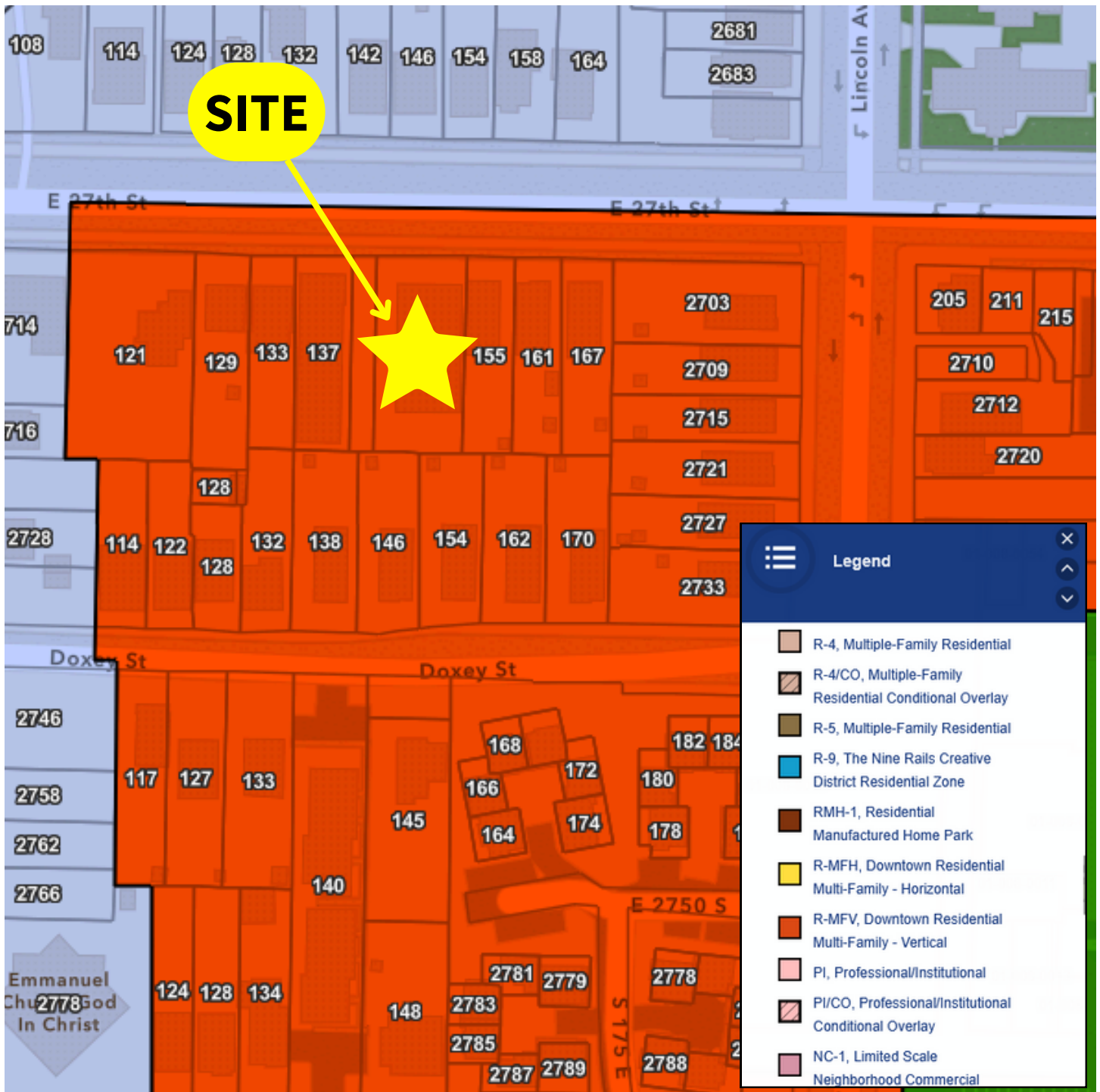


Ogden City Zoning



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CHAPTER 32

DOWNTOWN RESIDENTIAL MULTIPLE-FAMILY ZONES R-MFV AND R-MFH

SECTION:

15-32-1: Purpose

15-32-2: Land Uses

15-32-3: Land Use Categories

15-32-4: Lot Requirements

15-32-5: Site Development Standards

15-32-6: Demolition Of Buildings

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15-32-1: PURPOSE:

The purpose and characteristics of each zoning category within the downtown residential multiple-family zones are described in this section.

A. Residential Multiple-Family Vertical (R-MFV):

1. Characteristics: The Residential Multiple-family Vertical (R-MFV) zone includes buildings with multiple-family residential development that serve as a transition to adjacent neighborhoods. Development focuses on multiple-family apartment buildings up to six (6) stories high along with certain commercial uses such as neighborhood-serving retail and personal services.

2. Purpose: The purpose of the Multiple-family Vertical zone is to provide housing opportunities around Ogden's downtown and incentivize additional residential density in key locations throughout downtown. Development in this zone is meant to reflect the vertical mass and form of structures found within downtown while providing residential focused uses.

B. Residential Multiple-Family Horizontal (R-MFH):

1. Characteristics: The Residential Multiple-Family Horizontal (R-MFH) zone includes buildings with multiple-family residential density downtown that is of a smaller scale to protect the character of adjacent neighborhoods. Development focuses on multiple-family apartments, townhomes or brownstones up to three (3) stories in height with certain commercial uses such as neighborhood serving retail and services.

2. Purpose: The purpose of the Multiple-Family Horizontal zone is to provide housing opportunities around downtown that act as a transition from the size and scale of downtown Ogden to adjacent neighborhoods. This zone allows for low-rise residential with a focus on activation of the public realm along the street level to enhance walkability within downtown Ogden.

