4,000 sq. ft.	None	20,000 sq. ft.	None	1 acre	1 acre
Minimum lot dimensions	40 ft. width	50 ft. width	None	50 ft. width	None	60 ft. width	60 ft. width
Maximum impervious coverage	<u>80%None</u>	<u>90%None</u>	80%	80%	None	80%	70%
Maximum building height	50 ft., except 40 ft. adjacent to a residential zone	<u>None90 ft.</u>	None	None	50 ft., except 90 ft. in the area north of 400 North Street and	50 ft.	45 ft. 50 ft. allowed for a third floor that is set back at least 15 ft. from

					east of Depot Drive		front building façade.
Front yard setback	<u>20 ft. 10 ft.</u>	10 ft.	20 ft.	20 ft. for building, 10 ft. for parking lots	None for buildings existing prior to July 1999. For new construction see section 15-23-2 of this title. 10 ft. for parking lots	25 ft.	25 ft.
Side yard setback facing a street	<u>20 ft. 10 ft.</u>	10 ft.	20 ft.	20 ft. for building, 10 ft. for parking lots	None for buildings existing prior to July 1999. For new construction see section 15-23-2 of this title. 10 ft. for parking lots	20 ft.	20 ft.
Side yard setback	None, except 20 ft. adjacent to a residential or O-1 zone	None, except 20 ft. adjacent to a residential or O-1 zone	10 ft., except 20 ft. adjacent to a residential zone or O-1 zone, provided that 10 ft. shall only be required for parking lots that are not adjacent to the Ogden Nature Center property ¹	10 ft.	None, except 20 ft. adjacent to O-1 zone, provided that 10 ft. shall only be required for parking lots that are not adjacent to the Ogden Nature Center property ¹	20 ft. for building, 10 ft. for parking or accessway	10 ft.
Rear yard setback	<u>20 ft. None, except 20 ft. adjacent to a residential or O-1 zone</u>	None, except 20 ft. adjacent to a residential or O-1 zone	10 ft., except 20 ft. adjacent to a residential or O-1 zone	10 ft.	None, except 20 ft. adjacent to O-1 zone, provided that 10 ft. shall only be	20 ft. plus 1 ft. for every foot building is taller than 35 ft., 20 ft. for	10 ft.

					required for parking lots that are not adjacent to the Ogden Nature Center property ¹	parking or accessway	
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Note:

1. The Ogden Nature Center property shall refer to the boundaries of the property in the O-1 zone to be conveyed to Ogden City for the benefit of the Ogden Nature Center pursuant to the DDOU reuse plan.

SECTION 7. Subsection amended. Subsection 15-23-5B of the Ogden Municipal Code

is amended to read as follows:

B. Outdoor Storage:

1. In the M-1, M-2, DDR, MRD or OCIP zone, whenever outdoor storage is permitted, it may be located in the most accessible manner to the side or rear of the main building, provided that such storage does not exceed the height of the screening fence and is screened from the public right of way in one of the following manners, with no stored items exceeding the height of the screening fence:

A minimum 6 foot tall solid fence of either wood, vinyl or chainlink with interlocking opaque vinyl or a minimum 6 foot tall decorative masonry wall with textured surfacing facing the street	Screens ground level lights, noise, objectionable views, provides privacy and access restriction, and texturing provides aesthetic relief. "Decorative masonry" shall include split face block or brick, brick, fluted block, or masonry wall with stucco finish, but shall not include openings in the wall surface below a height of 6 feet. Bumper guards set back a minimum of 2 1/2 feet from the fence shall be required when fence abuts parking.
A minimum 6 foot wide landscaped strip with either a minimum 6 foot tall solid fence of either wood, vinyl or chainlink with interlocking opaque vinyl or a minimum 6 foot tall decorative masonry wall with textured surfacing facing the street	Screens ground level lights, higher level lights, noise, objectionable views; provides privacy, access restriction and additional noise mitigation. Trees shall be a minimum of 2 inch caliper in size, spaced at a minimum of 20 feet on center.
Minimum 6 foot chainlink fence with inserts in the fence fabric	Provides security and access restriction. Inserts help screen objectionable views. Inserts shall be of a durable opaque material

