



NOTICE AND AGENDA
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 14, 2019

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting February 14, 2019, beginning at 6:15 p.m. in the Council Chambers located at 3950 Adams Avenue, South Ogden, Utah.

A briefing session will be held at 5:30 pm in the conference room and is open to the public.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES – Vice Chair John Bradley

II. PUBLIC HEARING

To Receive and Consider Comments on the Proposed Use of a Development Agreement with Heinrich Properties LP for Development of Property Located at 560 39th Street (Senior Center and Old City Hall)

III. ZONING ACTIONS

- A. Discussion/Recommendation to City Council on Use of Development Agreement with Heinrich Properties LP
- B. Discussion/Direction on How to Classify Micro Blading

IV. SPECIAL ITEMS

Discussion on Proposed Horizontal Mixed Use Zoning Ordinance Amendments

V. OTHER BUSINESS

VI. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of January 16, 2019 Meeting Minutes

VII. PUBLIC COMMENTS

VIII. ADJOURN

Posted and emailed to the State of Utah Public Notice Website February 11, 2019

The undersigned, duly appointed city recorder, does hereby certify that a copy of the above notice and agenda was posted in three public places with the South Ogden City limits on February 11, 2019. These public places being City Hall (1st and 2nd floors), the city website (www.southogdencity.com), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communicative aids and services during the meeting should notify Leesa Kapetanov at 801-622-2709 at least 48 hours in advance.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA

When recorded, return to:

South Ogden City
Attn: City Attorney
3950 S Adams Ave, Suite 1
South Ogden, UT 84403

Parcel Numbers:

05-208-0001

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“DA”) is made and entered as of the ____ of _____, 2019, by and among South Ogden City, a political subdivision of the State of Utah (the “City”), and Heinrich Properties LP., a California limited partnership (the “Developer”).

RECITALS

- A. The capitalized terms used in these Recitals are defined in Section 1.2, below.
- B. Effectiveness of this DA is contingent on Developer closing on the purchase of the Project Property as required by Article 2 of this DA.
- C. The Project Property is currently assigned the Two-Family Residential (R-2) zoning designation as set forth in Title 10, Chapter 7, Article B within the South Ogden City Code, as amended by Ordinance 16-03, 01-05-2016, eff. 01-05-2016.
- D. The Parties desire that the Project Property be developed in a unified and consistent fashion under the 40th Street General Subdistrict within the South Ogden City Form Based Code 10-5.1A, with the exception that permitted Residential uses only will be allowed.
- E. Development of the Project Property as a high-density residential apartment complex under this DA is acknowledged by the Council and Parties to be consistent with LUDMA and generally the 40th Street General Subdistrict, and to operate to the benefit of the City, Developer, and the general public.
- F. The Parties acknowledge that development of the Project Property under this DA will result in significant planning and economic benefits to the City and its residents by, among other things, requiring orderly redevelopment of the Project Property and increasing property tax, sales tax and other revenues to the City based on improvements to be constructed on the Project Property.
- G. Development of the Project Property under this DA will also result in significant benefits to Developer by providing assurances to Developer it can develop the Project Property under this DA.

- H. The Parties have cooperated in the preparation of this DA.
- I. The Parties desire to enter into this DA to specify the rights and responsibilities of Developer to develop the Project Property and the rights and responsibilities of the City to allow and regulate such development under the requirements of this DA.
- J. The Parties understand and intend that this DA is a “development agreement” within the meaning of, and entered into under Utah Code Ann. § 10-9a-102 and SOCC11-3-1G.
- K. The Parties agree that the current R-2 Zoning Regulations will not apply in the development of the Project Property but instead the permitted uses allowed will be those within the 40th Street General Zoning (Residential uses only) and the additional following exceptions:
- (i) The required minimum parking spaces will be reduced to 1.7 spaces per dwelling unit.
 - (ii) On-street P parking spaces along 39th Street (abutting the Project property) immediately to the South (northsouth side of 39th Street) will be used in the parking requirement calculations.
- L. The Parties agree that ~~in order~~ to minimize the impact that the Project has on the neighboring R-2 zone, the requirements under 10-5.1A-7-5 will also apply.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties agree to the following:

TERMS

1. Incorporation of Recitals and Exhibits/Definitions.

- a. Incorporation. The foregoing Recitals and Exhibits “A”, and “B” are incorporated into this DA.
- b. Definitions. As used in this DA, the words and phrases specified below shall have the following meanings:
 - i. “DA” means this Development Agreement including all of its Exhibits.
 - ii. “Buildout” means the completion of ~~all of~~ the development on the entire Project Property under this DA.
 - iii. “City” means South Ogden City, a political subdivision of the State of Utah.

- iv. “City Code” means the South Ogden City Code, as amended.
- v. “Concept Plan” means the documents provided by Developer for the Project, which is attached as Exhibit “A”.
- vi. “Council” means the elected City Council of the City.
- vii. “Developer” means Heinrich Properties LP, a California limited partnership, and its assignees or transferees as permitted by this DA (other than a Sub developer).
- viii. “Development” means the development of a Parcel or a portion thereof under an approved Development Application.
- ix. “Development Application” means an application to the City for development of a portion of the Project including a Subdivision or any other permit, certificate or other authorization from the City required for development of the Project.
- x. “Form Based Code” means specific regulations applied to the 40th Street General Subdistrict within the City’s Zoning Regulations.
- xi. “LUDMA” means the Municipal Land Use, Development, and Management Act, Utah Code Ann. §§10-9a-101, et seq.
- xii. “Notice” means any notice to or from any party to this DA.
- xiii. “Participation Agreement” means an agreement between the South Ogden City Community Development and Renewal Agency and Developer regarding contribution of Agency funds to Developer for the Project.
- xiv. “Parties” mean the City and Developer. Each may be referred to individually as a “Party.”
- xv. “Phase” means the development of a portion of the Project at a point in a logical sequence as determined by Developer.
- xvi. “Planning Commission” means the City's Planning Commission.
- xvii. “Project” means the total development to be constructed on the Project Property under this DA with the associated public and private facilities, Phases, and ~~all of~~ the other aspects approved as part of this DA.

- xviii. "Project Property" means approximately 3.18 acres of land subject to a Real Estate Purchase Contract with Developer located in the City, more particularly described in Exhibit "B" attached hereto.
- xix. "Site Plan" all documents necessary under City Code 10-5.1A-10-2E
- xx. "Substantial Completion" means the date at which Certificate of Occupancy has been issued for all buildings shown on the Site Plan.
- xxi. "Zoning" means the zoning for the Project.
- xxii. "Zoning Ordinance" means the Zoning Regulations ~~contained~~ within the City Code.

2. Conditions Precedent. As conditions precedent to the obligations of the Parties, this DA is contingent upon and shall only become effective at such time, and in the event that:

- a. Developer closes on the purchase of the Project Property ~~on or before~~ April 1, 2019.
- b. Developer obtains all necessary planning entitlements, e.g., site plan approval, from the City's Staff Review Committee.
- c. Developer pays \$_____ to City for ~~the development of~~ developing public park amenities in the 40th Street Park. Developer recognizes the City's desire to improve the park and, as a result, Developer will need fewer park-type amenities within the Project - since Developer's tenants will directly benefit from the park improvements.

The Parties understand and agree that the Project Property is intended to meet the general requirements of the 40th St. General zoning ordinance but that this DA shall control the Parties rights and obligations, subject to Section 5, below. Unless the Parties mutually agree to amend this DA under paragraph 21, below, and the above listed Conditions Precedent are not met within 6 months from the date of signatures to this agreement, this DA shall be void.

3. Effect of DA. This DA shall be the sole agreement between the Parties related to developing the Project except as it may be modified by agreement of the Parties.

4. Development of the Project.

- a. Project Development. Development of the Project shall be under the permitted residential uses of the 40th Street General Subdistrict to include: development of multi-family residential uses and accessory sub-uses; specific development standards within the Zoning Ordinance and this DA, including the Conditions Precedent set forth herein, as outlined in Section 2, and the following:
 - i. Multiple three-story residential apartment buildings, with a maximum of 80 residential units in the Project.

- ii. The Project shall follow the aesthetic guidelines outlined in Sec. 10-5.1A-11 and 10-5.1A-5-4 attached as Exhibit “C.”
- b. Adoption of Project Standards. The Parties understand and acknowledge that the 40th Street General Subdistrict provides standards including, but not limited to, location of buildings, setbacks, lot coverage, building orientation, landscaping and other design features and that the development of the Project is and shall remain subject to these applicable standards.
- c. Project Standards Exceptions. The following exceptions to the 40th Street General Subdistrict and applicable Building Type standards will apply to this DA:
 - i. The current R-2 zoning will not apply, but rather the 40th Street General Subdistrict and it’s permitted residential uses only.
 - ii. The required minimum parking spaces will be reduced to 1.7 spaces per dwelling unit.
 - iii. On-street parking spaces along the north side of 39th Street (abutting the Project property) immediately to the South (south side of 39th Street) will be used in parking requirement calculations.
 - iv. Buffering requirements under 10-5.1A-7-5 will also apply.
- d. Phased Development / Timing of Development. The Parties agree that the project may be developed in phases. The Parties acknowledge that the efficient and economic development of the Project may be contingent and dependent upon numerous factors, such as market conditions and demand, interest rates, competition and similar factors. The City agrees that Developer shall have a reasonable level of flexibility for timing (with the exception of Section 6), sequencing, and phasing of the project.
- e. Approval Processes. Development approval of the Project shall follow the review processes outlined in 10-5.1A-10-2(B)(E) within the Zoning Ordinance and this DA.
- f. Project Fees. The Parties acknowledge that the City charges impact fees, building permit fees, and other fees and that Developer will be subject to all applicable fees. The Parties further acknowledge that the Project may be benefited by a Participation Agreement, but that the successful negotiation of a Participation Agreement is not a condition to performance of Developer’s obligations under this DA.