(Ord. 2023-16, 4-11-2023)

15-32-2: LAND USES:

A. General:

1. Land use categories are used to establish which types of uses are permitted (P), conditional (C), or not permitted (N) in individual zones. This section classifies land uses and activities into categories based on the common functional, product, or physical characteristics. It also identifies special considerations and requirements that apply to different uses.

2. If a proposed land use cannot be identified within one of the categories provided by this section, the decision maker may, at its discretion, refer to appropriate outside sources, such as the Land-Based Classification Standards (LBCS) of the American Planning Association or the North American Industry Classification System (NAICS).

3. If a use can be classified within more than one category, the use shall be classified in the category that is more restrictive. For example, if food and beverage sales is a permitted use and a drive-up store is not permitted, then food and beverage sales with a drive-up window would be not permitted.

4. Table 15-32-2.1 outlines the land uses that shall apply in each downtown residential zone. Uses that are permitted are designated with a "P". Uses that are conditional are designated with a "C". Uses that are not permitted are designated with an "N".

TABLE 15-32-2.1

Legend: P = Permitted C = Conditional N = Not Permitted	Zones	
	R-MFV	R-MFH
Sales		
Adult Sales	N	N
Alcohol Sales	N	N
Automobile Service Stations	N	N
Building Materials Sales	N	N
Drive-Up Stores	N	N
Food and Beverage Sales	P	P
Food Trucks and Trailers	P	P
General Sales	P	P
General Seasonal Sales	N	N
Medical Cannabis Pharmacy	N	N
Motorized Vehicle Sales	N	N
Retail Tobacco Specialty Businesses	N	N
Sales Including Outdoor Storage	N	N
Seasonal Christmas Tree and Firework Sales	N	N
Seasonal Produce Sales	N	N
Sidewalk Vendor Sales	N	N
Service		
Adult Business Offices	N	N
Automotive Repair and Maintenance	N	N
Commercial Lodging	P	P
Contractor Services	N	N
Equipment or Vehicle Rentals	N	N
Office Services	P	P
Personal Services	P	P
Pet Services	P	P
Short Term Loan Businesses	N	N
Upper-Floor Storage	N	N
Institutional		
Assembly	P	P
Assisted Living Facilities	C	C
Correctional Institutions	N	N
Daycare Facilities	P	P
Educational Facilities	P	P
Halfway Houses	N	N
Hospitals	N	N
Shelters and Missions	N	N
Transitional Housing Facilities	C	C
Residential		
Live-Work Units	P	P
Lodging Houses, Boarding Houses, Single Room Occupancies	N	N
Mixed-use Dwelling Units	P	P
Multiple-family Dwellings	P	P

Single- or two-family dwelling units only	N	N
Cultural, Entertainment and Recreation		
Adult Entertainment	N	N
Cabarets (see main use categories applicable to restaurants, or drinking establishments)	N	N
Entertainment and Performance	N	N
Indoor or Outdoor Public Events or Civic Activities	P	P
Outdoor Recreation Business	N	N
Parks or Plazas	P	P
Spook Alleys, Haunted House	N	N
Vehicle-based Entertainment	N	N
Transportation, Utilities and Communications		
Parking Lots, Private	N	N
Parking Lots, Public	C	C
Telecommunication Facilities, Conditional	C	C
Telecommunication Facilities, Permitted	P	P
Transit Facilities	C	C
Utilities, Local	P	P
Utilities, Regional	N	N
Manufacturing		
Accessory Manufacturing of Food	N	N
Cannabis Production	N	N
Manufacturing Materials/ Substances into New Products	N	N
Manufacturing That Involves the Processing or Collecting of Raw Materials, Animals, or Animal Byproducts or Plants	N	N
Raw Material Manufacturing	N	N
Small Crafts Manufacturing	N	N
Temporary Buildings		
Construction-related Temporary Buildings	P	P

(Ord. 2023-16, 4-11-2023)

15-32-3: LAND USE CATEGORIES:

A. Sales: Sales land uses are those that use a lot, building, or portion thereof, to provide sales or rental of goods, services, food, beverage, and the like to the general public. These businesses are intended to generate a profit.

1. Adult Sales: Adult sales are sexually oriented businesses that sell goods, including adult bookstores and adult video stores as those terms are defined in section 5-15-3 of this code.

2. Alcohol Sales: Alcohol sales are businesses that primarily sell alcoholic beverages to customers. It includes drinking establishments and liquor stores. Cabarets that sell alcohol and include entertainment or dancing for guests are included in this land use category. Restaurants that serve alcohol but where alcohol sales are secondary to food sales in terms of revenue are not included. Stores such as grocery stores and convenience stores that sell alcoholic beverages for off-site consumption, where alcohol sales are secondary to sales of other items in terms of revenue are not included. Sexually oriented businesses are excluded.

3. Automobile Service Stations: An automobile service station is a retail business engaged in the sale of motor fuel and having pumps from which fuel, such as gasoline, is dispensed either by an attendant or customer, and which may also provide as an accessory use, the sales and services generally required in the operation of a motor vehicle excluding painting, body and fender and upholstery work. This includes fuel sales that may be accessory to another use operated by the same or different business on the site.

4. Building Material Sales: Building material sales are businesses that sell materials, including bulky materials such as bulk lumber, fencing, trusses, and bulk piping, related to building construction. It excludes hardware stores that carry only small items that may be hand carried by customers, which are included in the general sales category.

a. Must be located in a permanent, enclosed building.

5. Drive-Up Stores: Drive-up stores include any use otherwise listed in the sales land use category that sells products via a drive-up window.

a. If a drive-up store is not listed as a permitted or conditional use in the zone, then the main sales land use may not have a drive-up window.

6. Food And Beverage Sales: Food and beverage sales are businesses that prepare, serve and sell food and drink for human consumption on or off premises. Examples include restaurants, cafes, and the like. It excludes drinking establishments.

