



NOTICE AND AGENDA

SOUTH OGDEN CITY PLANNING COMMISSION MEETING

Thursday, April 10, 2025

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on Thursday, April 10, 2025, beginning at 6:15 p.m. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; anyone interested is welcome to attend. Some members of the commission may be attending the meeting electronically. The meeting will also be streamed live over www.youtube.com/@southogdencity.

A briefing session will be held at 5:30 pm in the city council chambers and is open to the public.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES – Chairman Robert Bruderer

II. PUBLIC HEARING

To Receive and Consider Comments on the Following Items:

- A. Proposed Amendments to the South Ogden City General Plan, Amending the Time Line and Tasks For The Existing Moderate Income Housing Strategies
- B. Proposed Amendments to South Ogden Code (SOC) 10-1-5, 10-1-15, 10-21A-2, 10-21A-5, 10-21C-7, and 10-21C-14, Giving the Code Compliance Officer Authority Over Zoning Code Violations
- C. Proposed Addition of 10-14-25 to SOC to Allow and Regulate Short-Term Rentals and Amending SOC 10-2-1 to Add a Definition of Short-Term Rental
- D. Proposed Amendments to SOC 10-3-1 and the Planning Commission Policies and Procedures, Allowing The Planning Commission Chair to Vote on All Matters

III. ZONING ITEMS

- A. Discussion/Recommendation on the Proposed Amendments to the South Ogden City General Plan, Amending the Time Line and Tasks For The Existing Moderate Income Housing Strategies
- B. Discussion/Recommendation on the Proposed Amendments to South Ogden Code (SOC) 10-1-5, 10-1-15, 10-21A-2, 10-21A-5, 10-21C-7, and 10-21C-14, Giving the Code Compliance Officer Authority Over Zoning Code Violations
- C. Discussion/Recommendation on the Proposed Addition of 10-14-25 to SOC to Allow and Regulate Short-Term Rentals and Amending SOC 10-2-1 to Add a Definition of Short-Term Rental

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on April 4, 2025. Copies were also delivered to each member of the Planning Commission.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

- D. Proposed Amendments to SOC 10-3-1 and the Planning Commission Policies and Procedures, Allowing The Planning Commission Chair to Vote on All Matters**
- E. Discussion on Updating Code to Accommodate SB 179**

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of March 13, 2025 Planning Commission Minutes

V. STAFF REPORTS

- A. City Council Updates**
- B. PC Meeting Updates**

VI. OTHER BUSINESS

VII. PUBLIC COMMENTS

VIII. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on April 4, 2025. Copies were also delivered to each member of the Planning Commission.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



SUBJECT: Zoning Item - Proposed Changes to General Plan to update the timelines
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: April 10, 2025

BACKGROUND

South Ogden City adopted an updated general plan in 2023 and one of the key chapters within the plan is Chapter 5-Housing. The housing chapter is structured to meet Utah moderate income housing requirements. Utah Code 10-9a-403 and 10-9a-408 requires municipalities that are in the first (100,000+), second (65,000-99,999), third (30,000-64,999), or fourth (10,000-29,999) class to submit a moderate-income housing report. South Ogden falls under the fourth class. The report must show progress being made in terms of housing within five years of the adoption of the implementation plan. At least three moderate income housing strategies chosen from the provided list in Utah Code 10-9a-403 must be worked on in that five year period for municipalities without a fixed guideway. The Moderate-Income Housing Plan (MIHP) should provide a description of each housing strategy selected by the municipality and how the city will accomplish the strategy. The State Code requires that an annual report is submitted to the Department of Workforce Services by August, which should outline each MIHP strategy selected by the municipality along with an implementation timeline.

In order to achieve the objectives of Utah Code related to the moderate-income housing element of the general plan, this report considers the following elements:

- A description of each action taken by the jurisdiction during the previous 12-months
- A description of each land use regulation or decision made along with an explanation of how the regulation or decision supports the strategy
- A description of any barriers encountered

ANALYSIS

Staff has updated timelines for implementation for the selected strategies. A lot of the items are ongoing discussions and research that must be acquired and presented by planning staff.

The city has submitted two reports since the implementation plan was adopted (2023 and 2024), and this year will be the third-year reporting on these strategies. Staff's plan is to schedule time within the next few months to present to City Council options to move forward and following those meetings present to Planning Commission afterwards in order to stay informed.

PROPOSED CHANGES:

Attached are the proposed changes to the MIH strategies.

RECOMMENDATION

Staff recommend adding the proposed language in blue and forwarding a positive recommendation to the City Council. Staff is open to any modification suggestions.

MODERATE INCOME HOUSING PLAN

HOUSING STRATEGIES AND RECOMMENDATIONS

To qualify for State transportation funding, the State requires municipalities to select three housing affordability strategies to implement in their community. In addition, the legislature is giving priority funding designation to those communities that adopt two additional strategies. South Ogden City has selected the following strategies for implementing moderate-income housing in the community.

The following strategies were selected for 2023. However, since the State requires the City to reevaluate these strategies annually, the City's most current Moderate-Income Housing Report should be referenced for the City's most current strategies.

STRATEGY 1: Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing (Menu Item P).

STRATEGY 2: Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund (Menu Item K).

STRATEGY 3: Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones (Menu Item E).

STRATEGY 4: Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers (Menu Item F).

STRATEGY 5: Rezone for densities necessary to facilitate the production of moderate-income housing (Menu Item A).

TRACKING & IMPLEMENTATION

To track and prioritize implementation measures for each strategy, the City will incorporate the five housing strategies into the South Ogden Strategic Plan. The Strategic Plan, annually adopted by the South Ogden City Council, outlines and prioritizes directives to guide policy decisions and prioritize community needs. The Strategic Plan identifies the required resources, the department personnel involved, a tentative due date, and the City's overall progress relative to each directive.

STRATEGY 1

DEMONSTRATE UTILIZATION OF A MODERATE INCOME HOUSING SET ASIDE FROM A COMMUNITY REINVESTMENT AGENCY, REDEVELOPMENT AGENCY, OR COMMUNITY DEVELOPMENT AND RENEWAL AGENCY TO CREATE OR SUBSIDIZE MODERATE INCOME HOUSING

South Ogden City has created the City Center Community Reinvestment Project Area and will utilize funds from the tax increment generated by the project area to aid in the development and/or subsidization of moderate-income housing (Menu Item P).

In 2019 the South Ogden City Community Development and Renewal Agency (CDRA) created the City Center Community Reinvestment Area (CRA). With support and participation from Weber County and Central Weber Sewer Improvement District, the City Center CRA was created to aid in the redevelopment of properties along Riverdale Road, Washington Blvd., Harrison Blvd. and 40th Street. The long-range vision, as demonstrated within the City's general plan, is for these properties to be redeveloped with a variety of mixed uses, at much higher densities, and with a more urbanized look and feel.

It is estimated the City Center CRA will generate approximately \$964,673 of incremental value over the next 20 years. These funds will be restricted for the Agency's use to help with the development/subsidization of moderate-income housing. The first year of tax increment was 2022, providing the Agency some housing monies through the project area through 2042.

IMPLEMENTATION

- Analyze the feasibility to develop moderate-income housing on the city-owned property at 40th and Evelyn. [Winter 2025](#)
- Seek LIHTC funding to help with construction of deeply affordable housing (30% AMI) or other income-restricted housing projects. [Spring 2026](#)

STRATEGY 2

PRESERVE EXISTING AND NEW MODERATE INCOME HOUSING AND SUBSIDIZED UNITS BY UTILIZING A LANDLORD INCENTIVE PROGRAM, PROVIDING FOR DEED RESTRICTED UNITS THROUGH A GRANT PROGRAM, OR ESTABLISHING A HOUSING LOSS MITIGATION FUND

South Ogden City desires to preserve existing and develop new moderate-income housing and subsidized housing units by utilization of a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535m establishing a housing loss mitigation fund (Menu Item K).

Utilizing tax increment generated through the City Center Community Reinvestment Project Area, South Ogden City will explore and implement program(s) to aid in the preservation and/or development of moderate-income housing, as well as ways the city can work with developers to incorporate moderate-income housing into new, market-rate projects through deed restrictions of a certain number of units. This would increase the number of moderate-income units throughout the city and would inter-mix these units with market-rate units within the same development/project.

IMPLEMENTATION

- Explore policies that would incorporate/require deed-restricted moderate-income housing units to be incorporated into new projects whenever a development agreement is utilized as a part of the projects' approval. [\(Spring 2026\)](#)
- Explore the cost/benefits of establishing a Housing Preservation Fund. [\(Spring 2026\)](#)
- Explore cost/benefits of creating a Housing Loss Mitigation Fund for the development or preservation of moderate-income housing. [\(Spring 2026\)](#)
- Explore ways to utilize housing funds from the City Center CRA to incentivize landlords to deed-restrict units, subsidize development-related fees, etc. [\(Spring 2026\)](#)

STRATEGY 3

CREATE OR ALLOW FOR AND REDUCE REGULATIONS RELATED TO INTERNAL ADUS

South Ogden has created regulations related to internal accessory dwelling units (ADUs) in residential zones (Menu Item E).

In 2021, South Ogden amended City code to allow for the interior ADUs as permitted uses in single-family residential, two-family residential, and multiple-family residential zones. In addition, the City created an “Accessory Dwelling Unit” section in their municipal code (Adopted 9/21/2021) to provide reasonable regulations for supplementary living accommodations in internal ADUs located in residential areas of the City.