5. Vested Rights and Reserved Legislative Powers.

- a. Vested Rights Granted by Approval of this DA. To the maximum extent permissible under the laws of Utah and the United States and at equity, the Parties intend that this DA grants Developer the right to develop and construct the Project consistent with the uses and building types as provided in the 40th Street General Subdistrict (residential uses only) and this DA. The Parties intend that the rights granted to Developer and City under this DA are contractual and also those rights that exist under statute, common

law and at equity. The Parties specifically intend that the 40th Street General Subdistrict and this DA, grant to Developer “vested rights” as that term is construed in Utah’s common law and under Utah Code Ann. § 10-9a-509. If any such conditions subsequent are not performed then vested rights shall be deemed to have lapsed.

- b. Reserved Legislative Powers. The Parties acknowledge that any exception to the vested rights ~~as set forth above~~ must meet the compelling, countervailing public interest standard in Utah Code Ann. §10-9a-509.
- c. Legislative Discretion. Nothing in this DA shall be interpreted to usurp the independent exercise of the legislative discretion of the Planning Commission and Council.

6. **Developer's Non-Performance.** Should Developer fail to meet or perform the obligations defined within this DA, or if Substantial Completion of the Project has not been accomplished within ~~five~~ three (53) years of the date of this DA, absent any extensions by further agreement of the Parties, this DA shall be automatically terminated and the Parties shall have no further rights or obligations hereunder.

7. **Term of Agreement.** The term of this DA shall be until _____, 20____. This DA shall also terminate automatically at Buildout.

8. **City Obligations for Improvements.** In connection with the Project, the City confirms that it has the ~~necessary~~ utility infrastructure to provide water, sewer, and stormwater service to the Project and that such infrastructure exists within a reasonable distance of the Project Property. The City also agrees that it will permit Developer to connect to the City's water, sewer, and storm drain upon payment of all applicable fees. Developer acknowledges that all other necessary utilities, including but not limited to electrical and natural gas service, are the responsibility of Developer.

9. **Upsizing.** Upon request from the City, Developer shall “upsized” any public infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Project) provided that the City ~~makes~~ arranges ~~to~~ compensate Developer for the reasonable costs of such upsizing ~~on or before~~ by the date on which such infrastructure is installed by Developer. For example, if an upsized to a water pipe size increases costs by 10% but adds 50% more capacity, the City shall only be responsible to compensate Developer for the 10% cost increase. Acceptable financial arrangements for upsizing of improvements include reimbursement agreements, payback agreements, pioneering agreements, and impact fee credits and reimbursements.

10. **Developer to Indemnify the City.** Developer shall, protect, indemnify, save harmless and defend the City and its agents, employees, officers and elected officials against any claims, demands, judgments, expenses, and all other damages of every kind and nature made, rendered, or incurred by or in behalf of any person or persons whomsoever, including the Parties ~~hereto~~ and their employers, which may arise out of any act or failure to act, work or other activity related in any way to the Project, by Developer, Developer's agents, employees, subcontractors, or suppliers in the performance and execution of the work/development contemplated by this DA. This

indemnification provision shall not apply to any claims or liabilities that are unrelated to the Project or this DA.

11. Notices.

a. Notice Addresses. All notices required or permitted under this DA shall be given in writing by certified mail and regular mail to ~~the following~~these addresses:

To Developer:

Heinrich Properties LP
320 N 10th St.
Sacramento, CA 95811

To the City:

South Ogden City
Attn: City Manager
3950 Adams Ave. Suite 1
South Ogden City, UT 84403

b. Effectiveness of Notice. Each Notice shall be effective and shall be deemed delivered on the day the Notice is postmarked for mailing, postage prepaid, by Certified United States Mail and actually deposited with or delivered to the United States Postal Service.

Any party may change its address for Notice under this DA by giving written Notice to the other Parties.

12. Assignment and Transfer of Development.

a. Assignment. Developer shall not assign its obligations under this Agreement or any rights or interests herein, and, except as provided below, shall not convey the Project or any portion therefor, without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed if the proposed transferee (a) has, in the sole opinion of the City, the qualifications and financial resources necessary and adequate to fulfill the obligations of Developer under this Agreement and any then-applicable documents necessary to complete development; and (b) by instrument in writing, has expressly assumed the obligations of Developer under this Agreement and all then-applicable additional agreements and agreed to be subject to the conditions and restrictions arising under this Agreement or any other related development documents. If only a portion of the Project is assigned and/or conveyed under this Section 13, a reasonable allocation of Developer's duties appurtenant to that portion will be made.

b. Security Interests. This Section 13 shall not prohibit granting any security interests for financing the acquisition and development of the Project, subject to Developer complying with applicable law and the requirements of this DA.

c. **Change in Control.** A change in the majority ownership or control of Developer shall be deemed a transfer requiring the consent of the City under the requirements of this Section 13. Notwithstanding the foregoing sentence, transferring all or a portion of the Project or change in the majority ownership or control of Developer shall NOT be considered a transfer under these circumstances: (i) a transfer occurs to an entity that is an affiliate of Developer, (ii) a transfer or change in ownership occurs because of a merger or acquisition of Developer resulting in Developer and its principal(s) having the majority interest and control of the succeeding or resulting entity, or (iii) a transfer occurs only by way of security for, and only for, the purpose of obtaining financing to enable Developer, or its permitted successor in interest, to perform its obligations under this Agreement or any of the development related documents. If because of these described actions one or more new principals become associated with the Project, such principals shall sign a counterpart of this agreement evidencing their personal guaranty of Developer's obligations. For purposes of this section, an "affiliate" is an entity in which the owner(s) of Developer both holds an ownership stake of more than 50 percent and over which the owner of Developer is able to exert control

13. Appointment of Representatives. To further the commitment of the Parties to cooperate in implementing this DA, the City and Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and Developer. The initial representative for the City and the CDRA shall be Matthew Dixon, City Manager, and the initial representative for Developer shall be Paul Droubay. The Parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this DA and the development of the Project.

14. Mutual Drafting. Each party has participated in negotiating and drafting this DA and therefore no provision of this DA shall be construed for or against either party based on which party drafted any particular portion of this DA.

15. Waiver of Jury Trial; Attorneys' Fees. All disputes or claims arising under this DA shall be mediated by a mediator to be agreed upon by the Parties. If, after good faith efforts by the Parties, mediation is unsuccessful in resolving the dispute(s), any remaining controversy or claims arising out of or relating to this DA, or a breach thereof, shall be resolved by bench trial in the District Courts for the Second Judicial District, Weber County, Utah. The prevailing Party in any such action may recover all costs, including reasonable attorneys' fees, incurred in enforcing this Agreement. The Parties waive their right to a jury trial of any disputes or claims arising under this DA.

16. Applicable Law. This DA is entered into in Weber County in the State of Utah and shall be construed under the laws of the State of Utah despite Utah's choice of law rules.

17. Venue. Subject to Section 16, supra, any action to enforce this DA shall be brought only in the Second District Court for the State of Utah, Weber County.

18. No Waiver. Failure of any party to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

19. Severability. If any provision of this DA is held by a court of competent jurisdiction to be invalid, the Parties consider and intend that this DA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this DA shall remain in full force and affect.

20. Limitations on Damages. UNDER NO CIRCUMSTANCE SHALL ANY PARTY BE ENTITLED TO RECOVER (I) LOST PROFITS OR OTHER BUSINESS INTERRUPTION DAMAGES, (II) PENALTIES, OR (III) SPECIAL, PUNITIVE, TREBLE, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES.

21. Entire Agreement. This DA and all Exhibits ~~hereto~~, constitute the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all Parties.

22. Recordation and Running with the Land. This DA shall be recorded in the chain of title for the Project. This DA shall be deemed to run with the land.

23. Authority. The Parties to this DA each warrant ~~that~~ they have the ~~necessary~~ authority to execute this DA. Specifically, on behalf of the City, the signature of the Mayor, or designee, of the City is affixed to this DA lawfully binding the City on _____, 201__.

IN WITNESS WHEREOF, the Parties have executed this DA by and through their respective, duly authorized representatives as of the day and year first herein above written.

