



# Ogden City

## City Council Meeting Agenda

October 20, 2015 at 6:00 p.m.

City Council Chambers

Municipal Building – Third Floor

2549 Washington Boulevard, Ogden, Utah 84401

1. Roll Call.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Reports from the Planning Commission:
  - a. **Single-family Homes in Historic Buildings.** Proposed Ordinance 2015-46 amending the Ogden Municipal Code amending Section 15-6-3 to allow nonconforming single family homes as a reuse option for historic buildings. *(Accept public input; Adopt/not adopt ordinance – roll call vote)*
  - b. **Post High School Educational Institutions in Commercial Zones.** Proposed Ordinance 2015-47 amending the Ogden Municipal Code by amending Sections 15-34-2 and 15-38-5 to allow post high school institutions and housing in commercial and CBD Zones. *(Accept public input; Adopt/not adopt ordinance – roll call vote)*
5. Public Comments: This is an opportunity to address the Council regarding your concerns or ideas. Please state your name and address for the record, and limit your comments to three minutes.
6. Comments:
  - a. Mayor
  - b. Council members
7. Adjournment.

**REMINDER: A City Council Work Session will be held in the Council Work Room immediately following the City Council meeting. The purpose of the work session is to hold Council-Mayor discussion and discuss Council Business.**

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### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and/or agenda was posted in three public places within the Ogden City Limits on this 16<sup>th</sup> day of October, 2015. These public places being: 1) City Recorder's Office on the 2nd floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. A copy was posted to the Utah State Public Notice Website and the Ogden City Website, as well as provided to the Standard-Examiner.

TRACY HANSEN, MMC  
OGDEN CITY RECORDER

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# City Council Meeting COUNCIL STAFF REVIEW

## AMENDMENT TO ALLOW A SINGLE-FAMILY HOME AS A REUSE OPTION FOR HISTORIC BUILDINGS

### COUNCIL DETERMINATION:

- Approve/not approve ordinance

### PLANNING COMMISSION

RECOMMENDATION: Approval of the amendment (8-0)

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### *Executive Summary*

The proposed ordinance would add the option of a single-family home as a possible reuse for historic buildings if the single-family home use was the original use. The change would apply to historic buildings where the original use was a single-family home but where that building has lost its legal non-conforming use status and where the single-family home use is no longer an allowable use in the zone in which the building is located.

### *Background*

Within the City's zoning ordinance there is a specific section dealing with non-conforming uses. Non-conforming uses are those that were once legal but through zoning map or text amendments are no longer allowable uses in that zone. A legal non-conforming use may continue to operate even after the change if the use is maintained. If the use is abandoned for one year or if the structure is significantly altered or demolished, typically the legal non-conforming status will be lost. Within this section, one subsection addresses the reuse of historic buildings. This section is meant to provide "last resort" options to owners of historic buildings in order to ensure the building's preservation. This section provides several uses that could be considered if certain conditions are met and if the proposal is reviewed and approved by the Planning Commission.

The current ordinance allows for several different uses to take place in historic buildings if they are located in a residential district. These include art centers and museums, bed and breakfast inns, multi-family dwellings if they comply with the underlying zoning, and professional and businesses offices. The proposed amendment would allow these uses and a proposed single-family home option in any zone as a special use for a historic building. The proposal specifically adds the single-family home option but limits it to those buildings where a single-family home was the original use. This is important for historic buildings that are located within commercial or other types of non-resident zones as single-family homes are not typically an allowed use in those zones.



OGDEN CITY COUNCIL TRANSMITTAL

RECEIVED

SEP 22 2015

OGDEN CITY  
COUNCIL OFFICE

**DATE:** September 16, 2015

**TO:** Ogden City Council

**THRU:** Mark Johnson, CAO

**FROM:** Tom Christopoulos, CED Director

**RE:** Consideration to amend 15-6-3.I of the Zoning Ordinance to allow nonconforming single-family homes as a reuse option for historic buildings.

**STAFF CONTACT:** Greg Montgomery, Planning Manager

**REQUESTED TIMELINE:** October 20, 2015

**RECOMMENDATION:** Approval to amend the Zoning Ordinance to allow nonconforming single-family homes as a reuse option for historic buildings as described in staff's recommended ordinance amendment.