	and shall be kept in good repair. Bumper guards, set back a minimum of 21/2 feet from the fence, shall be required when fence abuts parking.
6 foot open fence with evergreen trees and shrubs	Screens ground level and higher level lights, provides security and access restriction. Vegetative screen provides additional noise mitigation and screens objectionable views. Trees and shrubs shall be of a locally adapted evergreen species such as arborvitae, juniper, pyracantha, evergreen euonymus, pines or spruces, with a planted size of at least 15 gallons for trees and 5 gallons for shrubs, and shall be expected to reach a height of at least 5 feet within 5 years of planting. Trees shall be planted at 20 feet on center and shrubs at 5 feet on center.

2. In the BEI zone, the outdoor storage area associated with a permitted use shall not be located between the building wall which faces the Weber River and the property line. The outdoor storage area shall be screened from public view from the street and any public accessway with a wall that is of sufficient height, but not taller than seven feet (7'), to screen the view of the stored items from a pedestrian level. The screening wall shall be an integral part of the architecture of the building and use the same materials found on the building or may be a retaining wall with a landscaped berm of sufficient height to screen the storage on the public view sides.

SECTION 8. Subsection amended. Subsection 15-23-5C of the Ogden Municipal Code is amended to read as follows:

~~C.—Used And Rebuildable Car Lot: The following standards apply to this use:~~

~~1.—Any rebuildable vehicle parked in display areas visible from any public street must be capable of being moved without towing and the body must be substantially intact, although portions of the body may require repair or replacement.~~

~~2.—Vehicles not meeting the above standard must be stored or displayed in an area screened from view from the public street by seven foot (7') high screening fence made of the following materials:~~

a. ~~Chainlink with vertical plastic or vinyl slats spaced no farther than three-eighths inch (3/8") apart;~~

b. ~~Solid wood, vinyl or other fencing materials having an appearance of wood or one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no farther apart than one-eighth inch (1/8");~~

c. ~~Baked enamel finish, metal-ribbed fence;~~

d. ~~A decorative masonry wall;~~

e. ~~Other fence materials and construction approved by the director that provides adequate screening of the storage area similar to the above fencing materials.~~

3. ~~All vehicles displayed outside of the fenced area shall be on a hard surface.~~

C. Auto Repair Or Body Shop: Any vehicle on the site of auto repair or body shop that is not capable of being moved without towing and that is stored outside shall be in a fenced outdoor storage area meeting the requirements of section 15-23-5B of this title. The site shall be limited to one outdoor storage area not to exceed five thousand (5,000) square feet.

SECTION 9. Subsection amended. Subsection 15-23-5N of the Ogden Municipal Code is amended to read as follows:

N. Towing Or Impound Lots: The following standards apply to these uses:

1. The maximum lot area used for the towing or impound lot shall not exceed one-half (1/2) acre.

~~1.2. Screening Fence: A minimum seven foot (7') high screening fence is required for screening all outdoor storage and operational areas, which fencing shall be continually maintained. The screening fence shall be located behind the required landscaped setbacks facing public streets. The screening fence shall be a unified design and may be constructed of any of the following fencing materials:~~

a. Chainlink with vertical plastic or vinyl slats spaced no farther than three-eighths inch (3/8") apart, provided no storage of vehicles within two feet (2') of the fence;

b. Solid wood fence of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") horizontal members spaced no farther than one-eighth inch (1/8") apart;

c. Decorative masonry; or

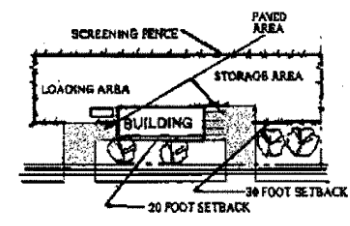
d. Other fence materials approved by the planning staff if it is determined that the material and design is opaque, is not easily damaged by weather or objects placed against it, does not detract from the appearance of the finished site development, and the colors of the required screening wall are subdued and nonreflective. Materials which are not standard fencing materials such as canisters, pallets, reflective metals, or other similar items shall not be used for fencing.

e. The screening fence requirement for all or part of the storage area may be waived if it is shown that the adjacent use on the side required to be screened is also outdoor storage.

