

# ORDINANCE 2011-\_\_

## AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE NORTH OGDEN CITY ZONING ORDINANCE TO ADD SECTION 11-8E ENTERTAINMENT OVERLAY ZONE.

**SECTION 1.** The North Ogden City Zoning Ordinance is hereby amended as follows:  
Section 11-8E Entertainment Overlay Zone shall be amended to read:

### CHAPTER 8

#### ENTERTAINMENT OVERLAY ZONE (EOZ)

##### SECTION

11-8E -1	Purpose and Intent
11-8E-2	Site Development Standards
11-8E-3	Site Plan Approval
11-8E-4	Sign Regulations
11-8E-5	Special Regulations
11-8E-6	Uses
11-8E-7	Protection of Adjoining Properties
11-8E-8	Additional Parking guidelines

**11-8E-1: PURPOSE AND INTENT:** The purpose of the Entertainment Overlay Zone (EOZ) is to encourage development of entertainment uses and complementary uses in close proximity to each other through the use of incentives while preserving rights under the existing district design. The zone should create an active commercial area(s) which attracts entertainment and correlated activities where various attractions entice the public to seek entertainment and enjoyment during the day and evening while also being able to find fine dining and unique retail and other activities.

##### **11-8E-2: SITE DEVELOPMENT STANDARDS**

A. Minimum Lot Area: Eight thousand (8,000) square feet. (Ord. 2002-16, 10-8-2002)

B. Minimum Lot Width: None. (Ord. 2006-13, 11-28-2006)

C. Minimum Yard Setbacks:

1. Front: Twenty feet (20') for all buildings and walls or fences over three feet (3') high;

2. Side: None, except ten feet (10') adjacent to residential boundary;
3. Side facing street on corner lot: Twenty feet (20');
4. Rear: None, except ten feet (10') where building rears on a residential zone.

**D. Building Height:**

1. Minimum: Ten feet (10').
2. Maximum: Thirty five feet (35').

Exception: Anything over thirty five feet (35') with a maximum of sixty five feet (65') may be approved with a conditional use permit.

**E. Lot Coverage:** No building or accessory buildings shall cover over sixty percent (60%) of lot area.

**F. Minimum Standards Determined:** Minimum site development standards for dwelling units shall be determined by the Planning Commission. (Ord. 2002-16, 10-8-2002)

**11-8E-3: SITE PLAN APPROVAL**

For any development or use in a commercial zone, a site plan shall be submitted in accordance with section [11-10-27](#) of this title. (Ord. 2002-16, 10-8-2002)

**11-8E-4: SIGN REGULATIONS**

**EOZ ZONING DISTRICT**

**Commercial Signs:** Commercial signs shall be in accordance with the existing sign ordinance the following regulations:

- a. The total aggregate area of all commercial signs pertaining to one or more businesses in any single building or suite shall not exceed forty percent of the front wall plane of the building or suite or two hundred (200) square feet, whichever is less, unless the portion of the building or suite adjacent to its lot's street-property line measures more than two hundred (200) lineal feet. In that case, the aggregate area of all such signs on the premises may be increased in area to the rate of one square foot of sign area for each lineal foot of building or suite frontage in excess of two hundred (200) lineal feet. If two (2) or more businesses occupy a single building or suite, each business shall be entitled to an equal proportional share of the total aggregate sign area and no business shall be entitled to use more than its proportionate share of the aggregate signs because another business is not using its entire proportionate share. For buildings or suites on a corner lot, only the frontage on the building, which contains the main entrance, shall be measured to compute the aggregate sign area.

b. Freestanding commercial signs shall not be counted as a portion of the total aggregate sign area of the premises and shall be restricted to the following:

(1) One freestanding commercial sign for each street upon which the lot has frontage.

(2) Such signs shall have a maximum area determined by the total square footage of the building. The following guidelines only apply to entertainment uses as listed in 11- -6 Entertainment Uses all other uses must meet the requirements listed in chapter 11-22.

- a) Less than 10,000 square feet – 90 square feet with any mix of changeable and unchangeable copy; maximum height of 20 feet
- b) Between 10,000 square feet and 20,000 square feet 120 square feet with any mix of changeable and unchangeable copy; maximum height of 20 feet.
- c) Greater than 20,000 square feet – 180 square feet with any mix of changeable and unchangeable copy; maximum height of 25 feet.

(3) Such signs shall not be closer than thirty feet (30') to any residential district.

(4) The minimum setback shall be ten feet (10') from behind the curb, but not in the street right of way.