SOUTH OGDEN CITY

By: _____

Its: _____

State of Utah)

§

County of Weber)

On this ____ day of _____, the year _____, before me, _____ a notary public, personally appeared _____, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he/she executed the same.

Witness my hand and official seal.

(notary signature)

(seal)

Heinrich Properties LP

By: _____
Its: _____

State of California)

§

County of Sacramento)

On this ____ day of _____, the year _____, before me, _____ a notary public, personally appeared _____, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he/she executed the same.

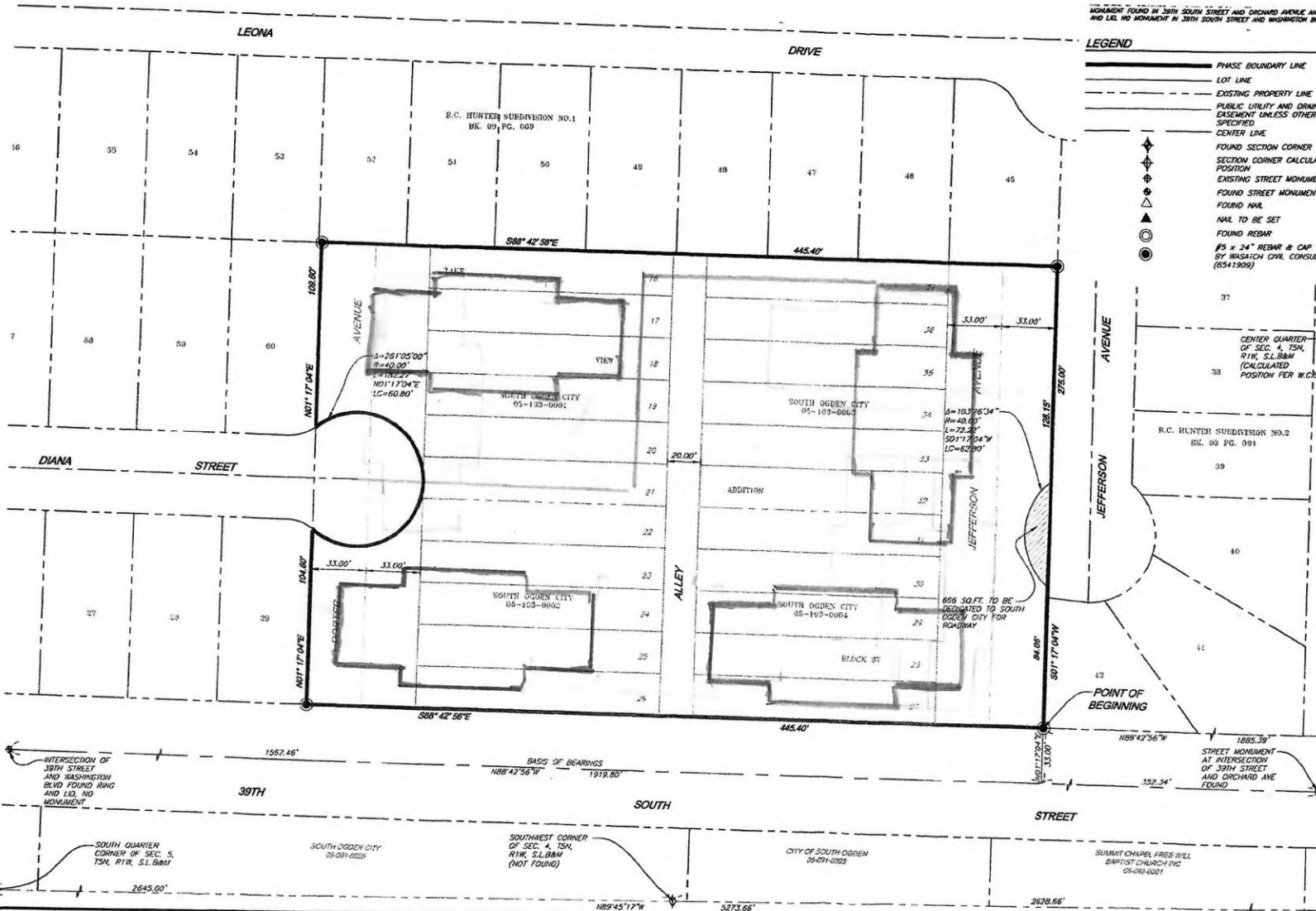
Witness my hand and official seal.

(notary signature)

(seal)

Exhibit “A”
Concept Plan

SCALE: 1" = 60'



MONUMENT FOUND IN 39TH STREET AND ORCHARD AVENUE AND THE RING AND LID NO MONUMENT IN 39TH STREET AND WASHINGTON BOULEVARD

LEGEND

- PHASE BOUNDARY LINE
- LOT LINE
- EXISTING PROPERTY LINE
- PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE SPECIFIED
- CENTER LINE
- FOUND SECTION CORNER
- SECTION CORNER CALCULATED POSITION
- EXISTING STREET MONUMENT
- FOUND STREET MONUMENT
- FOUND NAIL
- NAIL TO BE SET
- FOUND REBAR
- #3 x 24" REBAR & CAP TO BE SET BY WESATCH CIVIL CONSULTING ENGINEERING (6341800)

COMPILED FROM THE RECORDS IN THE WEBER COUNTY RECORDERS OFFICE AND OF A SURVEY MADE ON THE GROUND
SIGNED THIS DAY OF

MATTHEW ABRAHAM MURDOCK, P.L.C.
STATE OF UTAH
NO. 6341800
WESATCH CIVIL CONSULTING ENGINEERING

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 42 OF R.C. 1 SUBDIVISION NO. 1 AS RECORDED IN BOOK 08 AT PAGE 04 IN THE WEBER COUNTY RECORDERS OFFICE; SAID POINT BEING N 88°42'58" WEST 352.34 FEET AND NORTH 01°17'04" EAST 33.00 FEET FROM THE MONUMENT FOUND AT THE INTERSECTION OF 39TH STREET AND ORCHARD AVENUE (BASIS OF BEARINGS IS NOK); N 88°42'58" WEST 1918.80 FEET BETWEEN THE MONUMENT FOUR QUARTER CORNER OF SAID SECTION 4 PLANNED THENCE N 88°42'58" WEST 445.40 FEET ALONG THE NORTH RIGHT-OF-WAY SAID 39TH STREET TO THE SOUTHEAST CORNER OF L. R.C. HUNTER SUBDIVISION NO. 1 AS RECORDED IN BOOK 08 A 018 IN THE WEBER COUNTY RECORDERS OFFICE; THENCE TO FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG SAID HUNTER SUBDIVISION NO. 1: (1) NORTH 01°17'04" EAST 104.81 FEET OF NON-CURVATURE WITH A 40.00' RADIUS CURVE TO: (2) 182.37 FEET ALONG THE ARC OF SAID CURVE THROUGH AN ANGLE OF 30°10'59" (CHORD BEARS NORTH 01°17'04" EAST); (3) NORTH 01°17'04" EAST 108.80 FEET; (4) SOUTH 88°42'58" WEST 1918.80 FEET TO THE WEST LINE OF SAID R.C. HUNTER SUBDIVISION 1; THENCE SOUTH 01°17'04" WEST 278.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

CONTAINS 117,343 SQUARE FEET OR 2.685 ACRES MORE OR LESS

OWNERS ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF WEBER }
ON THE DAY OF 2018, I, 2018 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND SAID STATE AND COUNTY OF WEBER, AND AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME:
IS THE MANAGER OF SAID PROPERTY AND THAT THEY SIGNED THE OWNERS DECISIONS VOLUNTARILY AND AS A RESULT OF SAID OWNERSHIP FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: 2018
NOTARY PUBLIC

SIGNED THIS DAY OF 2018
SOUTH OGDEN CITY CORPORATION

RUSSELL L. HUNTER
MAYOR

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF WEBER }
ON THE DAY OF 2018, I, 2018 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND SAID STATE AND COUNTY OF WEBER, AND AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME:
IS THE MANAGER OF SAID PROPERTY AND THAT THEY SIGNED THE OWNERS DECISIONS VOLUNTARILY AND AS A RESULT OF SAID OWNERSHIP FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: 2018
NOTARY PUBLIC

SOUTH QUARTER CORNER OF SEC. 4, T1N, R1W, S.L.B.M. FOUND BRASS CAP

PREPARED BY:



WASATCH CIVIL
Consulting Engineering
1150 SOUTH DEPOT DRIVE, SUITE 225
OGDEN, UTAH 84405 (801) 775-9191

SOUTH OGDEN CITY PLANNING COMMISSION APPROVAL

APPROVED THIS DAY OF 2018
BY THE SOUTH OGDEN CITY PLANNING COMMISSION

SIGNATURE

SOUTH OGDEN CITY ENGINEER

I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE ENGINEER OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.
SIGNED THIS DAY OF 2018.

SIGNATURE

SOUTH OGDEN CITY ATTORNEY

I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE CITY ATTORNEY OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.
SIGNED THIS DAY OF 2018.

