



Report by Barton Brierley, AICP

**Agenda Name: Public hearing to consider amendments to the Ogden Municipal Code to modify standards for live-work units and to modify standards for uses allowed in the Nine Rails Creative District Residential R-9 Zone**

Applicant: Ogden Planning Division

**Petitioner’s requested action:**

1. Amend the Ogden Municipal Code standards for live-work units to:
  - a. Exclude retail tobacco specialty businesses, medical cannabis pharmacies, and sexually oriented businesses from allowable live-work unit businesses.
  - b. Limit work hours to 8:00 a.m. to 8:00 p.m.
  - c. Require that the work space not cause noise, odor, smoke, fumes, or vibration.
2. Amend the allowable uses in the R-9 Zone to:
  - a. Allow indoor studios for the creation or teaching of the fine arts that do not create noise, odor, fumes, or vibrations and require a conditional use permit for any that do.
  - b. Allow as a conditional use a “Reception center or wedding chapel.”

**What the Planning Commission reviews**

The Planning Commission reviews the municipal code amendment and considers items such as:

1. Consistency with the General Plan.
2. The purposes of the regulation.

**Planning Commission’s determination for action**

Possible Commission findings and actions.



1. Approval: Find that the proposed municipal code amendments are consistent with and implement the East Central Community Plan, are needed to take advantage of the BRT and the Nine Rails Creative District Master Plan, and recommend that the City Council adopt the proposed municipal code amendments.
2. Approval with modifications: Find that the proposed municipal code amendments, with the following modifications (list) are consistent with and implement the East Central Community Plan, are needed to take advantage of the BRT and the Nine Rails Creative District Master Plan, and recommend that the City Council adopt the proposed municipal code amendments as modified.
3. Denial: Find that the amendments are not needed to take advantage of the BRT, or the Nine Rails Creative District Master Plan, and recommend the City Council not adopt the municipal code amendments.

**Planning staff’s recommended action**

Recommend that the City Council adopt the municipal code amendments as shown in Attachment 1.

**Description of request**

At the June, 2022 meeting, as part of the East Central Community Plan update, the Planning Commission recommended approval of standards for live-work units and a Nine Rails Creative District Residential R-9 Zone. These proposed amendments would further refine those recommendations.

***Live-work units***

A live-work unit is a dwelling unit where a portion is used for a business. Typical work uses include business offices, hair or nail salons, and specialty retail stores. The commission previously recommended live-work units be allowed near BRT stops in the East Central community and in the R-9 zone.



At the June work session, the Commission discussed concerns with some potential live-work businesses, especially if the units are attached rowhouse units. The proposal would further amend allowable live-work units to:

- a. Exclude retail tobacco specialty businesses, medical cannabis pharmacies, and sexually oriented businesses from allowable live-work unit businesses.
- b. Limit work hours to 8:00 a.m. to 8:00 p.m.
- c. Require that the work space not cause noise, odor, smoke, fumes, or vibration that is perceptible without instruments within any other dwelling unit.

### ***R-9 Zone uses***

The Commission also discussed possible impacts of art studios in the R-9 zone. While most art studios would have little impact on neighbors, some, such as music studios or art fabrication using machinery, could create disturbances. The proposal would allow indoor studios for the creation or teaching of the fine arts that do not create noise, odor, fumes, or vibrations and require a conditional use permit for any that do.

The Commission also discussed possibly adding the Eccles Art Center to the R-9 Zone. Since it is used as a reception center, the proposal would allow as a conditional use a "Reception center or wedding chapel" in R-9.

## **Factors for consideration of action**

These modifications relate to implementing the East Central Community Plan update. To take advantage of the BRT line, the Commission recommended creation of a transit overlay that would allow live-work units near the stops. The Commission also recommended creation of an Nine Rails Creative District Residential R-9 Zone to implement to the Nine Rails Creative District plan. The modifications proposed are intended to provide additional assurance of compatibility of the proposed uses with surrounding residential uses.

## **ATTACHMENTS**

1. Proposed municipal code amendments

## R-9 and Live-work Unit Code Amendments

Draft June 16, 2022

**SECTION 1.** Section added. The following is added as Section 15-13-43 of the Ogden Municipal Code.

### 15-13-43: [LIVE-WORK STANDARDS]

The following standards apply to live-work units where such units are allowed.

- A. The non-residential use shall be limited to the following:
  1. Art gallery.
  2. Business or professional office.
  3. Hairdresser, barber, manicurist, tanning salon.
  4. Indoor studio for the creation or teaching of the fine arts, e.g., dance studios, art studios, excluding art fabrication involving woodworking, metalworking, forges, or kilns.
  5. Indoor retail sales, excluding retail tobacco specialty businesses, medical cannabis pharmacies, and sexually oriented businesses.
  6. Photo studio.
- B. The live-work space shall not be greater than three thousand (3,000) square feet in floor area.
- C. The nonresidential area is permitted to be not more than fifty percent (50%) of the area of each live-work space.
- D. The nonresidential area function shall be limited to the first or main floor only of the live-work space.
- E. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.
- F. Parking shall meet standards for a dwelling unit or be legal noncomplying. Additional parking is not required for the live-work space.

G. Hours of operation of the work space are limited to 8:00 a.m. to 8:00 p.m.

H. The work space shall not to cause noise, odor, smoke, fumes, or vibration that is perceptible without instruments within any other dwelling unit.

**SECTION 2.** Section added. The following is added as Section 15-37-2 and 15-37-3, Permitted Uses and Conditional Uses in the R-9 Zone, of the Ogden Municipal Code.

**15:37-2: [PERMITTED USES]:**

Accessory buildings and uses customarily incidental to any permitted use.

Accessory dwelling unit (see section 15-13-39 of this title for ADU requirements).

Agriculture.

Art gallery.

Business office primarily related to fine arts.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house.
- B. A protective housing facility.
- C. A transitional housing or rehabilitation/treatment facility.
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Cottage lots (see section 15-13-42 of this title for requirements).

Educational institution.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or fewer dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Indoor studio for the creation or teaching of the fine arts, e.g., dance studios, art studios, excluding any use with noise, odor, fumes, or vibrations that are perceptible without instruments in any nearby dwelling.

Library or museum, public or nonprofit.

Live-work space (see section 15-37-7 of this title for requirements).

Multiple-family dwelling with eight (8) or fewer dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Photo studio.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Restaurant without drive-in.

Retirement home.

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

### **15-37-3: [CONDITIONAL USES]:**

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 7 of this title:

Adult daycare.

Assisted living facility (see section 15-13-26 of this title for facility requirements).

Bed and breakfast inn, subject to the following standards:

A. Two (2) parking spaces shall be provided for the host family plus one space for each guestroom;

B. Proprietor or owner must occupy the property;

C. Meals may only be served to overnight guests;

D. Signs are limited to nameplate signs not exceeding two (2) square feet in residential zones. In addition, a freestanding identification sign not to exceed four (4) square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.

Daycare center.

Educational institution with housing.

Fraternal and beneficial societies, orders and social clubs of a nonprofit nature.

Group dwellings with nine (9) or more dwelling units in accordance with chapter 10 of this title.

Indoor studio for the creation or teaching of the fine arts, e.g., dance studios, art studios, that may cause noise, odor, fumes, or vibrations that are perceptible without instruments in any nearby dwelling.

Infill developments.

Multiple-family dwelling with nine (9) or more dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Nursing home.

Planned residential unit development (PRUD), in accordance with chapter 8 of this title.

Private park, playground or recreation area.

Privately operated concession or amusement business in a public park.

Public utility substation or water storage reservoir developed by a public agency.

Reception center or wedding chapel.