



**NOTICE AND AGENDA
SOUTH OGDEN
PLANNING COMMISSION WORK SESSION**

THURSDAY, DECEMBER 11, 2025 - 5:30 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5:30 pm Thursday, December 11, 2025. 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. No action will be taken on any items discussed during the work session. Discussion of agenda items is for clarification only.

WORK SESSION AGENDA

I. CALL TO ORDER – Chairman Robert Bruderer

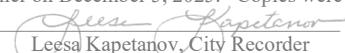
II. REVIEW OF MEETING AGENDA

III. DISCUSSION ITEMS

- A. Questions on Public Hearings**
- B. Questions on Agenda Items**
- C. City Center Steering Committee Volunteers**

IV. 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 December 5, 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 24 hours in advance.



**NOTICE AND AGENDA
SOUTH OGDEN
PLANNING COMMISSION MEETING
THURSDAY, DECEMBER 11, 2025 - 5:30 PM**

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on Thursday, December 11, 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.

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 Section 10-14-12 Private Swimming Pools**
- B. Proposed Amendments to Section 10-17-2 Off Street Parking Space and Driveway Requirements for Dwellings**

III. SPECIAL ITEMS

- A. Discussion on Updating Section 10-14-12A Private Swimming Pools**
- B. Discussion on Updating Section 10-17-2-A7 Off Street Parking Space and Driveway Requirements for Dwellings**

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of September 11, 2025, Planning Commission Meeting and November 13, 2025 Work Session Minutes

V. STAFF REPORTS

VI. OTHER BUSINESS

VII. PUBLIC COMMENTS

VIII. ADJOURN

STAFF REPORT

SUBJECT: Pool Regulation Change – Section 10-14-12
AUTHOR: Alika Murphy
DEPARTMENT: Administration / Planning
DATE: December 11, 2025



BACKGROUND

Last year, one of our residents submitted a Zoning Ordinance Amendment Application to change the side setback for pools. At that time, the code stated that the rear setback for a pool is 10' and the side setback for a pool is 15 feet from the property line. This item was on the October 10th planning commission meeting where the commission recommended the reduction of the side setback to City Council. The item was then forwarded to City Council who ended up passing Ordinance 24-14 which reduced the side setback to 6 feet. After some consideration and some input from a resident, staff feels it would be best to update the rear setback to be 6 feet as well, which is why it is back to you. This item was discussed at the September 11 commission meeting when it was decided to go forward with a public hearing. Today we are holding a public hearing and moving forward with a recommendation to the council.

ADDITIONAL INFORMATION

Examples of Swimming Pool Setback Requirements

Staff has conducted an online search of swimming pool setbacks that other communities in Northern Utah have in place. Below are eight examples:

1. Ogden
Under 15-13-11, it states that pools shall not be less than 10' from any interior property line.
2. West Point
Under 17.70.030, pools are allowed to be located not closer than 5' to any property line.
3. Syracuse City
Under 10.30.010, swimming pools can be 6' from the edge of water to the property line.
4. North Ogden
Under 11-9M-14, a family swimming pool and the accessory machinery must be 35' from any adjoining lot dwelling and 10' from any interior property line.

5. Clearfield
Under 11-13-13, swimming pools must be set back at least 5' from all property lines.
6. Kaysville
Under 17-31-9, a swimming pool can't be less than 8' setback from any property line.
7. Riverdale
Under 10-14-11, a family swimming pool and accessory machinery must not have less than a 5' setback from any interior property line.
8. Washington Terrace
Under 17.48.010, a family swimming pool may not be closer than 5' from the property line for both the side and rear property line.

ANALYSIS

While looking at the eight cities referred to above, staff noted that they have setbacks smaller than what South Ogden is currently requiring. Their pool requirements are the same for all zones and all lot sizes. Staff believes that the extra four feet for the rear setback is hardly adding any noticeable noise reduction and is limiting the use of the residents' rear yard. The reason behind the 6' recommendation is that it would include the required 3' from the edge of the pool to a required fence and that would leave 3' of walkable space around the pool fencing which is the minimum for a hallway requirement. Staff is open to reducing it to 5' to match what other cities are doing. The applicant will still be required to comply with building code.

STAFF RECOMMENDATION

After looking at the different requirements that other cities have for setbacks and looking at what would give residents the most use of their rear yard, staff feels that it makes sense to reduce the rear setback to 6' or even 5'. Below are options for different motions.

Approval:

I move to recommend approval of the City Council for the amendment of 10-14-12 to change the rear setback from 10' to X'.

Table:

I move to table the amendment of Section 10-14-12.

Denial:

I move to recommend denial to City Council for the amendment of 10-14-12 to change the rear setback.

10-14-12: Private Swimming Pools, Tennis/Pickleball Courts, Skateboard Ramps, Basketball Standards Or Courts

1. Swimming Pool (private). No such pool shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:
 1. It is an accessory use to a main building and is located within the side or rear yard thereof and accessory structure setbacks do not apply to the swimming pool;
 2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
 3. It may not be located closer than six feet (6') to any side property line ~~or ten (10')~~ six feet (6') from a rear property line on the property on which it is located; the setback is measured from the water's edge to the property line;
 4. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone;
 5. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all current building codes. All gates on said fences shall be self-closing and fitted with a self-latching device located on the interior side of the gate;
 6. Where a swimming pool is completely enclosed in a building, the location and setback requirements for an accessory structure shall apply. Any above ground pool lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line.

STAFF REPORT



SUBJECT: Code Discussion - Off Street Parking Space and Driveway Requirements 10-17-2
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: December 11, 2025

BACKGROUND

As staff reviews sections of code and interact with different residents regarding parking there has been some inclination to look at ways to update or consider changes to the additional parking requirements. Currently, if residents want to add additional parking spaces to their property, it must be maintained on the side of the property or in the rear with no portion of the vehicle going past the front façade of the main dwelling. While looking around in the city there have been concrete pads that have been constructed, or gravel has been used to act as additional parking surface to hold vehicles that stick out beyond the front plane of the house, but don't block the sidewalk or take over street parking. Per our current code, if a second driveway is desired then it must be at least 10' wide, the combined area of driveways may not cover more than 70% of the front yard, and the combined width of the driveways shall not exceed 50%. Staff checks these requirements via a land use permit and then public works create the curb cut. The driveway is a way to access the parking spot not to park the vehicle on it. This requirement of having the entire parking spot be located completely on the side or rear of the dwelling does limit various residents from parking their RVs or additional vehicles they may have which means that they would have to find other places to park their RVs or get rid of any additional vehicles which can be difficult if they have multiple people within the same household that drives a car. You may recall that the city hired a code compliance official a few months ago, and part of that compliance will be to direct people where to properly park their vehicles. Staff wants to get ahead of this by having this conversation with the commission. Staff has very briefly started looking at how other cities handle additional parking and if they allow vehicles to extend past the front plane of the dwelling or within the front yard. At the August 14 meeting, Planning Commission agreed to move forward with a draft of the proposed changes. At the September 11 meeting, Planning Commission further discussed the proposed changes and gave staff additional feedback to amend the ordinance for the following meeting in November before having a public hearing in December. This item was discussed at the November 13 Planning Commission work session and is now on the agenda for public hearing and recommendation consideration.

Links to existing code:

https://southogden.municipalcodeonline.com/book?type=ordinances#name=10-17-2:_Off_Street_Parking_Space_And_Driveway_Requirements_For_Dwellings

ANALYSIS

As mentioned above, planning staff has started looking at additional parking codes and found that a couple nearby cities do allow some parking beyond the front façade of the dwelling and wanted to bring examples to the commission before fully presenting a draft. Below are brief summaries and links to two cities' parking code that allow parking past the front façade of the dwelling.

Layton City:

Under Section 19.12.190 of their city code, Layton allows recreational vehicles to be parked and have access off of an approved driveway and shall be located at least 10' from the public right of way. They are allowed to sit on a hard surface which can include compacted gravel or road base. The max allowance is one recreational vehicle and that RV must be owned by the property owner.

<https://hosting.civiclink.com/layton/books/municipal-code/19.12.190?q=residential%20parking>

North Ogden:

Under Section 11-19-3-C7 of North Ogden's land use code, they specify that the minimum required parking may not be located within the required front yard and side yard area, but overflow parking is permitted in the front and side yard areas if the standards under A.4 of the same section is met. Section A4 talks about driveways not being less than 10' for one-way traffic and not less than 20' for two-way traffic.

https://northogden.municipalcodeonline.com/book?type=plan#name=11-19:_PARKING_AND_LOADING;_AND_TRAFFIC_AND_ACCESSS_STANDARDS

RECOMMENDATION

Staff encourages the proposed changes to the parking ordinance especially since this matter has been discussed during a few meetings. Staff is open to all comments and discussion for this matter. Below are sample motions.

Approval:

I move to recommend approval to the City Council for the amendment of 10-17-2 as outlined in the draft ordinance.

Table:

I move to table the amendment of Section 10-17-2.

Denial:

I move to recommend denial to the City Council for the amendment of 10-17-2.

10-17-2: Off Street Parking Space And Driveway Requirements For Dwellings

Applicability: Single-Family Residences, Mobile Homes And Multiple-Family Residences Of Four (4) Or Less Dwelling Units Per Building.

A. Off Street Parking:

1. Requirements: For all zones referenced in section 10-17-1, (see subsection 10-17-5C of this chapter for exception):
 - a. For a single-family dwelling: two (2) parking spaces.
 - b. For a two-family dwelling: four (4) parking spaces.
 - c. For a three-family dwelling: six (6) parking spaces.
 - d. For a four-family dwelling: seven (7) parking spaces.
2. Increase: If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
3. Paying Guests: In addition to the above parking space requirements, one parking space shall be provided for every two (2) paying guests residing in such dwelling units. Such paying guests refers to the rental of sleeping rooms within the dwelling unit.
4. Location and Surfacing: Required off street parking shall be located on the same lot or parcel as the use it is intended to serve. Off street parking stalls located in the side yard or rear yard setbacks of a structure shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, gravel (keep it weed free) or other material approved by the City Engineer which complies with air quality and SWPPP standards.
5. Access: Parking spaces shall have direct and unblockable access to a driveway
6. Maximum Yard Area Used For Parking: No portion of the required front yard shall be used for parking vehicles. The front yard shall be left open, except for driveways that provide access to garages or side or rear yard parking areas (see [10-23: Landscape Regulations](#)). Residents may use driveways as an approved parking area for additional vehicles in accordance with 7c below.
7. Additional Vehicle Parking: If additional parking of vehicles including utility trailers, boats, and recreational vehicles is proposed, such parking places shall meet the following standards:
 - a. The proposed parking space may not occupy areas required to meet the minimum number of required off-street parking spaces stipulated in subsection 10-17-2-B.
 - b. The parking area must be at least eight feet (8') wide. For corner lots, the parking area may not exceed a maximum of twelve feet (12') in width when located in the corner side yard.
 - c. The parking area must be located behind or to the side of the residence if possible, and be of sufficient length to accommodate the vehicle. No portion of the vehicle shall extend beyond the front façade of the dwelling. If not possible, parked vehicles may extend beyond the front façade of the dwelling 50% of the distance between the house where the driveway is located and the front lot line.

- d. For corner lots, no vehicle shall be parked within the required Clear View Area (see 10-14-14: Clear View of Intersecting Streets).
- e. If a roof or cover is desired over an accessory vehicle parking slab, it must comply with all applicable codes and regulations, and an appropriate building permit must be obtained. Otherwise, the parking slab must remain open and unobstructed from the sky.
- f. All storm water runoff from hard surfaces must be directed to prevent drainage onto adjacent properties.
- g. Screening: All additional off-street parking spaces and associated access lanes shall be screened from adjoining properties within a residential zone by a masonry wall or solid fence not less than four feet (4'), nor greater than six feet (6') in height. The use of shrubs or other live screening material may be used in place of a wall or fence if approved by staff. Such live plant materials must extend along the length of the adjoining property line and meet the same minimum and maximum height requirements of a wall or fence at maturity without impacting or extending into the adjacent property.
- g. h. Recreational vehicles, boats, or utility trailers parked or stored at a residence shall be accessed from and located next to an approved driveway leading to a garage or carport and may extend beyond the front façade of the dwelling 50% of the distance between the house where the driveway is located and the front lot line. Such vehicles shall be placed on a hard surface, which may include concrete, compacted gravel or road base. Only one such vehicle may be parked on the lot.