**DOCUMENTS:** Ordinance, May 6, 2015 Staff Report

**DISCUSSION:**

Staff explained to the Commission that the staff proposed ordinance is to allow historic homes in zones that don't allow homes to be reused as single-family homes. It was noted by staff that there have been instances when historic homes located in commercial zones have become used for commercial purposes. However, if someone desired to reuse the historic home as a single-family home again, the ordinance would not allow this because the underlying zoning would not permit it. Staff pointed out that there are provisions in the ordinance that allows historic buildings to be reused (as a last resort) as other uses, but this does not include single-family homes. Staff explained that the proposed ordinance amendment would allow this option for historic homes to be reused as single-family homes, if the buildings were originally constructed as a single-family home. It was also noted by staff that the reuse of these buildings would be reviewed by the Planning Commission following the already established "Special Permit" provisions established for other reuse options.

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**PLANNING COMMISSION ACTION:**

The Planning Commission reviewed this item on May 6, 2015 and *recommended approval* of the proposed ordinance amendment to amend the Zoning Ordinance to allow nonconforming single-family homes as a reuse option for historic buildings as described in staff's recommended ordinance amendment, finding that the amendment is consistent with the intent of the zoning ordinance and policies outlined in the general plan.

**PLANNING COMMISSIONERS VOTE:**

|                | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Antencio.....  | X          |           |
| Blaisdell..... | X          |           |
| Herman.....    | X          |           |
| Orton.....     | X          |           |
| Patterson..... | X          |           |
| Schade.....    | X          |           |
| Southwick..... | X          |           |
| Wright.....    | X          |           |

ORDINANCE NO. 2015-46

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 15-6-3.I TO ALLOW NONCONFORMING SINGLE FAMILY HOMES AS A REUSE OPTION FOR HISTORIC BUILDINGS; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Subsection amended. Subsection 15-6-3.I of the Ogden Municipal Code is hereby amended to read and provide as follows:

I. **[Reuse Of Historic Building:]**

1. Purpose: This special use provision is intended to be used as a "last resort" method of preserving a historic building listed as an individual site on the Ogden City register of historic resources. Special uses will be granted only in exceptional cases when permitted or conditional uses in the underlying zone do not allow any economically beneficial zoning use or the original use of the historic building. This subsection does not apply to buildings within the Jefferson or Eccles historic districts.

2. Special Use In Historic Buildings: In any [~~residential-district~~] zone, the planning commission may permit as a special use in historic buildings, the following uses:

Art center or museum.

Bed and breakfast inn.

Multiple-family dwelling units only when the underlying zoning designation permits them.

Professional and business offices and accessory uses.

Single-family home, if the building was originally constructed as a single-family home.

3. Mixed Use: In some situations, the planning commission may feel that a combination of residential or office space is desirable and that this mixture would not negatively affect the architectural integrity of the building. Since the purpose of this combination would be to mitigate some of the adverse impacts the professional office or uses have on the residential neighborhood, housing units should occupy more than fifty percent (50%) of the building to maintain a strong residential character. Office use should supplement the housing. The number of units shall not exceed that which is allowed in the residential zone in which the structure is located.

4. Application: Application for special uses may be filed by the owner of the property for which the special use is sought or an authorized representative.
5. Basis For Issuance Of Special Use Permit: The planning commission may approve an application for special use if the facts presented are such to establish:
  - a. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvement, or potential development in the vicinity, with respect to aspects including, but not limited to, the following:
    - (1) The size, shape and arrangement of structures;
    - (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off street parking and loading;
    - (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor; and
    - (4) The desirability of providing landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.
  - b. That such use or feature as proposed will comply with the applicable provisions of this title and will not adversely affect the general plan.
  - c. That such proposed use or feature is conducive to the preservation of the historic and/or architectural characteristics of the building.
6. Requirements:
  - a. Listed Historic Register: Property must be listed on the Ogden City register of historic resources. Buildings identified as eligible on the Central Bench historic district map and not listed as individual resources on the local register may be considered for reuse as multi-family dwellings only and not for the other uses described in subsection I2 of this section.
  - b. Justification: Owner must submit written justification as to why this property should qualify for a special use under the provisions of this subsection. Such justification shall indicate:
    - (1) What efforts have been made to comply with existing zoning as to permitted or conditional uses. When considering a special use that is for multiple-family use no special use will be considered if the proposed residential density is the maximum allowed by the zone;

