

**ORDINANCE NO. 13-26**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10 CHAPTER 1 OF THE CITY CODE OF SOUTH OGDEN TO AMEND THE PRELIMINARY SITE PLAN APPROVAL PROCESS; AND, CHAPTER 8, ALLOWING A BEAUTY CULTURE SCHOOL AS A CONDITIONAL USE IN A C-2 ZONE WITHIN THE CITY; 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 the State of Utah; and,

WHEREAS, the City Council finds that in conformance with the provisions of 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 City Council finds that in conformance with the provisions of UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which, among other things, deals with how certain types of businesses and their operations are defined, licensed, and regulated within the city; and,

WHEREAS, the City Council finds that South Ogden City Code, is based on and adopted in conformance with the authority granted to the City by UC Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate how certain types of businesses and their operations are defined, licensed, and regulated within the city including but not limited to residential rental property businesses; and,

WHEREAS, the City Council finds that South Ogden City Code, should be amended by the addition of Chapter 10 of title 1 governing how the preliminary site plan approval process is handled within the city; and, ,

WHEREAS, the City Council finds that South Ogden City Code, should be amended by the addition of Chapter 8 to permit beauty culture schools to be permitted uses in C-2 zones within the city; and,

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

WHEREAS, the City Council finds that the public safety, health and welfare is at issue in this matter 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 to as follows:

**Amended Sections:**

Upon the adoption of this Ordinance, Title 10 Chapter 1 – Section 8 of the city code is amended and adopted to read as follows:

**10-1-8: PRELIMINARY SITE PLAN APPROVAL:**

A. Required: Prior to the issuance of a building permit for any change of use, new building or remodeling of an existing building that affects the site plan or new construction on an already approved site plan in a commercial or manufacturing zone, preliminary approval of a site plan by the planning commission is required. In considering any site plan, the planning commission may impose reasonable requirements to assure, among other things, the safety and convenience of traffic movement both within the area covered and in relation to access streets, a harmonious relationship between the buildings and uses, a harmonious relationship between such area and buildings of adjacent neighborhoods, and the preservation of future road locations.

B. Considerations For Improvements, Changes: In furthering the above objectives, the planning commission shall review and may require certain improvements or design changes to be implemented by the developer as part of his construction, related, but not limited to, the following considerations, which shall be shown on a site plan, drawn to scale as follows:

1. Dimensions and orientation of the parcel.
2. Locations of buildings and structures, both existing and proposed. (Site development standards of applicable commercial or manufacturing zone, see chapters 8 and 9 of this title.)
3. Location and layout of off-street parking and loading facilities. (See [chapter 17](#) of this title.)
4. Location and size of points of entry and exit, in accordance with [chapter 17](#) of this title, and internal vehicle circulation patterns, type of barrier or curb and gutter used on front property lines.
5. Provide preliminary grading and drainage information as well as preliminary utility connection information i.e. culinary water, secondary water and sewer.
6. The location and design of walls and fences and indication of their height and materials of their construction. (See [chapter 14](#) of this title.)
7. The height of existing and proposed buildings and structures.
8. The proposed use of buildings shown on the plot plan.

9. Location of exterior existing and proposed lighting standards and devices. (See section [10-14-9](#) of this title.)
10. The location and height of any overhead power and communication and transmission lines and all utility easements that may effect subject property.
11. Location and size of exterior, existing and proposed signs and outdoor advertising in accordance with the sign regulations of this title. (See chapter 21 of this title.)
12. Meaningful landscaping and open space on the site of not less than ten percent (10%) of the area to be developed and a bond posted guaranteeing landscaping at the planning commission's option. The plan shall identify landscaping details such as shrubs, trees and other plant material.
13. Where an attachment or minor addition of one thousand (1,000) square feet or less to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but at the discretion of the building official need not include other data required in subsections B1 through B11 of this section, unless it drastically changes any of the items required.

C. Compliance Required; Alterations: The building official shall ensure that development is in compliance with the site plan and all other requirements imposed by the planning commission. Upon approval of the site plan by the planning commission, no alterations shall be made without first obtaining approval from the planning commission.

**10-8A-5: USES:**

The use table is amended as to "Beauty culture school" as follows:

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
Beauty culture school	N	C	P

**Section 2 - Repealer of Conflicting Enactments:**

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

**Section 3 - Prior Ordinances and Resolutions:**

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

**Section 4 - Savings Clause:**

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be 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 17<sup>th</sup> day of December, 2013, and after publication or posting as required by law.

DATED this 17<sup>th</sup> day of December, 2013

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor James F. Minster

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov  
City Recorder