SIGNATURE

SOUTH OGDEN CITY APPROVAL AND ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEES OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON, ARE HEREBY APPROVED AND ACCEPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH THIS DAY OF 2018.

ATTEST:

MAYOR
CITY RECORDER

COUNTY RECORD

ENTRY NO. RECORDED IN BOOK OF OFFICIAL RECORDS, A FOR

COUNTY REC.
BY: DEPUTY

SOUTH OGDEN APARTMENTS 560 39TH STREET

TYPICAL ELEVATIONS STACKED FLATS










SOUTH OGDEN CITY CODE

11-3-1

G. Development Agreements:

1. Purpose: The purpose of this subsection is to more fully implement the General Plan and the purposes of all land use ordinances. A development agreement may be considered by the City Council ("Council"), upon recommendation from the Planning Commission ("commission") as a method of providing the City with additional control and flexibility in the approval of development projects by tailoring development standards and requirements to the unique features of a particular development site.
2. Eligibility: Persons entering into a development agreement with the Council must have a legal or equitable interest in the property that is the subject of the development agreement.
3. Contents: All development agreements entered into by the Council shall specify and contain, as a minimum, the following sections:

-  a. Duration of agreement.
-  b. Description of the subject property.
-  c. Allowed uses.
-  d. Maximum density or intensity of the allowed uses and construction requirements.
-  e. A subdivision layout or site plan identifying the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.
-  f. A phasing schedule for all project phases and the timing for the provision of all features, dedications, and improvements.
-  g. Other conditions, terms, restrictions, and requirements for subsequent actions and approvals.

4. Public Hearing Required And Required Notice:

- a. A public hearing to consider a development agreement application shall be held by the commission prior to making a recommendation to the Council. The procedures for the consideration of an application for a development agreement shall be those procedures for the consideration of a General Plan amendment application.

- b. The required notice shall be the notice required for the consideration of a General Plan amendment application. At the discretion of the commission, the required public hearing for the consideration of a development agreement application may be held concurrently with any other required public hearing.
5. Form And Consistency: A development agreement shall be approved by the Council by ordinance, following the receipt of a commission recommendation, with a finding that the development agreement is consistent with the General Plan.
6. Applicable Provisions, Regulations, And Policies: Unless otherwise modified by a development agreement, all provisions, regulations, and policies governing the uses of the land, density, design, and improvement and construction standards and specifications and all other requirements and regulations of all land use ordinances in effect at the time of the execution of the agreement shall apply. A development agreement shall not prevent the City from subsequent actions applicable to the property that is the subject of a development agreement from applying any new provisions or regulations that do not conflict with those contained within the development agreement.
7. Periodic Review And Modification Or Termination: The Zoning Administrator shall review a development agreement at least every twelve (12) months, at which time the applicant, or the applicant's successor, shall be required to demonstrate good faith compliance with the terms of the development agreement. If the Zoning Administrator finds, based on the evidence, that the applicant has not complied in good faith with all terms or conditions of the agreement, the Zoning Administrator shall recommend to the Council that the agreement be modified, or terminated. If the Council concurs, the agreement may be modified or terminated by the Council. Proceedings before the Council to consider modification or termination of an agreement shall include a noticed public hearing complying with the notice requirements for a General Plan amendment application.
8. Amendment Of Cancellation: In addition to provisions of subsection G7 of this section, a development agreement may be amended or canceled in whole, or in part, by mutual consent of the parties to the agreement, or their successors.
9. Recording Of A Development Agreement: No later than ten (10) days after the Council approves a development agreement application, the City Recorder shall record the development agreement, as approved, in the Office of the Weber County Recorder. The recorded copy of the development agreement shall be considered the official copy of said agreement. The benefits, rights, and obligations of a development agreement shall be binding upon, and shall inure to all successors to the original parties to the agreement.
10. Modification Or Suspension To Comply With State Or Federal Laws: In the event that Federal or State laws or regulations, enacted after the adoption of a development agreement, prevent or preclude compliance with one or more

provisions of the agreement, such provisions of the agreement shall be modified, or suspended, as may be necessary to comply with such Federal or State laws or regulations.

11. **Reversion Of Zoning In The Event Of Noncompliance:** In the event a development agreement is terminated, as provided by subsections G7 and G8 of this section, the land use ordinance and zoning districts map requirements for the subject property shall revert to those that existed prior to the enactment of the development agreement. (Ord. 17-04, 2-7-2017, eff. 2-7-2017)



OFFICE OF THE CITY RECORDER

February 1, 2019

Dear Property Owner/Affected Entity,

The South Ogden City Planning Commission will hold a public hearing on a proposed development agreement with Heinrich Properties LP, for development of the Community Center Subdivision located at 560 39th Street, South Ogden, Utah, 84403 (see map on back of this page.) You are receiving this notice because you have been identified as a property owner within 500 feet of the proposed development or an affected entity of the proposed multi-family residential development using a development agreement. A development agreement is executed between the City and a developer, and is used as a method of providing the city with additional control and the developer more flexibility of the development project. The proposed development agreement would allow the following:


1. Waive the R-2 zoning requirements and instead use the 40th Street General Subdistrict requirements for residential uses. No commercial uses would be allowed.

To find out the requirements for residential uses, you can visit the city's website at www.southogdencity.com, click on the "Government" tab, and drop down to "City Code." You will then need to go to Title 10, Chapter 5.1, Article A. You can also call Planner Mark Vlastic at 801-474-3300 or Recorder Leesa Kapetanov at 801-622-2709.

The hearing on the development agreement will be at 6:15 pm, or as soon as the agenda permits, during the regularly scheduled South Ogden City Planning Commission Meeting on **February 14, 2019**. The meeting will be located at City Hall, 3950 Adams Ave., 84403, in the city council chambers. You are invited to attend and offer comment or respond in writing.

To view the development agreement or if you have further questions, please call the City Recorder at 801-622-2709.

Sincerely,


Leesa Kapetanov, CMC
South Ogden City Recorder

E lkapetanov@southogdencity.com
O 801-622-2709
F 801-622-2713

3950 Adams Ave., Ste. 1
South Ogden, UT 84403

southogdencity.com

Property being considered for a development agreement.



E lkapetanov@southogdencity.com
O 801-622-2709
F 801-622-2713

3950 Adams Ave., Ste. 1
South Ogden, UT 84403

southogdencity.com

STAFF REPORT



SUBJECT: Discussion and Direction on How to Classify and Control Micro Blading
AUTHOR: Mark Vlasic
DEPARTMENT: City Planner
DATE: February 14, 2019

BACKGROUND

South Ogden City recently received a business license application for micro blading. Many questions resulted, including how to classify it, in order for staff to determine in which zones micro-blading should be allowed. This report provides information on the practice of micro blading, zoning implications and precedents from other communities where similar requests have been addressed.

WHAT IS MICRO BLADING?

Micro blading, also known as eyebrow embroidery, feathering, 3d brows, or etching, is an emerging trend in semi-permanent makeup. According to a 2016 report by KSL News, the practice has existed in other countries for years and has only been a popular practice in Utah for a few years.

A micro blade looks like a miniature X-ACTO knife but instead of a blade it has a row of tiny needles that are dipped in ink, which is implanted under the skin. It is a way to have the appearance of full eyebrows without having to draw them on every morning.

Micro blading is similar to tattooing but instead of a block of color, small individual hair-like strokes are made. The area is often numbed using epinephrine and lidocaine. A procedure costs several hundred dollars and is semi-permanent. The results generally fade within one to three years. The procedure typically produces some pain and some bleeding.

According to a KSL News interview with Dr. Scott Thompson, a board-certified facial plastic surgeon practicing at Utah Facial Plastics in Utah, there has been a sharp increase in the demand for beautiful brows among his patients. He warns that eyebrows have some very specific anatomy, and if the micro blading practitioner is not familiar with those conditions, they could cause disfigurement. He says there are real risks with the procedure, including potentially serious infections under the skin that can result in scarring that can't be fixed.

HOW IS MICRO BLADING CONTROLLED IN UTAH?

To be licensed to do hair in the state of Utah, a minimum of 1,600 hours of schooling is required. To do nails, a minimum of 300 hours of schooling is required. However, to offer micro blading, there is no bare minimum competency level, which is because micro blading is not regulated by the Utah Division of Occupational and Professional Licensing.

In other words, micro blading falls into a gray regulatory area. The cleanliness of a brow studio and proper disposal of equipment is regulated by each county's health department. However, it has nothing to do with making sure the person holding the blade is properly trained and certified.

According to the KSL report, "Anybody can take a two or three day course and literally a month or two later can go and open their own training facility". A quick search of the web results in dozens of so-called 'training facilities' in Utah. It further indicates that there are at least four businesses offering micro blading in South Ogden at present:

- Averly Beauty, 1452 East Ridgeline Drive
- New Image Day Spa, 5261 South Adams Avenue
- Mindful Woman Spa, 1525 E 6000 South
- Lashed LLC, 1479 East 5600 South

The KSL report concludes by recommending that people who are considering micro blading confirm that the technician is insured, that they ask to see unedited, unfiltered "before-and-after" images of recent clients, and that they ensure that the technician and the facility are certified by the county health department to practice micro blading.