IMPLEMENTATION

- Begin to track building permits and rental licenses related to ADUs (Spring 2023).
- Review “Accessory Dwelling Unit” code with City Council and Planning Commission to determine the feasibility of extending policy to allow for attached and detached ADUs (Winter 2023).
- Work with the Planning Commission and City Council on drafting and adopting ADU code amendment (Spring 2024).
- **Review the ADU ordinance to consider allowing them on smaller sized lots (Spring 2026)**

STRATEGY 4

ZONE OR REZONE FOR HIGHER DENSITY OR MODERATE-INCOME RESIDENTIAL DEVELOPMENT

South Ogden has zoned or rezoned for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers (Menu Item F).

The City's form-based code creates three districts:

1. **Neighborhood Commercial:** a number of smaller areas that provide convenient local commercial services for residents.
2. **Wall Avenue:** flexible mixed-use district that allows for a broad range of commercial uses and building types
3. **South Gateway:** flexible mixed-use district that allows for a broad range of commercial uses and building types.

The major districts are further broken down into subdistricts:

- **Gateway Core:** The Gateway Core Subdistrict is intended to be the City's most flexible and inclusive subdistrict, ensuring a place for all of South Ogden's commercial needs. It includes a range of building types that will allow for a vibrant, mixed-use commercial area.
- **Gateway General:** The Gateway General Subdistrict provides the same function as the Gateway Core Subdistrict, but with a lower intensity of building to provide a buffer between residential neighborhoods and commercial areas.
- **Neighborhood Commercial:** The Neighborhood Subdistrict allows for smaller nodes of commercial uses, the purpose of which is to provide residents with easy access to businesses which provide local services and goods.
- **Gateway Edge:** The Edge Subdistricts are made up of smaller scale residential buildings, which provide a buffer between existing single family residential neighborhoods and the Commercial Subdistricts. (Ord. 17-21, 11-21-2017, eff. 11-21-2017)

The rezone districts allow for density variations based on permitted uses.

IMPLEMENTATION

- Track the number of new housing units established from the City's form-based code districts (Neighborhood Commercial, Wall Avenue, and South Gateway) to monitor the number of units that qualify as moderate income housing units (Spring 2023 – **Winter 2026**).

STRATEGY 5

REZONE FOR DENSITIES NECESSARY TO FACILITATE THE PRODUCTION OF MODERATE-INCOME HOUSING

South Ogden has rezoned for densities to facilitate the production of moderate-income housing (Menu Item A).

The City has rezoned for mixed use and high density as part of the form-based code initiative. The rezone process was a complete review of existing zoning and the establishment of form-based code in order to promote redevelopment of commercial areas to mixed use zones suitable for higher density housing. This initiative included a steering committee, public review process, planning commission review, public hearing, and adoption by City Council and was completed over two-year period. The City will continue to update zoning to meet current demands.

The City created nine additional zones to facilitate the production of moderate-income housing:

1. 40th Street General
2. City Center General
3. City Center Core
4. Riverdale Road General
5. Edge
6. Gateway Core
7. Gateway General
8. Neighborhood Commercial
9. Gateway Edge Subdistrict

IMPLEMENTATION

- Review and update the zoning code to allow for higher density in redeveloping residential areas (Winter 2023 – Spring 2024).
- Work with Planning Commission, Community Development and Renewal Agency (CDRA), and the City Council to modify zoning in anticipation for redevelopment efforts (Spring 2024).
- Track the number of new housing units established from the city's form-based code districts (40th Street General, City Center General, City Center Core, Riverdale Road General) to monitor the number of units that qualify as moderate-income housing units (Spring 2025-Spring 2026)
- Seek assistance with a small area plan for the city center core and potentially modify the zoning code to allow for that vision (Spring 2025-Spring 2026)

STAFF REPORT



SUBJECT: Code Change Discussion - Updating code enforcement for Title 10 Chapter 1 and Chapter 21
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: April 10, 2025

BACKGROUND

Over the past 5 months there has been discussion on expanding our code enforcement in the city by hiring a code compliance official to address nuisances, complaints, and code violations. The goal is to have someone hired within the next month or so. In preparation for the new position, staff has worked with the current code compliance department, building official, and assistant city manager to identify things that need to be updated. There are different sections of code that automatically assign Class C or Class B misdemeanors since the police department oversaw most of the code enforcement calls and there are sections of code that assign building official as the code enforcement officer. Administrative and police staff wanted to be clear that initial code enforcement would be handled by the new code compliance official. Specifically, under Title 10 Zoning Regulations, there are two chapters that address penalties for violations and have subsections within them that should be changed. These sections are 10-1-5, 10-1-15, 10-21A-2, 10-21A-5, 10-21C-7, and 10-21C-14. Chapter 1 addresses the general provisions and Chapter 21 addresses signage in residential areas. At the March 13, 2025 Planning Commission meeting, the Planning Commission reviewed the changes to the code and voted to go ahead with a public hearing.

Attached to this packet are the proposed changes to each section of code under Title 10.

ANALYSIS

It is important to be as clear as possible about who is responsible for addressing code violations and the steps for addressing the violations. It helps the city be transparent with residents and it helps give the code compliance official guidance on how to handle each case. Meetings were held with administrative staff and police staff since the end of last year to go over sections of code that should be updated to include wording stating that the code compliance official will be the one handling the situation but still being clear that the case may escalate to the police if needed and legal action can be taken. Staff also consulted with the city attorney about some of the wording of the new addition in the city code. The goal is to initially handle the situation in a civil manner and ultimately bring residents into compliance not just punish them.

There are other sections within the city code that will be amended, but only Title 10 must go through Planning Commission first. All other sections may go straight to City Council. As mentioned, only Chapter 1 and 21 of Title 10 are being amended since they are the only two sections that talk about penalties and enforcement. Title 10 Chapter 1 talks about the general provisions for all chapters under Title 10 and covers the overall enforcement of the title. Chapter 21 had language talking about enforcement of signage, so staff updated that section as well. The consensus was that the building official was in charge of enforcing all of Title 10 while the police department handled the other titles, so we wanted to make sure that the responsibility of code enforcement was shifted from the building official to the code compliance official. Planning staff is open to adding language within other chapters under Title 10 if the commission deems it necessary.

PROPOSED CHANGES:

10-1-5: Administration And Enforcement

A. Inspections; Orders; Abatements: ~~The chief building official shall enforce all this title. He shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, such inspection or otherwise, he finds that any such construction, alteration or repair, or that any use or contemplated use of land violates this title, he shall issue his written order to the person responsible therefor, ordering and directing such person to cease and desist such construction, alteration, repair or use. He shall report violation of this title to the Legal Department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance found to be in violation of this title.~~

The code compliance official shall enforce all this title involving land use violation.

The chief building official shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, such inspection or otherwise, he finds that any such construction, alteration or repair, he shall issue his written order to the person responsible therefor, ordering and directing such person to cease and desist such construction, alteration, or repair.

The code compliance official shall report violation of this title to the Legal Department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance found to be in violation of this title.

B. Assistance Of Law Enforcement: ~~The chief building official~~ **code compliance official** may call for the assistance of law enforcement personnel whenever in his opinion such assistance is necessary in the investigation of a suspected violation of this title.

C. Rules Established; Filed: The ~~chief building official~~ code compliance official may establish reasonable rules and regulations necessary or desirable in the administration of this title. Three (3) copies of such rules and regulations shall be filed with the City Recorder and such rules and regulations shall become effective when so filed.

10-1-15: Penalty

~~Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be guilty of a Class C misdemeanor and upon conviction thereof shall be subject to penalty as provided in section 1-4-1 of this Code. Such person, firm or corporation shall be deemed guilty of a separate offense for each day any portion of any violation of this title is committed, maintained, continued or permitted by such person, firm or corporation. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue a fee that can be reversed in the allotted time given by the code compliance official for the resident to remedy the incompliance.
2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then the fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .
- D. 3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

10-21A-2: Enforcement

1. Building Official: The ~~building official~~ code compliance official is responsible for the enforcement and administration of this chapter. The ~~building official or his designee~~ code compliance official shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to this chapter.
2. Enter Upon Premises: Upon presentation of proper credentials, the ~~building official~~ code compliance official may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him by this chapter.
3. Noncompliance Fee Schedule: ~~Building official or acting agent~~ Code compliance official shall enforce noncompliance fee based on noncompliance fee schedule for

each

offense:

FEE

SCHEDULE

First violation	\$125.00 with the prospect of revoking the fee
Second violation	\$250.00
Third violation	Class C Misdemeanor

10-21A-5: Violations A Misdemeanor

~~Any person who shall fail to comply with, or shall violate any of this chapter, or any rules or regulations promulgated hereunder, shall be deemed guilty of a Class C misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this Code. The penalty provided shall be in addition to any suspension or revocation of any license or permit issued. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, maintained, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)~~

First Offense: The code compliance official will issue a fee that can be reversed in the allotted time given by the code compliance official for the resident to remedy the incompliance.

2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then the fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .

3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

10-21C-7: Refusal Of Owner To Remove Dangerous Signs; Removal By Building Official Code Compliance Official

Where immediate action to remove a dangerous sign is deemed necessary to protect limb, life or property and where the owner of a sign or the owner of the property upon which the

sign is erected fails to remove such sign upon receipt of notice from the **building official code compliance official** and within a specified time fixed in such notice, the **building official** **code compliance official** may proceed in any manner deemed necessary to cause the immediate removal of such sign. The **building official** **code compliance official** shall certify a statement of the expenses incurred in such removal to the City Manager, who in turn shall assess and charge the same against the real estate upon which the sign was erected, and unless said assessment is paid within ninety (90) days after and from the date of notice thereof, the same shall, when recorded in the Offices of the County Clerk and City Recorder, become a lien upon the real estate whereon the sign is erected and collectible in the same manner as general taxes. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)

10-21C-14: Signs To Comply With Zoning Ordinance

1. Required: All signs shall be erected and maintained in full compliance with this title.
2. Removal Of Nonconforming Signs:
 1. Any sign not in conformance with this title and which was erected or installed without a permit or are not maintained as per section 10-21C-12 of this article shall be removed within thirty (30) days upon notification from the **building official** **code compliance official**. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)

RECOMMENDATION

Staff recommends adding the proposed language in blue and forwarding a positive recommendation to the City Council. Staff is open to any modification suggestion.