- a. Vehicular drive-up windows are prohibited.
- b. Walk-up pick-up windows are permitted.
- c. Food manufacturing is prohibited.

7. Food Trucks And Trailers: Food trucks and trailers are businesses operating out of a motorized or non-motorized vehicle that provide food or drink for human consumption on or off premises. Examples include mobile food trucks and mobile food trailers.

8. General Sales: General sales are businesses that provide general goods to the public for personal, household or business use. Examples include stores that sell grocery, clothing, supplies, office products, jewelry, toys, and home furnishings. It excludes other sales uses in this section.

- a. Services may be provided that are incidental to the main sales.
- b. Only the outdoor display of plants and assembled yard furnishings are permitted.
 - (1) The area must be maintained in a clean and litter free condition, with no broken merchandise.
 - (2) The area may not occupy or obstruct required parking, pedestrian and vehicle accessways, or public right of way.
 - (3) The area must be located behind the main building and accessed by customers through the building.
 - (4) The area may be no larger in square footage footprint than the associated main building.
 - (5) Outdoor tire displays are not allowed.

9. General Seasonal Sales: General seasonal sales are businesses that sell crafts, food, or beverages to the general public. It excludes seasonal produce sales and seasonal Christmas tree and firework sales.

10. Medical Cannabis Pharmacies: Medical cannabis pharmacies are businesses that have been licensed by the State of Utah for the sale of medical cannabis.

a. Unless waived by the Utah Department of Health, the medical cannabis pharmacy shall be located no closer than six hundred feet (600') from any primarily residential zone and two hundred feet (200') from any community location (as defined in section 15-2-4 of this code), measured from the nearest entrance to the pharmacy following the shortest route of ordinary pedestrian travel to the boundary of the community location or residential zone.

- b. Only one public access is permitted which shall be located on the street face of the building.
- c. No portion of the exterior brick visible to the public shall be painted.
- d. No windows shall be darkened or covered to prohibit view into the interior of the sales space from the street.
- e. Hours of operation shall be limited to eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M.

11. Motorized Vehicle Sales: Motorized vehicle sales are businesses engaged in the sale of vehicles that are operated by a motor or electric cell. Examples include the sale of automobiles, trucks, motorcycles, boats, and off-road vehicles.

12. Retail Tobacco Specialty Businesses: Retail tobacco specialty businesses are businesses where the sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment, as further defined in section 15-2-19 of this code.

a. If the sale of tobacco products accounts for less than fifty percent (50%) of the receipts, the main sales use also must be listed as permitted or conditional use in the zone.

13. Sales Including Outdoor Storage: Sales including outdoor storage are businesses otherwise listed in the sales land use category that include outdoor storage of materials, whether such items are for sale or not. Examples include businesses that store outside lumber, plumbing and heating supplies, garden supplies, and the like. It excludes outdoor displays included in general sales category uses.

a. If sales including outdoor storage is not listed as a permitted or conditional use in the zone, then the main sales land use may not have outdoor storage.

14. Seasonal Christmas Tree And Firework Sales: Seasonal Christmas tree and firework sales are businesses that sell Christmas trees and/or fireworks for a limited period of time associated with holidays.

15. Seasonal Produce Sales: Seasonal produce sales are businesses that sell produce that is in season to the general public.

16. Sidewalk Vendor Sales: Sidewalk vendor sales are businesses that engage in sales on the sidewalk or public right-of-way.

B. Services: Service land uses are those that use a lot, building, or portion thereof, to provide various business, professional, repair, or temporary lodging services to customers or clients. The uses typically do not sell or manufacture material goods on-site or only do so as an accessory use. Service uses include the following:

1. Adult Business Offices: An adult business office is a sexually oriented business that arranges services but provides no sexually oriented client services or sale of goods on-site. This includes adult entertainment dancing agencies and outcall services as those terms are defined in section 5-15-3 of this code.

2. Automotive Repair And Maintenance: Automotive repair and maintenance are businesses engaged in repair or maintenance of automobiles, trucks, boats, motorcycles, or other motorized vehicles. It includes auto repair or body shops, automobile lube and oil centers, and car washes. It excludes automobile service stations.

3. Commercial Lodging: A commercial lodging business provides overnight lodging for a fee for the traveling or business public who have primary residence at another location for short-term stay. These include hotels and motels. It excludes shelters for the homeless, boarding houses, lodging houses, and single room occupancies.

a. Short-term rentals, bed and breakfast inns, campgrounds, and recreational coach parks are not permitted within downtown commercial zones.

b. The maximum length of stay for any individual or family is ninety (90) days in any twelve (12) month period. See section 15-13-32 of this code.

c. The building or lot must contain at least fifteen (15) individual sleeping units.

d. Common reservation and cleaning services must be provided.

e. On-site management and reception services must be available.

f. Restaurants, fitness centers, conference facilities and the like may be part of the use.

4. Contractor Services: Contractor services are businesses that provide services related to building or equipment installation, construction, maintenance, repair or similar work primarily off-site at the customer's site. Examples include a general contractor, roofer, plumber, flooring contractor, or heating contractor. These businesses include any of the following:

a. Storage or movement of materials or equipment on site that require loading with a fork-lift or similar heavy equipment;

b. Use of vehicles larger than standard cargo vans or pick-up trucks on a weekly or more frequent basis;

c. Outdoor storage;

d. Indoor storage in an area larger twenty five percent (25%) of the business' floor area; or

e. Machining or equipment fabrication or repair on-site.

Businesses that provide contractor services but only provide office services or customer showrooms on site, and none of a. through e. above, are classified as office uses or sales uses as appropriate.

5. Equipment Or Vehicle Rentals: These are businesses that provide rental of equipment for individuals, businesses, or agencies. Examples include equipment rental business, trailer rental, car and truck rental.

a. Must be located within a permanent building.

b. Display of the items available for rent is permitted.

c. Any outdoor storage of items to be repaired, as well as repair areas, shall be fully screened from public view. This may be accomplished through landscaping or fencing.