ZONING IMPLICATIONS

A review of Weber-Morgan Health regulations indicates that the control of micro blading is truly a "gray area".

According to the "Body Art, Piercings & Indoor Tanning" service page of the Weber-Morgan Health Department website (<http://www.webermorganhealth.org/environmental-health-services/body-art-tanning/index.php>) "tattoo, **permanent makeup**, and body piercings" are regulated by the department. However, no definition for permanent makeup is provided, nor is permanent makeup or micro blading specifically addressed in the corresponding Body Art Regulations or Application for Permit to Operate a Body Art Establishment¹.

¹ It should be noted that the application form indicates three types of businesses: Body Piercing, Tattooing, and Other. There is no indication of what uses might be considered under the "other" classification.

In comparison, cosmetology practice requires licensure by the State of Utah Division of Occupational and Professional Licensing and that such operations must follow guidelines established by Weber-County Health and the State of Utah. Neither indicate micro blading as a regulated practice. Weber County Health Department confirmed in a phone call that they do require an inspection for micro blading; however, they do not regulate licensure, how it is classified, or where it can go.

The determination of the proper zone where micro blading can be allowed depends on how the practice is classified, which is left up to the City to determine.

The current form based codes classify a “barbershop, beauty salon and spa” where micro blading normally takes place, as a Neighborhood Service. A “tattoo/piercing parlor” is classified as a General Service. The type of service should be appropriate for the visibility and accessibility required for a specific use.

Neighborhood Services are permitted in facilities less than 12,000 square feet in the City Center “Core”, City Center “General”, Riverdale Road “and the 40th Street General Subdistricts of the City Center and 40th Street Form-based Code. General Services are permitted in facilities 12,000 square feet or greater (although they can go in smaller facilities as well) in the City Center “Core” and are Conditional Uses in the City Center “General”, Riverdale Road Subdistricts of the City Center and 40th Street Form-based Code. It should be noted that all Neighborhood Services are also allowed in all subdistricts where General Services are allowed.

Neighborhood Services are permitted in facilities less than 12,000 square feet in the Gateway Core, Gateway General and Neighborhood Commercial Subdistricts of the Commercial Areas Form Based Code. General Services are permitted in any size facility in the Gateway Core and are conditional uses in the Gateway General and Neighborhood Commercial Subdistricts of the Commercial Areas Form Based Code.

QUESTIONS TO BE ANSWERED

Staff is looking for direction related to the land use and zoning implications of the practice of micro blading. Some of the key questions to be addressed follow:

- Should micro blading be classified as a regular use a salon might offer such as hair coloring or nail services, or should it be classified as tattooing ?
- If the latter, does this mean it should only be allowed in zones where a tattoo or piercing parlor is allowed?
Once the Commission determines how micro blading should be classified, it should determine if the current zoning where the use is allowed is sufficient.

STAFF REPORT



SUBJECT: Discussion on Proposed Changes to City Center/
40th Street Form Based Code and Commercial
Areas Form Based Code to Accommodate
Horizontal Mixed Uses

AUTHOR: Mark Vlastic

DEPARTMENT: City Planner

DATE: February 14, 2019

This is a continuation of discussions on proposed changes to the City Center/40th Street Form Based Code to accommodate horizontal mixed uses.

PURPOSE

This report addresses proposed changes to the *South Ogden City Center/40th Street Form Based Code (Adopted June 21, 2016)* and *South Ogden City Commercial Area Form Based Code (Adopted November 21, 2017)* to accommodate horizontal mixed-use development.

BACKGROUND

In June 2016, South Ogden City adopted a Form Based Code for the City Center & 40th Street Corridor, which established a code that will help create a walkable downtown district in the City Center, and a livable transit corridor along 40th Street. The following year a second form-based code was adopted to address all remaining commercial areas in the city.

Both codes have been carefully calibrated to encourage the form and types of development that will result in a more dynamic city core and commercial development.

VERTICAL VERSUS HORIZONTAL MIXED USE

While mixed-use can take many forms, it is typically categorized as either A) vertical mixed-use building or horizontal mixed-use blocks.

Vertical Mixed-Use Building combines different uses in the same building, with ground floor uses requiring retail and similar uses, and the upper floors having residential uses. In more urban areas, entire blocks or neighborhoods may be composed of vertical mixed-use buildings.

Horizontal Mixed-Use Blocks combine single-use buildings on distinct parcels in a range of land uses within one block.

A wide mix of uses is allowed in most of the subdistricts of both form-based codes in South Ogden. However, the City Center “Core” subdistrict of the City Center & 40th Street Form-based Code

requires vertical mixed use, whereby the ground level of all buildings are required to be dedicated to commercial uses, and residential, school and hospital/clinic uses be limited to the levels above the ground floor.

In the Commercial Areas Form-based Code, vertical mixed-use development is required in the Gateway Core and Neighborhood Commercial Subdistricts, similar to the City Center “Core” subdistrict of the City Center & 40th Street code, and for similar reasons.

Since the adoption of both form-based codes, there has been significant redevelopment interest, particularly in the areas where vertical mixed-use development is required. Unfortunately, the vertical mixed-use model does not match current market demands focused on residential development.

ANALYSIS

The distinction between what the code requires and what the development community is willing to develop illustrates the challenge of redeveloping the commercial subdistricts of South Ogden into places where people can live, work, play and shop in one place, and which will eventually become destinations for people to shop and visit. The mixing of uses is a catalyst to building more complete, compact, complex, and walkable neighborhoods — as well as competitive city centers — because it facilitates efficient access to where people live, work, play and shop via walking, biking, transit and/or cars.

While vertical mixed-use is desirable, it is not currently supported by the local development market. Fortunately, vertical mixed-use is not the only model for achieving the mixes desired. Horizontal mixed-use development can also provide the mix of uses required, providing a greater level of flexibility to accommodate current markets and development needs while also permitting commercial, retail and other uses in the same districts. There is a risk that the affected areas will be focused more on residential than anticipated, or that the desired commercial services may lag behind the development of residential uses with this model. However, it facilitates positive change while allowing a wide-range of flexibility for the market to respond. Both horizontal and vertical mixed use would be permitted in this scenario.

RECOMMENDED CHANGES

In order to facilitate positive redevelopment in the city core and other commercial subdistricts in the city, staff recommends that the requirement for retail and similar uses on the ground floor of the City Center “Core, Gateway Core and Neighborhood Commercial Subdistricts be eliminated. It is further recommended that the minimum height of ground story uses remain at 14’, which will facilitate the potential transformation of ground floor residential uses to retail/commercial uses on the ground floor of all buildings in the area in the future, if and when market conditions change.

10-5.1A-4-1: GENERAL REQUIREMENTS:

A. General Provisions: The following general provisions apply to the uses outlined in this section 10-5.1A-4:

1. A lot may contain more than one use.
2. Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
3. Uses are either permitted by right in a subdistrict, permitted by right with specific development or design parameters, or require a conditional use permit (refer to subsection [10-5.1A-10-2F](#) of this article) in order to be developed.
4. Each use shall be located within a permitted building type (refer to section [10-5.1A-5](#), "Building Types", of this article), unless otherwise specified.
5. Each use may have both indoor and outdoor facilities, unless otherwise specified.

B. Organization: The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.

1. Unlisted Similar Use: If a use is not listed but is similar in nature and impact to a use permitted within a zoning subdistrict, the city manager or designee may interpret the use as permitted.

a. The unlisted use will be subject to any development standards applicable to the similar permitted use.

b. If the unlisted use is similar in nature and impact to a use requiring a conditional use permit, the city manager or designee may interpret the use as also requiring a conditional use permit.

2. Unlisted Dissimilar Use: If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zoning subdistrict that is either permitted or requires a conditional use permit, the use is not permitted and may only be approved through an amendment of this article.

C. Use Table: Table 4.1(1), "Uses By Subdistrict", of this section outlines the permitted uses in each zoning subdistrict. Each use is given one of the following designations for each zoning subdistrict in which that use is permitted:

1. Permitted ("P"): These uses are permitted by right in the subdistricts in which they are listed.

~~2. Permitted In Upper Stories Only ("P1"): These uses are permitted by right in the subdistricts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least thirty feet (30') from the front facade.~~

~~3~~2. Permitted With Development Standards ("P2"): These uses are permitted by right in the subdistricts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a subdistrict where it otherwise might not have been appropriate.

~~4~~3. Requires A Conditional Use Permit ("C"): These uses require administrative review and approval (refer to subsection [10-5.1A-10-2F](#) of this article) in order to occur in the subdistricts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the conditional use.