10-21A-2: Enforcement

1. Building Official: The **building official** code compliance official is responsible for the enforcement and administration of this chapter. The **building official or his designee** code compliance official shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to this chapter.
2. Enter Upon Premises: Upon presentation of proper credentials, the **building official** code compliance official may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him by this chapter.
3. Noncompliance Fee Schedule: **Building official or acting agent** Code compliance official shall enforce noncompliance fee based on noncompliance fee schedule for each offense:

FEE	SCHEDULE
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First violation	Warning \$125.00 with the prospect of revoking the fee
Second violation	\$250.00
Third violation	Revoke business license Class C Misdemeanor

10-21A-5: Violations A Misdemeanor

~~Any person who shall fail to comply with, or shall violate any of this chapter, or any rules or regulations promulgated hereunder, shall be deemed guilty of a Class C misdemeanor and upon conviction, subject to penalty as provided in section 14-1 of this Code. The penalty provided shall be in addition to any suspension or revocation of any license or permit issued. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, maintained, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)~~

First Offense: The code compliance official will issue a fee that can be reversed in the allotted time given by the code compliance official for the resident to remedy the incompliance.

2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then the fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .

3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

10-21C-7: Refusal Of Owner To Remove Dangerous Signs; Removal By ~~Building Official Code~~ Compliance Official

Where immediate action to remove a dangerous sign is deemed necessary to protect limb, life or property and where the owner of a sign or the owner of the property upon which the sign is erected fails to remove such sign upon receipt of notice from the ~~building official code compliance official~~ and within a specified time fixed in such notice, the ~~building official~~ code compliance official may proceed in any manner deemed necessary to cause the immediate removal of such sign. The ~~building official~~ code compliance official shall certify a statement of the expenses incurred in such removal to the City Manager, who in turn shall assess and charge the same against the real estate upon which the sign was erected, and unless said assessment is paid within ninety (90) days after and from the date of notice thereof, the same shall, when recorded in the Offices of the County Clerk and City Recorder, become a lien upon the real estate whereon the sign is erected and collectible in the same manner as general taxes. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)

10-21C-14: Signs To Comply With Zoning Ordinance

1. Required: All signs shall be erected and maintained in full compliance with this title.
2. Removal Of Nonconforming Signs:
 1. Any sign not in conformance with this title and which was erected or installed without a permit or are not maintained as per section 10-21C-12 of this article shall be removed within thirty (30) days upon notification from the ~~building official code compliance official~~. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)

10-1-15: Penalty

~~Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be guilty of a Class C misdemeanor and upon conviction thereof shall be subject to penalty as provided in section 14-1 of this Code. Such person, firm or corporation shall be deemed guilty of a separate offense for each day any portion of any violation of this title is committed, maintained, continued or permitted by such person, firm or corporation. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue a fee that can be reversed in the allotted time given by the code compliance official for the resident to remedy the incompliance.
2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then the fee of not more than one hundred and twenty-five

dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .

3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

10-1-5: Administration And Enforcement

- A. Official Designated: The provisions of this article shall be administered and enforced by the City Manager or designee, unless otherwise specifically stated. For the purposes of this article, the term City Manager shall be inclusive of his or her designees.
- B. Issuance Of Permits, Certificates: The chief building official shall not grant a permit for the construction or alteration of any building or structure, nor issue any certificate of occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this title or any other ordinance of the City or of any law of the State.
- C. Inspections; Orders; Abatements: ~~The chief building official shall enforce all this title. He shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, such inspection or otherwise, he finds that any such construction, alteration or repair, or that any use or contemplated use of land violates this title, he shall issue his written order to the person responsible therefor, ordering and directing such person to cease and desist such construction, alteration, repair or use. He shall report violation of this title to the Legal Department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance found to be in violation of this title.~~

The ~~code compliance official~~ shall enforce all this title involving land use violation.

~~The chief building official~~ shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, such inspection or otherwise, he finds that any such construction, alteration or repair, he shall issue his written order to the person responsible therefor, ordering and directing such person to cease and desist such construction, alteration, or repair.

~~The code compliance official~~ shall report violation of this title to the Legal Department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance found to be in violation of this title.

- D. Assistance Of Law Enforcement: The ~~chief building official~~ ~~code compliance official~~ may call for the assistance of law enforcement personnel whenever in his opinion such assistance is necessary in the investigation of a suspected violation of this title.
- E. Rules Established; Filed: The ~~chief building official~~ ~~code compliance official~~ may establish reasonable rules and regulations necessary or desirable in the administration of this title. Three (3) copies of such rules and regulations shall be filed with the City Recorder and such rules and regulations shall become effective when so filed.

F. Fees: The City Council may, by resolution or ordinance, prescribe reasonable fees to cover the expense of examining plans, issuing building permits, inspecting uses and issuing certificates of occupancy, and may determine the method of collecting such fees. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

STAFF REPORT



SUBJECT: Code Change Discussion - Short-Term Rentals
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: April 10, 2025

BACKGROUND

On the October 10, 2024, agenda there was an item where Staff was proposing to add in the definition of a short-term rental (STR) to Section 3-11-0 to explain how the city defines an STR and to be clear that they are not allowed in the city. This addition was based on previous discussions that previous planning staff had with the Planning Commission and the City Council about the allowance of STRs. At the October 10th meeting, there was interest from the commission to explore the conversation of STRs further since most of the current commission is new. It was discussed again on November 14, 2024, and ultimately the commission agreed that before moving forward, it would be best to hear from City Council to see if this ordinance is something that they would be willing to support. The discussion of STRs was brought up to the council on December 3, 2024 and the result was that they were open to considering a Short-Term Rental ordinance. On January 9, 2025 the commission discussed what they would like to see in an ordinance and what they would want to limit within the community. At the February 13, 2025 meeting, the Planning Commission decided to table the item and hold off on a public hearing. At the March 13, 2025 meeting, the Planning Commission voted in favor of holding a public hearing.

ANALYSIS

A short-term rental is a living space available to rent for short periods of time. Typically, they have been treated as a hotel adjacent rental where people stay for a couple days to a few weeks. Anything less than 30 days is considered a short-term rental. Utah defines a short-term rental as a residential unit or any portion of a residential unit that the owner or record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

Short-term rentals (STRs) have been a topic of discussion in the past and leading up to the past decision, there was a lot of back and forth for Planning Commission and City Council. Part of the last STR conversation was a survey that had about 400 responses and it was more or less a 50/50 split of residents with 192 residents being for them and 197 residents against them. Planning Commission voted (5-1) to recommend that short-term rentals be allowed and regulated. The last discussion that City Council had was in March of 2023 and it was decided to still not allow STRs in the city. Since then, there have been phone calls asking about short-term rentals and new staff is open to having further discussion on STRs.

The Accessory Dwelling Unit section is the only one that has a line prohibiting short-term rentals within an ADU, but there has not been any other section that specifically states that STRs are not allowed. The code does say under 10-14-2 “Any use not expressly permitted, or listed as a conditional use, is prohibited” and under 10-1-3 D it states “If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zone that is either permitted or requires a conditional use permit, the use is not permitted and may only be approved through an amendment of this title”. These two sections do cover the non-permitted use of STRs, but before adding further language prohibiting short-term rentals, it is worth having the conversation again about whether or not to have an ordinance that could allow them with restrictions.

As far as Utah legislation is concerned, there is one section of code that talks about STRs (17-50-338). This state code states that a legislative body may not do the following:

1. Enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
2. Use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

The section above does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the county records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

Some cities have adopted ordinances allowing short-term rentals, but there are still cities that have decided not to allow them. Surrounding cities that do have an ordinance include Ogden, North Ogden, and West Haven. Below are some of the main requirements for STRs.

Ogden:

- Allowed in R-1 zone, owner-occupied
- R-2, R-2EC, R-3, R-3EC, R-4, R-5, and R-9 zones limit one per block if they are not owner-occupied
- Must pass a building and fire inspection
- Contact information must be sent to all neighbors within 300 feet and proof of letters but be submitted to city
- STR license must be renewed annually
- 2 people per sleeping room
- No visitors
- There must be off-street parking offered to renters otherwise there is a fine
https://codelibrary.amlegal.com/codes/ogdencityut/latest/ogdencity_ut/0-0-0-21027

North Ogden:

- Only within owner-occupied structures or those managed by the owner
- Allowed within ADUs
- 1 parking space per bedroom

- Provide contact information to city (must be reached 24/7)
- STR business license required
- Fire inspection annually
- Max of 12 persons
- Violation is \$500 fine

https://northogden.municipalcodeonline.com/book?type=plan#name=11-9M-21:_SHORT_TERM_RENTAL_REGULATIONS

West Haven

- Owner-occupied
- Must show proof of residence which includes driver's license, deed, and a notary note must be turned in
- Site plan, floor plan, parking plan, and contact information must be turned in
- Land Use Permit and business license is required
- Fire code inspection
- Property description
- Limit of 182 nights that can be rented
- Must provide an information packet for renter that includes emergency contact, business license, owner contact information, noise ordinance, etc.

https://codelibrary.amlegal.com/codes/westhavenut/latest/westhaven_ut/0-0-0-7307

Things to consider when looking at a short-term rental ordinance:

- How will this affect the neighborhood?
- Is this wanted by residents?
- Will it affect housing affordability?
- Will it be required for the property to be owner-occupied?
- Are they allowed in ADUs?
- What will the approval process be?
- How will it be enforced?
- Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents
- Ensure any regulation of short-term rentals does not negatively affect property values
- Ensure that homes are not turned into pseudo hotels or “party houses”
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals
- Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all objectives are met
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Encourage additional tourism to drive more business to downtown stores and restaurants

- Ensure that the city does not lose out on tax revenue that could be invested in much needed services for permanent residents

Policy Objective	Viable Regulatory Approaches
Give law abiding and respectful citizens the option to utilize their homes as short-term rentals	Adopt a formal annual permitting requirement and a process for revoking permits from “trouble properties”. As an example a local government can adopt a “3 strikes rule” whereby a permit is automatically revoked for a number of years in the event the local government receives 3 (substantiated) complaints about a property within a certain time frame (i.e. a 24 month period). Alternatively, a local government can adopt a rule by which a permit is automatically revoked in the event the town receives conclusive evidence (police report, video evidence etc.) that a city ordinance has been violated.
Ensure that speculators do not buy up homes to turn them into pseudo hotels while still giving permanent residents the option to utilize their homes to generate extra income from short-term rentals.	Adopt a formal permit requirement and make it a condition that the permit holder verifies residency.
Ensure that homes are only occasionally used as short-term rentals (and not continuously rented out to new people on a short-term basis).	We can choose to set a specific number of days that the short-term rental can be rented out, but it would be hard to track. Adopting a permanent residency requirement for short-term rental permit holders can ensure that there is a practical upper limit to how often most properties are rented out each year. Adopting a “permanent residency requirement” also comes with the additional side benefit that most people don’t want to rent out their primary residence to people who may trash it or be a nuisance to the neighbors. The “permanent residency requirement” can therefore also help minimize noise, parking and trash related issues.
Ensure homes are not turned into “party houses”.	The city can choose to adopt a specific limit on the number of people that are allowed to stay on

	<p>the property at any given time. The “people limit” can be the same for all permitted properties (i.e. a max of 10 people) or be correlated with the number of bedrooms.</p>
<p>Minimize potential parking problems for the neighbors of short-term rental properties.</p>	<p>Adopt a formal permit requirement and put in place a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property. The “motor vehicle limit” can be the same for all permitted properties (i.e. a max of 2) or be dependent on the number of permanent parking spots available on the property. As with the “people limit” rule mentioned above, adopting these parking disclosure requirements will deter most abuse.</p>
<p>Minimize public safety risks and possible noise and trash problems without creating additional work for the local police department and code enforcement personnel.</p>	<p>Require that all short-term rental contracts include a copy of the local sound/trash/ parking ordinances that summarizes applicable local ordinances.</p>
	<p>Require that short-term rental permit holders list a “local contact” that can be reached 24/7 and immediately take corrective action in the event any nonemergency issues are reported (i.e. deal with suspected noise, trash or parking problems). Or</p> <p>Establish a 24/7 hotline to allow neighbors and other citizens to easily report non-emergency issues without involving local law/code enforcement officers. Once notified of a potential ordinance violation, the hotline personnel will contact the affected property’s “local contact”, and only involve the local law and/or code enforcement personnel in the event that the “local contact” is unsuccessful in remedying the situation within a reasonable amount of time (i.e. 20- 30 minutes)</p>
<p>Ensure that no long-term rental properties are converted to short-term rentals to the</p>	<p>Adopt a permanent residency requirement for short-term rental permit holders (see above) to prevent absentee landlords from converting</p>

detriment of long-term renters in the community.	long-term rental properties into short-term rentals.
Ensure that residential neighborhoods are not inadvertently turned into tourist areas to the detriment of permanent residents	<ol style="list-style-type: none"> 1. Adopt a formal permit requirement and set specific quotas on the number of short-term rental permits allowed in any given neighborhood, and/or 2. Adopt the “permanent residency requirement” for short-term rental permit holders (mentioned above) to ensure that there is a practical upper limit to how often any property is rented out each year.
Ensure any regulation of short-term rentals does not negatively affect property values or create other unexpected negative long-term side-effects.	Evaluate the code overtime as the market and technology evolves and as residents adjust.
Ensure the physical safety of short-term renters.	Adopt a physical safety inspection requirement as part of the permit approval process. The inspection can be conducted by the municipality’s own staff or the local fire/police force and can cover various amounts of potential safety hazards. As minimum such inspection should ensure that all rentals provide a minimum level of protection to the renters who are sleeping in unfamiliar surroundings and therefore may be disadvantaged if forced to evacuate the structure in the event of an emergency.

PROPOSED CHANGES

Attached is the short-term rental ordinance draft and proposed definition to be added to 10-2-1: Definitions

RECOMMENDATION

Staff recommends forwarding a positive recommendation to the City Council seeing as Planning Commission has had multiple conversations and discussions on the pros and cons of short-term rentals and an ordinance has been put together addressing most if not all of the concerns. Staff is open to all suggestions from the Planning Commission.

DEFINITION

10-2-1 Short-Term Rental.

Any approved dwelling or portion thereof that is available for use or is used for accommodation or lodging of guests paying a fee or other compensation for a period of at least one 24-hour day and max of 30 consecutive days.

10-14-25 Short-Term Rentals.

(a) Purpose. The purpose of this Section is to establish the process for permitting short-term rentals whether as a vacation rental or otherwise. The intent is to protect the integrity and characteristics of established land use districts by ensuring that short-term or vacation rentals are located in appropriate land use districts and operated in a manner that minimizes negative impacts of those uses on neighbors, public services and the surrounding community.

(B) Definitions:

(1) Responsible Party. The owner(s), agent(s) or management company responsible for the operation and maintenance of the Short-Term Rental property and for its compliance with all laws, rules and regulations applicable to the same.

(2) Occupant(s). The individual(s) renting or residing in a Short-Term Rental dwelling unit.

(3) Pets. Dogs, cats or other domesticated animals allowed under City ordinances that, with permission of the Responsible Party, accompany the occupants of the Short-Term Rental.

(C) Location:

1. All short-term rentals (STRs) shall be owner-occupied in residential zones which includes R-1-6, R-1-8, R-1-10, R-2, R-3, and R-3A. The owner of the subject property shall live in the primary dwelling in which a short-term rental is desired and must reside there as their primary residence.
2. Short-term rentals (STRs) in zones identified under the form-based code shall be managed by an owner or responsible party who can respond within 1 hour at any time.
3. Short-term rentals (STRs) are permitted within attached and detached accessory dwelling units.

(D) Licenses. Prior to operating a Short-Term Rental, the owner or Responsible Party shall obtain a South Ogden City Short-Term Rental license. At the time of, or prior to, receiving

approval of the license, the Responsible Party shall register the business with the State, and obtain a State Sales Tax ID number; proof of the same shall be filed with the City.

1. The land use application shall provide a phone contact number and email address for the owner and the Responsible Party, as applicable. The application shall be accompanied by a site plan and floor plan that demonstrates all the requirements of this section are met. The plans shall show the rooms that will be rented out, the location of all parking stalls, entrances, and such other information as may be required for consideration of the application.
2. The applicant must provide proof of permanent residency by way of a driver's license address
3. Short-term rentals shall be inspected by the Fire Department prior to initial approval of the business license and shall be inspected annually at the time of the license renewal thereafter.
4. If the residence is part of an HOA community, a letter from the HOA is required.
5. The business license official or his/her appointee shall review complete applications for a Short-Term Rental license under this Section and shall approve, or deny the application based on the criteria listed in this Section.
6. Reports and Taxes. The Responsible Party shall comply with all reporting requirements incident to the use as a Short-Term Rental property, and shall collect and remit all sales, resort and transient room taxes to the State Tax Commission.

(D) Noise, Nuisances and Adverse Effects of Use. The Responsible Party shall regulate the occupancy of the Short-Term Rental and ensure that:

- (1) Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood;
- (2) Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m.;
- (3) Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties;
- (4) Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- (5) The premises, responsible party and all occupants strictly comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

(E) Parking. On-street parking is prohibited. An off-street parking stall shall be provided for each bedroom being rented. The number of Occupants' vehicles shall not exceed the number of bedrooms available in the Short-term Rental with a maximum of 4 bedrooms.

(1) Vehicles parked at the Short-Term Rental shall not impede clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on the property rights of any adjacent or nearby property. Vehicles shall be parked entirely within a garage or carport, or upon a driveway or other approved paved surface that meets established standards and norms. Parking is prohibited within any yard or landscaped area.

(F) Signage. Exterior signage other than ordinary street address signage is prohibited.

(G) Renter's Packet: The Responsible Party shall also provide a prominent display within the dwelling unit that provides, at minimum, the following information:

- (1) contact information for the Responsible Party at which it may be contacted at any time (24/7);
- (2) all local regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct;
- (3) contact information of local police, fire and emergency service; and
- (4) any additional rules or regulations imposed by the Responsible Party;
- (5) copy of business license and parking site plan;
- (6) A copy of the floor plan with all emergency exits

(H) Maintenance and Standards. Any property licensed as a Short-Term Rental shall conform to the following standards:

- (1) Structures shall be properly maintained and all facilities such as plumbing, HVAC equipment, appliances, etc. kept in a condition that is fully operational and otherwise in good repair.
- (2) Grounds and landscaped areas shall be properly maintained to ensure that the use does not detract from the general appearance of the neighborhood or create any hazard or nuisance to the Occupants or to neighboring properties.
- (3) Each habitable space shall meet current federal, state and local building and health codes, and shall be equipped with fully functional smoke and carbon monoxide

detectors located at places within the dwelling unit that comply with applicable building codes.

(4) Garbage shall be placed in City-approved receptacles. Trash shall not be allowed to accumulate on the property and be removed on regularly scheduled pick up days.