B. Driveways:

- 1. Width: Primary driveways and access ways shall be not less than ten feet (10') wide for one-way traffic, and not less than twenty feet (20') wide for two-way traffic.
- 2. The first thirty feet (30') from the public right-of-way of all primary driveways used to access the required parking stalls shall be surfaced with asphaltic concrete, pavement bricks, cement concrete, permeable pavers, or other material approved by the City Engineer which complies with air quality and SWPPP standards.
- 3. Number of Driveway Accesses: Single-family or duplex lots shall be allowed one driveway access onto the public street for each lot.
 - a. Exception: One additional driveway access may be permitted for single-family and duplex lots if used to service additional vehicle parking. All second driveway accesses must be approved by City staff before being constructed. Properties that have double frontage, i.e. both the front and rear yards have frontage on a street, must receive Planning Commission approval for second driveway accesses.

4. Coverage: In no case may the combined area of all driveways cover more than seventy percent (70%) of the front yard. If a second driveway is proposed, the combined width of both driveways shall not exceed 50% of the lot width.



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MINUTES OF THE
SOUTH OGDEN CITY PLANNING COMMISSION
WORK SESSION AND COMMISSION MEETING

THURSDAY, SEPTEMBER 11, 2025
CITY HALL COUNCIL ROOM

WORK SESSION— 5:30 PM
COMMISSION MEETING— 6:15 PM

WORK SESSION MINUTES

PLANNING COMMISSION MEMBERS PRESENT

Chair Robert Bruderer, Commissioners Norbert Didier, Brittany Rocha, Pete Caldwell, Katy Wahlquist, and Brian Mitchell

PLANNING COMMISSIONERS EXCUSED

Commissioner Broc Gresham

STAFF PRESENT

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

OTHERS PRESENT

No one else attended this meeting.

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

https://www.southogdencity.gov/document_center/Sound%20Files/2025/PC250911_1736.mp3?t=202509181739520

or requested from the office of the South Ogden City Recorder.

I. CALL TO ORDER

- Chair Bruderer called the meeting to order at 5:37 pm. He then entertained a motion to open the meeting 00:00:00

Commissioner Didier moved to begin the work meeting. The motion was seconded by Commissioner Caldwell. Commissioners Didier, Caldwell, Rocha, and Wahlquist all voted aye.

44 Note: Commissioner Mitchell was not present for this vote. He arrived later in the meeting.
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49 **II. REVIEW OF MEETING AGENDA**

50 • No one requested review of agenda items
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54 **III. DISCUSSION ITEMS**

55 **A. Discussion on Current Code for Variances, Exceptions, and Appeals**

56 • City Planner Alika Murphy led this discussion. She also used visuals for the
57 discussion. See Attachment A.

58 00:00:41
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61 **IV. ADJOURN**

62 • At 6:10 pm, Chair Bruderer called for a motion to close the work session
63 00:32:30
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65 **Commissioner Didier moved to close the work session. Commissioner Rocha seconded the**
66 **motion. The voice vote was unanimous in favor of the motion.**

PLANNING COMMISSION MEETING MINUTES

PLANNING COMMISSION MEMBERS PRESENT

Chair Robert Bruderer, Commissioners Norbert Didier, Brittany Rocha, Pete Caldwell, Katy Wahlquist, and Brian Mitchell

PLANNING COMMISSIONERS EXCUSED

Commissioner Broc Gresham

STAFF PRESENT

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

OTHERS PRESENT

Natasha Burgard

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

https://www.southogdencity.gov/document_center/Sound%20Files/2025/PC250911_1814.mp3?_=202509181741020

or requested from the office of the South Ogden City Recorder.

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

- The chair called the meeting to order at 6:16 pm and called for a motion to open the meeting. **00:00:00**

Commissioner Didier moved, followed by a second from Commissioner Wahlquist. Commissioners Didier, Caldwell, Rocha, Wahlquist, and Mitchell all voted aye.

- Chair Bruderer called for a moment of silence in commemoration of the anniversary of 9-11

II. SPECIAL ITEMS

A. Discussion on Proposed Update to Section 10-17-2-A7 - Off Street Parking Space and Driveway Requirements for Dwellings

- Planner Murphy gave an overview of this item 00:00:52
- Discussion 00:02:10

- The Commission directed staff to create an ordinance that allowed trailers to be parked in driveways if they were parked in the area closest to the house and did not cross the line that was halfway between the house and the property line

B. Discussion on Proposed Update to Section 10-14-12A - Private Swimming Pools

- Planner Murphy introduced the idea of changing the setbacks for pools
00:41:29
- Discussion 00:42:48
- The consensus of the Commission was to change the setbacks to 6' on both the side and rear yard

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of August 14, 2025 Planning Commission Minutes

- Chair Bruderer called for a motion concerning the minutes
00:48:58

Commissioner Didier moved to approve the minutes of the last planning commission meeting. Commissioner Mitchell seconded the motion. The voice vote was unanimous in favor of the motion.

V. STAFF REPORTS

A. Upcoming Items for Planning Commission

1. Field Trip in September 00:49:45
2. WFRC Meet Up in October 00:51:28

VI. OTHER BUSINESS

- Ms. Murphy informed the Commission that she would be attending a planning conference at the time of the next meeting. She asked if they wanted to cancel the meeting or schedule it for a different time. **00:53:11**
- After discussion, the chair called for a motion to cancel the October commission meeting **00:54:56**

Commissioner Caldwell moved to cancel the meeting. The motion was seconded by Commissioner Mitchell. All present voted aye.

