



## Ogden City

### Redevelopment Agency Joint Study Session Notice

November 10, 2015 – 5:30 p.m.

City Council Work Room

Municipal Building – Third Floor

2549 Washington Boulevard, Ogden, UT 84401

\*\*\*AMENDED\*\*\*

Notice is hereby given that the Ogden Redevelopment Agency Board, also acting as the City Council, will meet in a Joint Study Session on Tuesday, November 10, 2015 at 5:30 p.m., in the Council Work Room, on the third floor of the Municipal Building, 2549 Washington Boulevard, in Ogden City, Weber County, Utah.

The purpose of the Study Session is to review agenda items for the Special City Council and Redevelopment Agency meetings, which begin at 6:00 p.m., and to have discussions on the following:

- Residential infill ordinance amendment;
- Assisted living facility in PI zone amendment;
- ~~\*\*\*Changes to Purchasing Administrative Policy #1220; and~~
- Council and Board business

~~~~~

In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: [ADACompliance@ci.ogden.ut.us](mailto:ADACompliance@ci.ogden.ut.us) at least 48 hours in advance of the meeting.

#### 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 6th day of November, 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

Visit the City Council Meetings page at: [councilmeetings.ogdencity.com](http://councilmeetings.ogdencity.com)  
Redevelopment Agency Agenda Information Line – 801-629-8159



# City Council Work Session

## COUNCIL STAFF REVIEW

### **PROPOSED AMENDMENT TO EXPAND THE RESIDENTIAL INFILL ORDINANCE TO R-1-5 AND R-1-6 ZONES OUTSIDE OF THE EAST CENTRAL COMMUNITY**

**PURPOSE OF WORK SESSION:** Review the proposed amendment

**PLANNING COMMISSION RECOMMENDATION:** Approval of the ordinance (6-0)

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#### ***Executive Summary***

The proposed amendment expands the City's residential infill ordinance to areas zoned R-1-5 and R-1-6 outside the East Central community area. The residential infill ordinance was written to allow flexibility to encourage infill development of inner block parcels throughout the historically large 10 acre blocks in the East Central community area. The proposal would expand the applicability of the ordinance to other parts of the City.

#### ***Background***

The petitioners, Rhonda Bachman and Carl Oldham, are looking to develop an infill project near Chester Street (850 North) and Washington Boulevard. The area is zoned R-1-6 but is not within the East Central area specified in the residential infill ordinance. The petitioners are proposing that the ordinance be expanded to include R-1-5 and R-1-6 areas throughout the City.

The residential infill housing ordinance was developed to provide guidelines that would allow some flexibility when trying to develop inner block areas in the East Central area. The ordinance allows some narrowing of streets and allows for smaller setbacks in some cases. Any proposed development that takes place under this ordinance must be reviewed closely and may be approved only if it meets the requirements of the ordinance. The ordinance was written originally for the East Central area which consists mainly of large 10 acre blocks. Blocks this size tend to have areas within the block that are underutilized and not always maintained. Although the ordinance was written with the East Central area in mind, inner blocks throughout the City remain underutilized due to the same conditions that exist in the East Central area.



**OGDEN CITY COUNCIL TRANSMITTAL**

**DATE:** October 8, 2015  
**TO:** Ogden City Council  
**THRU:** Mark Johnson, CAO  
**FROM:** Tom Christopoulos, CED Director  
**RE:** Petition # 2015-11 to expand the Infill Ordinance to the R-1-5 and R-1-6 zones in Ogden City  
**STAFF CONTACT:** Greg Montgomery, Planning Manager  
**REQUESTED TIMELINE:** November 3, 2015

**RECEIVED**

OCT 20 2015

OGDEN CITY  
COUNCIL OFFICE

**RECOMMENDATION:** Approval of the proposed ordinance amendment

**DOCUMENTS:** Ordinance, Staff report

**DISCUSSION**

Throughout Ogden City there are remnant parcels of land that are difficult and or impossible to develop in accordance with the existing residential zoning laws. The applicants Ms. Rhonda Bachman and Mr. Carl Oldham are trying to develop an ill-configured parcel near Chester and Washington Blvd. With its current configuration, it is undevelopable. However, the current Residential Infill provisions as found in chapter 11 of the Zoning Ordinance (15-11) would facilitate the development so long as they can meet the standards and findings required for approval as a conditional use permit. Under the current code the "Infill" provisions can only be utilized in the R-2EC and R-3EC zones in the East Central neighborhood. Staff suggested that the applicants try to expand the use of the Residential Infill ordinance into the R-1-5 and R-1-6 zones as well. This would make other properties easier to develop under the criteria of the infill provisions as well. Staff supported this effort and in fact helped the applicant with the application process.

Staff explained, the Infill provisions allow for up to 25% reduction of lot size, lot width, and building setbacks. If applied and the Planning Commission can find that the project is of superior design and character, the development could proceed under a conditional use permit, thus opening up the properties in the R-1-5 and R-1-6 zones that until this time have been undevelopable.

The Commission discussed the ramifications of the ordinance amendment. They acknowledged there are difficult parcels though out Ogden City and not just inside the East Central Zone. The Commission also suggested simplified language for the conditional use portion (15-15-3).

**PLANNING COMMISSION ACTION**

The Planning Commission reviewed this item on October 7, 2015 and a motion was made and seconded to recommend approval of the ordinance amendment as presented by staff. Their decision was based upon the finding that this ordinance amendment is consistent with the General Plan in creating additional options for development and it will not adversely affect the Zoning Ordinance.

| PLANNING COMMISSIONERS VOTE | <u>Yes</u> | <u>No</u> |
|-----------------------------|------------|-----------|
| Blaisdell.....              | X          |           |
| Holman.....                 | X          |           |
| Orton.....                  | X          |           |
| Schade .....                | X          |           |
| Herman.....                 | X          |           |
| Patterson.....              | X          |           |

**CONCERNS OF CITIZENS**

None

**STAFF RECOMENDATION**

Approval of the proposed ordinance amendment

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SECTIONS 15-11-1 AND 15-15-3 TO ALLOW EMPLOYMENT OF THE INFILL PROVISIONS IN THE EAST CENTRAL COMMUNITY AND R-1-6 ZONES THROUGHOUT THE CITY; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.**

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

**SECTION 1. Section amended.** Section 15-11-1 of the Ogden Municipal Code is hereby amended to read and provide as follows:

**15-11-1: [PURPOSE AND INTENT:]**

The physical layout of the East Central Community and the R-1-6 zones in the city reflect[s] the typical patterns of early Utah cities. The typical ten (10) acre blocks were divided into one acre parcels and designed to accommodate food production. Subsequently, these lots have been divided and redivided leaving an assortment of lots which have been by-passed by earlier development because of the lack of adequate access or other physical constraints. This has resulted in vacant and under-utilized lots in the center of many blocks, some of which are not developable under the existing development regulations. Some of these vacant inner blocks have become a detriment to the surrounding neighborhoods because of the growth of weeds, the collection of trash and by providing access for criminal activity. For these reasons, the purpose of this Chapter is to encourage well designed residential development by recognizing the need to ease the constraints discouraging such development of vacant inner blocks [~~in the East Central Community~~]. This Chapter is intended to help preserve the low intensity residential character of the neighborhood and provide additional housing options.

**SECTION 2. Section amended.** Section 15-15-3 of the Ogden Municipal Code is hereby amended to read and provide as follows:

**15-15-3: [CONDITIONAL USES:]**

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 7 of this title:

Planned residential unit development (PRUD), in accordance with chapter 8 of this title.

Private park, playground, or recreation area, but not including privately owned commercial amusement business.

Privately operated concession or amusement business in a public park.

Public school bus terminal, subject to the following standards:

- A. School buses are owned and operated by the school district;
- B. Facility is located in conjunction with school administrative offices; and
- C. Accessory maintenance and fuel operations must be specifically applied for and approved.

Public utility substation or water storage reservoir developed by a public agency.

Residential infill development in the R-1-5 and R-1-6 zones, in accordance with chapter 11 of this title.

**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:**

*MMH* 10/15/15  
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 John Mayer

**Agenda Name:** **Public Hearing** petition #2015-11 to amend 15-11-1 and 15-15-3 to allow employment of the Infill provisions in the other residential zones throughout the city.

**Petitioner/ Developer:** Ms. Rhonda Bachman and Mr. Carl Oldham  
512 E. 4500 S.  
Murray, UT 84107

**Petitioner/ Developer's requested action:** Approval is requested to amend the following: 15-11-1 Purpose and Intent and 15-15-3 Conditional Uses, to allow infill ordinance to be allowed for use outside the east central area.

**15-11-1: PURPOSE AND INTENT:**

The physical layout of the older portions of the city such as the East Central Community and the R-1-5 and R-1-6 zones in the city reflect the typical patterns of early Utah cities. The typical ten (10) acre blocks were divided into one acre parcels and designed to accommodate food production. Subsequently, these lots have been divided and redivided leaving an assortment of lots which have been by-passed by earlier development because of the lack of adequate access or other physical constraints. This has resulted in vacant and under-utilized lots in the center of many blocks, some of which are not developable under the existing development regulations. Some of these vacant inner blocks have become a detriment to the surrounding neighborhoods because of the growth of weeds, the collection of trash and by providing access for criminal activity. For these reasons, the purpose of this Chapter is to encourage well designed residential development by recognizing the need to ease the constraints discouraging such development of vacant inner blocks in older portions of the residential zones of the city. This Chapter is intended to help preserve the low intensity residential character of the neighborhood and provide additional housing options. (Ord. 91-25, 7-25-1991)

**15-15-3: CONDITIONAL USES:**

The following uses shall be permitted only when authorized by a conditional use permit as provided in Chapter 7 of this Title:

Planned residential unit development (PRUD), in accordance with Chapter 8 of this Title.

Private park, playground, or recreation area, but not including privately owned commercial amusement business.

Privately operated concession or amusement business in a public park.

Public school bus terminal, subject to the following standards:

A. School buses are owned and operated by the school district;

B. Facility is located in conjunction with school administrative offices; and

C. Accessory maintenance and fuel operations must be specifically applied for and approved.

Public utility substation or water storage reservoir developed by a public agency.

A residential infill development in the following zones: R-2EC, R-3EC, R-1-5 and R-1-6

Planning Staff's Recommended Action

Approval of the proposed amendments to 15-11-1 and 15-15-3 to allow consideration of infill regulations beyond the R-2EC and R-3EC.



**OGDEN CITY PLANNING COMMISSION**  
**October 7, 2015 AGENDA ITEM-**

Planning Commission's determination for action

1. Amending the language to 15-11-1 is/ is not consistent with the General Plan
2. Amending the language to 15-15-3 is/ is not consistent with the purpose of the R-1-6 Zone.

Description of request

The applicants desire to amend the Ogden City Development Code to expand utilization of the Infill Ordinance (Title 15, chapter 11) into the R-1-6 zones in Ogden City. Currently the utilization of this portion of the Development Code (Title 15) is limited to the East Central Community. 15-11-1 PURPOSE AND INTENT of this chapter states: "...the purpose of this chapter is to encourage well designed residential development by recognizing the need to ease the constraints discouraging such development of vacant inner blocks in the East Central Community". However, there are parcels which are outside the East Central Community, specifically in the existing R-1-6 zones that are afflicted by under development and need thoughtful, well planned options for single family housing. Simply stated, the applicant would like to make this methodology of reduced lot width, lot size, and reduced yard setbacks as a more universal option in other parts of Ogden City that have vacant inner blocks. Staff feels that this option would open up these additional parts of the city for development. This change would require the additional language be added to the conditional use portion of the Development Code for the single family residential chapters.

There was discussion of the option being allowed in all residential zones. Staff felt that the lower density single family homes were already built-out to their desired density. Plus the non-grid pattern of streets in these areas further hampers infill capabilities. In a similar vein, the multi-family zones (outside the East Central) have achieved a density that is both functional and desirable with the public. There is also not the abundance of underdeveloped residential properties in the multi-family zones. It should be noted that at this time the R-1-5 Zone is inside the East Central Community, but does not allow Infill as a conditional use.

What Planning Commission reviews

The Commission is required to review any change to the zoning code and hold a public hearing when a change to the code is proposed. This is a legislative action and the main area of focus is the promotion of achieving the goals of the general plan and maintaining general public health, safety, and welfare. Review includes the potential impacts to all portions of the city this code amendment may affect.

Upon review by the Planning Commission this item along with the Planning Commission recommendation will be sent along to the City Council for their review, public hearing, deliberation and final action.

## Factors for consideration of action

### 1. Consistency with General Plan

The Planning Commission should first consider the general plan goals, objectives and strategies that are identified in the General and Community Plans that pertain to this application.

- 7.D.4 Facilitate residential infill, redevelopment and rehabilitation – in some areas at higher density.** It is hoped that with this expansion of the Residential Infill chapter of the Development Code into R-1-6 areas outside the East Central Neighborhood, there will be additional density opportunities for the housing market that is still governed by review by the Planning Commission 15-11-5.B.2(b).
- 7.D.5 Work in cooperation with the private sector to expand the variety of housing types to meet the needs of a diverse community.** The strategy 7.D.5A speaks to “encouraging and supporting development of various housing types and identifying the areas where these types might be appropriate. Staff is working with the applicant to open up an area that without these incentives and relaxation of constraints will not be able to develop
- 7.D.8 Identify opportunities for inclusion of 4,700 new dwelling units in Ogden to accommodate continued population growth.** The strategy 7.D.8.A speaks to evaluating opportunities and techniques for higher densities along major transportation corridors to facilitate the development of housing units including the utilization of shared green areas and minimizing parking where there is easy access to public transit. There are numerous portions of Ogden outside of the East Central Community that have vast portions of the inner block that are undeveloped. This change to the code would facilitate the development of these portions of the block.

### 2. Implications to the Zoning Ordinance

The Planning Commission will also need to consider the implications of the Zoning Code (Title 15 of the Municipal Code) and how it pertains to the application.

#### 1. 15-15-3 Single Family Residential Zones

This application and ultimately its approval would set the stage for submittal of a site plan and subdivision plat just east of Washington Blvd. and south of Chester Avenue in Ogden City. It has been determined that it is impossible to meet the standards of a



**OGDEN CITY PLANNING COMMISSION**  
**October 7, 2015 AGENDA ITEM-**

traditional single family development and subdivision with the current requirements for lot size, lot width, setbacks and access ways. There are many il-configured parcels and lots in many portions of the city that are actually a barrier to any development. Some need just a slight relaxation of the code to realize their development. For that reason this change would be incorporated into the conditional use section of the residential portion of the development code.

**2. 15-7-4 Basis For Issuance of Conditional Use Permits**

Infill projects would continue to be subject to the review of the Planning Commission. In addition to the finding that the project is of “exceptional quality and design”, they would still need to be filtered through the standard findings for a Conditional Use Permit. Staff feels this ensures the negative impacts by such a project will be adequately addressed.

**3. 15-4-5 Development Plan Review Process**

Landscaping, screening and internal traffic considerations will continue to be part of the review process. This is outlined in chapter 4 of the Development Plan Review Process.

As our population grows, we will need to be more efficient in the use of our natural resources. Ogden City is largely built-out in the traditional development method. Ogden must literally look inward to the vacant and underutilized parcels of land that occupy the interior of the city blocks. Expanding the scope of the Residential Infill Ordinance would take advantage of those tracts of land that are located in the interior of the city as well as the interior of the city blocks.

**Attachments**

1. Applicant’s petition to amend zoning code.



Petition to Amend Ogden City's Zoning, Sign or Subdivision Ordinance

Ogden City Development Services  
2549 Washington Blvd, Suite 240  
Ogden, Utah 84401  
(801) 629-8930

Please print legibly and complete all areas:

The following checklist will assist you with your petition to change the existing language in the Ogden City Zoning, Sign or Subdivision ordinance.

**Petition Checklist**

- Review this application with a Planner prior to filing in the City Recorder's office. Planner is to accompany petitioner when filing.
- In the space provided below, explain what portion of the ordinance you want to change and why the change would be in the best interest of the general public. Attach another sheet, if necessary.
- Include suggestions of how the regulations or requirement *should* read, if amended.
- Attach any documentation showing that other cities have similar requirements.
- Pay the \$600 filing fee in the City Recorder's office and submit this petition at the same time.

**Petitioner Contact Information**

Name: Ms. Rhonda Bachman + Mr. Carl Oldham

Address: 512 E. 4300 S. City: Murray State: UT.

Zip: 84407 Phone: 801-641-0826 E-mail: rhonda@bachman@gmail.com

**Petition to amend the Zoning, Sign or Subdivision Ordinance** (please circle one)

I (we) the undersigned do respectfully request that the Ogden City Zoning ~~Sign~~ ~~Subdivision~~ Ordinance be amended by changing or eliminating 15-11-1 + 15-15-3 (circle one)  
(Ordinance reference)

Please amend the ordinance as follows: 15-11-1 layout of the E. Centr and R-1-6 zones  
15-11-1 Vacant inner blocks in the East Central and R-1-6 zones  
15-15-3 CONDITIONAL USES

F. An infill development in the East Central Comm. + R-1-6 zones  
This change is in the best interest of the general public because: it makes use of otherwise undeveloped/underdeveloped property that otherwise would be an attraction for undesirables + their associated behaviors

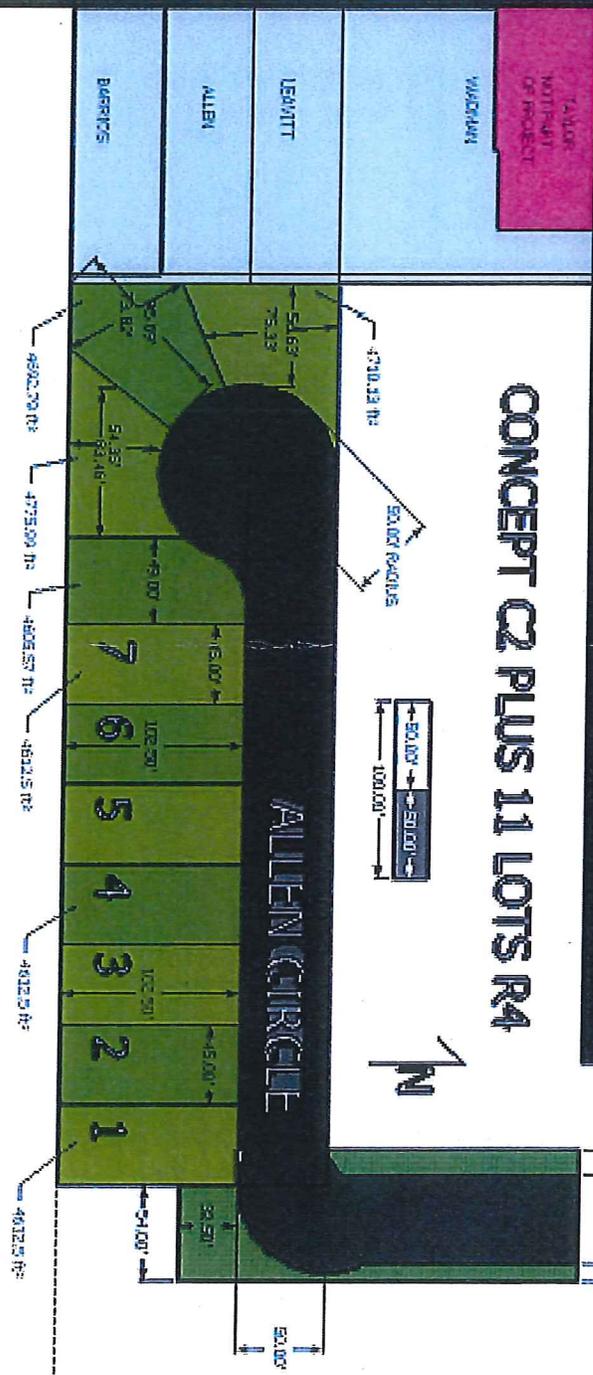
Petitioner's signature(s): [Signature] Date: 9/2/2015  
Rhonda Bachman

Petition number: 2015-11  
Filed in the office of the City Recorder  
By: Rhonda Bachman | Carl Oldham  
Date: 9/9/15  
Fee: 600.00 Check # 1446

WASHINGTON

CHESTER

# CONCEPT C2 PLUS 11 LOTS R4



LOTS 1 THRU 7 ARE IDENTICAL 45' x 100.5'

CONCEPT C2 PLUS 11 LOTS R4



# City Council Work Session

## COUNCIL STAFF REVIEW

### **PROPOSED AMENDMENT ELIMINATING THE MAXIMUM NUMBER OF INDIVIDUALS PERMITTED IN AN ASSISTED LIVING FACILITY IN THE PROFESSIONAL/INSTITUTIONAL ZONE**

#### **PURPOSE OF**

**WORK SESSION:** Review the proposed amendment

#### **PLANNING COMMISSION**

**RECOMMENDATION:** Approval of the ordinance (5-0)

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#### ***Executive Summary***

The proposed amendment would eliminate the cap on the number of individuals permitted in a nursing home, assisted living facility, or retirement home in the Professional/Institutional (PI) zone. The special regulations listed in the PI zone for this use include lot size requirements relating to the number of occupants in addition to the overall cap of 30 individuals. As planning staff reviewed the ordinance, it was determined that the lot size and other related restrictions serve to provide appropriate regulation and that the overall cap on individuals is not needed.

#### ***Background***

As the original petitioner, Spencer Wright, was looking for potential locations for an assisted living facility, he was considering the former IHC Behavioral Science facility at 5030 Harrison Boulevard. As he reviewed the ordinance, he felt that the cap of 30 individuals should be removed as there were other site restrictions present in the ordinance that could serve to provide proper regulation regarding the appropriate number of individuals in the facility. As the Planning Staff reviewed this, they also felt that the cap could be removed. In addition to the site specific restrictions, the Planning Staff had also reviewed the potential sites in the PI zone on which such a facility could be placed and felt that the majority were built out and that the removal of the cap was not likely to cause an issue in the future on any of these sites.

Mr. Wright is no longer pursuing the facility at that location; however, the Planning Staff still feel that the amendment should take place.

***Current Proposal*** The current proposal is to amend the City's zoning ordinance to eliminate the maximum number of individuals that could be permitted in nursing homes, assisted living facilities, and retirement homes in the PI zone.



**OGDEN CITY COUNCIL TRANSMITTAL**

**RECEIVED**

**DATE:** October 8, 2015

**TO:** Ogden City Council

**THRU:** Mark Johnson, CAO

**FROM:** Tom Christopoulos, CED Director *W*

**RE:** Petition #2015-8 to remove the maximum number of individual (30) permitted in a nursing home assisted living or retirement home in the PI Zone.

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

**REQUESTED TIMELINE:** November 3, 2015

**RECOMMENDATION:** Approval of the proposed ordinance amendment

**DOCUMENTS:** Ordinance, Staff report

OCT 20 2015

OGDEN CITY  
COUNCIL OFFICE

**DISCUSSION**

Earlier this summer, the applicant, Mr. Spencer Wright of Wright Development petitioned Ogden City to remove the ceiling of 30 rooms for assisted living, nursing homes and retirement homes in the Planned Institutional (PI) zone. At the time the applicant was considering purchasing the 10 acre parcel at 5030 Harrison Blvd. The previous use at this location was the IHC Behavioral Science facility. It was an inpatient mental health facility. At the August Planning Commission meeting, the Commission determined that a work session would be beneficial to study the existing PI zone sites, the parameters of the PI zone and what would the potential build out of this site with the removal of the 30 room maximum.

In September of this year the work session was held. The Commission reviewed all the available PI sites and saw that the vast majority of the sites were built out. Staff talked about potential impacts and the intent of the PI zone which is to create a "campus" environment. The Planning Commission determined that the proposal was ready to go to a public hearing. It was then scheduled for the October 7, 2015 meeting. Staff made a brief presentation at the October 7, 2015 meeting. Staff explained that there was already a land use/density formula in place to govern the development of an assisted living or nursing home facility. The PI zones are for the most part built out and there is no foreseen reason for the cap at 30.

**PLANNING COMMISSION ACTION**

The Planning Commission reviewed this item on October 7, 2015 and a motion was made and seconded to recommend approval of the ordinance amendment as

presented by staff. The motion was based upon the finding that this ordinance amendment is consistent with the General Plan and the ordinance change would not adversely impact zoning provisions of Ogden City.

| PLANNING COMMISSIONERS VOTE | <u>Yes</u> | <u>No</u> |
|-----------------------------|------------|-----------|
| Blaisdell.....              | X          |           |
| Holman.....                 | X          |           |
| Orton.....                  | X          |           |
| Schade .....                | X          |           |
| Herman.....                 | X          |           |

**CONCERNS OF CITIZENS**

None

**STAFF RECOMENDATION**

Approval of the proposed ordinance amendment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 15-33-5.H TO REMOVE THE MAXIMUM NUMBER OF INDIVIDUALS PERMITTED IN A NURSING HOME, ASSISTED LIVING, OR RETIREMENT HOME; 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 15-33-5.H of the Ogden

Municipal Code is hereby amended to read and provide as follows:

H. **[Nursing Homes, Assisted Living Facilities Or Retirement Homes:]** The amount of lot area needed for this type of facility is seven thousand (7,000) square feet, plus five hundred (500) square feet for each bedroom space in excess of four (4). This square footage shall be devoted exclusively to this use and its associated open space and no other PI use can use this space. ~~[The number of people lodged in an assisted living facility, excluding support staff, shall not exceed a maximum of thirty (30) individuals.]~~ Assisted living facilities are subject to the separation requirements imposed in subsection 15-13-26.C of this title.

**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: MHS 10/13/15  
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 John Mayer

**Agenda Name:** Public Hearing to amend 15-33-5.H to remove the maximum number of individuals (30) permitted in a nursing home assisted living or retirement home

**Petitioner/ Developer:** Spencer Wright  
Wright Development Group  
1178 Legacy Crossing Blvd. ste. 100  
Centerville, UT 84014

**Petitioner/ Developer's requested action:** Approval is requested to amend the text in Zoning Code (15-33-5.H) to allow greater than the current 30 person maximum for Assisted living, nursing home and retirement homes in the PI zone

Planning Staff's Recommended Action

Approval of the proposed amendment to 15-33-5.H to remove the 30 individuals maximum provision

Planning Commission's determination for action

1. Amending the language to 15-33-5.H is / *is not* consistent with the General Plan
2. Amending the language to 15-33-5.H is / *is not* consistent with the purpose of the PI Zone

Description of request

The applicant and Ogden City desire to amend the Planned Institutional (PI) zoning code to remove the limit on the number of individuals allowed to reside at a Nursing Home, Assisted living Facility or Retirement Home. In August this application came before the Planning Commission for review. It was determined that additional study of the subject and the existing PI sites was needed. The application was tabled and in September a work session was held to answer those questions. Build-out scenarios, potential impacts and review of available sites were analyzed. At the conclusion of the meeting it was felt among those in attendance that the petition could go forward. Currently, nursing homes, retirement home, and assisted living facilities only allow up to 30 individuals. This proposal would extend to all properties that are currently zoned PI as well as any future PI zoning in Ogden City. The reason for the proposed change is that there is already a workable formula for development of these types of housing (see



**OGDEN CITY PLANNING COMMISSION**  
**October 7, 2015 AGENDA ITEM-**

15-35-5H). The proposed change to the PI zone would allow for an assisted living center to be located in the existing building at 5030 Harrison Blvd.

**What Planning Commission reviews**

The Commission is required to review any change to the zoning code and hold a public hearing when a change to the code is proposed. This is a legislative action and the main area of focus is the promotion of achieving the goals of the general plan and maintaining general public health, safety, and welfare. Review includes the potential impacts to all portions of the city this code amendment may affect.

Upon review by the Planning Commission this item along with the Planning Commission recommendation will be sent along to the City Council for their review, public hearing, deliberation and final action.

**Factors for consideration of action**

**1. Consistency with the General Plan**

The Planning Commission should first consider the general plan goals, objectives and strategies that are identified in the General and Community Plans that pertain to this application.

**7.D.5 Work in cooperation with the private sector to expand the variety of housing types to meet the needs of a diverse community.** The strategy 7.D.5A speaks to “encouraging and supporting development of various housing types and identifying the areas where these types might be appropriate.

**7.D.8 Identify opportunities for inclusion of 4,700 new dwelling units in Ogden to accommodate continued population growth.** The strategy 7.D.8.A speaks to evaluating opportunities and techniques for higher densities along major transportation corridors to facilitate the development of housing units including the utilization of shared green areas and minimizing parking where there is ease access to public transit.

**2. How would this change impact the zoning provisions**

The Planning Commission will also need to consider the implications of the Zoning Code (Title 15 of the Municipal Code) and how it pertains to the application.

- 1. 15-33-5 Professional/Institutional Zone**

Staff researched the development of the Planned Institutional (PI) zone and found no correlation between the cap of 30 individuals and the zone itself. The already established formula establishes a reasonable base of 7,000 square feet for the facilities. This combined with the necessary setbacks, minimum lot sizes, parking standards and landscaping are sufficient safeguards to allow for a quality development. Staff has considered to this type of dwelling use in the PI zone. Currently the formula for allowing a group home of this type is determined by the prescribed formula:

A lot shall contain 7,000 square feet, plus 500 square feet for each bedroom space in excess of four (4), with this space to be devoted to this use and open space with no other uses permitted on site. This means that a facility of 60 persons would need to have 7,000 square feet plus 500 x 60 or 37,000 square feet.

**2. 15-13-26.C Design and Separation of Protective Housing, Rehabilitation/Treatment Facilities, Transitional Housing and Assisted Living Facilities.**

The group homes of any kind would still be subject to the current separation requirements set forth in the code. The facility that initiated this application is the old IHC Behavioral facility at 5030 Harrison Blvd. It is over 1,200 feet from property line to property line along Harrison Blvd. to the approved facility just south of Shadow Valley Drive.

**3. 15-4-5 Development Plan Review Process**

Landscaping, screening and internal traffic considerations will continue to be part of the review process. This is outlined in chapter 4 of the Development Plan Review Process. With the given formula discussed above and the site development standards that pertain to the PI zone and Chapter 4 of the Development Code staff feels sound project review can be attained

As our population ages, we will need to be increasingly receptive to this kind of land use. Uses such as assisted living and nursing homes are categorized as group homes and thus are governed by a separation requirement of 1,000 feet (15-13-26 of the Development Code). This separation requirement acts to prohibit a saturation of a community with this type of use. It should be noted that this amendment would extend to nursing homes and retirement homes as well as assisted living facilities.

**Attachments**

1. Applicant's petition to amend zoning map.
2. Memo from work session.
3. Plat page of a potential assisted living site.
4. Proposed ordinance language.



**OGDEN CITY PLANNING COMMISSION**  
**October 7, 2015 AGENDA ITEM-**

# Planning Division Memo

**Date:** 9-14-15

**To:** Planning Commission

**From:** John Mayer, Planner III

**RE: Work Session:** Discussion of the Professional Institutional (PI) Zone and assisted living type land uses

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The purposes of this memo is to address the issues raised at the August Planning Commission meeting regarding the purpose, and intent of the PI zone and why there was a cap of 30 rooms on assisted living facilities in the PI zone.

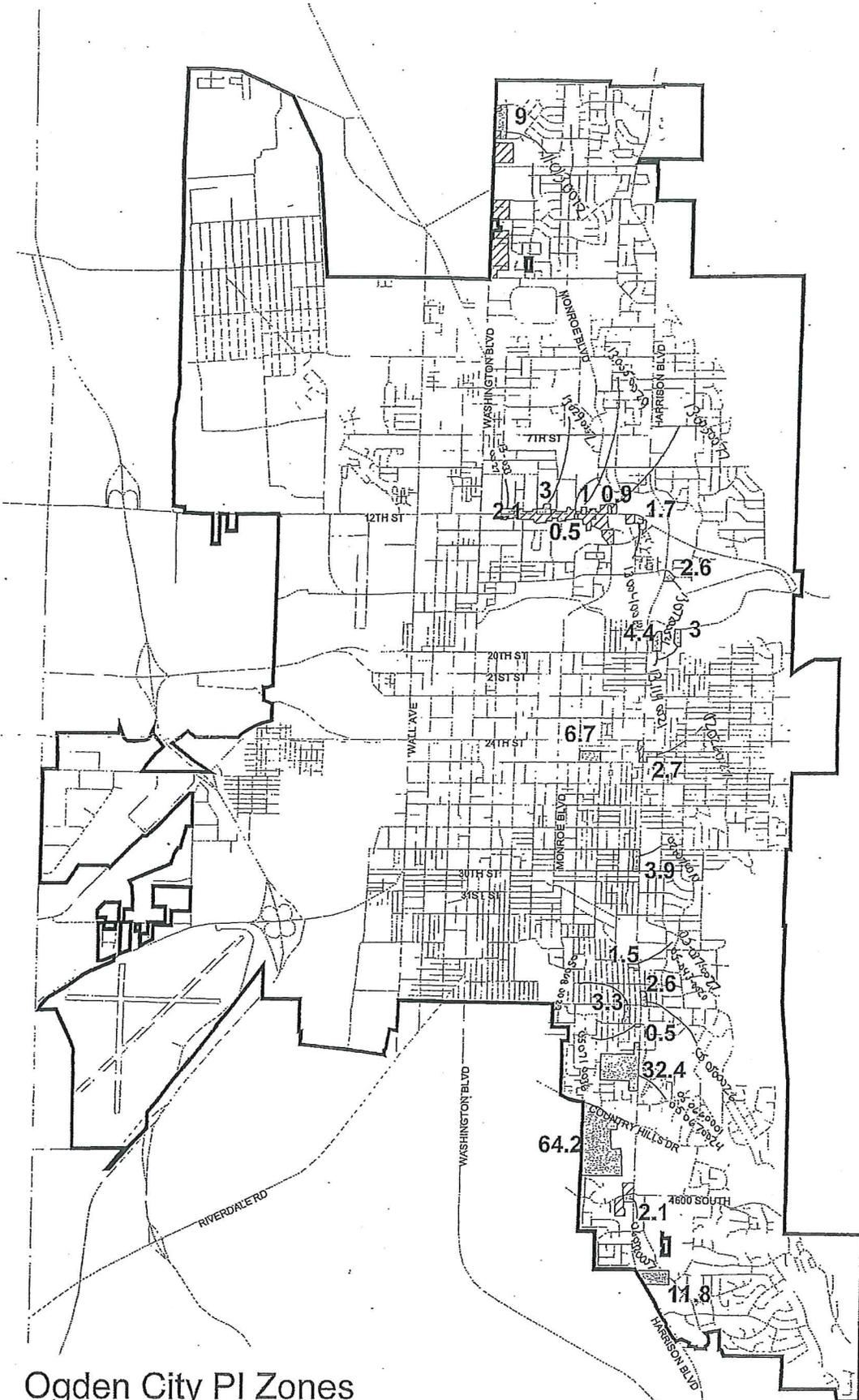