(5) All requirements of the local fire authority shall be met

(6) A fire exit route plan and statement of the maximum occupancy number for the premises shall be prominently posted.

(7) A fully functional fire extinguisher shall be located in an easily accessible location.

(8) The responsible party shall comply with all inspection requirements of the State of Utah, Weber County and the City.

(I) Notification of Adjacent Property Owners. Property owners within one hundred fifty feet (150') of the premises proposed for a Short-Term Rental shall be notified of the application by the city.

(J) Complaints. Complaints received by the City for any violation of this chapter will be handled as follows:

(1) A first complaint will result in an investigation and, if warranted, the City will issue a written warning to the Responsible Party; said warning shall provide notice of the complaint, a description of any violation, and actions to be performed to correct a violation. Upon receipt of a second complaint, the City will conduct an investigation, and if warranted, will revoke the short-term rental license.

(2) In the event of a revocation or suspension proceeding, the Hearing Procedure found in 3-1A-5 of this code will be used.

(3) Notwithstanding any other remedy in this section, violations of Federal, State, County or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter.

STAFF REPORT



SUBJECT: Code Change Discussion - Updating 10-3-1 and Planning Commission Policy and Procedures
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: April 10, 2025

BACKGROUND

In a recent meeting the Planning Commission ran into a dilemma when it came to voting and that inspired staff to look at the membership section of Title 10 Chapter 3 which talks about Planning Commission. As it stands, the chair can only vote in case of tie or if their presence constitutes a quorum. The code also says that an affirmative vote of the majority, but not less than four (4) of the voting members present at the meeting which could mean that if there is a quorum of 5 commissioners including the chair, then all members apart from the chair would have to agree. In that case the chair could only step in if there was a tie, otherwise the motion would die. The proposed change would allow the chair to always be a voting member.

Attached to this packet are the proposed changes to the Planning Commission Policy and Procedures.

ANALYSIS

Research was conducted that found that other cities allow the chair to vote in all instances. Staff wants to be able to be as fair as possible and avoid conflicts when it comes to supporting or negating a motion. The chair's job is to lead the meeting, but they are still members of the commission.

PROPOSED CHANGES:

10-3-1: Membership

There is created a planning commission consisting of seven (7) members, all of whom shall be duly qualified electors of the city. The term of office shall be for five (5) years and continuing until a successor is appointed. The members shall be appointed such that the term of at least one member shall expire each year. Vacancies shall be filled in the same manner for any unexpired term. Appointments shall be made by the mayor with the advice and consent of the city council. The members of the commission shall appoint a chairperson to serve for the term of one year or the unexpired portion of an existing term. ~~An affirmative vote of the majority, but not less than four (4) of the voting members present at the meeting, shall decide all matters under consideration by the planning commission. The chair, or vice chair absent the chair, shall vote only in case of a tie unless his or her presence at the meeting is necessary to constitute a quorum in which case the chair shall be a voting member.~~ At least four (4) members of the planning commission must be present to constitute a quorum to conduct any official business of the planning

commission. An affirmative vote of the majority present at the meeting shall decide all matters under consideration.

The Chair or Vice Chair, as the case may be, may vote on all items being considered.

The mayor with the advice and consent of the city council may appoint an associate member of the commission to take the place temporarily of any regular member unable to act.

RECOMMENDATION

Staff recommend adding the proposed language in blue and forwarding a positive recommendation to the City Council. Staff is open to any modification suggestions.

South Ogden City Planning Commission Policies and Procedures

The South Ogden City Planning Commission shall be governed by all applicable state statutes, city ordinances, and these rules.

I. MEMBERS

The Planning Commission shall be comprised of seven members, all of whom shall be residents of the city appointed by the Mayor with the advice and consent of the City Council under Utah Code Annotated 10-9A-301.

II. OFFICERS AND DUTIES

The Planning Commission shall elect annually, during the first regular scheduled meeting in July, a Chair and Vice Chair, who may be elected to successive terms. The Chair and Vice Chair shall be elected from the voting members of the Planning Commission by a majority of the total membership. The Chair, or in his or her absence or incapacity, the Vice Chair, shall preside over all meetings and hearings of the Planning Commission and shall execute all official documents and letters of the Planning Commission. If the Chair resigns, is not re-appointed, or is otherwise ineligible or unable to continue in office, the Vice Chair shall become the Chair. A new Vice Chair may be elected to serve the remaining term when necessary. The next July, an election for both offices shall be held as stated above.

III. MEETINGS

A. Quorum

A quorum shall consist of four members of the Planning Commission (consistent with provisions of Section I above). A quorum shall be necessary to conduct any business of the Planning Commission.

B. Time of Meetings

Meetings shall be held on an as needed basis, however, when meetings are held, they shall be on the second Thursday of each month at 6:15 p.m. At 5:30 p.m. prior to each regular meeting, the Planning Commission shall hold a staff briefing meeting at the City Hall that shall be open to the public and held. The date of a meeting (and the staff briefing meeting) may be changed or canceled, by the majority of the total membership of the Planning Commission. At least one week's notice of a new date for a regular meeting shall be given to each member. Additional meetings shall be convened in the same manner and shall be open to the public and required public notice will be provided by the staff. A special meeting may be called by the Chair or by a majority of the other voting members of the Planning Commission at any time; provided that at least 24 hours' notice shall be given to each member before that meeting is held. Costs of holding a special meeting shall be paid to South Ogden City by the requesting applicant, organization, or agency. Notice requirements dictate that the first hearing on zoning applications shall not be scheduled as a special meeting.

C. Meetings Open to the Public

All regular or special meetings and work sessions of the Planning Commission shall be open to the public unless closed as provided for in the Utah Open Meeting Act.

D. Executive Sessions

Executive sessions may be called by the Chair, upon proper public notice, to discuss items such as personnel, real estate transactions, and litigation or other categories provided in the Utah Open Meeting Act. No official action shall be taken during any executive session. Executive sessions shall comply with the Utah Open Meeting Act.

E. Order of Business

1. Procedural Statement (Chair explains the meeting schedule and the method for conducting the meeting)
2. Zoning Public Hearings
3. Zoning Actions
4. Commercial Site Plan Actions
5. Conditional Use Actions
6. Subdivision Public Hearings
7. Subdivisions Actions
8. Special Items
9. Other Business
10. Approval Of Minutes Of Previous Meeting
11. Public Comments
12. Adjourn

The Planning Commission may change the order of business or consider matters out of order for the convenience of applicants or other interested persons.

F. Voting

- ~~1. An affirmative vote of the majority, but not less than four of the voting members present at the meeting, shall decide all matters under consideration by the Planning Commission unless otherwise provided for in these rules.~~
- ~~2. The Chair, or Vice Chair absent the Chair, shall vote only in case of a tie on zoning, conditional use, and subdivision matters, unless his or her presence at the meeting must constitute a quorum; the Chair shall be a voting member on such matters.~~

~~At least four (4) members of the planning commission must be present to constitute a quorum to conduct any official business of the planning commission.~~

1. An affirmative vote of the majority present at the meeting shall decide all matters under consideration by the Planning Commission.
2. The Chair or Vice Chair, as the case may be, may vote on all items being considered.

G. Other Meetings

The City Council and the Planning Commission shall meet at least annually to evaluate planning and development programs. The Planning Commission may meet once a year, or more frequently, with other agencies and organizations such as real estate, construction, and development firms that have frequent contact with the Planning Commission.

IV. CONSIDERATION OF APPLICATIONS

A. Application

1. Upon filing an application, the applicant shall be directed by the staff, to the extent that the staff possesses the information, to relevant outside agency or agencies (water district; UDOT, forest service, and so on). The staff shall advise the applicant to meet with these agencies prior to the application's placement on the Planning Commission agenda. Staff will also send application and required plans to the fire department and engineering.
2. All noticing requirements for public hearings as set out in State and City Code will be followed by the Planning Commission.
3. The Planning Commission delegates authority to the staff to review and act on Site Plan amendments of previously approved projects. The approval shall limit the authority to non-residential projects only and a 50% increase in building size but not to involve additional property. All City department reviews shall be completed with approvals and all applicable City ordinances shall be applied. The staff items approved shall appear on the Planning Commission agenda for their information.

B. Public Hearing Procedure

Any person may appear in person or by agent or attorney at any meeting of the Planning Commission. The order of procedure in the hearing of each application shall be as follows:

1. Presentation of the application by the Planning staff. Presentation shall include the staff's recommendation and the reading of pertinent comments or reports concerning the application. (In the case of a zoning application, the application is heard at one meeting and the decision deferred until the next meeting. The staff will present its zoning recommendation prior to the time of the decision.)
2. Statements of the applicant and witnesses in support of the application.
3. Statements of witnesses opposed to the application.
4. Rebuttal, if requested. Rebuttal shall not be allowed unless a member of the Planning Commission requests that witnesses be allowed to make further statements in order to answer questions raised by previous statements.

C. Decisions

The Planning Commission may grant approval of a development concept site plan that can be used to prepare a plan for preliminary approval.

Decisions of the Planning Commission shall be final at the end of the meeting at which the matter is decided. The Planning Commission shall send a written copy of its decision to the applicant or to the agent or attorney. In cases of denied applications, the copy of the decision shall include, insofar as practical, the reasons for the Commission's decision.

D. Reconsideration of Applications

A denied application for a conditional use permit may be reconsidered by the Planning Commission if the applicant presents new evidence that the Commission determines is sufficient to merit reconsideration of the application. The applicant must file a written request for reconsideration within ten days of the original decision. If the Planning Commission grants a request for reconsideration, the application shall be reconsidered in the same manner as an original application. This includes payment of a new fee and publication of new notices. If reconsideration is denied, the same request shall not be heard again for six months from the date of the final decision.