6. Office Services: Office services are businesses or organizations that provide business, professional, governmental, financial, medical, or counseling services in an indoor office setting. Examples include offices for architects, doctors, banking, insurance, real estate, advertising, employment agencies, government agencies, courts, and the like. It excludes personal service uses. It excludes contractor services as defined in this section.

a. The sale or provision of material goods directly from the office may be an accessory use, but in no case shall the display and storage of such goods occupy more than twenty five (25%) of the floor area and shall be limited to goods that may be hand carried by customers.

b. A drive-up window may be included with financial institutions only if it is located at the rear of the building. No entrance or exit driveway is allowed for exclusive use of drive-up window customers, and no driveway shall be installed that exceeds the minimum driveway width.

c. This category does not include short-term loan businesses, adult business offices, or non-profit free medical offices.

d. Must be located in a permanent building.

7. **Personal Services:** Personal services uses are business that provide physical aesthetic services, nonmedical treatment, repair or cleaning of small personal items, mailing, copying, or similar services largely to individuals who come to the site for the service or to drop off or pick up items. Examples include hairdressers, barbers, manicurists, tanning salons, tattoo and piercing businesses, massage businesses, clothing rentals, laundromats, dry cleaning pick-up stores, photocopy stores, mailing services, locksmiths, shoe repairs, tailoring and alteration of garments, and fitness studios. It excludes small engine repair and pet services.

- a. Must be located within a permanent, enclosed building.
- b. Drive-up windows are prohibited.

8. **Pet Services:** Pet services are businesses that provide health and grooming services to household pets. Examples include veterinary, pet grooming, and the like.

- a. Must be located in a permanent, enclosed building.
- b. Business shall be conducted between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.
- c. Boarding and kenneling are not included in this category.

9. **Short Term Loan Businesses:** Short term loan businesses are businesses primarily engaged in making cash loans or providing check cashing services. See also the definition in section 15-2-20 of this code. This includes businesses such as check cashers, deferred deposit lenders and title lenders.

10. **Upper-Floor Storage:** Upper-floor storage are businesses that provide storage for individuals or businesses on floors above the main ground floor level. Examples include warehousing, personal storage units, or refrigerated storage.

C. **Institutional:** Institutional land uses are those that serve the community related to educational, religious, and social needs and are typically operated by a government or non-profit organization for non-commercial purposes. Examples include schools, places of worship, jails, and services for the homeless. It includes institutional housing.

1. **Assembly:** Assembly uses are uses operated by non-profit or government organizations where groups gather to worship, socialize, or be entertained and where an entry fee is normally not charged. This includes churches, meeting halls, and lodges. It excludes businesses in the cultural, entertainment, and recreational land use category.

2. **Assisted Living Facilities:** An assisted living facility is a residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services.

- a. Each resident in an assisted living facility shall have a service plan based on the assessment, which may include:
 - (1) Specified services of intermittent nursing care;
 - (2) Administration of medication; and
 - (3) Support services promoting resident's independence and self-sufficiency.

b. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

c. No assisted facility shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots of any of the following similar facilities:

- (1) A protective housing facility;
- (2) A transitional housing or rehabilitation/treatment facility;
- (3) A residential facility for persons with a disability licensed for the housing of more than five (5) disabled persons;
- (4) A residential facility for the elderly with more than five (5) elderly persons in residence; or
- (5) Boarding or lodging house.

3. **Correctional Institutions:** Correctional institutions are facilities designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court. These include prisons, jails, juvenile detention facilities and juvenile secure facilities.

4. **Daycare Facilities:** Daycare facilities includes daycare centers for children, adult daycare facilities, and home preschools.

5. **Educational Facilities:** Educational facilities include facilities used primarily for the instruction of individuals. It includes primary and secondary educational institutions, post-high school educational institutions, with or without housing, sheltered workshops, trade or vocational schools, public and private classrooms for instruction in the arts, sciences, vocations, and the like. It excludes assembly uses, personal services uses, and any use that is primarily within the cultural, entertainment and recreation category. It also excludes preschool facilities that are classified as daycare facilities.

6. **Emergency Services:** Emergency Services uses are uses operated by governmental or quasi-governmental

agencies to provide key services to the community in the time of an emergency. This includes fire stations, police stations, and ambulance services. The storage of emergency vehicles, training rooms, requisite office space, and the like are typically located on properties with these uses. It excludes private businesses that provide these services, which are considered service uses.

7. **Halfway Houses:** Halfway houses are facilities that provide housing and other services to parolees upon release from prison or probationers who have violated the terms of their probation.

8. **Hospitals:** Hospitals are institutions licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

9. **Shelters And Missions:** Shelters and missions are facilities that provide support for individuals or families in need of food, shelter, clothing, or medical relief. It includes charitable soup kitchens and shelters for the homeless. It excludes any kind of residential facility, transitional housing facilities, boarding houses, and lodging houses.

10. **Transitional Housing Facilities:** Transitional housing facilities are facilities owned, operated or contracted by a governmental entity or a charitable, nonprofit organization, where, for no compensation, temporary housing (for usually three (3) to twenty four (24) months, but in no event less than thirty (30) days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances.

a. Transitional housing facility shall not include a shelter for the homeless.

b. A dwelling unit provided to a family for their exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered a transitional housing facility.

c. No transitional housing facility shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots of any of the following similar facilities:

(1) A protective housing facility;

(2) A rehabilitation/treatment facility;

(3) A residential facility for persons with a disability licensed for the housing of more than five (5) disabled persons;

(4) A residential facility for the elderly with more than five (5) elderly persons in residence;

(5) An assisted living facility; or

(6) Boarding or lodging house.