~~5~~4. Not Permitted: Listed uses that are not permitted in the subdistrict are indicated by a blank space. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

TABLE 4.1(1)
USES BY SUBDISTRICT

Key:	
P	Permitted
- P1	Permitted in upper stories only
P2	Permitted with development standards
C	Requires a conditional use permit
Blank	Not permitted

Uses	Subdistricts				
	City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"	Edge
Residential and lodging:					
Residential	P1	P	P	P	P
Hotel and inn	P	P	P	P	P2

	Group living arrangements	C	C	C	C	
	Civic:					
	Assembly	C	C	C	C	P2
	Transit station	P	P	P	P	P2
	Hospital and clinic	P1	P	P	P	
	Library/museum/post office (no distribution)	P	P	P	P	C
	Police and fire	C	C	C	C	C
	School	P1	P	P	P	P
	Retail:					
	Neighborhood retail	P	P	P	P	
	General retail	P	C	P		
	Outdoor sales lot			C		
	Service:					
	Neighborhood service	P	P	P	P	
	General service	P	C	C		
	Vehicle service		C	P2		
	Office and industrial:					
	Office	P1	P	P	P	P2
	Craftsman industrial	P2	P2	P		
	Infrastructure:					
	Parking lot	P2	P2	P2	P2	
	Parking structure	P2	P2	P2	P2	
	Utility and infrastructure	C	C	C	C	
	Open space	P2	P2	P2	P2	P2
	Accessory uses:					

	Home occupation	P	P	P	P	P
	Parking lot	P	P	P	P	
	Parking structure	P2	P2	P2	P2	
	Outdoor storage of goods		P2	P2		
	Beer and liquor:					
	Class A license ¹	P		P		
	Class B license ²	P	P	P	P	
	Class C license ³	P	P	P	C	

Notes:

1. Class A: Beer and/or liquor served and consumed on or off premises (bar, tavern, microbrewery).
2. Class B: Beer and/or liquor sold on premises, but on premises consumption is prohibited (convenience and grocery stores, state liquor stores).
3. Class C: Beer and/or liquor may be served with a meal in a restaurant.

(Ord. 16-07, 6-21-2016, eff. 6-21-2016; amd. Ord. 16-20, 12-6-2016)

D. Building Types: The uses permitted within the subdistrict may be further limited by the building types permitted. Refer to section [10-5.1A-5](#), "Building Types", of this article. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

10-5.1A-5-1: INTRODUCTION TO BUILDING TYPE STANDARDS:

A. Introduction: The building types detailed in this section 10-5.1A-5, "Building Types", outline the required building forms for new construction and renovated structures within the subdistricts defined in section [10-5.1A-3](#) of this article.

B. General Requirements: All building types must meet the following requirements:

1. Zoning Subdistricts: Each building type shall be constructed only within its designated subdistricts. Refer to table 5.1(1), "Permitted Building Types By Subdistrict", of this section.

TABLE 5.1(1)
PERMITTED BUILDING TYPES BY SUBDISTRICT

Key:	
P	Permitted
P ¹	Not permitted everywhere. Refer to “1. Building Siting” in the table located in 10-5.1A-5-4(B) for restrictions

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

2. Uses: Each building type can house a variety of uses depending on the subdistrict in which it is located. Refer to section [10-5.1A-4](#), "Uses", of this article for uses permitted per subdistrict. Some building types have additional limitations on permitted uses.

3. No Other Building Types: All buildings constructed must meet the requirements of one of the building types permitted within the zoning subdistrict of the lot.

4. Permanent Structures: All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

5. Accessory Structures:

a. Attached accessory structures are considered part of the principal structure.

b. Detached accessory structures are permitted per each building type and shall comply with all setbacks except the following:

(1) Detached accessory structures are not permitted in the front yard.

(2) Detached accessory structures shall be located behind the principal structure in the rear yard.

(3) Detached accessory structures shall not exceed the height of the principal structure. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

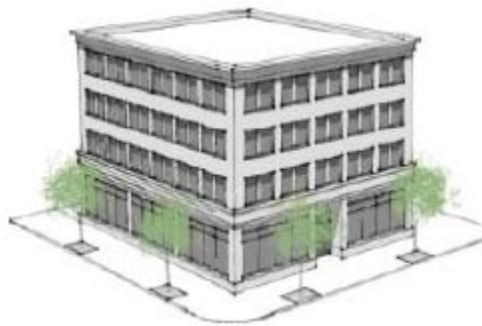
10-5.1A-5-3: STOREFRONT BUILDING:

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

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

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

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



(Ord. 16-07, 6-21-2016, eff. 6-21-2016)

			Permitted Subdistricts			
			City Center "Core"	City Center "General"	Riverdale Road "General"	40th Street "General"
1.	Building Siting: Refer to figure 5.3(1) of this section					
		Multiple principal buildings	Permitted	Permitted	Permitted⁶ — <u>Permitted⁵</u> -	Permitted

	(a)	Front sidewalk coverage	85%	80%	80%	80% ¹
		Occupation of corner	Required	Required	Required⁶ — <u>Required⁵</u>	Required
	(b)	Front build-to zone	0' to 5'	0' to 5'	0' to 10' ⁶ — <u>⁵</u>	0' to 5'
	(c)	Corner built-to zone	0' to 5'	0' to 5'	0' to 10' ⁶ — <u>⁵</u>	0' to 5'
	(d)	Minimum side yard setback	0'	0'	0'	0'
	(e)	Minimum rear yard setback	10'	10'	10'	10'
	(f)	Minimum lot width	None	None	None	None
		Maximum lot width	None	None	None	None
	(g)	Parking and loading location	Rear yard	Rear yard	Rear yard⁶ — <u>yard⁵</u>	Rear and side yard ¹
	(i)	Vehicular access	Alley only; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the City Manager or designee	Alley; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the City Manager or designee	Alley; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the City Manager or designee ⁶	Alley; if no alley exists, 2 driveways are permitted off nonprimary facades, or as approved by the City Manager or designee

2.	Height: Refer to figure 5.3(2) of this section					
	(j)	Minimum overall height	2 story	1 story	1 story	1 story
	(k)	Maximum overall height	5 stories ²	3 stories	5 stories ²	3 stories
	(l)	Ground story:				
		Minimum height	14'	14'	14'	14'
		Maximum height	20' ³	20' ³	20' ³	20' ³
	(m)	Upper stories:				
		Minimum height	9'	9'	9'	9'
		Maximum height	14'	14'	14'	14'
3.	Uses: Refer to figure 5.3(2) of this section. Refer to section 10-5.1A-4 , "Uses", of this article for permitted uses					
	(n)	Ground story	Retail, service Any permitted use	Any permitted use Retail, service, office	Any permitted use Retail, service, office	Any permitted use ⁴ Retail, service, office
	(o)	Upper story	Any permitted use			

	(p)	Parking within building	Permitted fully in any basement and in rear of upper floors			
	(q)	Required occupied space	30' deep on all full floors measured from the front facade			
4.	Street Facade Requirements: Refer to figure 5.3(3) of this section					
	(r)	Minimum ground story transparency . Measured between 2' and 8' above grade	75% 65%	65%	65%	65% front only
	(s)	Minimum transparency per each story	15%	15%	15%	15%
		Blank wall limitations	Required, see subsection 10-5.1A-5-2D2 of this article			
	(t)	Front facade entrance type	Storefront, arcade ^{4,5}	Storefront, arcade ^{4,5}	Storefront, arcade	Storefront, arcade ^{4,5}
	(u)	Principal entrance location	Front facade ^{4,5}	Front facade ^{4,5}	Front facade	Front or corner facade ^{4,5}
		Required number of street entrances	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 100' of front facade
		Vertical facade divisions	Every 30' of facade width	Every 30' of facade width	Every 50' of facade width	Every 50' of facade width

		Horizontal facade divisions	Required within 3' of the top of the ground story, and every fifth floor above the first floor			
5.	Roof Type Requirements: Refer to figure 5.3(3) of this section					
	(v)	Permitted roof types	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat
		Tower	Permitted	Permitted	Permitted	Permitted

Notes:

1. Lots wider than 140 feet are permitted 1 double loaded aisle of surface parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.
2. Above the third story, the upper stories of any building facade with street frontage shall have a step back from the lower stories that is a minimum of 6 feet.
3. If 18 feet or more in height, ground story shall count as 2 stories toward maximum building height.

~~4. Commercial uses only allowed when fronting on 40th Street or Washington Boulevard.~~

~~5. Uses limited to residential on lots lacking frontage on 40th Street or Ogden Avenue.~~

4. Lots lacking frontage on 40th Street but that are still within the 40th Street General Subdistrict are limited to permitted residential uses only.

~~6~~5. Does not apply to outdoor sales lots.

10-5.1A-5-4: GENERAL STOOP BUILDING:

A. Description And Intent: The general stoop building type is limited in terms of uses by the subdistrict within which it is located, generally housing office and/or residential uses. Similar to the storefront building, the general stoop building is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this building type depend on the subdistrict within which it is located.