V. AMENDMENTS

These rules may be amended at any regular meeting of the Planning Commission by an affirmative vote of at least four members of the Commission. Proposals for amendments must be presented in writing to each member of the Commission at least 48 hours before the meeting at which the vote is to be taken. The Planning Commission and staff shall review the Policies and Procedure and the Code of Ethics annually at the time of the change of leadership.

Adopted by Planning Commission:

10-3-1: Membership

There is created a planning commission consisting of seven (7) members, all of whom shall be duly qualified electors of the city. The term of office shall be for five (5) years and continuing until a successor is appointed. The members shall be appointed such that the term of at least one member shall expire each year. Vacancies shall be filled in the same manner for any unexpired term. Appointments shall be made by the mayor with the advice and consent of the city council. The members of the commission shall appoint a chairperson to serve for the term of one year or the unexpired portion of an existing term. ~~Three (3) voting members plus the chair shall be required to constitute a quorum. An affirmative vote of the majority, but not less than four (4) of the voting members present at the meeting, shall decide all matters under consideration by the planning commission. The chair, or vice chair absent the chair, shall vote only in case of a tie unless his or her presence at the meeting is necessary to constitute a quorum in which case the chair shall be a voting member. At least four (4) members of the planning commission must be present to constitute a quorum to conduct any official business of the planning commission. An affirmative vote of the majority present at the meeting shall decide all matters under consideration. The Chair or Vice Chair, as the case may be, may vote on all items being considered.~~

The mayor with the advice and consent of the city council may appoint an associate member of the commission to take the place temporarily of any regular member unable to act. (Ord. 15-25, 12-15-2015, eff. 12-15-2015)

STAFF REPORT

SUBJECT: Code Changes In Response to SB 179
AUTHOR: Leesa Kapetanov
DEPARTMENT: Administration
DATE: April 10, 2025



SUMMARY

These changes are in response to SB 179 which was passed in the recent legislative session.

BACKGROUND

The general description of this bill is it "enacts provisions related to local classification and approval of new and unlisted business uses." One of the provisions of this bill requires each city to enact a land use regulation establishing a process for reviewing a business use not listed as an approved use in existing ordinances.

ANALYSIS

Staff will incorporate the following requirements into the existing form-based code:

- A. A classification request may be submitted at any time to determine whether a proposed business use not expressly permitted aligns with an existing land use specified in South Ogden's land use ordinance.
 1. Once submitted, a classification request shall go before the Planning Commission, who shall subsequently determine if the proposed business use aligns with an existing use. In determining whether a proposed use aligns with an existing use, the Planning Commission should, at a minimum, consider the following:
 - a. If the proposed business use has the same overall impacts as the existing use, including, but not limited to:
 - a. Parking impact
 - b. Storage for inventory
 - c. Business equipment
 - b. If the proposed business use is regulated by the same authority as the existing use.
 - c. If other municipalities have aligned the proposed business use with the same existing use.
 - d. If the use is similar but would ultimately require additional regulation or a conditional use permit.

- e. If the use still aligns with the intent of the zone.
 - f. Any additional criteria as determined by the Planning Commission.
2. If it is determined that the proposed business use aligns with the existing use, the business shall be allowed under the regulations of the existing use.
3. If it is determined that the proposed business use is a new or unlisted use, and the applicant wishes to have the new or unlisted use added to the zoning ordinance, the applicant shall:
 - a. Submit a zoning ordinance amendment application to the Planning Commission for their consideration and recommendation
 - b. The Planning Commission shall, after holding the required public hearing and due consideration, forward a recommendation to the City Council for consideration as per 10-1-4 of this title.
 - c. If the City Council approves the proposed new or unlisted business use, it shall also designate the appropriate zones or subdistricts for the approved business use.
 - d. If the City Council denies a proposed new or unlisted business use, the City Council shall notify the applicant in writing of each reason for the classification or denial.
4. If the applicant disagrees with the Planning Commission's classification or the City Council's denial of a new or unlisted business use, the applicant may appeal the decision by following the appeal process as set out in 10-4-3 of this title.

RECOMMENDATION

Staff recommends the Planning Commission move forward in having a public hearing for this item in order for the City to comply with the statute.



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10 **MINUTES OF THE SOUTH OGDEN CITY**
11 **PLANNING COMMISSION MEETING**

12 **THURSDAY, MARCH 13, 2025**
13 **COUNCIL CHAMBERS, CITY HALL –6:15 pm**

10 **PLANNING COMMISSION MEMBERS PRESENT**

11 Chair Robert Bruderer, Commissioners John Bradley, Pete Caldwell, Brock Gresham,
12 and Brian Mitchell

14 **PLANNING COMMISSIONERS EXCUSED**

15 Commissioner Norbert Didier

17 **STAFF PRESENT**

18 Assistant City Manager Summer Palmer, Planner Alika Murphy, Communications and
19 Events Specialist Danielle Bendinelli, and Recorder Leesa Kapetanov

21 **OTHERS PRESENT**

22 No one else attended this meeting

24 Note: The time stamps indicated in **blue** correspond to the audio recording of
25 this meeting which can be found at:

26 https://www.southogdencity.com/document_center/Sound%20Files/2025/PC250313_1713.mp3
27 or requested from the office of the South Ogden City Recorder.

29 A briefing session was held before the planning commission meeting and was open
30 to the public. The audio recording for the briefing meeting can be found by
31 clicking this link:

32 https://www.southogdencity.com/document_center/Sound%20Files/2025/PC250313_1645.mp3

37 **I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES**

38 • Chair Robert Bruderer called the meeting to order at 6:15 pm. He then entertained a motion
39 to open the meeting

40 00:00:00

42 Commissioner Caldwell moved to convene as the South Ogden City Planning Commission.
43 The motion was seconded by Commissioner Bradley. Commissioners Caldwell, Bradley,
44 Gresham, and Mitchell all voted aye.

II. ZONING ITEMS

A. Discussion On The Proposed Amendments To Section 10-1-5 Administration and Enforcement, 10-1-15 Penalty, 10-21A-2 Enforcement, 10-21A-5 Violations A Misdemeanor, 10-21C-7 Refusal Of Owner To Remove Dangerous Signs: Removal By Building Official, 10-21C-14 Signs To Comply With Zoning Ordinance For Code Compliance Official

- Overview by Planner Alika Murphy 00:00:42
- Discussion by Commission 00:04:06
- Motion 00:17:30

Commissioner Bradley moved to set this item for a public hearing at the April Planning Commission meeting. Chair Bruderer asked if Commissioner Bradley would like to change any wording. Commissioner Bradley indicated he would like to leave it as is. **Commissioner Gresham seconded the motion. Chair Bruderer made a roll call vote:**

Commissioner Gresham-	Aye
Commissioner Caldwell -	Aye
Commissioner Bradley-	Aye
Commissioner Mitchell-	Aye

The motion passed.

B. Discussion on Short-Term Rentals

- Planner Murphy overview 00:18:59
- Discussion 00:20:37
- Motion 00:21:58

Commissioner Caldwell moved to add this item to April's meeting for public comment. Commissioner Bradley seconded the motion. Chair Bruderer made a roll-call vote:

Commissioner Gresham-	Aye
Commissioner Caldwell -	Aye
Commissioner Bradley-	Aye
Commissioner Mitchell-	Aye

The motion stood.

III. SPECIAL ITEMS

A. Discussion on Election of Vice Chair

- Planner Murphy gave an overview of this item

00:22:44

- Discussion 00:24:02
- During discussion, it was suggested they elect a vice-chair that evening; however, staff suggested they go to Item B before they made a decision

B. Discussion on Amending Ordinance and Planning Commission Policies and Procedures to Allow Chair to Vote on All Items

- Planner Murphy and Assistant City Manager Summer Palmer explained this item 00:26:10
- Discussion 00:33:27
- Motion 00:34:51

Commissioner Bradley moved to amend the code to allow the Planning Commission Chair to vote on all items. Commissioner Mitchell seconded the motion. Chair Bruderer called the vote:

Commissioner Gresham -- Aye
Commissioner Caldwell -- Aye
Commissioner Bradley -- Aye
Commissioner Mitchell -- Aye

The vote was unanimous. The motion passed.

- Chair Bruderer returned to Item A

A. Discussion on Election of Vice Chair (continued)

- Further discussion on electing a vice-chair

00:35:31

- Chair Bruderer opened the floor for nominations of vice-chair

00:36:00

- Commissioner Bradley nominated Commissioner Gresham as the vice chair. There were no more nominations. Chair Bruderer made a roll call vote.

Commissioner Gresham - Aye

Commissioner Caldwell - Aye

Commissioner Bradley - Aye

Commissioner Mitchell - Ave

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163 **VII. PUBLIC COMMENTS**

164 • No members of the public were present and the meeting was not live streamed, so there were
165 no public comments

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168 **VIII. ADJOURN**

169 • At 7:44 pm, Chair Bruderer called for a motion to adjourn

170 **01:29:13**

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172 **Commissioner Bradley moved to adjourn. Commissioner Mitchell seconded the motion.**
173 **All present voted aye.**

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198 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting
199 held Thursday, March 13, 2025.