D. **Residential:** Residential land uses are those that use a lot, building, or portion thereof, exclusively for dwelling purposes, not commercial lodging, which is or is intended to be occupied by a single resident or family.

1. **Live-work Units:** Live-work units are dwelling units in which a significant portion of the space includes a nonresidential work use that is operated by the occupant and that is internally connected to the living space.

a. See section 15-13-43 of this code for standards.

b. Live-work units are limited to dwelling units that otherwise would be allowed without the work function.

c. The work portion is limited to the ground floor level.

2. **Lodging Houses, Boarding Houses, Single Room Occupancies:** Lodging houses, boarding houses, and single room occupancies are uses that serve as the principal, long-term (at least thirty (30) days) residence for individuals, families, or households. The residents do not have individual dwelling units but occupy sleeping units and share at least one common feature such as bathrooms, kitchens, or food service.

3. **Mixed-Use Dwelling Units:** Mixed-use dwelling units are one or more dwelling units within the same building as an otherwise allowable non-residential use.

a. The non-residential use must occupy at least one thousand five hundred (1,500) square feet of the ground floor storefront area.

b. The ground floor storefront area extends from the front or side street side of the building to a minimum depth of sixty feet (60') within the building.

4. **Multiple-Family Dwellings:** A multiple-family dwelling is a building arranged or designed to include three (3) or more dwelling units, each to be occupied by one family.

5. **Single- Or Two-Family Dwelling Units Only:** These are residential dwelling units that are stand alone and not part of a mixed-use building or multiple-family dwelling.

E. **Cultural, Entertainment And Recreation:** Cultural, entertainment and recreation land uses are those that use a lot, building, or portion thereof, that provide amusement, hobby, and leisure time activities for the general public, such as live

performances, events, or exhibits intended for public viewing, outdoor leisure activities like miniature golf, and the like.

1. **Adult Entertainment:** Adult entertainment businesses are sexually oriented businesses that provide entertainment on-site, including adult live entertainment businesses and adult motion picture theaters as those terms are defined in section 5-15-3 of this code.

2. **Cabarets:** See main use categories applicable to restaurants, or drinking establishments.

3. **Entertainment And Performance:** Entertainment and performance businesses provide live performance, film, or action activities for audiences. Examples include movie theaters, live theater, dance halls, sporting events, and the like. Sexually oriented businesses or cabarets are not included in this category.

4. **Indoor Or Outdoor Public Events Or Civic Activities:** Indoor or outdoor public events or civic activities are land uses undertaken by a governmental or non-profit entity for the general enjoyment of the community. Examples include a parade, charity run, Christmas Village, theatre in the park, and the like.

5. **Outdoor Recreation Business:** Outdoor recreation businesses are businesses that are located outside and provide personal or group recreation for a fee. Examples include miniature golf, driving ranges, and batting cages.

6. **Parks Or Plazas:** A park or plaza is a publicly owned area that is largely outdoors and is used by the public for passive recreation and participation in sports. It may include outdoor public events or civic activities. Entertainment and performance uses are a separate category.

7. **Spook Alleys, Haunted Houses:** Spook alleys and haunted houses are land uses that focus on frightening patrons as a form of entertainment. Typically open during the Halloween season, these uses can be indoor or outdoor.

8. **Vehicle-Based Entertainment:** Vehicle-based entertainment are businesses that rely on the use of motorized vehicles for personal or group entertainment. Examples include go-carts, dirt bike tracks, and racetracks.

F. **Transportation, Utilities And Communications:** Transportation, utilities and communications are those that use a lot, building, or portion thereof, that provide technical services related to utilities and communications, as well as infrastructure related to transportation.

1. **Private Or Public Parking Lots:** Private or public parking lots are independent land uses separate from on-site parking serving a particular land use. They include additions to existing parking areas created after January 1, 2023, that exceed maximum parking allowances for an associated land use. They include ground-level and structured parking facilities. Parking lots are of two types:

a. **Private Parking Lots:** Private parking lots are owned and operated by other than a government agency.

b. **Public Parking Lots:** Public parking lots are owned by government agency or operated under contract with a government agency.

2. **Telecommunication Facilities:** Telecommunication facilities receive and/or transmit electronic data via radio frequencies. They include cellular towers, relay towers, radio towers, and satellite dishes. It excludes facilities within the public right-of-way, which are regulated separately under the municipal code. Facilities are of two (2) types:

a. **Permitted:** Permitted telecommunication facilities include television satellite antennas that are regulated under section 15-13-18 of this code, and cell towers and small cell wireless facilities that are hidden from view from the adjacent public right-of-way.

b. **Conditional:** Conditional telecommunication facilities include cell towers and small cell wireless facilities that are not hidden from view from the adjacent public right-of-way.

(1) **Service Study:** New cell towers are only permitted when required to provide service to cellular networks. The applicant shall provide a service study showing that service cannot be provided by any other means, including co-locating antennas on existing towers.

(2) **Setbacks And Screening:** The tower base and associated ground infrastructure shall be set to the rear of an existing building so as not to be visible from the public right-of-way. If this is not possible, the tower base and associated ground infrastructure shall be set back as far as possible from the public right-of-way and shall be screened through architectural elements, landscaping, or low walls, and the like. In no case shall the tower or ground equipment be placed forward of the front or street facing side façade of the building.

3. **Transit Facilities:** Transit facilities are infrastructure that facilitates public transportation. These include bus stops, train stations, transit centers, ticket and information centers, and transit vehicle parking areas and garages.