- (2) How the building's exterior architectural character and setting would be damaged by the allowable uses in the zone and how they will be preserved through the special use provided in this title;
  - (3) How the building is substantially different from similar historic buildings in the neighborhood which do comply to the existing zoning ordinance and what special considerations warrant a special use; and
  - (4) What way this use would enhance the neighborhood and meet the objectives of the general plan.
- c. Project Formulations And Supervision: An architect with preservation expertise shall be retained by the owner to formulate and supervise a rehabilitation program for the exterior if such work is proposed.
  - d. Landscaping: The planning commission shall require whatever landscaping it feels is necessary to integrate the building into the neighborhood, or to provide visual buffers for parking on the site in relation to adjacent properties and the street. In no case will a special use be permitted if the site design meets only the minimum standards of the ordinance regarding landscaping and the amount of open space.
  - e. Parking: Any residential or commercial use must meet the required off street parking requirements as listed in chapter 12 of this title.
  - f. Signs: Flat, or identification and information signs will be permitted. The sign must be designed to be complementary to the structure in terms of its size and placement, but not to exceed sixteen (16) square feet.
7. **[Landmarks Commission Review:]** The owner should be aware that, in addition to presenting a proposal to the planning commission for review of the special use, any proposed exterior alterations to a historic building listed on the Ogden City register of historic resources must also be presented to the landmarks commission which will review exterior alterations to any structures or the installation or alteration of signs. The proposal will be reviewed on the basis of the landmarks commission standards and guidelines for rehabilitation. This review must be prior to the planning commission review for the special use.

**SECTION 2. Effective date.** This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City,

Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: \_\_\_\_\_

MAYOR'S ACTION:  Approved  Vetoed

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

POSTING DATE: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM: MAJ 9/23/15  
Legal Date

- \* The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.

May 6, 2015

ATTACHMENT ITEM F

**OGDEN CITY PLANNING COMMISSION**

**SUBJECT:**

Public hearing to amend 15-6-3.I of the Zoning Ordinance to allow nonconforming single-family homes as a reuse option for historic buildings.

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**PLANNING STAFF RECOMMENDATION:** *Approval* to amend the Zoning Ordinance as described in staff's recommended ordinance amendment.

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**FINDINGS FOR ACTION**

The Commission will need to determine whether or not the proposed ordinance amendment to have nonconforming single-family homes as an option for the reuse of a historic building is consistent with the intent of the city ordinances and policies outlined in the general plan.

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**CONTACTS**

Staff report: Joseph R. Simpson  
(801) 629-8923  
josephsimpson@ogdencity.com

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**APPLICABLE ORDINANCES**

- 15-1-4 The Planning Commission reviews proposed amendments to the Zoning Ordinance (Title 15) and forwards their recommendation to the City Council.
- 15-6-3.I Options for reusing nonconforming historic buildings by obtaining a Special Permit from the Planning Commission.
- 17-1-1 The purpose and intent of the Landmarks Ordinance, which deems as essential "the protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, state and national history or which reflect the distinct phases of political and architectural heritage."
- 17-4-1.A Landmarks Rehabilitation Standards state "a property shall be used for its historic purpose or be placed in a new use which requires minimal change to the defining characteristics of the building, and its site and environment."

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**APPLICABLE GENERAL PLAN PROVISIONS**

- 1.D A key recommendation in developing the General Plan for the city involves "preserving more historic properties and districts and expanding the number of rehabilitated structures."
- 4.D.3.D "Providing economic, zoning and administrative incentives for rehabilitation of qualifying historic properties."

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**A. DESCRIPTION OF PROJECT**

This consideration is to amend the zoning ordinance to provide an option for historic structures that have lost nonconforming rights to be reused as a single-family home, if the structure was originally built as a single-family home. Current historic reuse options are limited to structures located in residential zones and the code does not have any consideration for historic residential structures in commercial or manufacturing zones. This was brought to Planning Staff's attention when the owner of the Dee Mansion at 806 Washington Blvd. asked staff about the possibility of converting the building back into a single-family home. Because the home had been converted into commercial uses for several years, and the home is located in a C-2 (community commercial) zone, the rights for the historic home to be used as a single-family home have been lost. This proposed amendment would allow the Dee Mansion and other historic structures originally constructed as single-family homes, which are located in commercial or any other zone to be reused as single-family homes, even though the zone may not allow the use.

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**B. SUMMARY OF ISSUES**

1. Does having an option for historic single-family homes that have lost nonconforming rights to be reused as single-family homes contribute to the city's goals for protecting and preserving historic structures in the city?
2. Should historic single-family homes that have lost nonconforming rights be allowed to be reused as single-family homes when the zone the home is located in does not allow for single-family homes?