Unless mentioned in this section the permitted signs shall be in accordance with the regulations set forth in chapter 22 of this title. (Ord. 2002-16, 10-8-2002)

#### **11-8E-5: SPECIAL REGULATIONS**

Public infrastructure:

- Decorative street lighting
- Street scape /furniture
- Public spaces
- Architectural controls
- Street width
- Design standards
- Public access-way

#### **11-8E-6: ENTERTAINMENT USES**

DEFINITIONS:

Entertainment uses: businesses that provide entertainment opportunities to the surrounding community such as motion picture theaters, live theater, musical performance venues, art galleries, commercial recreation, dance halls, amusement businesses, etc.

Complementary uses: a use that provides a one-stop area for people to shop, eat and pursue leisure and recreational activities and includes uses such as restaurants, retail shopping, ice cream parlors and other similar uses.

The Entertainment Overlay Zone should contain a mix of entertainment uses and complementary uses. All permitted and conditional uses in the underlying zone shall be considered conditional uses within the Entertainment Overlay Zone, unless specified as permitted below.

- a. Amusement arcades
- b. Art Galleries
- c. Bowling alley
- d. Comedy club
- e. Confectionaries
- f. Dance club
- g. Health or recreation club
- h. Ice Cream Parlors
- i. Laser tag
- j. Live theater
- k. Miniature golf
- l. Motion Picture Theater, indoor
- m. Museum
- n. Music performance venues
- o. Paintball
- p. Roller skating rink
- q. Skate park, indoor

A. In the following list of uses:

1. Uses designated with a "P" are permitted uses; and
2. Uses designated with a "C" shall be conditional uses, which shall not be established or maintained unless authorized by a conditional use permit as described in chapter 1 of this title; and
3. Uses designated with an "E" shall be entertainment uses; and
4. Uses designated with an "N" shall not be permitted in the zone.

B. No list of specific uses can be complete. Therefore decisions regarding whether a specific use is included in one of the categories of use in the following list as a permitted use or a conditional use will be made by the planning commission, with an appeal to the City Council.

C. Uses not included in the following categories of uses are prohibited. If the City Council desires to allow such a use as a permitted or conditional use, it must amend this title as described in section 11-1-4 of this title. If the amendment is made, the use will only be allowed as provided by the City Council.

	<b>C-1</b>	<b>C-2</b>	<b><u>EOZ</u></b>
Accessory buildings and uses customarily incidental to a permitted use	C	C	<u>C</u>
Amusement arcades	C	P	<u>E</u>
Animal grooming, small animals only, and provided business is conducted within completely enclosed building	N	P	<u>P</u>
Animal hospital, small animals only, and provided business is conducted within completely enclosed building	C	C	<u>C</u>
Antique, import, or souvenir shop	C	P	<u>P</u>
Archery shop, provided business is conducted within completely enclosed building	N	P	<u>P</u>
Art and artist's supply store	P	P	<u>P</u>
Art gallery	N	N	<u>E</u>
Athletic and sporting goods store	P	P	<u>P</u>
Athletic club	C	P	<u>P</u>
Automobile parts sales	N	P	<u>P</u>
Bakery manufacture limited to goods retained on premises	P	P	<u>P</u>
Bank or financial institution	P	P	<u>P</u>
Barber shop	P	P	<u>P</u>
Beauty shop	P	P	<u>P</u>
Bed and breakfast	P	P	<u>P</u>
Bicycle sales and service	P	P	<u>P</u>
Blueprinting or photostating	C	P	<u>P</u>
Bookstore, other than adult bookstores	P	P	<u>P</u>
Bowling alley	N	C	<u>E</u>
Cafe or cafeteria	P	P	<u>P</u>
Camera store	P	P	<u>P</u>
Candy store or confectionery	P	P	<u>P</u>

Catering establishment	P	P	<u>P</u>
Church	C	C	<u>C</u>
Circus, carnival, or other transient amusement	N	C	<u>C</u>
Clinics, medical or dental	P	P	<u>P</u>
Clothing and accessory stores	C	P	<u>P</u>
Comedy Club	N	N	<u>E</u>
Confectionaries	N	N	<u>E</u>
Costume rental	N	P	<u>P</u>
Dairy products store	P	P	<u>P</u>
Dance club	N	N	<u>E</u>
Data processing service and supplies	N	P	<u>P</u>
Delicatessen	P	P	<u>E</u>
Department store	C	P	<u>P</u>
Drapery and curtain store	C	P	<u>P</u>
Drive-in refreshment stands	C	P	<u>P</u>
Drug store	C	P	<u>P</u>
Electrical and heating appliances and fixtures sales and service, all storage items must be stored in an enclosed building	N	P	<u>P</u>
Electrical equipment sales and service all storage items must be stored in an enclosed building	N	P	<u>P</u>
Employment agency	N	P	<u>P</u>
Fabric and textile store	N	P	<u>P</u>
Film exchange establishment	N	P	<u>P</u>
Flooring or floor repair	N	P	<u>P</u>
Florist shop	P	P	<u>P</u>
Furniture sales and repair	N	P	<u>P</u>
Gift store	P	P	<u>P</u>