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

			Permitted Subdistricts		
			City Center "General"	Riverdale Road "General"	40th Street "General"
1.	Building Siting: Refer to figure 5.4(1) of this section		Any multi-family residential building with frontage on a public or private dedicated street must use the Storefront building type.		
		Multiple principal buildings	Not permitted	Not permitted	Permitted
	(a)	Front sidewalk coverage	80% ¹	80% ¹	80%
		Occupation of corner	Required	Required	Required
	(b)	Front build-to zone	0' to 10'	0' to 10'	0' to 10'
	(c)	Corner build-to zone	0' to 10'	0' to 10'	0' to 10'

	(d)	Minimum side yard setback	10'	10'	10'
	(e)	Minimum rear yard setback	5'	5'	5'
	(f)	Minimum lot width	None	None	100'
		Maximum lot width	None	None	None
	(g)	Parking and loading location	Rear yard	Rear yard	Rear and side yard
	(i)	Vehicular access	Alley; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the city manager or designee	Alley; if no alley exists, 1 driveway is permitted per nonprimary facade, or as approved by the city manager or designee	Alley; if no alley exists, 1 driveway is permitted street, or as approved by the city manager or designee
2.	Height: Refer to figure 5.4(2) of this section				
	(j)	Minimum overall height	1 story	1 story	1 story
	(k)	Maximum overall height	3 stories	5 stories ³	3 stories
	(l)	All stories:			
		Minimum height	9'	9'	9'
		Maximum height	14'	14'	14'
3.	Uses: Refer to figure 5.4(2) of this section. Refer to section 10-5.1A-4 , "Uses", of this article for permitted uses				

	(n)	All stories	Any permitted use ⁴		
	(p)	Parking within building	Permitted fully in basement and rear of upper floors		
	(q)	Required occupied space	30' deep on all full floors from the front facade		
4.	Street Facade Requirements: Refer to figure 5.4(3) of this section				
	(r)	Minimum transparency per each story	35%	35%	15%
		Blank wall limitations	Required, see subsection 10-5.1A-5-2D2 of this article		
	(t)	Front facade entrance type	Stoop, porch, storefront ^{4,5} —	Stoop, porch, storefront	Stoop, porch, storefront ^{4,5} —
	(u)	Principal entrance location	Front facade ^{4,5}	Front facade	Front or corner facade ^{4,5}
		Required number of street entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 150' of front facade
		Vertical facade divisions	Every 25' of facade width	Every 50' of facade width	Every 50' of facade width
		Horizontal facade divisions	Required within 3' of the top of any visible basement and of the ground story, and at the fifth floor above the ground floor		
5.	Roof Type Requirements: Refer to figure 5.4(3) of this section				
	(v)	Permitted roof types	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat
	(w)	Tower	Permitted	Permitted	Permitted

Notes:

1. A courtyard covering up to 35 percent of the front facade is permitted and may contribute to the front lot line coverage requirement.
2. Lots wider than 140 feet are permitted 1 double loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.
3. Upper stories above the third story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of 6 feet.
4. Lots lacking frontage on 40th Street but that are still within the 40th Street General Subdistrict are limited to permitted residential uses only. ~~Commercial uses only allowed when fronting on 40th Street or Washington Boulevard.~~
5. ~~Uses limited to residential on lots lacking frontage on 40th Street or Ogden Avenue.~~

10-5.1B-4-1: GENERAL REQUIREMENTS:

A. General Provisions: The following general provisions apply to the uses outlined in this section 10-5.1B-4.

1. A lot may contain more than one use.
2. Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
3. Uses are either permitted by-right in a subdistrict, permitted by-right with specific development or design parameters, or require a conditional use permit (refer to subsection [10-5.1B-10-2F](#) of this article) in order to be developed.
4. Each use shall be located within a permitted building type (refer to section [10-5.1B-5](#), "Building Types", of this article), unless otherwise specified.
5. Each use may have both indoor and outdoor facilities, unless otherwise specified.

B. Organization: The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.

1. Unlisted Similar Use: If a use is not listed but is similar in nature and impact to a use permitted within a zoning subdistrict, the City Manager or designee may interpret the use as permitted.

a. The unlisted use will be subject to any development standards applicable to the similar permitted use.

b. If the unlisted use is similar in nature and impact to a use requiring a conditional use permit, the City Manager or designee may interpret the use as also requiring a conditional use permit.

2. Unlisted Dissimilar Use: If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zoning subdistrict that is either permitted or requires a conditional use permit, the use is not permitted and may only be approved through an amendment of this article.

C. Use Table: Table 4.1(1), "Uses By Subdistrict", of this section outlines the permitted uses in each zoning subdistrict. Each use is given one of the following designations for each zoning subdistrict in which that use is permitted.

1. Permitted ("P"): These uses are permitted by-right in the subdistricts in which they are listed.

~~2. Permitted In Upper Stories Only ("P1"): These uses are permitted by right in the subdistricts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least thirty feet (30') from the front facade.~~

32. Permitted With Development Standards ("P2"): These uses are permitted by-right in the subdistricts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a subdistrict where it otherwise might not have been appropriate.

43. Requires A Conditional Use Permit ("C"): These uses require administrative review and approval (refer to subsection [10-5.1B-10-2F](#) of this article) in order to occur in the subdistricts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the conditional use.

54. Blank Not Permitted: Listed uses that are not permitted in the subdistrict are indicated by a blank space.

TABLE 4.1(1)
USES BY SUBDISTRICT

Key:	
P	Permitted
P1	Permitted in upper stories only
P2	Permitted with development standards
C	Requires a conditional use permit

Uses	Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
Residential and lodging:				
Residential	P1	P	P1	P
Hotel and inn	P	P	P	
Group living arrangement	C	C	C	
Civic:				
Assembly	P2	P2	P2	P2
Transit station	P	P	P	P2

	Hospital and clinic	P	P	P	C
	Library/museum/Post Office (no distribution)	P	P	P	C
	Police and fire	C	C	C	C
	School	P	P	P	P
Retail:					
	Neighborhood retail	P	P	P	
	General retail	P	P	P2	
	Outdoor sales lot				
Service:					
	Neighborhood service	P	P	P	
	General service	P2	C	C	
	Vehicle service	P2	C		
Office and industrial:					
	Office	P	P	P2	
	Craftsman industrial	P	P	P	
Infrastructure:					
	Parking lot	P2	P2	P2	
	Parking structure	P2	P2	P2	
	Utility and infrastructure	C	C	C	C
	Open space	P2	P2	P2	P2
Accessory uses:					
	Home occupation	P	P	P	C
	Parking lot	P	P	P	P
	Parking structure	P2	P2	P2	
	Outdoor storage of goods	P2	P2	P2	
Beer and liquor:					
	Class A license ¹	P			

	Class B license ²	P	P	P	
	Class C license ³	P	P	P	

Notes:

1. Class A - Beer and/or liquor served and consumed on premises (bar, tavern, microbrewery).
2. Class B - Beer and/or liquor sold on premises, but on-premises consumption is prohibited (convenience and grocery stores, State liquor stores).
3. Class C - Beer and/or liquor may be served with a meal in a restaurant.

Refer to subsections [10-5.1B-4-2](#)C1 and C2 of this article to determine which beer and liquor uses are allowed in neighborhood retail and general retail.

D. Building Types: The uses permitted within the subdistrict may be further limited by the building types permitted. Refer to section [10-5.1B-5](#), "Building Types", of this article. (Ord. 17-21, 11-21-2017, eff. 11-21-2017)

10-5.1B-5-1: INTRODUCTION TO BUILDING TYPE STANDARDS:

A. Introduction: The building types detailed in this section 10-5.1B-5 outline the required building forms for new construction and renovated structures within the subdistricts defined in section [10-5.1B-3](#) of this article.

B. General Requirements: All building types must meet the following requirements.

1. Zoning Subdistricts: Each building type shall be constructed only within its designated subdistricts. Refer to table 5.1(1), "Permitted Building Types By Subdistricts", of this section.

TABLE 5.1(1)
PERMITTED BUILDING TYPES BY SUBDISTRICT

Key:	
P	Permitted
P¹	Not permitted everywhere. Refer to “1. Building Siting” in the table located in 10-5.1B-5-4(B) for restrictions

Building Types	Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
Storefront	P	P	P	
General stoop	P¹	P¹	P¹	P¹
Large format	P			
Limited bay	P	P	P	
Row building		P		P
Civic building	P	P	P	P

2. Uses: Each building type can house a variety of uses depending on the subdistrict in which it is located. Refer to section [10-5.1B-4](#), "Uses", of this article for uses permitted per subdistrict. Some building types have additional limitations on permitted uses.

3. No Other Building Types: All buildings constructed must meet the requirements of one of the building types permitted within the zoning subdistrict of the lot.

4. Permanent Structures: All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

5. Accessory Structures:

a. Attached accessory structures are considered part of the principal structure.

b. Detached accessory structures are permitted per each building type and shall comply with all setbacks except the following:

(1) Detached accessory structures are not permitted in the front yard.

(2) Detached accessory structures shall be located behind the principal structure in the rear yard.

(3) Detached accessory structures shall not exceed the height of the principal structure. (Ord. 17-21, 11-21-2017, eff. 11-21-2017)

10-5.1B-5-4: GENERAL STOOP BUILDING:

A. Description And Intent: The general stoop building type is limited in terms of uses by the subdistrict within which it is located, generally housing office and/or residential uses. Similar to the storefront building, the general stoop building is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this building type depend on the subdistrict within which it is located.