- Planner Murphy discussed the need for a member of the planning commission to be on the

166 subdivision preliminary review committee

167 00:55:14

168 • The Commission decided to have Commissioner Mitchell be the planning commission
169 representative for the time being. He should also report back to them as to whether there
170 was any value in the planning commission's participation in the review.

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173 **VII. PUBLIC COMMENTS**

174 • No one came forward to comment

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177 **VIII. ADJOURN**

178 • At 7:24 pm, Chair Bruderer called for a motion to adjourn

179 00:08:02

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181 **Commissioner Wahlquist moved to adjourn. Commissioner Rocha seconded the motion.**
182 **The voice vote was unanimous in favor of the motion.**

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202 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting
203 held Thursday, September 11, 2025.

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Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

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ATTACHMENT A

Visuals for Variance, Exceptions, and Appeals Discussion

Not Approved

APPEALS, EXCEPTIONS, VARIANCES CONTINUATION



HEARING OFFICER

- Hearing Officer: Craig Call
- Hears appeals from staff decisions, special exceptions, and variances
- Information presented to the appeal officer must be based on fact not opinion
- Record of each submittal

APPEAL HEARING APPLICATION south ogden city

APPLICANT INFORMATION:
Name _____ Phone _____ email _____

Address _____ City _____ State _____ Zip _____

Agents Name - (All information will be sent to the Agent)
Phone _____ email _____

Address _____ City _____ State _____ Zip _____

PROPERTY INFORMATION:

Property Address: _____

Property Zoning: _____

I am appealing:

OFFICE USE

Hearing scheduled: _____

Request for Recommendation sent to the following by copy and return of this form:

City Engineer - Date _____ Received back - Date _____
Fire Dept. - _____
Public Works - _____
Other - _____

RECOMMENDATION: (INCLUDE ATTACHMENT)

HEARING OFFICER ACTION:

10-4-3: Appeals

Any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the administration or enforcement of this title, or any part of this code related to a decision of a land use application, land development, or city regulatory codes or a variance may take an appeal to the hearing officer. Appeals to the appeal authority may be taken by any officer, department, board or bureau of the city affected by the grant of or refusal to grant a building permit or by any other decision of an administrative officer or agency based on or made in the administration or enforcement of this title, or any part of this code related to a decision of a land use application, land development, or city regulatory codes or a variance.

1. **Time To Appeal:** Any appeal, under this section must be filed in writing with the city recorder within fourteen (14) calendar days of the issuance of the written decision applying the land use ordinance.
2. **Time For Hearing Appeal:** The hearing officer should hear the appeal within fifteen (15) to thirty (30) days of the date the appeal was filed.
3. **Written Statement Setting Forth Theories Of Relief Required:** The appellant shall deliver to the hearing officer and all other participants, five (5) business days prior to the hearing, a written statement setting forth every theory of relief he intends to raise at the hearing, with a brief statement of facts in support.
4. **Condition Precedent To Judicial Review:** No theory of relief may be raised in the district court unless it was timely and specifically presented to the hearing officer.
5. **Standard Of Review And Burden Of Proof On Appeal:** The hearing officer shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.
6. **Due Process Rights:** The hearing officer shall respect the due process rights of each participant. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-4: Stay Of Proceedings Pending Appeal

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the hearing officer after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the hearing officer or by the district court on application and notice and on good cause shown. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-5: Notice Of Meeting On Appeal; Right Of Appearance

The hearing officer shall fix a reasonable time for hearing the appeal, give public notice as well as due notice to the parties in interest and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-6: Powers Of Hearing Officer On Appeal

The hearing officer shall have the following powers:

1. **Appeals:** To hear and decide appeals where it is alleged by the appellant there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of this title.
2. **Special Exceptions:** To hear and decide, under this title, requests for "special exceptions" or for interpretation of the map or for decisions on other special questions on which such authority is authorized by this title to pass.
3. **Variances:** To authorize, on an appeal, a variance from strict application of the regulations where, **exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of any regulations enacted would cause peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property.** The variance from such strict application can be granted to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the master plan and this title. Before any variance may be authorized, however, it shall be shown that:
 1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of this title will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary to carry out the general purpose of the plan.
 2. Special circumstances are attached to the property covered by the application which do not generally apply to other properties in the same zone.
 3. Because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 4. In determining whether enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

10-4-7: Decision On Appeal

In exercising the above mentioned powers, such hearing officer may, in conformity with this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as thereby should be made, and shall have all the powers of the officer from whom the appeal is taken. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-8: Vote Necessary For Reversal

The favorable finding of the hearing officer shall be necessary to reverse any order, requirement or determination of any administrative official, or to decide in favor of the appellant on any matter upon the hearing officer is required or entitled to decide under this code, or to effect any variation in such code or title. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-9: Judicial Review Of Appeal Authority's Decision; Time Limitation

The city or any person aggrieved by a decision of the hearing officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the hearing officer files his decision in the office of the city recorder. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-10: Time Limitation Of Variance

If the hearing officer grants a variance under this chapter, alterations under the variance, if required, must be activated within six (6) months after the date the variance is granted or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the appeal authority, and then only if the petitioner shows adequate cause to the hearing officer that circumstances necessitate a time extension.

If it is the case that the variance granted permits the continuation of a previously nonconforming use, that use shall continue and shall run with the land. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

10-4-11: Filing Fee

Upon filing of any appeal or application to the appeal authority, the appellant or applicant shall pay to the city a fee prescribed by the city council. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the city treasurer and credited to the general fund. No appeal or application shall be considered by the hearing officer unless such fee has been paid. (Ord. 13-11, 5-21-2013, eff. 5-21-2013)

SPECIAL EXCEPTIONS

10-14-8B (fence regulations)

B. Corner Lots: On corner lots, no fence or other similar structure may be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'), except a six foot (6') high fence may be placed not less than ten feet (10') away from the property's side yard property line, with said fence not to extend further toward the front of the property than a point equal to the front line of the house.