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**C. STAFF ANALYSIS OF PROPOSAL**

Both the Landmarks Ordinance and General Plan are in harmony in supporting the rehabilitation and preservation of historic properties in the city. The current ordinance for reusing historic buildings that have lost nonconforming rights was established as a way to encourage the rehabilitation and preservation of historic properties. This particular ordinance was developed as a "last resort" to preserve historic properties when the underlying zone does not allow an economically beneficial use. However, it is also important to note that the Landmarks Rehabilitation Standards stress the importance of maintaining the historical use of a property, and if a new use is to be considered it should require minimal change to the building and its site.

The option to preserve a historic property's original use is not taken into consideration with the present historic reuse ordinance. It is understandable that properties are designated as "nonconforming" with the intent that the use on the property will eventually change and become compliant with the underlying zoning. However, special consideration should be given to historic properties, particularly with preserving a historic building's original use. Based on this information, staff is recommending that the historic reuse ordinance include language that supports preserving the original use of a historic building, particularly emphasizing the reuse of historic single-family homes.

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**D. ALTERNATIVE ACTIONS**

- Deny the proposed ordinance amendment
- Approve the proposed ordinance amendment with additional recommendations and/or requirements

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**E. PLANNING STAFF RECOMMENDATION: *Approval*** to amend the Zoning Ordinance as described in staff's recommended ordinance amendment.

Attachments:

1. Staff Recommended Ordinance



# City Council Meeting COUNCIL STAFF REVIEW

## AMENDMENT TO ALLOW POST-HIGH SCHOOL EDUCATIONAL INSTITUTIONS WITH HOUSING IN COMMERCIAL AND CBD ZONES

### COUNCIL DETERMINATION:

- Approve/not approve ordinance

### PLANNING COMMISSION

RECOMMENDATION: Approval of the amendment (6-0)

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### ***Executive Summary***

The proposed amendments would add the post-high school educational institutions with housing as an allowable use in the City's commercial and Central Business District (CBD) zones. The amendment is the result of a recent petition to allow this use in the PI or Professional/Institutional zone. As the use was reviewed, it was discovered that there was not an adequate definition for the use and that the use was taking place already in commercial and CBD zones under a different definition.

### ***Background***

In June of 2015, the Council approved an ordinance amendment allowing the post-high school educational institution use to be an allowable use in the City's PI zone. As Planning Staff reviewed the petition during that time and studied where the use had already been established in the City, it was determined that the Educational Institutions definition used to regulate them applied only to institutions with grades K-12. Although post-high school institutions had been operating without problems in the City for many years, the definition used for them did not actually include them. As a way to correct this, the proposal amends the City's zoning ordinance to clarify where post-high school educational institutions may be permitted. The actual definition of post-high school educational institutions was included in the ordinance amendment approved in June. This change simply adds the use to the commercial and CBD zones.

#### *October 6, 2015*

The proposal was reviewed at the Council's October 6, 2015 meeting. There were no changes proposed as a result of the review.

### ***Current Proposal***

The current proposal is to amend the City's zoning ordinance to allow post-high school educational institutions either with or without a housing component as a permitted use in the CBD and CBD-I zones and as a permitted use in the C-2 and C-3 zones.



OGDEN CITY COUNCIL TRANSMITTAL

RECEIVED

SEP 22 2015

OGDEN CITY  
COUNCIL OFFICE

**DATE:** September 16, 2015  
**TO:** Ogden City Council  
**THRU:** Mark Johnson, CAO  
**FROM:** Tom Christopoulos, CED Director  
**RE:** Consideration to amend the Zoning Ordinances 15-34 and 15-38 to allow post high school institutions and housing in commercial and CBD zones.  
**STAFF CONTACT:** Greg Montgomery, Planning Manager  
**REQUESTED TIMELINE:** October 20, 2015  
**RECOMMENDATION:** Approval to amend Zoning Ordinances 15-34 and 15-38 to allow post high school institutions and housing as permitted uses in the C-2/CP-2, C-3/CP-3, CBD, and CBDI zones.  
**DOCUMENTS:** Ordinance, August 5, 2015 Staff Report

**DISCUSSION:**

Staff explained to the Commission that the staff proposed ordinance is a result of the recent petition to allow post-high school educational institutions in the PI zones. Staff discussed that as the previous petition was reviewed it was realized that post-high school institutions had been approved in the city previously and that there are currently nine (9) such institutions located in commercial and CBD zones throughout the city. Staff explained that these uses were approved under the previous definition of “educational institutions” without realizing that the previous definition actually excluded these post-high school institutions. Staff also pointed-out that there have been other institutions that have functioned in the city previously that were located in the downtown area like University of Phoenix, and Stevens-Henager College. Staff noted that these institutions have functioned well for long periods of time in these locations and have not impacted the surrounding commercial uses, which has led to this proposed amendment to allow these uses in the commercial and CBD zones.