The PI zone was established in 1986 to be a buffer between commercial and residential zoning, primarily in the East Central community. Its focus was to contain "offices for professional services and other related uses". It was hoped this buffer would soften the commercial aspect that was occurring, by establishing a campus like environment along arterial and collector streets. Its use was expanded to address the widening of 12<sup>th</sup> Street by UDOT. In 1992 many areas throughout the city that had been zoned R-4 and R-5 were rezoned to PI, because "office" uses had been removed from the R-4 and R-5 zones.

The primary use of PI has historically been for professional office buildings arrayed in a campus like setting. In the development of the ordinance, it was apparent that certain uses such as assisted living, nursing homes, and retirement homes lend themselves to campus settings. Furthermore, these uses are primarily residential with a strong professional services component. Still, these uses are "conditional" in the PI zone. Since pure residential land uses as seen in the R zones or R-EC zones are not currently permitted (unless previously existing) in the PI zone it is logical that a conditional use permit would be required. This "conditional use" allows for the Planning Commission to attach conditions that address the undesirable impacts that may be associated with this level of residential land use. In review of the PI ordinance there is no direct link to the reason for the 30 bed cap on institutional living facilities other than the formula that is established (7000 square feet plus 500 square feet for each bed over 4) allows for 30 beds on 20,000 square feet which is roughly 1/2 acre, the original minimum standard for PI lots. It should be noted that even in the R-3, R-4 and R-5 multi-family residential zones, these types of uses are conditional. These uses in these traditional multi-family zones are further governed by chapter 13 (15-13-26) as to design and separation requirements.

Staff has assembled aerial photos of the current PI sites throughout the city. There are 21 specific PI zones ranging in size from .5 acres to 64.2 acres. (IHC site). All the sites are built upon, although it is acknowledged that some may be underdeveloped, given their potential capacity. Some of these

sites have already planned for their future expansion (Mckay Dee North subdivision at 3950 Harrison Blvd. and the State office building at 950 E. 25<sup>th</sup> St.), so the likelihood of additional PI sites being considered for assisted living uses is remote.

As a side note, the U.S. Department of Health and Human Services reports that the average assisted living facility across the nation contain 31.5 beds. It should be noted that because of the numerous small facilities (6-10 beds) the numbers are skewed downward. Currently approximately 36% of the facilities house between 26 and 100 beds. If one factors in the certified Medicaid and Medicare facilities which would include nursing homes the average number of beds per facility is 108.



# Ogden City PI Zones



## Legend

-  PI Zones
-  General Plan Options allowing PI







**OGDEN CITY PLANNING COMMISSION  
October 7, 2015 AGENDA ITEM-**

**PROPOSED ORDINANCE LANGUAGE**

H. Nursing Homes, Assisted Living Facilities Or Retirement Homes: The amount of lot area needed for this type of facility is seven thousand (7,000) square feet, plus five hundred (500) square feet for each bedroom space in excess of four (4). This square footage shall be devoted exclusively to this use and its associated open space and no other PI use can use this space. ~~The number of people lodged in an assisted living facility, excluding support staff, shall not exceed a maximum of thirty (30) individuals.~~ Assisted living facilities are subject to the separation requirements imposed in subsection 15-13-26C of this title.