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Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

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ATTACHMENT A
Visual Presentation for Wasatch Front Vision

Not Approved

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WFRC Vision Map



WASATCH CHOICE
VISION

The Menu of Centers

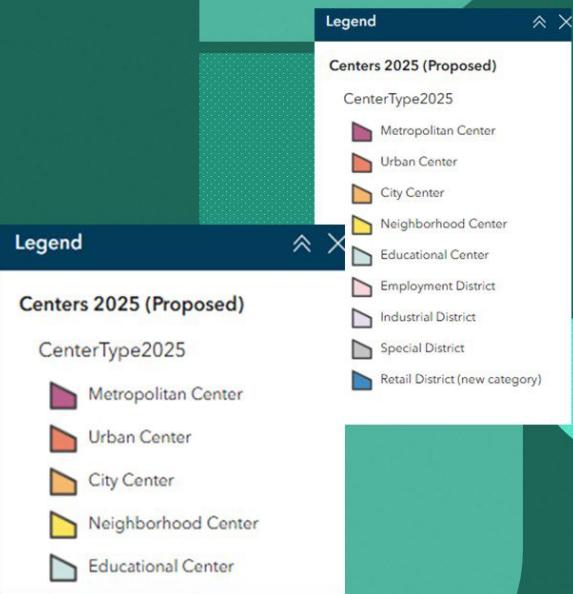
Neighborhood Center City Center Urban Center Metro Center

← →

Legend Explanation

- A center is a mix of uses (housing and commercial)
 - Connected and walkable (walk, bike and closer to transit)
 - Greater intensity than surrounding area
 - Public gathering spaces
 - Street trees
 - Variety of architecture and uses
 - Shared parking
 - They are not strip malls or auto-oriented
 - Used as a way to increase supply of affordable housing and missing middle housing

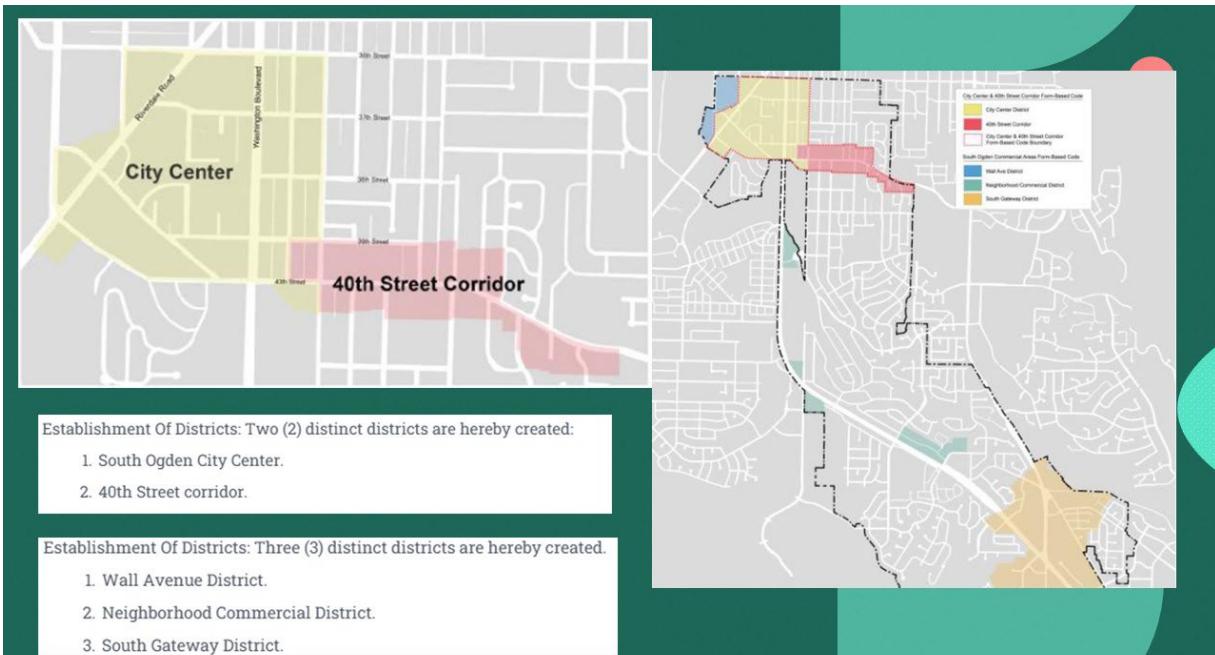
• Metropolitan Center	• 3-20+ stories,
• Urban Center	• 2-8 stories, mixed use, open space, walkable,
• City Center	• Up to 4 stories, mixed uses, walkable, more intense, many transportation options, parking behind buildings not necessarily in front, community space
• Neighborhood Center	• 1-3 stories



Legend Explanation

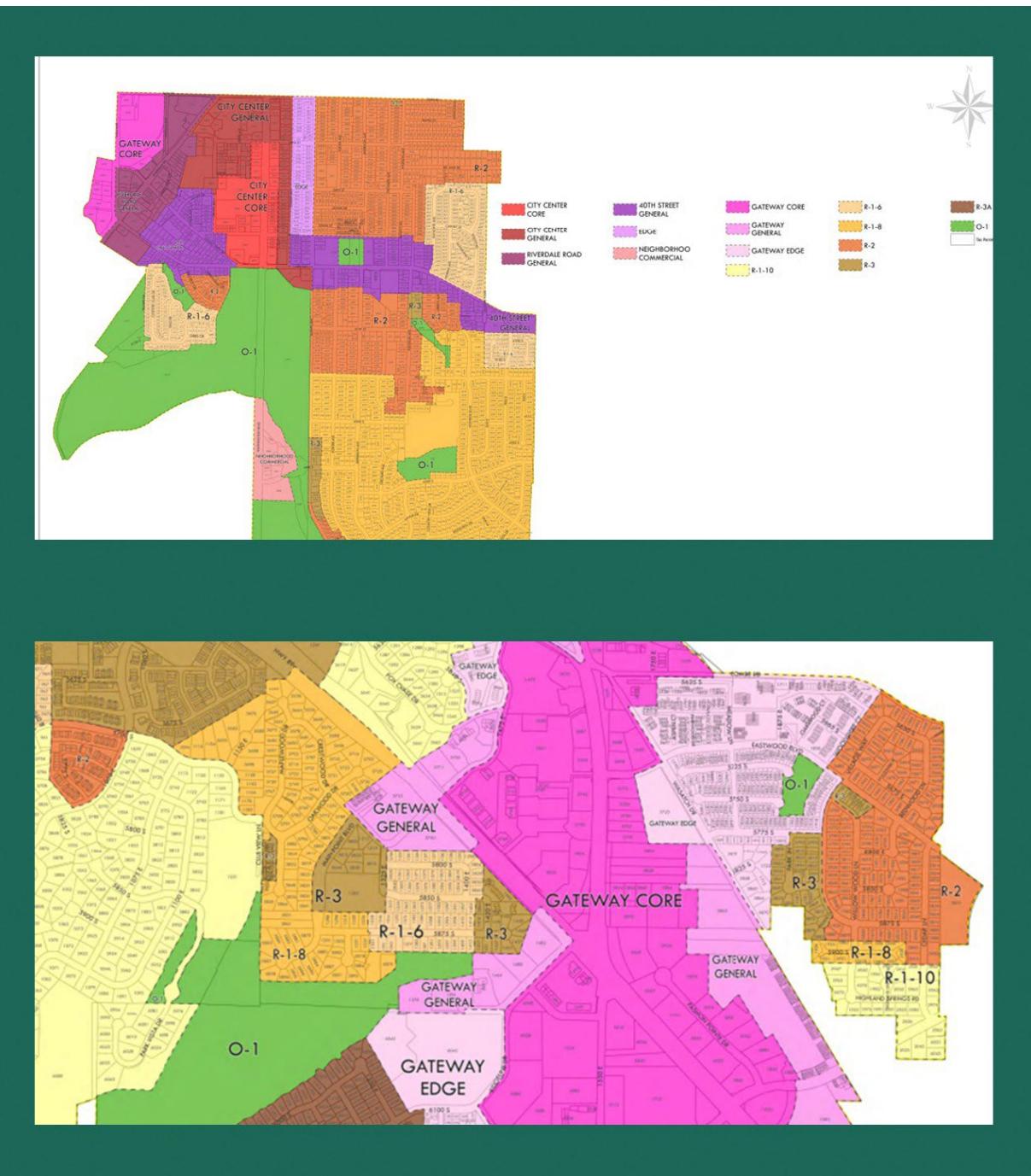
• Employment District	<ul style="list-style-type: none"> • Predominantly commercial office areas (15+ acres) • Mostly used on weekdays during business hours • Not envisioned to change very much • Primarily office space, medical centers, credit unions/banks
• Industrial District	<ul style="list-style-type: none"> • Manufacturing, warehouse, industrial flex areas (20 acres+), limited amount of administrative office space and limited retail • Not envisioned to change
• Special District	<ul style="list-style-type: none"> • Large-scale, single-use areas of regional significance • Ex. Airport, testing sites, military bases, mining services
• Retail District	<ul style="list-style-type: none"> • Predominantly retail (10 acres+) • Commercial services, smaller office use, hospitality • Not envisioned to change