Provided, however, that the Hearing Officer may grant special exceptions as provided for in subsection 10-4-6B of this title, to allow fence types and fence heights of up to six feet (6') in height for public and semipublic buildings, including schools and churches, where the Hearing Officer finds: 1) the fence height is necessary for protection or safety of persons or property; 2) no significant adverse effect will be suffered by any surrounding property; and 3) the requirements of section 10-14-14 of this chapter are maintained.

D. Exceptions: The provisions of this section shall not apply to fences required by State law to enclose public utility installations and public schools. (Ord. 17-23, 11-21-2017, eff. 11-21-2017; amd. Ord. 21-05, 6-1-2021, eff. 6-1-2021)

10-1-11: Temporary Exceptions

1. **Authority; Time Limit:** The chief building official has the authority to grant temporary exceptions from any term or condition of this title for a period not to exceed three (3) months, and for a total duration for any single tract of land, not to exceed six (6) months. A temporary exception may be granted by the chief building official with or without a prior recommendation on the matter from the Planning Commission.
2. **Justification:** Such temporary exceptions may be granted by the chief building official when he determines that such a temporary exception is justified because of some unusual, emergency, act of God situation or that the health, safety, convenience, order and welfare of the inhabitants of the City will not be materially, adversely affected, if such temporary exception is granted. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

FORM-BASED CODE EXCEPTIONS AND VARIANCES

10-5.1A-10-3: Exceptions And Variances

- **Exceptions:**
- Intent: To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
- **Eligible Applicant:** Applicant is eligible to apply for an exception to this article upon submittal of an application for site plan approval, in cases that involve such standards as the following:
- **Regulating plan requirements:**
- Distribution of permitted subdistricts within one hundred feet (100') of required amount. (Substitution of subdistricts is not permitted.)
- Block size within one hundred feet (100') of required dimensions and with the provision of a midblock pedestrianway. (Refer to section 10-5.1A-1 of this article.)
- Street type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-2 of this article.)
- Open space requirement within one hundred feet (100') of required distance for no more than ten (10) units and with the availability of two (2) open spaces within that dimension. (Refer to sections 10-5.1A-1 and 10-5.1A-6 of this article.)
- Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
- **Site plan requirements:**
- Landscape requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-7 of this article.)
- Parking and loading facilities within one foot (1') of required dimensions. (Refer to section 10-5.1A-8 of this article.)
- Sign type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-9 of this article.)
- Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
- Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development. Staff shall report any exception request and its decision to the Planning Commission at their next meeting.

CONDITIONAL USES

- Chapter 15 under Title 10 talks about conditional permits in the R-1, R-2, R-3, R-3A, and O-1 zones, but if you go to each zone's section, none have conditional uses.
- The only zone that has conditional uses is O-1 which is open space.
- Any zone under the form-based code has its own conditional use section.
- "Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter."

10-15-4. Review Procedure

A. Application: Application for a conditional use permit shall be made to the Planning Commission via assigned City staff using application forms provided by the City.

B. Information Required: At a minimum, detailed location, site, and building plans shall accompany an application for a conditional use. For a conditional use in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting following receipt of the completed application.

10-15-5. Planning Commission Action

A. Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the use under the standards of section 10-15-6 of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

- The use is not an authorized conditional use in the zone where the use is proposed to be located.
- The use does not comply with the regulations and conditions specified in this title for such use;
- The anticipated detrimental effects of the use cannot be substantially mitigated by imposing reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the Planning Commission may consider any of the factors in section 10-15-6 of this chapter that may apply and then determine whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The Planning Commission may require an applicant to provide reasonably available information that the Planning Commission considers necessary to address such factors. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-7: Notice Of Decision

Within ten (10) days after the Planning Commission makes a final decision to approve or deny a conditional use permit, staff will send written notice to the applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the City Recorder. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-8: Appeal Of Decision

Any person adversely affected by a final decision of the Planning Commission regarding a conditional use permit may appeal such decision to the Hearing Appeals Officer as provided in section 10-4-3 of this title. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-9: Effect Of Approval

A conditional use permit shall not relieve an applicant from obtaining any other authorization, permit, or license required under this title or any other title of this Code. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-10: Amendment

A conditional use permit may be amended by following the original approval procedure set forth in this chapter. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-11: Transfer Of Permit

A conditional use permit may be transferred so long as the use authorized conforms to the terms of the permit. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-12: Enforcement Of Permit Requirements

The building official shall ensure development under a conditional use permit is undertaken and completed in compliance with the permit and any conditions pertaining thereto. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-13: Periodic Review

The Planning Commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-14: Revocation

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

- The holder or user of a permit has failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use.
- The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.
- The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder Or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

10-15-15: Expiration

A. Substantial Action: A conditional use permit shall expire one year after issuance unless substantial action, as determined by the Planning Commission, is taken to implement the permit. Upon request by the holder or user of a permit, filed with the building official prior to the expiration date, the Planning Commission may grant a maximum extension not to exceed six (6) months.

B. Cessation Of Use: Once substantial action has been taken under a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one year (365 calendar days) or more. The permit holder shall be given written notice that the permit has expired. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

CONDITIONAL USES

10-15-6 Conditional Use Standards

This section sets forth standards to determine whether a conditional use will have any detrimental effect and if the requested use should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, relate to a particular conditional use, as requested or as proposed to be applied given the character of the site, and adjacent uses, the Planning Commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use. Any use not expressly permitted, or listed as a conditional use, is prohibited.