4. **Utilities:** Utilities are facilities that serve other land uses with water, sewer, storm drainage, electric power, natural gas, and the like. It excludes facilities within the public right-of-way, which are regulated separately under the municipal code. Utilities are of two types:

a. **Local:** Local utilities are needed to serve the local neighborhood and are dependent upon being within that neighborhood. Examples may include storm water detention ponds, water pump stations, sewer lift stations, rooftop solar or wind generating facilities, and small electric substations.

b. **Regional:** Regional utility facilities serve areas beyond the local neighborhood and are not dependent upon being

in the neighborhood to provide the service. These may include water or sewer treatment plants, ground mounted solar or wind generating facilities, and large electric substations.

G. Manufacturing: Manufacturing land uses are those that use a lot, building, or portion thereof, for the assembly or creation of products for human use or consumption. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment.

1. Accessory Manufacturing Of Food: Accessory manufacturing of food are businesses that include the manufacturing of food for human consumption that is secondary or incidental to the primary use of a property. This may be part of a business or that has a different primary land use, such as a retail business that has incidental sales of bread that has been manufactured on-site.

2. Cannabis Production: Cannabis production businesses engage in the cultivation or processing of cannabis products.

3. Manufacturing Materials/Substances Into New Products: Manufacturing materials/substances into new products businesses assemble new products from already processed materials or substances. This type of manufacturing is limited only to food products for human consumption, clothing, textiles, printing, and publishing, and plastic consumer products. Examples include wholesale bakeries, beverage bottling plants, dairy products, apparel, textiles, newspaper publishing, book publishing, toys, cases, helmets, and the like.

a. All activity related to the manufacturing must be completed in an enclosed building.

b. Storage of equipment and materials must be within a completely enclosed building.

4. Manufacturing That Involves The Processing Or Collecting Of Raw Materials, Animals, Or Animal Byproducts Or Plants: Manufacturing that involves the processing or collecting of raw materials, animals, or animal byproducts or plants includes meat packaging, poultry processing, grain and cereal mills, and pharmaceuticals. It excludes raw material manufacturing.

5. Raw Material Manufacturing: Raw material manufacturing businesses involve the processing, collecting or storage of raw materials or scrap. Examples include junkyard, metal salvage, metal collection, and the like. It excludes manufacturing that involves the processing or collecting of raw materials, animals, or animal byproducts or plants.

6. Small Crafts Manufacturing: Small crafts manufacturing businesses engage in creation of craft products or food products for human consumption where a portion of the product is sold to customers on-site and where visitors on-site may observe the manufacture process in some way. The use is limited to those that do not require regular (weekly or more frequent) deliveries or shipments by semi-truck. Examples include art studios, jeweler manufacturers, craft breweries, and retail bakeries.

H. Temporary Buildings: Temporary buildings are non-permanent structures that are located on a lot.

1. Construction-Related Temporary Buildings: This is the use of land for buildings that are directly related and incidental to construction work.

a. Such buildings shall be removed upon completion or abandonment of construction work.

(Ord. 2023-16, 4-11-2023)

15-32-4: LOT REQUIREMENTS:

Table 15-32-4.1 outlines the minimum dimensional requirements that shall apply in each downtown multiple-family zone.

Table 15-32-4.1: Lot Requirements		
	R-MFV	R-MFH
Lot Area	None	None
Density	Minimum density of 12 dwelling units per acre, no maximum density	Minimum density of 8 dwelling units per acre, no maximum density
Lot Width	40 feet minimum	40 feet minimum
Minimum FAR ¹	1.2	0.6
1. FAR refers to Floor to Lot Area Ratio. Floor area excludes parking structures and accessory buildings. Lot area is net lot area. Minimum FAR standards do not apply to parks, plazas, and public parking lots.		

(Ord. 2023-16, 4-11-2023)

15-32-5: SITE DEVELOPMENT STANDARDS:

The following development standards apply. The decision maker may refer to the Ogden Downtown Master Plan for illustrations and details in applying these standards.

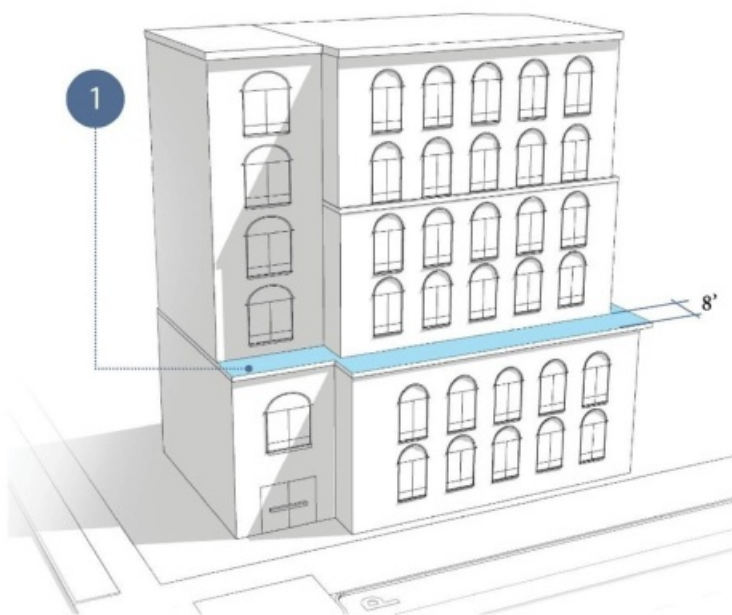
A. Building Placement And Street Frontage: The purpose of these standards is to establish a clear relationship between buildings and streets to create an engaging public realm. The placement of buildings should frame street edges and should be oriented to the street, creating a presence and integration with the streetscape. Design should maximize the amount of the front façade that is close to the street and sidewalk, while providing articulation and human scale that is expected of residential-scale design. Table 15-32-5.1 outlines the requirements for the downtown multiple-family zones.