Staff explained that the other portion of the ordinance amendment is to consider allowing housing with institutions in the commercial and CBD zones. Staff noted that a recent petition modified the definition of educational institutions with housing to include post-high school institutions and also required that the housing be located on the same property as the institution so activities and behaviors could be monitored and managed. Staff explained that housing associated with institutions is really a form of multi-family, or high density housing, and would coincide with the permitted multi-family uses in the C-2/CP-2, C-3/CP-3, CBD, and CBDI zones.

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**PLANNING COMMISSION ACTION:**

The Planning Commission reviewed this item on August 5, 2015 and *recommended approval* of the proposed amendment of Zoning Ordinances 15-34 and 15-38 to allow post high school institutions and housing as permitted uses in the C-2/CP-2, C-3/CP-3, CBD, and CBDI

zones, finding that the amendment is consistent with the intent of the zoning ordinance and policies outlined in the general plan.

| <b>PLANNING COMMISSIONERS VOTE:</b> | <u>Yes</u> | <u>No</u> |
|-------------------------------------|------------|-----------|
| Blaisdell.....                      | X          |           |
| Herman.....                         | X          |           |
| Orton.....                          | X          |           |
| Schade.....                         | X          |           |
| Southwick.....                      | X          |           |
| Wright.....                         | X          |           |

ORDINANCE NO. 2015-47

**AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTIONS 15-34-2.C AND 15-38-5.E TO ALLOW POST HIGH SCHOOL INSTITUTIONS AND HOUSING IN THE COMMERCIAL AND CBD ZONES; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.**

**The Council of Ogden City hereby ordains:**

**SECTION 1. Subsection amended.** Subsection 15-34-2.C of the Ogden Municipal

Code is hereby amended to read and provide as follows:

|    |                                                                                                                                                                                                  |          |          |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| C. | Institutional:                                                                                                                                                                                   |          |          |
|    | <u>Educational/post-high school educational institution with housing</u>                                                                                                                         | <u>P</u> | <u>P</u> |
|    | Halfway houses, prisons.                                                                                                                                                                         | N        | N        |
|    | Institutional uses which are public, religious or educational and used for instruction, education or worship, e.g., daycare, schools, libraries, government buildings, courts, plazas, churches. | P        | P        |
|    | Jails.                                                                                                                                                                                           | C        | C        |
|    | <u>Post-high school educational institution</u>                                                                                                                                                  | <u>P</u> | <u>P</u> |
|    | Soup kitchens, shelters for the homeless, missions.                                                                                                                                              | N        | N        |
|    | Transitional housing, assisted living facilities.                                                                                                                                                |          |          |

**SECTION 2. Subsection amended.** Subsection 15-38-5.E of the Ogden Municipal

Code is hereby amended to read and provide as follows:

|    |                                                                                        | <b>C-1<br/>And<br/>CP-1</b> | <b>C-2<br/>And<br/>CP-2</b> | <b>C-3<br/>And<br/>CP-3</b> |
|----|----------------------------------------------------------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| E. | <u>Educational institution/ post high school educational institution.</u>              | N                           | P                           | P                           |
|    | <u>Educational institution/ post high school educational institution with housing.</u> | N                           | [N] <u>P</u>                | P                           |
|    | Electrical and heating appliances and fixtures, sales and service.                     | N                           | P                           | P                           |

|  |                                         |   |   |   |
|--|-----------------------------------------|---|---|---|
|  | Electronic equipment sales and service. | N | P | P |
|  | Employment agency.                      | N | P | P |
|  | Express and transfer service.           | N | N | C |

**SECTION 3. Effective date.** This ordinance shall be effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIR

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**TRANSMITTED TO THE MAYOR ON:** \_\_\_\_\_

**MAYOR'S ACTION:**  Approved  Vetoed

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY RECORDER

**POSTING DATE:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**APPROVED AS TO FORM:** MHS 8/21/15  
Legal Date

\* The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.