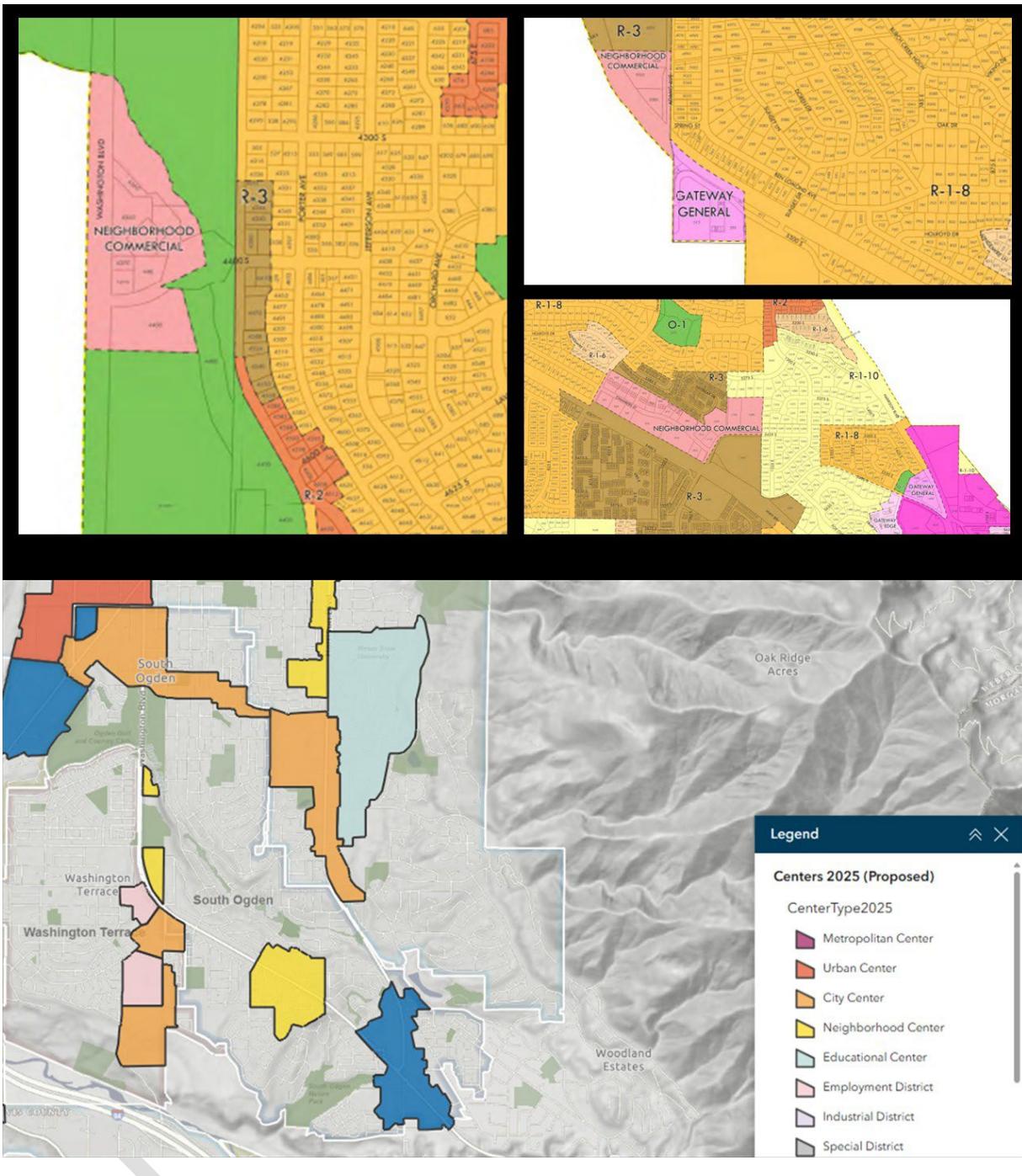


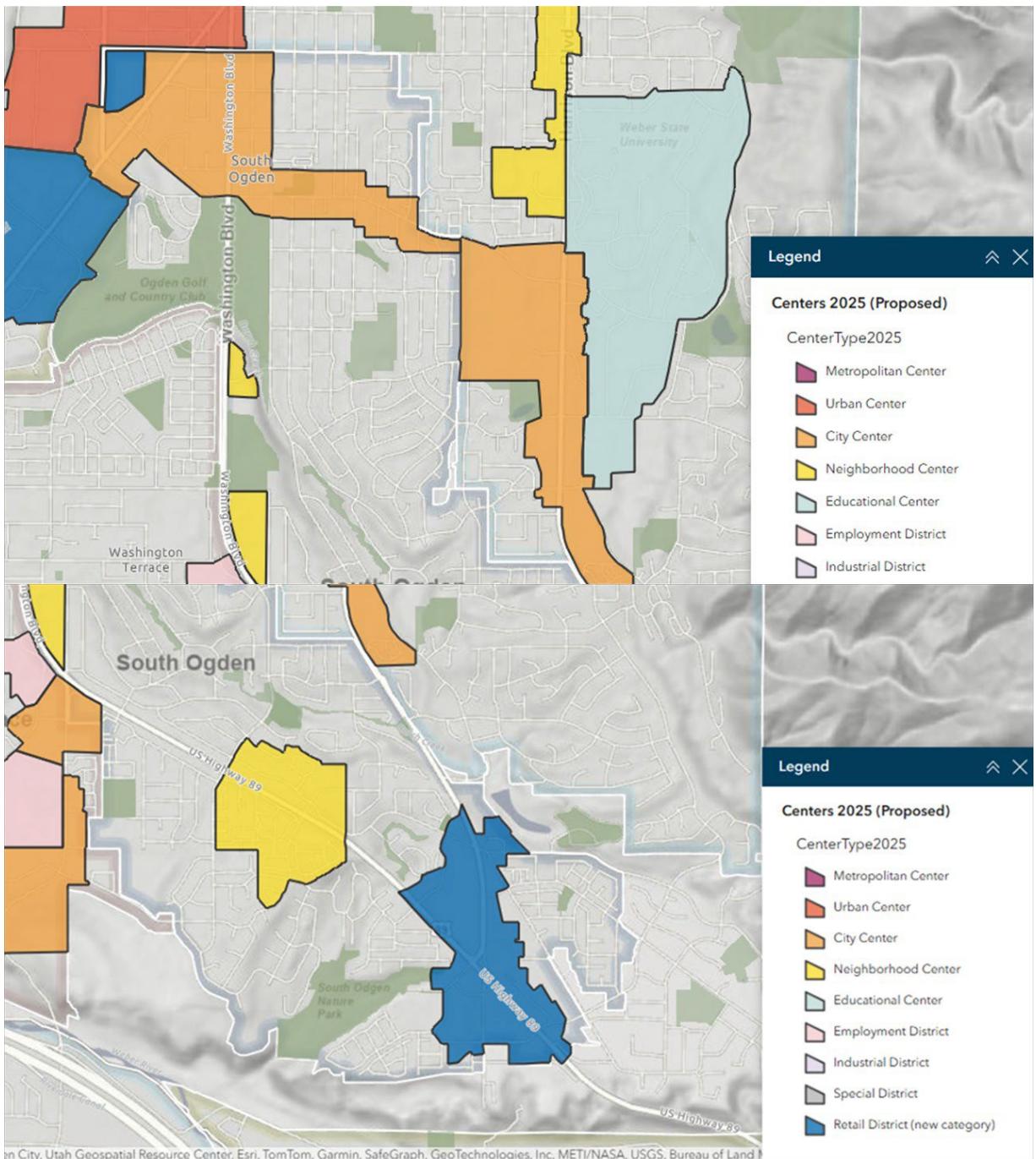


What to Think About

- Think about the location
- Size
- Mix of uses
- Level of intensity
- How much will it change?
- Does the boundary of each area need to be bigger or smaller?
- Is what is showing up accurate or should we change it?







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ATTACHMENT B
Survey Results

Not Approved



Q1: Rank Plans & Studies

- 1: Item 1&9: Plan and design the City Center west of Washington Blvd beginning with completion of a small area plan.
- 2: Item 2: Study the feasibility of two grade-separated or at-grade street crossings along Washington Blvd.
- 3: Item 6: Create Streetscape Standards for South Ogden's Centers that include street and sidewalk widths, pedestrian crossings, bicycle infrastructure, street furniture, street trees, lighting, etc...
- 4: Item 7: Determine feasibility of implementing a multi-modal circulator system to connect City Center and South Gateway Center along US89/Washington Blvd.
- 5: Item 3: Develop a traffic calming plan and secure funding to implement.
- 6: Item 4: Conduct feasibility studies for the trail corridors outlined in this plan and apply for funding to construct them.



● Q2: Rank Programs & Monitoring

- 1: Item 13: Grow South Ogden's Urban Forest
- 2: Item 6: Create a street tree program that promotes the planting of street trees in park strips
- 3: Item 14: Amend development code to require robust pedestrian & cyclist infrastructure for all future developments
- 4: Item 3: Create an annual budget for public art, create an arts committee, incorporate public art throughout the city
- 5: Item 10: Continue to promote and highlight "Shop South Ogden"
- 6: Item 17: Provide assistance with urban infrastructure to help entice the right mix of businesses to City Center



● Q2: Rank Programs & Monitoring

- 7: Item 20: Transform the area around City Hall into "old town" cultural hub of the City.
- 8: Item 12: Recruit businesses that are lacking in South Ogden
- 9: Item 2: Review zoning in anticipation for redevelopment efforts
- 10: Item 11: Approach property owners of key properties and express the commercial and retail opportunities available in South Ogden
- 11: Item 15: Provide assistance with podium parking needs for higher-density development



Q3: Rank Design & Construction

- 1: Item 1: Design and implement a unified system of South Ogden City branding signs, furnishings, and gateways
- 2: Item 4: Design and implement identified South Ogden gateways, nodes, and landmarks
- 3: Item 7: Implement streetscape improvements such as wider sidewalks, consistent street trees, and enhanced pedestrian crossings along Washington Blvd between 36th and 40th streets
- 4: Item 2: Design and construct a new park on the west side of Washington blvd
- 5: Item 6: Construct an off-street multi-use trail along the edges of US89/Washington Blvd as an active transportation link between City Center and South Gateway Center
- 6: Item 3: Design and construct the proposed bicycle and pedestrian facilities outlined in the Active Transportation Plan, including bike boulevards/lanes and street crossings
- 7: Item 9: Transform US 89/Washington Blvd. Harrison blvd, 40th street and other major corridors into easy-to-use and pedestrian/cycle routes. Connect 40th street to adjacent neighborhoods by adding sidewalks on Porter and Jefferson avenues.

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