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



		Permitted Subdistricts			
		Gateway Core	Gateway General	Neighborhood Commercial	Gateway Edge
1.	Building Siting: Refer to figure 5.4(1) of this section	Any multi-family residential building with frontage on a public or private dedicated street must use the Storefront building type.			

	Multiple principal buildings		Permitted	Permitted	Permitted	Permitted
	(a)	Front sidewalk coverage	80% ¹	80% ¹	80%	80% ²
		Occupation of corner	Required	Required	Required	Required
	(b)	Front build to zone	0' to 10'	0' to 10'	0' to 15'	0' to 15'
	(c)	Corner build to zone	0' to 10'	0' to 10'	0' to 15'	0' to 15'
	(d)	Minimum side yard setback	0'	0'	5'	5'
	(e)	Minimum rear yard setback	5'	5'	5'	5'
	(f)	Minimum lot width	None	None	None	None
		Maximum lot width	None	None	None	None
	(g)	Parking and loading location	Rear and side yard	Rear and side yard	Rear and side yard	Rear and side yard
	(i)	Vehicular access	Alley; if no alley exists, 1 driveway is permitted per non-primary facade, or as approved by the City Manager or designee	Alley; if no alley exists, 1 driveway is permitted per non-primary facade, or as approved by the City Manager or designee	Alley; if no alley exists, 1 driveway is permitted per street, or as approved by the City Manager or designee	Alley; if no alley exists, 1 driveway is permitted per street, or as approved by the City Manager or designee
2.	Height: Refer to figure 5.4(2) of this section					

	(j)	Minimum overall height	1 story	1 story	1 story	1 story
	(k)	Maximum overall height	5 stories ³	3 stories	3 stories	3 stories
	(l)	All stories:				
		Minimum height	9'	9'	9'	9'
		Maximum height	14'	14'	14'	14'
3.	Uses: Refer to figure 5.4(2) of this section. Refer to section 10-5.1B-4 , "Uses", of this article for permitted uses					
	(n)	All stories	Any permitted use			
	(p)	Parking within building	Permitted fully in basement and in rear of upper floors			
	(q)	Required occupied space	30' deep on all full floors from the front facade			
4.	Street Facade Requirements: Refer to figure 5.4(3) of this section					
	(r)	Minimum transparency per each story	35%	35%	15%	15%
		Blank wall limitations	Required, see subsection 10-5.1B-5-2D2 of this article			
	(t)	Front facade entrance type	Stoop, porch, storefront	Stoop, porch, storefront	Stoop, porch, storefront	Stoop, porch

	(u)	Principal entrance location	Front facade	Front facade	Front or corner facade	Front or corner facade
		Required number of street entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 150' of front facade	1 per each 150' of front facade
		Vertical facade divisions	Every 60' of facade width	Every 60' of facade width	Every 60' of facade width	Every 60' of facade width
		Horizontal facade divisions	Required within 3' of the top of any visible basement and of the ground story, and at the fifth floor above the ground floor			
5.	Roof Type Requirements: Refer to figure 5.4(3) of this section					
	(v)	Permitted roof types	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat	Parapet, pitched, flat
	(w)	Tower	Permitted	Permitted	Permitted	Permitted

Notes:

1. A courtyard covering up to 35 percent of the front facade is permitted and may contribute to the front lot line coverage requirement.
2. Lots wider than 140 feet are permitted 1 double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.
3. Upper stories above the third story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of 6 feet.



MINUTES OF THE SOUTH OGDEN CITY PLANNING COMMISSION MEETING

THURSDAY, JANUARY 16, 2019
COUNCIL CHAMBERS, CITY HALL –6:15 pm

PLANNING COMMISSION MEMBERS PRESENT

Chair Raymond Rounds, Commissioners Jerry Jones, Scott Amos, John Bradley, Mike Layton, and Steve Pruess

PLANNING COMMISSION MEMBERS EXCUSED

Jeremy Howe

STAFF PRESENT

City Manager Matt Dixon, City Planner Mark Vlastic, and City Recorder Leesa Kapetanov

OTHERS PRESENT

Kyle Crockett, Britton Knaphus, Rex Baxter, Ralph Howard, Troop 269, Craig Boyer, Madilyn Howard

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

http://www.southogdencity.com/document_center/Sound%20Files/PC190116_1815.mp3 or requested from the office of the South Ogden City Recorder.

A briefing session was held before the planning commission meeting in the conference room adjacent to the council chambers and was open to the public. The recording for the briefing meeting can be found by clicking this link:

http://www.southogdencity.com/document_center/Sound%20Files/PC190116_1736.mp3

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

Chair Raymond Rounds began the meeting at 6:15 pm by calling for a motion to open.

00:00:20

Commissioner Bradley moved to convene the South Ogden City Planning Commission. The motion was seconded by Commissioner Jones. Commissioners Jones, Bradley, Pruess, Layton, and Amos all voted aye.

Chair Rounds invited the scout troop present to come forward and introduce themselves. Those

present from Troop 269 were Jacob Wheelan, Levi Olsen, Stockton Stratford, Dallin West, and Clinton Munoz 00:00:53

- The Chair then called for a motion to open the public hearing

00:04:20

Commissioner Pruess moved to move from a public meeting into a public hearing. The motion was seconded by Commissioner Bradley. The voice vote was unanimous in favor of the motion.

II. PUBLIC HEARING

To Receive and Consider Comments on the Proposed Development Agreement with Hilltop Apartments LLC for the Property Located at 4400 Washington Boulevard

- Kyle Crockett, representative of Hilltop Apartments LLC

00:05:45

- Ralph Howard, owner of *The Bike Shoppe* across the street from proposed development

00:08:45

- There were no more comments from the public. Chairman Rounds called for a motion to close the public hearing. 00:15:06

Commissioner Jones moved to close the public hearing, followed by a second from Commissioner Layton. All present voted aye.

III. ZONING ACTIONS

Discussion/Recommendation on the Proposed Development Agreement with *Hilltop Apartments LLC for the Property Located at 4400 Washington Boulevard

- Discussion by Planning Commission

00:15:29

- The chair called for a motion

00:40:54

Commissioner Bradley moved to make a recommendation to the City Council to approve the proposed development agreement with Hilltop Apartments LLC with the following conditions: 1) the height be left at 12 feet all the way around; 2) a traffic impact study be required for the impacts on 4400 South as well as on the intersection at Highway 89, and; 3) the city and the developer enter into a mutual agreement to establish minimal parking to access the bike trail. The motion was seconded by Commissioner Jones. Chair Rounds made a roll call vote:

*The applicant had not yet registered this name for their business entity. When they went to do so, the name was already taken. They then registered as Fernwood Hilltop LLC.

Commissioner Bradley- Yes
Commissioner Pruess- Yes
Commissioner Jones- Yes
Commissioner Layton- Yes
Commissioner Amos- Yes

The motion passed.

IV. CONDITIONAL USE ACTIONS

Consideration of Conditional Use Application for Co-Location of Antennae on Cell Tower Located at Friendship Park and Equipment Shed on Ground Near Existing Recreation Shed

- Staff Overview 00:44:43
- Comments by Britton Knaphus, T-Mobile representative 00:47:03
- Chair Rounds called for a motion 00:49:39

Commissioner Jones moved to approve the conditional use application with the conditions that an agreement with the city is approved and any detrimental blocks are removed before construction begins. Commissioner Layton seconded the motion. City Manager Dixon said the detrimental impacts portion of the motion did not need to be included and might give the city some advantage. He suggested it be removed. Commissioner Jones amended his motion. He moved to approve the conditional use application as written, provided all lease agreements were in place by construction. Commissioner Layton seconded the motion again. The chair called the vote:

Commissioner Jones- Yes
Commissioner Pruess- Yes
Commissioner Amos- Yes
Commissioner Bradley- Yes
Commissioner Layton- Yes

The conditional use application was approved.

Note: Commissioner Bradley left the meeting after this vote.

V. SPECIAL ITEMS

Discussion on Proposed Amendments to Form Based Code to Allow Vertical and Horizontal Mixed Use

- Staff Overview 01:02:20

- Discussion 01:08:05
- Commission instructs staff to put this item on next month's agenda for further discussion

VI. OTHER BUSINESS

- Chair Rounds informed the commissioners that he would not be at the February meeting. 01:23:30

VII. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of December 13, 2018 Planning Commission Minutes

- Motion 01:23:55

Commissioner Amos moved to approve the minutes from December 13, 2018.
Commissioner Jones seconded the motion. All present voted aye.

VIII. PUBLIC COMMENTS

There were no comments from the public.

Commissioner Pruess, however, said he had some concerns as a resident and brought up the issue of rentals who violated the city code by renting to more than four unrelated people.

01:24:24

IX. ADJOURN

At 7:51 pm, Chair Rounds called for a motion to adjourn.

Commissioner Pruess moved to adjourn, followed by a second from Commissioner Layton.
The vote was unanimous in favor of the motion.

01:32:23

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, January 16, 2019.


Leesa Kapetanov, City Recorder

January 16, 2019
Date Approved by the Planning Commission