



Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Public Hearing, consideration and action on a legislative action regarding an amendment to 11-10-23 Temporary Carnivals, Circuses, Revivals, Rodeos, Swap Meets, Outdoor Retail Sales and Similar Activities 4-1-9 Temporary Businesses, 11-8A- Uses and 11-8C-2 Permitted Uses to clarify the standards for temporary businesses

Agenda Date: August 26, 2014

Applicant: North Ogden City

File Number: ZTA 2014-07

STAFF INFORMATION

Robert O. Scott, AICP
rscott@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-10-23 (Temporary Carnivals, Circuses, Revivals, Rodeos, Swap Meets, Outdoor Retail Sales and Similar Activities)
North Ogden Ordinance 4-1-9 (Temporary Businesses)
North Ogden Ordinance 4-1-1 (Definitions)
North Ogden Ordinance 11-8A-7 (Uses)
North Ogden Ordinance 11-8C-2 Permitted Uses

LEGISLATIVE DECISION

When the City Council is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes.

BACKGROUND

On July 2, 2014 the North Ogden City Planning Commission discussed possible amendments to the city's temporary business provisions. On July 16, 2014 the Planning Commission reviewed amendment language regarding temporary businesses and directed staff to prepare an ordinance and set a public hearing for August 6. There was no one in attendance at the public hearing.

Recently, two conditional use permit applications have applied for a temporary business. Staff has processed these applications based on both the business license provisions and the zoning requirements. The two ordinances have conflicting standards.

Types of Temporary Businesses

In reviewing the zoning ordinance standard it appears that the ordinance is combining short term temporary activities, i.e., carnivals, circuses, revivals, rodeos, and swap meets with more traditional temporary businesses, e.g., shave ice stands.

The planning commission is recommending that these two types of temporary activities and businesses have provisions unique to themselves.

Temporary Business Timeframe

There is conflicting language for the amount of time allowed for temporary businesses in the two ordinances, e.g., the business license ordinance allows a 90 day time period and the zoning ordinance allows for 4 seven day periods. The existing temporary business timeframe is 95 consecutive days. The planning commission feels a more reasonable timeframe is 180 consecutive days for temporary businesses.

Temporary carnivals, circuses, revivals, rodeos, and swap meets typically do not last longer than a week at time. The timeframe standard is appropriate for these activities.

Location of Temporary Businesses

The business license sections identify the zones where they are to be located, i.e., C-1, CP-1, C-2, CP-2, and MP-1 zones. It also identifies the requirements for the appropriate site plan submittal.

The zoning ordinance limits Christmas tree sales, fruit and vegetable stands, and fireworks stands are only allowed in commercial zones; not manufacturing zones. The Planning Commission is recommending that temporary businesses also be allowed in manufacturing zones. Currently there are only a few parcels zoned manufacturing.

Conditional vs. Permitted Use

Traditionally temporary businesses are permitted uses. They are already located in the most intensive zones within cities. It can be a burden for an applicant who has a limited time window to operate a temporary business to wait to be put on a planning commission agenda. Second the standards for review are straight forward. The only potential issue here may be the hours of operation. A standard could establish hours of operation and require special review if the business wanting to operate outside of those hours, e.g., 7 am to 11 pm. The planning commission is recommending that temporary businesses be permitted uses with no hours of operation standard.

Temporary carnivals, circuses, revivals, rodeos, swap meets, and similar activities are unique in that they have the potential for impacting neighboring uses; the planning commission is recommending these uses remain conditional uses with a limit of 7 consecutive days.

Summary

Exhibit A identifies the amendments the planning commission is recommending. The following list summarizes the amendments:

- No changes to section 4-1-9 Temporary Businesses.
- 4-1-1 Definitions is revised to include an expanded definition and the time allowance is modified from 95 consecutive days to 180 consecutive days.
- 11-10-23 The term outdoor retail sales is eliminated; it does not appear to be a viable use. Temporary carnivals, circuses, revivals, rodeos, swap meets, and similar activities remain conditional uses with a limit of 7 consecutive days.
- 11-8A-5 Special Regulations the phrase temporary businesses has been added under subsection A.

- 11-8A-7 Uses and 11-8C-2 Permitted Uses are amended. The list of uses for the commercial and manufacturing zones adds temporary businesses. The existing fruit store or stand and vegetable store or stand uses are deleted.

CONFORMANCE TO THE GENERAL PLAN

This amendment should take into account its conformity to the following North Ogden City General Plan goals:

Commercial Development

New commercial and other business development will enhance the community when meeting the objectives of the General Plan. An improved standard of function, quality, and appearance is expected by the citizens.

- (1) Implementation Goal: Commercial development must be required to develop projects that are designed for functionality, appearance and include significant physical enhancement to the community.

Community Aesthetics

- (3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the city.

SUMMARY OF CITY COUNCIL CONSIDERATIONS

- Are the draft amendments acceptable to the City Council?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission is recommending that the City Council adopt the attached ordinance.

EXHIBIT

- A. Temporary Business Ordinance draft
- B. Temporary Business Ordinance
- C. Planning Commission minutes for July 2, July 16, and August 6, 2014