

ORDINANCE NO. 15-03

AN ORDINANCE OF SOUTH OGDEN CITY AMENDING THE CURRENT MORATORIUM ON RECEIVING OR PROCESSING APPLICATIONS FOR ZONING, RE-ZONING, ISSUANCE OF CONDITIONAL USE PERMITS OR PERMITS FOR EDUCATIONAL INSTITUTIONS OR PLANNED RESIDENTIAL UNIT DEVELOPMENTS OR ANY OTHER ACTIVITY REQUIRING APPROVAL FROM THE PLANNING COMMISSION OR CITY COUNCIL TO PROVIDE FOR COMMERCIAL SITE PLAN APPROVAL WITHIN THE CITY AS AN EXCEPTION TO THE MORATORIUM, AND PROVIDING AN EFFECTIVE DATE THEREFORE.

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 City finds that UC §10-9a-101 et. seq. provides the City Council may enact zoning and subdivision ordinances establishing regulations for land use and development within the City; and,

WHEREAS, the City finds that the management and administration of the applications for zoning, re-zoning, issuance of conditional use permits or any other activity requiring approval from the planning commission or city council (“applications”) is an integral part of planning and zoning within the city; and,

WHEREAS the City finds that it is necessary to review the City’s Zoning and Subdivision Ordinances, as those provisions apply throughout the city; and,

WHEREAS, the City finds that the continued receipt of Applications for, or approval of, such is not in the best interest of the City nor its residents and would be harmful to the public interest until the City’s development and zoning needs for the city can be more fully assessed and the Zoning and Subdivision Ordinances reviewed and amended if and as necessary; and,

WHEREAS the City finds that a certain amount of time will be required to complete the review, design, and amendment of those documents and needs; and,

WHEREAS the City finds that UC §10-9a-504 provides, in part, that the City Council may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation (“moratorium”) for any part or all of the area within the municipality; and,

WHEREAS the City finds there is an urgency to this matter and that such a moratorium should be effective immediately; and,

WHEREAS the City finds it has previously adopted Ordinances 14-12 and 14-15 authorizing such a moratorium, which is still in effect, should be amended to provide that commercial site plans within the city may be approved as an exception to the moratorium where otherwise presently allowed as a permitted use; and,

WHEREAS the City finds that adequate public notice should be given before adopting or undertaking the steps to correct the extant conditions cited; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare requires that the procedures and policies related to management of planning, zoning and development administration be fully evaluated as contemplated; now,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH

1. The imposed moratorium on the receipt and processing of Applications for zoning, re-zoning, issuance of conditional use permits or any other activity requiring approval from the planning commission or city council, including but not limited to Educational Institutions and Planned Residential Unit Developments, is amended to provide that commercial site plans within the city may be approved as an exception to the moratorium where otherwise allowed as a permitted use; and,
2. This moratorium may be lifted prior to the expiration of the total of 180 days upon a joint finding by the Mayor and City Manager, that it would be in the best interest of the City so to do.

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. Notwithstanding anything in the foregoing to the contrary, Resolution 14-19 shall remain in effect as previously adopted.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their 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 6th day of January, 2015, and after publication or posting as required by law.

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder