

# Zoning Ordinance Amendment

## High Impact Uses in C-2 and CP-2

### Zones Adjacent to Residential Zones



Draft May 18, 2023

**SECTION 1.** Section amended. Section 15-38-5 of the Ogden Municipal Code

is amended to read as follows:

**15-38-5: [USES:]**

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 7 of this title. Uses designated as "N" will not be allowed in that zone.

		C-1 And CP-1	C-2 And CP-2	C-3 And CP-3
A.	Accessory apartment, 1 unit.	P	P	P
	Accessory apartment, 2 or more units (provided 1 additional parking space is provided on site for each unit in excess of 1).	N	N	P
	Accessory buildings and uses customarily incidental to a permitted use.	P	P	P
	Adult daycare with hours of operation between 6:00 A.M. and 6:00 P.M. on weekdays.	P	N	N
	Air conditioning, sales and service.	N	N	P
	Altering, pressing and repairing of wearing apparel.	P	P	P
	Ambulance base stations.	N	C	P
	Amusement park.	N	N	C

	Animal hospital, small animals only, and provided all animals are maintained and kept within completely enclosed building.	N	P	P
	Animal hospital, small animals only, and provided conducted within completely enclosed building. Outdoor kenneling of animals, patients provided.	N	C	C
	Arcade (on the following conditions):	N	P	P
	1. That in C-2 zones, arcades be located in planned shopping centers or malls; and that such mall or shopping center be on at least a 4 acre site;			
	2. That in both C-2 and C-3 zones, no arcade be located within 600 feet of any public elementary or secondary school, measured linearly between closest property lines;			
	3. That in C-3 zones, no 2 arcades shall be closer than 600 feet apart, measured linearly between closest property lines.			
	Archery shop and range, provided conducted within completely enclosed building.	N	P	P
	Athletic club.	N	P	P
	Auction establishment.	N	N	P
	Automobile lube and oil center.	N	P[P/N <sup>1</sup> ]	P
	Automobile, new or used, sales and service.	N	N	P
	Automobile part sales.	N	P	P
	Automobile repair, including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building.	N	N	P
	Automobile, sales only online, subject to the following conditions:	N	N	P
	1. Office space shall be located only in a commercial building.			
	2. On-site parking for dealership owned vehicles shall be limited to a maximum of 6 stalls. On-site parking will be subject to meeting the provisions of Chapter 12 of this title.			

	3. Space for the vehicles shall be on the same site as the office. Vehicles parked on site shall not have any attached signage, writing on the windows or advertising to promote the sale of the vehicle. The parking area shall be treated as normal office parking and shall not have any promotional banners or temporary signage as defined in Title 18 of the Ogden Municipal Code.			
	4. On-site parking stalls shall not be used for automobile detailing, maintenance, or repair, such as paint, body and fender, brake, muffler, upholstery, or transmission work.			
	5. On-site parking stalls shall be used to park functioning, operable vehicles for retail sales. Vehicles parked on the site for sale or potential sale shall not have any appearance of damage and shall be in good operating condition and physical appearance. No noticeable significant damage, such as broken windows, extensive body rust, flat tires, missing bumpers, or body damage, is allowed.			
	Automobile service station; provided, that service bays are part of the main building and limited to a maximum of 1 bay in a C-1 and 2 bays in a C-2. No outside display of accessory items to be sold nor outside storage shall be permitted. 1 freestanding single bay, rotating brush car wash shall be permitted as an accessory use.	P	P[P/N <sup>1</sup> ]	P
	Awning sales and service.	N	P	P
B.	Baby formula service.	P	P	P
	Bakery goods manufacturing.	N	N	P
	Bakery manufacture limited to goods retailed on premises.	P	P	P
	Bank or financial institution.	P	P	P
	Barbershop.	P	P	P
	Bath and massage establishment.	N	P	P
	Beauty culture school.	N	N	P
	Beauty shop.	P	P	P
	Bed and breakfast inn, subject to the following standards:	N	P	P

	1. 2 parking spaces shall be provided for the host family, plus 1 space for each guestroom;			
	2. Proprietor or owner must occupy the property;			
	3. Meals may only be served to overnight guests;			
	4. Signs are limited to nameplate signs, not exceeding 2 square feet in residential zones. In addition, a freestanding identification sign not to exceed 4 square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.			
	Beer parlor, sale or draft beer.	N	N	C
	Billiard parlor.	N	N	P
	Blueprinting and photostating.	N	P	P
	Boarding house.	N	P	P
	Boat sales and service.	N	C	P
	Bookbinding.	N	N	P
	Bottling and distribution plant.	N	N	P
	Bowling alley.	N	P	P
	Boxing arena.	N	N	P
	Bus terminal.	N	P	P
	Business or professional office.	P	P	P
C.	Cafe or cafeteria.	P	P	P
	Candy manufacture.	N	N	P
	Cannabis production establishment.	N	N	N
	Car wash, laundry type.	N	C[C/N']	P
	Car wash, manual spray.	C	P	P
	Carbonated water sales.	N	P	P

	Carpenter and cabinet shop.	N	N	P
	Carpet and rug cleaning.	N	N	P
	Carpet, rug and linoleum service.	N	P	P
	Cash register sales and service.	N	P	P
	Catering establishment.	N	P	P
	Charitable soup kitchen, provided the following conditions are complied with:	C	C	C
	1. Minimum lot size shall be 1 acre;			
	2. Minimum building size shall be 3,500 square feet of floor space;			
	3. 1 parking space shall be provided per employee or volunteer on the highest shift;			
	4. At least 1 accessible restroom or "port- a-john" shall be provided on the site and kept open to patrons during off hours;			
	5. All yard areas not used for parking and associated accessways shall be landscaped;			
	6. The site shall be fenced with a minimum 5 foot high fence along adjoining properties;			
	7. The planning commission may allow the installation of open space improvements to occur in phases.			
	Christmas tree sales.	P	P	P
	Church.	N	P	P
	Church, temporary revival.	N	C	C
	Circus, carnival or other transient amusement.	N	N	C
	Coal and fuel sales office.	N	N	P
	Communication equipment building.	N	P	P

	Contractor shop, provided work conducted within a completely enclosed building.	N	N	P
	Convenience store.	P	P	P
	Convenience store, 1 freestanding single bay rotating brush car wash shall be permitted as accessory use.	P	P	P
	Costume rental.	N	P	P
D.	Dance hall.	N	N	C
	Data processing service and supplies.	N	P	P
	Delicatessen.	P	P	P
	Detective agency.	P	P	P
	Diaper service, including cleaning.	N	P	P
	Drapery and curtain store.	N	P	P
	Drinking establishment. In addition to the requirements of the conditional use process, the following conditions shall apply:	N	N/C	C
	1. No more than 2 drinking establishments per linear block;			
	2. Parking shall be located on the same lot with the building and conveniently located to the entrance of the building. In determining conveniently located parking, the planning commission shall consider:			
	a. The visibility of the parking area from the building;			
	b. The lighting, existing physical development, and types of uses adjacent to the parking lot and drinking establishment;			
	c. The potential for parking conflicts with the parking lots of adjacent uses;			
	d. The potential for customer usage of on street parking in front of residential uses.			

		3. Operational hours shall be considered to assure compatibility with the surrounding uses.			
		4. In addition, the following conditions shall apply to the CP-2 zone:			
		a. Must be located in a multi-tenant retail or office center of at least 3 separate uses in the building;			
		b. The drinking establishment shall not be located on the ground floor;			
		c. The drinking establishment shall be no closer than 200 feet to any residential use, measured by a direct pedestrian route from the main entrance of the establishment to the property line of the residential use.			
		Drinking establishment with cabaret license. In addition to the requirements applicable generally to drinking establishments, the planning commission shall consider the potential effects of cabaret operations on adjacent uses, including, but not limited to, any residential dwellings in the vicinity, considering hours of operation, noise, parking and traffic conflicts, and possible activities of patrons on and around the site.	N	N	C
		Drive-it-yourself agency or business.	N	P	P
		Driving range.	N	N	C
		Dry cleaning establishment:			
		Industrial.	N	N	P
		Personal service.	N	P	P
		Dry cleaning pick up station.	P	P	P
E.		Educational institution/post-high school educational institution.	N	P	P
		Educational institution/post-high school educational institution with housing.	N	P	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
F.	Farm implement sales.	N	N	P
	Film exchange establishment.	P	P	P
	Fireworks stands and sales.	N	P[P/N <sup>1</sup> ]	P
	Frozen food lockers, incidental to a grocery store or food business.	P	P	P
	Fruit store or stand.	P	P	P
G.	Garden supplies and plant material sales.	P	P	P
	Glass sales and service.	N	P	P
	Go-cart track, indoor.	N	N	C
	Government buildings or uses, nonindustrial.	P	P	P
	Greenhouse and nursery.	N	P	P
	Gunsmith.	N	P	P
	Gymnasium.	N	P	P
H.	Health club.	N	P	P
	Heliport.	N	C	C
	Hospital supplies.	N	P	P
	Hotel.	N	P	P
	House cleaning and repair.	N	P	P
	House equipment display.	N	P	P
	Household pets, dwelling units only.	P	P	P
I.	Ice cream manufacture.	N	N	P
	Ice cream parlor.	P	P	P



	Ice manufacture and storage.	N	N	P
	Ice store and vending station.	P	P	P
	Indoor batting ranges.	N	P	P
	Insulation sales.	N	P	P
	Interior decorating and design establishment.	N	P	P
J.	Janitor service and supply.	N	P	P
K.	Kenneling (indoor) with outdoor exercise area.	N	N	C
	Knitting mills.	N	N	P
L.	Laboratory, dental or medical.	N	P	P
	Launderette or laundromat.	P	P	P
	Laundry or dry cleaning establishment, industrial.	N	N	P
	Library.	P	P	P
	Linen supply service.	N	N	P
	Liquor store.	N	C	C
	Locksmith.	P	P	P
	Lodge.	P	P	P
	Lodging house.	N	C	P
	Luggage store.	N	P	P
	Lumberyard.	N	N	C
M.	Machine shop operations incidental to any use permitted in C-3 zone.	N	N	P
	Manufacture of goods subject to the following conditions:	N	P	P
	1. All uses and storage shall be inside a building;			
	2. Manufacturing uses are limited to assembly of products only;			

	3. A portion of the building shall be used as office or retail area;			
	4. Maximum total building size is 15,000 square feet.			
	Medical cannabis pharmacy.	P	P	P
	Millinery.	N	P	P
	Miniature golf.	N	N	C
	Mobile food trailer.	N	P	P
	Mobile food truck.	N	P	P
	Mobile home sales lot and service.	N	N	P
	Monument works and sales.	N	P	P
	Mortuary.	N	P	P
	Motel.	N	P	P
	Motorboat sales and service.	N	C	P
	Museum.	N	P	P
N.	Newsstand.	P	P	P
	Nursery school.	P	P	P
O.	Office in which goods or merchandise are not commercially created, exchanged or sold.	N	P	P
	Office supply.	N	P	P
	Ornamental iron sales or repair.	N	C	P
	Outdoor batting cages.	N	C[N <sup>1</sup> ]	C
P.	Paperhanger shop.	N	P	P
	Park and playground.	P	P	P
	Parking lot or garage for passenger automobiles.	C	C	C

	Pawnshop.	N	N	P
	Personal storage units.	N	N	N
	Pest control and extermination.	N	P	P
	Pet grooming.	C	P	P
	Pet store.	N	P	P
	Photo studio.	P	P	P
	Photocopying and printing services, with floor area of 1,200 square feet or less.	P	P	P
	Pie manufacture.	N	P	P
	Plumbing shop.	N	C	P
	Pony ring, without stables.	N	N	C
	Pool hall.	N	N	P
	Post office.	P	P	P
	Precious metal purchasing provided it is an accessory use to a use permitted in the zone.	P	P	P
	Printing, lithographing, publishing or reproductions sales and service.	N	P	P
	Privately operated concession or amusement business in a public park.	C	C	C
	Propane retail sales as an accessory use:	N	P	P
	1. An aboveground bulk propane storage tank shall:			
	a. Be located outside of any required setback;			
	b. Not exceed 16 feet in length if tank is horizontal;			
	c. Not exceed the primary building height or 10 feet, whichever is lower, if tank is vertical;			
	d. Not exceed a volume of 1,100 gallons;			

		e. Be limited to 1 tank per site.			
		Public utilities substation.	C	C	C
Q.		Reserved.			
R.		Racquet club.	N	P	P
		Radio and television sales and service.	C	P	P
		Radio, television or FM broadcasting station.	N	P	P
		Real estate agency.	N	P	P
		Reception center or wedding chapel.	N	C	P
		Recreational vehicle storage.	C	C	P
		Rental agency for home and garden equipment.	N	P	P
		Residential:			
		Group dwelling (see chapter 10 of this title for applicable conditions).	N	C	C
		Multiple-family dwelling.	N	P	P
		Multiple-family dwelling with commercial on ground floor.	N	P	P
		Single-family row house dwelling.	N	P	P
		Two-family dwelling.	N	N	P
		Restaurant.	P	P	P
		Restaurant, drive-in.	P	P	P
		Drive-in restaurants in the C-1 zone shall comply with the following conditions of approval:			
		1. Shall be located only on arterial roads.			
		2. Hours of business be from 7:00 A.M. to 11:30 P.M.			
		3. The minimum square footage of the building shall be 2,600 square feet and the maximum 4,000 square feet.			

		4. Exterior speakers shall be designed and installed to minimize the audible impact to the adjacent residences.			
		5. Drive-up windows shall face either the street or nonresidential uses.			
		6. Business signs shall be only monument signs and they shall not exceed 8 feet in height.			
		7. At least 60 percent of the building square footage shall be designed and devoted for sit down dining.			
		Restaurant with cabaret. In addition to the requirements of the conditional use process, the planning commission shall consider the potential effects of the type of proposed cabaret operations on adjacent uses, including, but not limited to, any residential dwellings in the vicinity, considering hours of operation, noise, parking and traffic conflicts, and possible activities of patrons on and around the site.	N	N	C
		Retail sales establishment doing business and having displays inside an enclosed building whose main use is the selling of goods or merchandise to the general public for personal, household or business use and rendering services incidental to the sale of such goods:			
		Total building size 3,000 square feet or less.	P	P	P
		Total building size 3,001 to 10,000 square feet.	C	P	P
		Total building size 10,001 to 40,000 square feet.	N	P	P
		Total building size 40,001 to 60,000 square feet.	N	C	P
		Total building size 60,001 or greater.	N	C	C
		Retail sales establishment doing business whose main use is the selling of goods or merchandise to the general public for personal, household or business use and rendering services incidental to the sale of such goods, including outdoor displays or storage of such things as building materials, garden supplies, but not tires, vehicles or vehicle parts:			
		Total building size less than 10,000 square feet.	N	N	C

	Total building size 10,000 square feet or greater.	N	C	C
	Retail tobacco specialty business provided it meets the requirements of section <a href="#">15-13-35</a> of this title.	N	N	P
	Rollerskating rink. Rollerskating rinks in the C-1 and C-2 zones, as well as CP-1 and CP-2 zones, shall comply with the following conditions of approval:	P	P	P
	1. Shall be located in a commercial center or site of at least 1 acre in size;			
	2. Such establishment shall not be open for business later than 10:00 P.M. Sunday through Thursday, and not later than 11:30 P.M. on Fridays and Saturdays;			
	3. No alcoholic beverages shall be sold or consumed on the premises of the skating rink;			
	4. Minimum of 5 foot high screening fence shall be required along all property lines abutting residential property except that no fence shall be higher than 3 <sup>1</sup> / <sub>2</sub> feet in a front yard setback or side yard facing a street on a corner lot;			
	5. No musical instruments, phonograph, sound amplifier or similar device shall be operated in such a manner as to create a noise disturbance across a real property boundary. If such a device is plainly audible on the property of another or within a building other than that within which the device is located, and if a complaint is made to the police department and verified by them that a noise disturbance exists, this shall serve as prima facie evidence of a violation of this condition of approval.			
	Roofing sales or shop.	N	P	P
S.	Seasonal sales of produce and beverage, subject to the following standards:	P	P	P
	1. All stands or trucks and displayed produce must be located on private property and not in the public right of way;			
	2. Such stands or displays shall be set back at least 20 feet from adjoining street right of way lines;			