Table 15-32-5.1: Building Placement		
	R-MFV	R-MFH
Table 15-32-5.1: Building Placement		
	R-MFV	R-MFH
Horizontal Setbacks		
Front and Street Side	Minimum: 10 feet Maximum: 15 feet	Minimum: 15 feet Maximum: 25 feet
Rear	Minimum: 20 feet Maximum: 75 feet For buildings adjacent to non-residential uses: No minimum	Minimum: 20 feet Maximum: 75 feet For buildings adjacent to non-residential uses: No minimum
Side	Minimum: none	Minimum: 5 feet
Large Lots	For lots larger than five (5) acres the entire site should be developed. However, if an applicant is not prepared to develop the entire site at one time, the buildings shall be clustered to one portion of the lot to ensure the street wall is maintained, and to leave a portion of the lot available for potential additional phases of development.	
Building Frontage		
Front and Street Side Lot Line	Individual buildings may not exceed 150 feet in length along the street	Individual buildings may not exceed 150 feet in length along the street
Ground Floor Entries	For apartments, a minimum of one ground floor entry facing the street is required. Entry must be covered and enter an interior lobby or hallway accessing the dwelling units. Open breezeway entries are not allowed. Apartments on corner lots shall have one recessed entry within 20 feet of the corner on the side street. For single-family rowhouse developments, each dwelling fronting a street shall have a covered entry directly to the street. Rear units shall have a front entry to an interior greenspace or courtyard a minimum of 20 feet wide.	Front or street side entries shall be elevated above the sidewalk and require the use of stoops, porches, and/or recessed facades. For apartments, a minimum of one ground floor entry facing the street is required. Entry must be covered and enter an interior lobby or hallway accessing the dwelling units. Open breezeway entries are not allowed. For single-family rowhouse developments, each dwelling fronting a street shall have a covered entry directly to the street. Rear units shall have a front entry to an interior greenspace or courtyard a minimum of 20 feet wide.

B. Building Massing And Form: The purpose of these standards is to ensure quality design of buildings as viewed from all sides and to reinforce Ogden's character from a height perspective. Heights are limited to provide adequate transitions between areas of higher and lower intensity buildings. Table 15-32-5.2 outlines the requirements for the downtown multiple-family zones.

Table 15-32-5.2: Building Massing and Form		
	R-MFV	R-MFH
Table 15-32-5.2: Building Massing and Form		

	R-MFV	R-MFH
Minimum Height	2 stories (30 feet)	None
Maximum Height	6 stories (75 feet)	3 stories (48 feet)
Vertical Step Backs	For buildings over 4 stories (55 feet), an 8 foot vertical step back is required above the ground floor at any story (See Graphic 15-32-5.2A)	None
Horizontal Building Articulation	Required. Maximum length of blank wall: 15 feet. Provide variation in building articulation a minimum of every 20 feet	Required. Maximum length of blank wall: 15 feet. Provide variation in building articulation a minimum of every 20 feet
	Structural columns or variation in facade (depth/change in material) to be articulated at the primary facade the full height of the building to the cornice or to the full height of the building to the first vertical step back.	
Vertical Building Articulation	Required. For buildings over 2 stories in height, vertical architectural elements shall be included at least every 20 feet. These may be reinforced at the ground level or beginning at the second story. (See Graphic 15-32-5.2B)	
	Vertical articulation shall be achieved through a façade change of at least 12 inches in depth, or through a material change. The articulation is required to be equal to at least three-quarters of the total stories. For instance, a 6 story building is required to have a vertical articulation that is at least 4 stories in height.	
Height Transition	None	None



15-37-4.2A: R-MFV Vertical Step Back

- | | |
|---|---|
| 1 | For buildings over 4 stories (55 feet), an 8 foot vertical step back is required above the ground |
|---|---|



15-37-5.2B: Vertical Building Articulation R-MFV and R-MFH	
1	Required for buildings over 2 stories in height at least every 20 feet
2	Vertical articulation shall be achieved through a facade change of at least 12 inches in depth, or through a material change
3	Articulation is required to be equal to at least three-quarters of the total stories

C. Building Material, Fenestration, And Roofs: The purpose of these standards is to ensure the use of building materials and fenestration that reinforce the Ogden's residential character. High quality materials and punched openings for windows and doors are required. Table 15-32-5.3 outlines the requirements for the downtown multiple-family zones.

Table 15-32-5.3: Building Materials, Fenestration, Roofs, and Balconies		
	R-MFV	R-MFH
Table 15-32-5.3: Building Materials, Fenestration, Roofs, and Balconies		
	R-MFV	R-MFH
Materials		
Primary	Masonry/stone, architectural concrete, fiber cement siding	Masonry/stone, wood, architectural concrete, fiber cement siding
Secondary	Wood, glass	Glass
Colors	Primary colors shall be muted earth tones of red, brown, tan, or gray, or natural stone colors. Secondary colors may also include black, natural wood or metal finishes, or muted earth tones of green, orange, yellow, blue. Other colors shall be limited to murals or minor accent details on ten percent (10%) or less of the building surface.	
Fenestration		
Ground Floor (Front Street facing façade)	Minimum 50%	Minimum 25%
Ground Floor (Side Street facing façade)	Minimum 25%	Minimum 25%
2nd Floor (front street facing façade)	Minimum 40%	Punched window openings required
Above 2nd Floor (all building facades)	Punched window openings required	Punched window openings required

Reflective glass (%)	Ground Floor: none allowed Upper Floors: 25% maximum	None Allowed
Roofs and Balconies		
Roofs	Pitched roofs prohibited	Pitched roofs and flat roofs permitted
Balconies	Recessed balconies required for a minimum of 40% of upper floor units facing front or street side lot line. Projecting balconies allowed on side and rear or incorporated into vertical step back. A minimum depth of 6 feet and width of 8 feet required for all balconies. Railing must be metal open rails.	Recessed balconies allowed front or street side lot line. Projecting balconies allowed on side and rear or incorporated into vertical step back. A minimum depth of 6 feet and width of 8 feet required for all balconies. Railing must be metal open rails.