Glass sales and service	P	P	<u>P</u>
Grocery store	P	P	<u>P</u>
Gunsmith	C	P	<u>P</u>
Hardware store	P	P	<u>P</u>
Health or recreation club	N	P	<u>E</u>
Health food store	P	P	<u>P</u>
Hobby and crafts store	P	P	<u>P</u>
Home improvement store	N	P	<u>P</u>
Hotel and motel	N	P	<u>P</u>
Household appliance sales and incidental service	N	P	<u>P</u>
Ice cream parlor	P	P	<u>E</u>
Insurance agency	C	P	<u>P</u>
Interior decorating and designing establishment	C	P	<u>P</u>
Jewelry store sales and service	P	P	<u>P</u>
Laboratory, dental or medical	P	P	<u>P</u>
Laser tag	N	N	<u>E</u>
Leather goods, sales and service	P	P	<u>P</u>
Licensed massage therapist	P	P	<u>P</u>
Linen store	C	P	<u>P</u>
Live theater	N	N	<u>E</u>
Locksmith	P	P	<u>P</u>
Miniature golf	N	P	<u>E</u>
Motion picture theater, indoor	N	P	<u>E</u>
Museum	C	P	<u>E</u>
Music Performance Venue	N	N	<u>E</u>
Music store	C	P	<u>P</u>

Needlework, embroidery or knitting store	P	P	<u>P</u>
Newsstand	P	P	<u>P</u>
Notions store	P	P	<u>P</u>
Novelty store	N	P	<u>P</u>
Nursery school	C	P	<u>N</u>
Office in which goods or merchandise are not commercially created, exchanged, or sold	P	P	<u>P</u>
Office machines sales and service	N	P	<u>P</u>
Office, professional	P	P	<u>P</u>
Office supply	P	P	<u>P</u>
Paintball	N	N	<u>P</u>
Park and playground	P	P	<u>P</u>
Pet and pet supply store	N	P	<u>P</u>
Pharmacy	P	P	<u>P</u>
Photo studio	P	P	<u>P</u>
Photographic supplies	P	P	<u>P</u>
Post office	C	P	<u>P</u>
Printing, lithographing, publishing or reproduction sales and service	C	P	<u>P</u>
Real estate agency	C	P	<u>P</u>
Reception center or wedding chapel	N	C	<u>C</u>
Rental agency for home and garden equipment	N	C	<u>C</u>
Restaurant	P	P	<u>P</u>
Restaurant drive-in	C	P	<u>P</u>
Retail	***	***	<u>P</u>
Roller skating rink	N	C	<u>E</u>
School of professional or quasi-professional training	N	P	<u>P</u>



Sewing machines sales and service	C	P	<u>P</u>
Shoe repair or shoeshine shop	P	P	<u>P</u>
Shoe store	N	P	<u>P</u>
Skate park indoor	N	N	<u>E</u>
Tanning salon	P	P	<u>P</u>
Taxidermist	C	P	<u>P</u>
Temporary building for uses incidental to construction work. Such building shall be removed upon the completion of construction work	P	P	<u>P</u>
Theater, indoor	N	P	<u>P</u>
Theater, outdoor	N	C	<u>C</u>
Tobacco shop	P	P	<u>P</u>
Travel agency	P	P	<u>P</u>
Upholstery shop	N	P	<u>P</u>
Video, DVD, sales and rental (nonadult)	P	P	<u>P</u>

## 11- -7: PROTECTION AND ADJOINING PROPERTIES

\*\*\*\*Landscaping requirements

## 11- -8: ADDITIONAL PARKING GUIDELINES

- Public access-way. Access points to City streets should be kept to a minimum. Use of shared access ways is required wherever feasible.
- Shared parking. Where all uses within a development are permitted, the separate uses may be considered as one single enterprise for purposes of calculating parking requirements. The City may also permit additional reductions where it can be demonstrated that there is sufficient variability in peak demand for parking by different uses within the zone.

**SECTION 2.** This ordinance shall take effect upon adoption.

PASSED and ADOPTED this        day of        2011.

North Ogden City:

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Richard G. Harris

North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bigler:	___	___
Council Member Flamm:	___	___
Council Member Harris:	___	___
Council Member Taylor:	___	___
Council Member Turner:	___	___
(In event of a tie vote of the Council):		
Mayor Harris:	___	___

ATTEST:

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S. Annette Spendlove, MMC

City Recorder