	3. Off street parking must be available on site or within 500 feet of the site;			
	4. No portable, flashing or banner signs shall be permitted;			
	5. Such use shall either locate in a temporary building under 400 square feet for a period not to exceed 6 months in 1 calendar year, or in a permanent building year round. (The requirement to locate in a permanent or temporary building shall not apply in the M-1 and M-2 zones.)			
	Service station automobile, excluding painting, body and fender and upholstery work.	P	P[P/N <sup>1</sup> ]	P
	Sexually oriented businesses (see section <a href="#">15-13-13</a> of this title for applicable conditions):			
	Adult business and adult live entertainment businesses.	N	N	P
	Outcall services and adult entertainment dancing agencies.	N	P	P
	Sheet metal shop and retinning, provided all operations are conducted within completely enclosed building.	N	N	C
	Shelter for the homeless.	N	N	C
	Sheltered workshop, provided the activities and processes are allowed as uses in the zone.	N	N	P
	Shoe repair or shoeshine shop.	P	P	P
	Shooting gallery.	N	N	P
	Short term loan business (see section <a href="#">15-13-34</a> of this title for applicable regulations).	N	P	P
	Sidewalk vendor.	N	N	N
	Sign manufacture or sign painting.	N	N	P
	Signs (see title 18, chapter 5, "Appendix A", of this code).			
	Single room occupancy.	N	N	N

	Social hall, subject to the following minimum standards which may be further restricted or added to by the planning commission:	N	C	C
	1. The social hall has a maximum size of 4,000 square feet.			
	2. The facility is open for business at least 5 days per week with a maximum of 2 days per week allowed for events where individual paid entry is linked to: dancing to live music; or an event or performance by an individual or group, such as live music or live entertainment.			
	3. Hours of operation to be determined based on site location and characteristics.			
	4. No alcohol is permitted in the building or the property unless a special event license is issued for a private function.			
	5. The use has games, social areas, programs or other activities available for use during the hours of operation but not a sufficient number of devices to be an arcade or pool hall.			
	6. The use for private functions does not allow for ticket sales to the function or for participating in events associated with the function.			
	Studio for professional work, teaching, performance or exhibitions of fine arts.	P	P	P
	Swap meet, subject to the following conditions: Must be operated in a completely enclosed building, except for incidental outdoor displays, and accessory fenced areas for storage of such things as living plant materials or items that because of fire code regulations may not be stored inside of building, i.e., gas lawn mowers, rototillers, compressors, or other machinery producing fumes or exhaust.	N	N	C
	Swimming pools.	N	C	P
T.	Tailor shop.	N	P	P
	Taxicab stand.	P	P	P
	Taxidermist.	N	P	P
	Telegraph office.	P	P	P



	Temporary automotive summer sales in commercial parking lots.	N	P	P
	Temporary building for uses incidental to construction work. Such buildings shall be removed upon completion of the construction work.	P	P	P
	Temporary business.	N	N	N
	Theater, indoor.	N	P	P
	Theater, outdoor.	N	N	C
	Tire stores, sales and service, subject to the following standards:	N	P*	P
	1. No outside tire storage is permitted;			
	2. Incidental repair work is permitted such as alignments, inspections, minor tune ups, but no muffler, transmission, bodywork, or major engine repair shall be permitted.			
	*3. Stores in the C-2 Zone shall be subject to the following additional standards:			
	a. The store shall be located in a minimum 10 acre shopping center and only as a portion of a main building;			
	b. The building design shall not be altered contrary to the established theme of the shopping center;			
	c. No freestanding accessory structures shall be allowed;			
	d. Vehicle access doors to the building shall not be visible from any public street or residential zoned property;			
	e. No customer cars shall be kept overnight outside the building.			
	Tool design (precision) repair and manufacture.	N	N	C
	Towing or impound lot.	N	N	C
	Trade or industrial school.	N	C	P
	Trailer sales and service.	N	N	P

	Transitional housing. Subject to the site development standards meeting section <a href="#">15-38-2</a> of this chapter for the C-2 Zone and section <a href="#">15-38-2</a> of this chapter for the C-3 Zone.	N	C	C
	Travel agency.	P	P	P
	Truck terminal.	N	N	N
U.	Upholstery shop.	P	P	P
	Used car lot.	N	N	C
V.	Ventilating equipment, sales and service.	N	C	P
W.	Warehouse storage.	N	N	N
	Waterslide.	N	e[C/N <sup>1</sup> ]	C
	Weather stripping shop.	N	P	P
	Welding shop.	N	N	C
	Wholesale business.	N	N	P
	Window washing establishment.	N	P	P

<sup>1</sup>These uses are not permitted on lots abutting a residential zone boundary or on any portion of a lot that is within one hundred feet (100') of a residential zone boundary.