1. Where materials change vertically (for example, between floors), a band of at least four inches (4") deep, a ledge, or similar treatment shall be included at the material change.

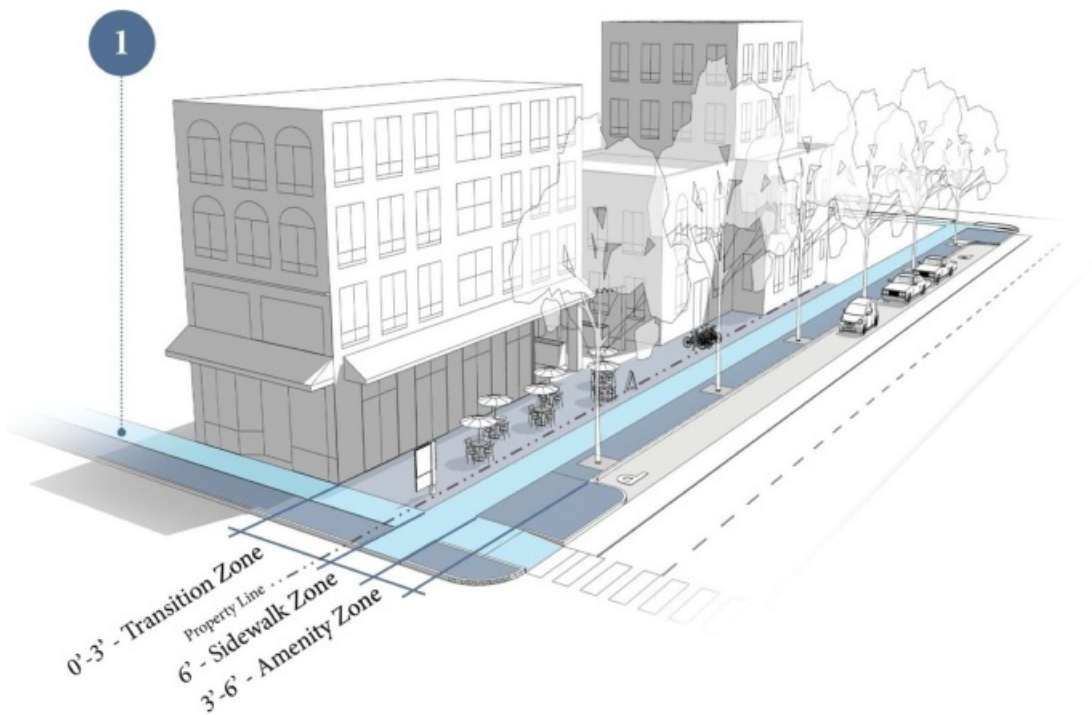
2. Where materials change horizontally (for example at a building corner), the change shall be made at an inside corner, at a vertical column, at a wrap around the corner to a point where the façade is no longer visible, or similar treatment.

3. Windows may not be covered with signage, wraps, artwork, or other coverings except as allowed in section 18-3-8 of this code.

D. Public Realm: The purpose of these standards is to ensure improvements to the public realm are consistent with improvements made on private property and connect buildings to the street. Three (3) different public realm zones are identified, and each must be carefully designed to ensure high-quality streetscapes that provide clear walking areas and opportunities for landscaping. Table 15-32-5.4 outlines the requirements for all downtown multiple-family zones. See Graphic 15-32-5.4.

Table 15-32-5.4: Public Realm Zones (See Graphic 15-32-5.4)

	R-MFV	R-MFH
Transition Zone	0-3 feet	0-3 feet
Sidewalk Zone	6 feet	6 feet
Amenity Zone	5 feet minimum	5 feet minimum



15-37-5.4: Public Realm Zones

- | | |
|---|---|
| 1 | Three different public realm zones are identified, and each must be carefully designed to ensure high-quality streetscapes that provide clear walking areas and opportunities for landscaping |
|---|---|

E. Planning Commission Exceptions: Where no other exception is noted in this section, the planning commission may grant an exception to the design standards of this section upon finding all of the following criteria are met:

1. The project cannot reasonably or practically comply with the standards.
2. The project meets the purpose and intent of this section and downtown plans to the greatest extent practical.

(Ord. 2023-16, 4-11-2023)

15-32-6: DEMOLITION OF BUILDINGS:

A. Building Maintenance: Building maintenance is encouraged while an owner is waiting for a new potential use. Demolition permits are issued only if a building is declared a hazard or upon approved building permit for new construction.

B. Demolition Permit Issuance: Prior to obtaining a demolition permit for the demolition of any main building, the applicant must receive project development plan approval for the immediate reuse of the lot. The submissions must be accompanied with a cost escrow or performance bond to assure timely and proper installation. This bond shall be in addition to the bond required under section 16-9-4 of this code, demolition or moving of buildings or structures code. The bond required under this subsection may be included as part of other required bonding for installation of landscaping or public improvements as an alternative method of performance.

C. Waiver Of Reuse Requirements: Where fire or natural disaster has caused widespread and major damage to properties, and/or where immediate demolition and clearing of the land is necessary to remove hazardous conditions, the director may waive the requirement for immediate reuse of the lot and order immediate demolition. The director may require interim improvements to secure the lot and maintain an attractive site until redevelopment may occur.

(Ord. 2023-16, 4-11-2023)

15-32-7: PROHIBITION OF PAINTING OR COVERING EXTERIOR BRICK:

Buildings that are located east of Adams Avenue and properties facing either side of Adams Avenue are:

- A. prohibited from painting or covering exterior brick except as provided in Subsection B.
- B. painting or sealing of unpainted brick may be approved by the planning commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:

1. painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick.

2. the paint or sealant used will preserve the brick.

3. the color of the paint or sealant will match the existing brick color.

(Ord. 2024-8, 4-9-2024)