Report by Joseph Simpson

**Agenda Name: CONSIDERATION TO AMEND ZONING ORDINANCES 15-34 AND 15-38 TO ALLOW POST HIGH SCHOOL INSTITUTIONS AND HOUSING IN THE COMMERCIAL AND CBD ZONES**

**Petitioner/ Developer:** Ogden City Planning  
2549 Washington Blvd. #140  
Ogden, Utah 84401

Planning Staff's Recommended Action

Approval to amend zoning ordinances 15-34 and 15-38 to allow post high school institutions and housing as permitted uses in the C-2/CP-2, C-3/CP-3, CBD, and CBDI zones.

Planning Commission's determination for action

1. The zoning ordinance amendments are/ are not consistent with the intent of the zoning ordinance.
2. The zoning ordinance amendments are/ are not consistent with the policies outline in the general plan.

Past History

April 2015- Approval of an ordinance was made to define post-high school educational institutions as "a post-secondary institution offering courses in general, technical, or religious education; operating completely within the city and including administrative and faculty offices, and student and faculty facilities," and allow them as permitted uses in PI zones.

Description of request

The purpose of this request is to consider allowing post-high school educational institutions and housing in the commercial and CBD zones. The Commission may recall in the April 2015 meeting that a petition was made to define and allow post-high school educational institutions in the PI zones. The request was approved, but it was realized from the petition that post-high school educational institutions had been approved in the city previously, and there are

presently nine (9) such institutions located in commercial and CBD zones throughout the city. Staff has determined that these uses were approved under the previous definition of “educational institutions” without realizing that the previous definition actually excluded such uses because “post-high school” institutions were not included in the definition, and therefore technically not allowed anywhere in the city. This amendment is proposing to allow post-high school education facilities along with housing as permitted uses in the C-2/CP-2, C-3/CP-3, CBD, and CBDI zones.

### What Planning Commission reviews

The Commission is required to review ordinance amendments and make a recommendation to the City Council. The Commission will need to determine whether or not the ordinance amendment is consistent with the intent of the zoning ordinance and policies of the general plan. The key component to this review is determining that the new uses are, and would be compatible with the currently allowed uses, and would not have negative impacts on other uses in the zones. If it is determined that the post-high school and housing uses are compatible in the proposed commercial and CBD zones, but there are some potential impacts that need to be mitigated, the Commission may want to consider having the uses allowed conditionally, or with special regulations rather than as permitted uses.

Once the Commission takes an action regarding the proposed amendment, the recommendation is then forwarded to the City Council for their determination on the final action the City should take regarding the ordinance amendment.

### Factors for consideration of action

#### **1. Appropriate zones and compatibility for post-high school educational institutions**

When the petition was made in the April 2015 meeting to allow post-high school education institutions and housing as permitted uses in the PI zones, it was clear that the campus like aspect of the use was appropriate in the PI zones. There was some hesitation to consider these uses in commercial zones with the idea that they could potentially consume too much valuable commercial real estate. Further research has shown that in fact the city has already approved these uses in commercial and CBD zones and presently there are nine such institutions approved and operating in the city, which include beauty schools, nursing schools, music schools, and schools for adults with disabilities. In the past we have had institutions in the downtown area that have functioned well and not impacted surrounding uses, including University of Phoenix and Stevens Henager College.

Both public and private education institutions for K-12 are already permitted uses in the C-2/CP-2, C-3/CP-3, CBD, and CBDI zones and the post-high school educational institutions would seem appropriate in these zones as well. In the April 2015 meeting it was determined that

K-12 and post-high school institutions really only needed to be separated by definition and use because the K-12 institutions are permitted in single-family zones and the post-high school institutions would not be appropriate in those zones. This supports having the two types of educational institutions in the same commercial and CBD zones.

## **2. Appropriate zones and compatibility for post-high school educational institutions with housing**

In the April 2015 meeting, the definition of the educational institutions with housing was changed to include post-high school institutions. The definition was also modified to require that all housing be located on the same property as the institution. This modification eliminates the concerns of monitoring student housing activities by having the use tied in with the institution, which is the reason the K-12 educational institutions with housing are not permitted in the C-2/CP-2 zones. The change in the definition makes it so the institution has to directly monitor student activities and prevent any impacts to surrounding uses.

The housing associated with institutions is really a form of multi-family or high density housing. Multi-family uses are currently permitted uses in the C-2/CP-2, C-3/CP-3, CBD, and CDBI zones and would support having educational institution housing as a permitted use in these zones as well.

### Attachments

1. Recommended ordinance amendment (2 pages)
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