- A. General Plan: The proposed use conforms to applicable policies of the City's general plan.
- B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.
- C. Access: Access to the site avoids traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.
- D. Circulation: On site vehicle circulation and truck loading areas mitigate adverse impacts to adjacent property.
- E. Parking: The location and design of off street parking complies with applicable standards of this title.
- F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.
- G. Utility Services: Utility capacity is sufficient to support use at normal service levels.
- H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.
- I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely affect surrounding uses.
- J. Signs: Sign size, location, and lighting are compatible with, and are not likely to adversely impact, surrounding uses.
- K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to support use at normal service levels.
- L. Environmental Impact: The use does not significantly affect the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.
- M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

FORM-BASED CODE CONDITIONAL USE PERMITS

Conditional Use Permit:

1. Intent: To establish a process to review requests for the following:
 - a. Development of uses permitted within a zoning subdistrict, but that may not be appropriate for development on every lot within that subdistrict because of potential negative impacts associated with the use
2. Eligible Applicant: Applicant shall apply for a conditional use permit prior to the development, installation, or opening of a use in a core, general, or edge subdistrict, designated as a conditional use in section 10-5.1A-4 of this article.
3. Application: The following information shall constitute a complete application. Application shall be submitted in a form as determined by the city manager or designee.
 - a. Complete application, form, and applicable fees.
 - b. Applicant shall submit the following in compliance with the requirements of section 10-5.1A-4, "Uses," of this article:
 - (1) Site location map, legal description/limits of plan.
 - (2) Survey plat. Dimensions of property lines, easements, rights of way.
 - (3) Development boundaries and proposed phasing, if applicable.
 - (4) Map of existing category of uses and use descriptions on parcel and all adjacent parcels within six hundred feet (600'), utilizing nomenclature found in section 10-5.1A-4 of this article.
 - (5) Map of proposed category of uses and use descriptions, utilizing nomenclature found in section 10-5.1A-4 of this article.
 - (6) Statement of intent. Statement describing existing and proposed use and zoning classification.

Application Process Time Line: Upon submittal of a complete application, the application will be reviewed using the following process and time line:

- a. The staff review committee shall review and make recommendations on the application within thirty (30) days of the submission of the complete application.
- b. The city manager or designee shall render a decision to approve or disapprove the application within forty five (45) days of the submission of the complete application.
 - (1) Forty five (45) days may be extended with the applicant's written consent.
 - (2) The city manager or designee may approve, approve with conditions, or disapprove the application, providing the reasons for disapproval or any conditions for approval in writing.
- c. If a site plan approval is being sought for the same property, the conditional use permit shall be submitted concurrently and the time lines shall match. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)



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MINUTES OF THE
SOUTH OGDEN CITY
PLANNING COMMISSION WORK SESSION

THURSDAY, NOVEMBER 13, 2025 - 5:30 PM
CITY HALL IN THE EOC

WORK SESSION MINUTES

PLANNING COMMISSION MEMBERS PRESENT

Chair Robert Bruderer, Commissioners Norbert Didier, Brittany Rocha, Pete Caldwell, Katy Wahlquist

STAFF PRESENT

Planner Alika Murphy, Communications and Events Manager Danielle Bendinelli, and Recorder Leesa Kapetanov

OTHERS PRESENT

Adam Ritchey

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

https://www.southogdencity.gov/document_center/Sound%20Files/2025/PC250911_1736.mp3?t=202509181739520

or requested from the office of the South Ogden City Recorder.

I. CALL TO ORDER

- Chair Bruderer called the meeting to order at 5:30 pm. He then entertained a motion to open the meeting **00:00:00**

Commissioner Didier moved to begin the work meeting. The motion was seconded by Commissioner Caldwell. Commissioners Didier, Caldwell, Rocha, and Wahlquist all voted aye.

Note: Commissioner Mitchell was not present for this vote.

44

45

46 **II. DISCUSSION ITEMS**

47 **A. Form-Based Code Review Part 1**

48 • Planner Murphy used a visual presentation while reviewing the form-based code.
49 See Attachment A. **00:00:25**
50 • Commissioner Mitchell arrived at 5:53 pm during this review

52 **B. Discussion on Potential Update to Section 10-17-2-A7 Off Street Parking**

53 • Ms. Murphy reviewed previous discussions on this item and went over the proposed
54 changes to the current ordinance. The commission directed staff to set a public
55 hearing for this item at the next meeting.

56 **00:41:21**

58 **C. Discussion on Impervious Coverage**

59 • The planner explained why this item was included for discussion
60 **01:16:30**
61 • After discussion, the commissioners determined the impervious code should remain
62 the same

64 **D. Exceptions Granted (Signage)**

65 • Planner Murphy reviewed an exception for the sign code that had recently been
66 granted for a multi-tenant building
67 **01:33:29**
68 • While Ms. Murphy was bringing up her visuals, Chair Bruderer asked about a house
69 being built on Edgewood Drive
70 **01:50:16**

72 **E. Updates**

73 • Ms. Murphy gave updates on development plans that had been submitted as well as
74 progress on the Small Area Plan
75 **01:56:21**

78 **III. ADJOURN**

79 • At 7:59 pm, Chair Bruderer called for a motion to close the work session
80 **02:29:55**

82 **Commissioner Didier moved to close the work session. Commissioner Wahlquist seconded
83 the motion. The voice vote was unanimous in favor of the motion.**

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Not Approved

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Work Session held Thursday, November 13, 2025.


Leesa Kapetanov, City Recorder

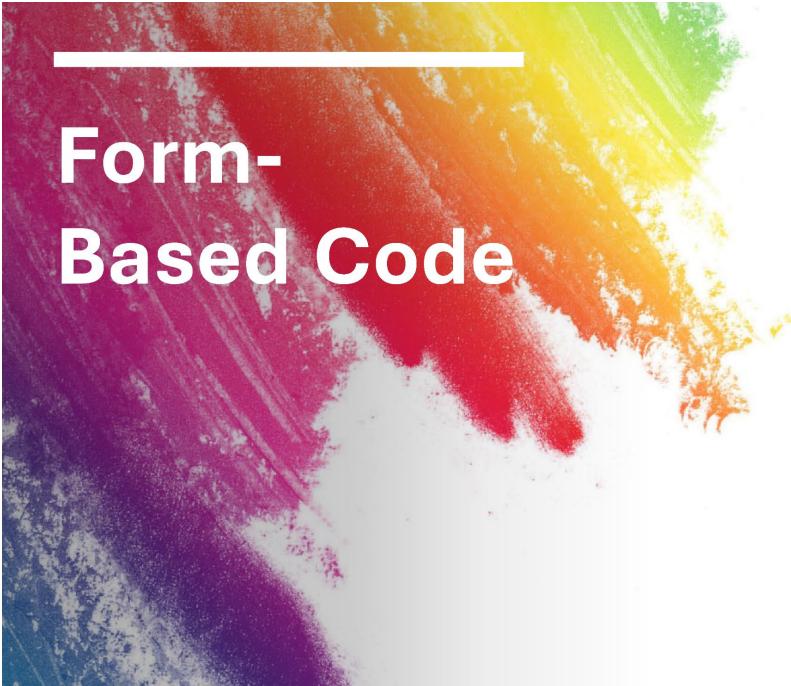
Date Approved by the Planning Commission

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ATTACHMENT A

Visuals for Discussion on Form Based Code

Not Approved



Form- Based Code

What is the form-based code?