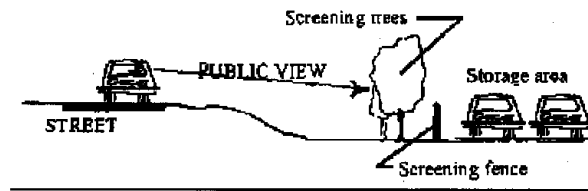
2.3. Certification: All towing or impound lots shall comply with Utah state tax commission standards for impound yards and shall provide the city with their state issued identification number. All tow trucks and operators accessing the yard shall obtain and meet all necessary state certification and licensing requirements.

3.4. Loading Or Unloading Of Vehicles: No loading and/or unloading of vehicles shall be permitted within the public right of way or required setback areas. Facilities shall be designed so that all loading and unloading takes place on the site behind the required screening fence without having to move vehicles in and out of the screened storage area.

4.5. Setback Required: A minimum twenty foot (20') setback is required for all buildings and parking lots adjacent to all public streets for properties that are to function exclusively as a towing or impound lot. All outdoor storage areas, required screening fencing, and unloading areas associated with towing or impound lots shall be set back thirty feet (30') from all public streets. In situations where multiple uses are to occur on the site, building, parking and outdoor storage areas will only have to comply with the underlying zone setbacks; but all storage, loading and unloading activities in the outdoor storage area that are associated with the towing or impound lot will need to occur thirty feet (30') from all public streets. The screened outdoor storage shall either be paved or have a gravel/road base surface. The parking lots and access driveways shall be paved to the storage area with either concrete or asphalt, and setback areas shall be completely landscaped. All landscaping shall be according to an approved landscape plan which meets the objectives of this section. All landscaped areas shall be properly maintained.



5-6. Screening From Street: Due to the elevation of the road along portions of 20th Street, 21st Street, 24th Street and 31st Street Expressway (Hinckley Drive), the required screening fence for the storage areas may be ineffective in screening the storage area from the street. In such cases, screening of the view from the right of way shall be achieved by planting on site or along the public street, a row of trees (minimum 2 inch caliper for deciduous trees or 4 foot minimum height for evergreen trees) spaced in such a manner that the trees shall form a solid screening of the storage area from public view. The trees planted shall be species whose height and width at maturity will completely block the view of the storage area from a public street. The trees shall be planted in a location which will be between the required fence and the public viewing area.



6-7. Setback From Rivers; Screening: A minimum setback of fifty feet (50') from a river or stream of all storage areas, fencing or buildings is required. Additional setback distances may be required based on factors such as elevation difference from the river and the surrounding land, existing vegetative conditions, floodplain elevations and past changes in the channel so that the river corridor is not adversely impacted. Vegetation and riverbanks shall be maintained in their natural conditions. A planting buffer between the fence and the river may be required if it is determined that existing river corridor vegetation or topography does not buffer the effect of the required screening fence in order to create a natural riparian environment and there are no other land uses between the storage and the river.

7-8. Irrigation Canals: All irrigation canals running through the property shall be enclosed in a pipe of sufficient size to convey the maximum flow capacity of the canal and which shall be sealed to prevent contamination of the irrigation water, or, if piping is not allowed, all storage shall be set back ten feet (10') from the open canal.

8-9. Interior Access Lanes: Interior access lanes shall be maintained and kept open and free from storage as required by the fire department to provide adequate access for fire protection.

9-10. Dismantling Or Salvaging Vehicles: No dismantling or salvaging is to occur on the site ~~unless the property is located in an M-2 zone and has obtained a conditional use permit from the planning commission to allow junk and salvage operations on the site.~~

11. Maximum Stay: No impounded vehicle shall remain on the lot for longer than six (6) months. The operator shall maintain records showing the disposition of each vehicle and shall present that record to the city upon request.

