

ORDINANCE NO. 17-14

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING CITY CODE SECTION 10-22 ALLOWING AND REGULATING SEXUALLY ORIENTED BUSINESSES IN THE RIVERDALE ROAD GENERAL SUB-DISTRICT; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

WHEREAS, SOUTH OGDEN City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the South Ogden City Council finds that certain changes should be made to the recently adopted Form Based Code to provide additional clarity, and recognizing that the Form Based Code is presently in transition as the Planning Commission and City Council review various areas of the City which have the potential of directly affecting the economic and commercial well-being of the city; and

WHEREAS, the City Council finds that certain changes should be made to the Form Based Code in order more effectively manage these identified issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10 Chapter 22 and various subsections should be amended by adding new language addressing Sexually Oriented Business issues and regulations for the city; and,

WHEREAS, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended as follows:

Amended Section:

Upon The Adoption Of This Ordinance, Title 10-22 Is, For the Sections and Subsections Listed, Amended To Read As Set Out In Attachment “A” And Incorporated Fully Herein By This Reference.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of any and all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance shall be effective on the 16th day of May, 2017, and after publication or posting as required by law.

DATED this 16th day of May, 2017

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 17-14

An Ordinance Of South Ogden City, Utah, Revising And Amending City Code Section 10-22 Allowing And Regulating Sexually Oriented Businesses In The Riverdale Road General Sub-District; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

16 May 17

- 10-5.1A-4-1, Table 4.1(1) - adding Sexually Oriented Businesses as a permitted use with development standards in the Riverdale Road General Zone. Development standards will be current SOB code (see following)

10-22-1: PURPOSE: The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the ~~concentration~~ secondary effects of sexually-oriented businesses ~~or their location~~ in areas deleterious to the interests of the city and its residents, and to further the city's attempts to preserve the quality of urban life, reduce criminal activity and prevent the deterioration of neighborhoods, and to regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a ~~regulation~~ ~~regulating~~ of time, place and manner of the operation of these businesses, consistent with the United States and Utah constitutions. (Ord. 984, 10-6-1998, eff. 10-6-1998) [See also *City of Renton V. Playtime Theaters, Inc.*, 475 U.S. 41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986) – cited in *Peterson v. South Salt Lake City*, 1999 UT 93, 987 P.2d 57 (Utah, 1999); and see, *Discotheque v. City Council of Augusta*, 264 Ga. 623, 624 (449 SE2d 608) (1994)]

10-22-2: DEFINITIONS:

Terms involving sexually-oriented businesses which are not defined in this title shall have the meanings set forth in section 3-8-3 of this code. (Ord. 984, 10-6-1998, eff. 10-6-1998)

10-22-3: LOCATION OF BUSINESSES; RESTRICTIONS:

A. Outcall Services: Outcall services shall be permitted in the Riverdale Road General Subdistrict ~~areas zoned C 2, C 3, and M 1.~~

B. Sexually-Oriented Businesses: Sexually-oriented businesses, except outcall services, shall only be permitted in the Riverdale Road General Subdistrict ~~areas zoned C 3 and any M zone under this title, subject to the following additional restrictions:~~ (Ord. 984, 10-6-1998, eff. 10-6-1998; amd. 2001 Code)

1. No sexually-oriented business shall be located:

a. Within one thousand feet (1,000') of any school, public park, library or religious institution ~~or residence or any other sexually-oriented business, except outcall services.~~

b. ~~Within six hundred feet (600') of any residential use or any agricultural or residential zoning boundary.~~

c. ~~Within six hundred feet (600') of any other sexually-oriented business, except outcall services.~~

d. ~~Within three hundred fifty feet (350') of any gateway corridor. The distance shall be measured from the right of way boundary.~~

2. Distance requirements between structures and uses specified in this section shall, for the distances between buildings, such as residential uses or other sexually-oriented businesses, or religious or cultural facilities, -be measured in a straight line, without regard to intervening structures or zoning districts, from building to building; and, for distances from the property boundaries of the school, public parks, zoning districts or gateway corridor, if applicable, religious or cultural activity, residential use or other sexually-oriented business, or from the right-of-way line of a gateway corridorsuch district or property boundary to the structure of the sexually-oriented business.,

~~3. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually-oriented business structure. (Ord. 984, 10-6-1998, eff. 10-6-1998)~~

10-22-4: EFFECT ON NONCONFORMING BUSINESSES:

~~All existing legal, nonconforming sexually-oriented businesses, as of the effective date hereof, or any amendment hereto, shall comply with the provisions of this chapter within nine (9) months from the date the ordinance codified herein is enacted. (Ord. 984, 10-6-1998, eff. 10-6-1998)~~

10-22-5: SIGNS:

Notwithstanding anything to the contrary contained in this code, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:

A. No more than one exterior sign shall be allowed.

B. No sign shall be allowed to exceed eighteen (18) square feet.

C. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.

D. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.

E. Only flat wall signs and/or awning signs shall be permitted.

F. Painted wall advertising shall not be allowed.

G. Other than the signs specifically allowed by this chapter, the sexually-oriented business shall not attach, construct or allow to be attached or constructed any temporary

sign, banner, light or other device designed to draw attention to the business location.
(Ord. 984, 10-6-1998, eff. 10-6-1998)