Specifies design for places and centers, relies on local decision making

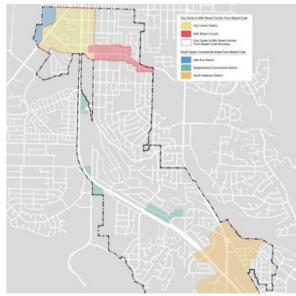
Sets a design standard rather than a minimum requirement

Encourages active, vibrant communities that are functional and aesthetic

Aim to create pedestrian friendly environments (setbacks, transparency levels)

Form and general appearance of buildings as primary concern and land use as secondary (control physical impact)

Allows for greater mix of uses which encourages more diverse walkable community



What do we have?

- Review done on the existing zone and establishment of form-based code to promote redevelopment of commercial areas to mixed-use zones for higher density
- Steering committee, public review process, planning commission review, public hearing, and adoption by City Council over a 2-year period
- Two sections under our form-based code
 - Article A: City Center and 40th Street
 - City Center Core
 - City Center General
 - Riverdale Road General
 - 40th Street General
 - Edge
 - Article B: Commercial
 - Gateway Core
 - Gateway General
 - Neighborhood Commercial
 - Gateway Edge
- The form-based code is located under Title 10, Chapter 5.1

What does each article contain?

- Under each article we have the following:
 - Districts
 - Street Types
 - Subdistricts
 - Uses
 - Building Types
 - Open Space Types
 - Landscaping Standards
 - Parking
 - Signs
 - Administration (site plan process, exceptions, non-conforming...)

Uses

- Residential and Lodging
- Civic
- Retail
- Service
- Office and Industrial
- <https://southogden.municipalcodeonline.com/book?type=ordinances#name=10-5.1A-4: Uses>

TABLE 4.1(I)

USES BY SUBDISTRICT

Key:	
P	Permitted
P ²	Permitted with development standards
C	Requires a conditional use permit
Blank	Not permitted

Uses	Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Residential and lodging:					
Residential	P	P	P	P	P
Hotel and inn	P	P	P	P	P ²
Group living arrangements	C	C	C	C	
Civic:					
Assembly	C	C	C	C	P ²
Transit station	P	P	P	P	P ²
Hospital and clinic	P	P	P	P	
Library/museum/Post Office (no distribution)	P	P	P	P	C
Police and fire	C	C	C	C	C
School	P	P	P	P	P

Uses

- Residential and Lodging
- Civic
- Retail
- Service
- Office and Industrial
- <https://southogden.municipalcodeonline.com/book?type=ordinances#name=10-5.1B-4: Uses>

TABLE 4.1(I)

USES BY SUBDISTRICT

Key:				
P	Permitted			
P ²	Permitted with development standards			
C	Requires a conditional use permit			
Blank	Not permitted			
Residential and lodging:				
Residential	P	P	P	P
Hotel and inn	P	P	P	
Group living arrangement	C	C	C	
Civic:				
Assembly	P ²	P ²	P ²	P ²
Transit station	P	P	P	P ²
Hospital and clinic	P	P	P	C
Library/museum/Post Office (no distribution)	P	P	P	C
Police and fire	C	C	C	C
School	P	P	P	P

Building Types

PERMITTED BUILDING TYPES BY SUBDISTRICT

Key:	P	Permitted
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Building Types	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Storefront	P	P	P	P	
General stoop		p ¹	p ¹	p ¹	
Limited bay			P		
Row building		P	P	P	P
Yard building					P
Civic building	P	P	P	P	P

PERMITTED BUILDING TYPES BY SUBDISTRICT

Key:	P	Permitted
------	---	-----------

Building Types	Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
Storefront	P	P	P	
General stoop	p ¹	p ¹	p ¹	p ¹
Large format	P			
Limited bay	P	P	P	
Row Building		P		P
Civic Building	P	P	P	P

Building Types

10-5.1A-5-3: Storefront Building

A. Description And Intent: The storefront building is intended for use as a mixed use building located close to the front property line with parking typically in the rear or side of the lot.

The key facade element of this building type is the storefront required on the ground floor front facade, with large amounts of glass and regularly spaced entrances.

This building is available in a variety of intensities, depending on the subdistrict within which it is located.

B. Regulations: Regulations for the storefront building type are defined in the table in this section.



10-5.1A-5-5: Limited Bay

A. Description And Intent: The limited bay building type permits a lower level of ground floor storefront facade and a single vehicle bay with garage door access on the primary street. A wider range of uses can also be accommodated within this building type, including craftsman industrial uses. This building type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continuing the fabric of the storefront building type. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this building type depend on the subdistrict within which it is located.

B. Regulations: Regulations for the limited bay building type are defined in the table in this section.



Building Types

10-5.1A-5-6: Row Building

A. Description And Intent: The row building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This building type may be organized as townhouses or row houses, or it could also incorporate live/work units where uses are permitted. Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garage accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

Regulations: Regulations for the row building type are defined in the table in this section.



10-5.1A-5-7: Yard Building

A. Description And Intent: The yard building is a mainly residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley.

The yard building can be utilized in newly developing locations to create somewhat denser traditional neighborhoods, or as a buffer to existing neighborhoods.