SECTION 10. Subsection enacted. The following is enacted as subsection 15-23-5T of the Ogden Municipal Code:

T. Personal Storage:

1. New personal storage units are allowed only in accordance with the following standards:

a. Personal storage units may be allowed on upper floors of where the ground floor has a different permitted or conditional use.

b. New ground floor personal storage units may be allowed only if existing personal storage units that are nonconforming uses in Ogden are removed at the rate of one (1) square foot of floor area removed for every two (2) square feet of new ground floor storage area constructed. The applicant shall present a binding agreement and financial guarantee to remove the existing storage units.

c. If allowed, new personal storage units projects shall be developed so that upper floor storage area of the project is at least fifty percent (50%) of the ground floor storage area.

2. An expansion of an existing personal storage development on the same site may be permitted one time provided the land area dedicated to the use is not increased by more than twenty percent (20%) or one acre, whichever is less.

3. Following each decennial census, the director shall perform an analysis to determine if the floor area of personal storage units in Ogden has dropped below ten (10) square feet floor area per capita. If so, additional personal storage units may be allowed to bring the total floor area in Ogden to ten (10) square feet per capita. If there are multiple applications exceeding the allotment initially after each analysis, the director shall establish a process to select competing applications at random.

SECTION 11. Section enacted. The following is enacted as Section 15-23-9 of the Ogden Municipal Code:

15-23-9: ARCHITECTURAL BUILDING AND DESIGN REQUIREMENTS IN THE M-1 AND M-2 ZONES

A. All buildings over four hundred (400) square feet floor area shall have a base of concrete, concrete block, or brick that extends at least four feet (4') up from the ground.

B. Any building façade visible from and within one hundred feet (100') of a street, excluding open canopies, shall have at least three (3) of the following features:

1. Eave overhangs of at least eighteen inches (18")
2. Pitched roof of at least two in twelve (2:12) pitch.
3. Brick, stone, or split-face block on at least twenty percent (20%) of the façade.
4. Imbedded decorative shapes in brick or concrete.
5. Windows on least twenty percent (20%) of the ground floor façade.
6. Covered entry feature at least fifteen feet (15') wide and five feet (5') deep.
7. No vehicle entrances into the building on the front façade.
8. Only landscaping between the building and the street.
9. Two or more materials or colors of the same material comprising at least ten percent (10%) of the wall surface each.
10. Art feature on or in front of the building of at least thirty-two (32) square feet.
11. Signs on the building are channel letters or designs without exposed raceways of at least thirty-two (32) square feet sign area.

C. Any building façade visible from the street shall have muted earth tones on at least ninety percent (90%) of the facade.

D. Shipping containers: The following apply to placement of intermodal shipping containers.

1. Shipping containers shall not be placed in any required parking space, landscape area, or required yard setback.
2. Shipping containers shall only be placed within a fenced outdoor storage area meeting the requirements of section 15-23-5B of this title.
3. Shipping containers shall be placed on a surface of concrete, asphalt, or gravel.

E. Other than intermodal shipping containers meeting the standards under subsection D above, no structure shall be used or occupied for other than its originally designed use. This specifically precludes use of vehicles, recreational vehicles, rail cars, camp tents, tarps, or similar structures for office, storage, processing, and the like.

F. Buffers for adjacent residential zones. A buffer shall be installed where a use in the M-1 or M-2 zone is located adjacent to a residential zone. The buffer shall include all the following (See Figure 15-23-9.1):

1. A minimum six foot (6') high solid concrete, concrete block, or masonry wall.
2. A minimum twenty-foot (20') wide landscaped area adjacent to residential zone consisting of the following:
 - a. A row of evergreen shrubs or trees spaced to create a contiguous hedge or canopy at least eight feet (8') high upon maturity.
 - b. In areas not covered by evergreen shrubs or trees, five (5) gallon shrubs or twenty-four inch (24") minimum diameter landscape boulders spaced a maximum of five feet (5') on center.
 - c. For the remaining area, shrubs, living ground cover, or mulch.
3. For any building within forty feet (40') of the residential zone, no building openings facing the residential zone larger than one pedestrian door twenty (20) square feet maximum or non-opening windows.

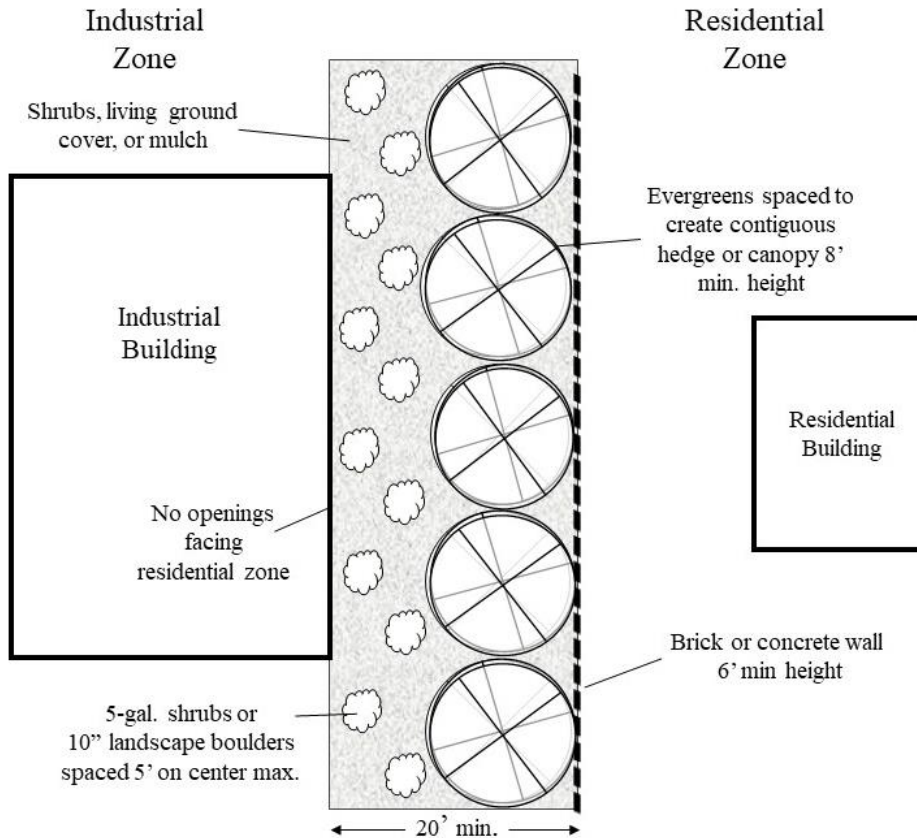


Figure 15-23-9.1: Industrial-Residential Buffer Requirements

SECTION 12. Subsection enacted. The following is enacted as subsection 15-38-4G of the Ogden Municipal Code:

G. Auto Repair or Body Shops

Outdoor storage of junk vehicles, intended for restoration, repair or limited salvage may be allowed as an accessory use to an auto repair or body shop in the C-3 zone, provided the following conditions are met:

1. The area dedicated to outdoor storage does not exceed ten percent (10%) of the lot;
2. All such outdoor storage shall be in a completely enclosed area screened by a seven foot (7') tall screening fence, made of any of the following fencing materials:
 - a. Chainlink with vertical plastic or vinyl slats spaced no farther than three-eighths inch (3/8") apart;

b. Solid wood, vinyl or other fencing materials having an appearance of wood of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no farther apart than one-eighth inch (1/8");

c. Baked enamel finish, metal ribbed fence;

d. Decorative masonry; or

e. Other fence materials and construction approved by the community development director which provides adequate screening of the storage area similar to the above fencing materials; and

3. Limited salvage of parts from such vehicles shall be permitted only as necessary for the repair of other vehicles on site and not as part of any other type of salvage operation.