B. Regulations: Regulations for the yard building type are defined in the table in this section.



Buildings

Sidewalk Coverage

Front build-to zone

Side and rear setback

Parking and loading locations

Vehicular access

Minimum and Maximum overall height (stories)

Minimum and Maximum height per story

Transparency percentage

Front façade entrance type and location

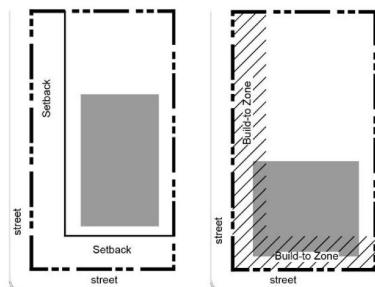
Roof types

Build To Zone

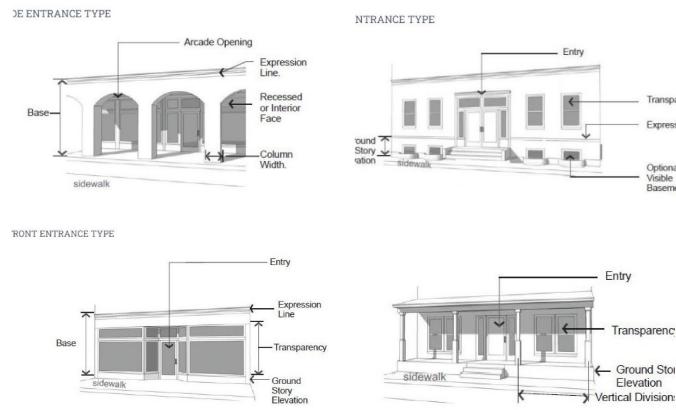
BUILD-TO ZONE: An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line. Refer to figure 10.5(2), "Setback Line Versus Build-To Zone," of this section.

FIGURE 10.5(2)

SETBACK LINE VERSUS BUILD-TO ZONE



Entrance Type



Signs

- Permitted: wall, projecting, marquee, awning, canopy, window, monument, pedestrian scale pole sing, monolithic, vehicular
- Article A

Maximum Permitted Quantity Of Signage Per Lot		
"Core" Subdistricts	"General" Subdistricts	"Edge" Subdistricts
2 square feet per 1 linear foot of lot width with a maximum of 200 square feet or 300 square feet if a monolithic sign is used. An additional 40 square feet per additional tenant over 3 tenants permitted	1.5 square feet per 1 linear foot of lot width with a maximum of 200 square feet	No signage permitted

- Article B

Maximum Permitted Quantity Of Signage Per Lot		
Core And General Subdistricts	Neighborhood Subdistricts	Edge Subdistricts
2 square feet per 1 linear foot of lot width with a maximum of 200 square feet or 300 square feet if a monolithic sign is used. An additional 40 square feet per additional tenant over 3 tenants permitted	1.5 square feet per 1 linear foot of lot width with a maximum of 150 square feet	No signage permitted

Temporary Signs

- Consists of banners, inflatables, blades, feathers, balloons, kinetic signs, building wraps
- Shall not be erected more than 30 days, each business is limited to two 30-day permits per calendar year or they can choose to have one temporary sign for 60 days
- Permitted in all general, neighborhood, and edge subdistricts
- Max of 36 sq. ft.
- Not permitted on roof, but can be located anywhere within property boundaries
- Materials: plastic, wood, flexible woven fabric material (cloth, paper, fiberglass, vinyl)

Non-Conforming Signs

b. Change In Associated Use: The right to continue shall be terminated if the associated use changes or changes in intensity through such additions as an increase in the dwelling units, gross floor area, or capacity by fifteen percent (15%) or more.

(I) Signs

- (A) Single or individual business signs within a multiple business center are exempt from this standard. A new tenant within a multiple business center is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign or signs does not exceed forty (40) square feet and otherwise complies with all other sign requirements.
- (B) Nonconforming signs may be continued through changes in associated use if the only changes to the sign are changes in sign copy, typography, symbols, and lettering, and the supporting structure of the sign remains unchanged. Nonconforming signs consisting of individual letters and symbols, with individual supporting structures or connections, may be continued through a change in associated use, and the letters and symbols and supporting structures may be changed or modified so long as the overall area and location occupied by the sign remains the same. To the extent possible, nonconforming signs and supporting structures that are changed shall comply with current sign and construction requirements.
- (C) Signs with EMBs must be brought into conformance with subsection 10-5.1B-9-2A4 of this article by September 30, 2018, regardless of when the EMB sign was installed.

Exceptions

1. Intent: To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
2. Eligible Applicant: Applicant is eligible to apply for an exception to this article upon submittal of an application for site plan approval, in cases that involve such standards as the following:

a. Regulating plan requirements:

- (1) Distribution of permitted subdistricts within one hundred feet (100') of required amount. (Substitution of subdistricts is not permitted.)
- (2) Block size within one hundred feet (100') of required dimensions and with the provision of a midblock pedestrianway. (Refer to section 10-5.1A-1 of this article.)
- (3) Street type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-2 of this article.)
- (4) Open space requirement within one hundred feet (100') of required distance for no more than ten (10) units and with the availability of two (2) open spaces within that dimension. (Refer to sections 10-5.1A-1 and 10-5.1A-6 of this article.)
- (5) Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)

b. Site plan requirements:

- (1) Landscape requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-7 of this article.)
- (2) Parking and loading facilities within one foot (1') of required dimensions. (Refer to section 10-5.1A-8 of this article.)
- (3) Sign type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-9 of this article.)
- (4) Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
- (5) Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development. Staff shall report any exception request and its decision to the Planning Commission at their next meeting.

Exceptions

3. Application Process Time Line: An application for exception may be submitted before or concurrently with either the regulating plan approval or site plan approval.
 - a. The staff review committee shall review and make recommendations to the City Manager on the application for exception within ten business days from receiving it.
 - b. The City Manager or designee shall render a decision to approve or disapprove the application for exception within five business days from receiving recommendations from the staff review committee.
4. Variances: Refer to subsection 10-4-6C of this title for information on the variance process. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

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Not Approved