

ORDINANCE NO. 16-17

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REZONING CERTAIN
PROPERTY WITHIN THE CITY FROM R-5A TO R-5B; AMENDING THE
ZONING MAP OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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, 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, in conformance with UC § 10-9a-502 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, the full text of the zoning ordinance and its associated and related maps, representing the commission's recommendations for zoning all or any part of the area within the municipality have been subjected to the required public hearing prior to its adoption; and,

WHEREAS, UC § 10-9a-503 provides that the legislative body may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the zoning ordinance; and,

WHEREAS, the City Council may make no amendment to the city’s zoning ordinance or zoning maps unless the amendment was proposed by the Planning Commission or is first submitted to the planning commission for its approval, disapproval, or recommendations; and,

WHEREAS, the City Council finds that the City Planning Commission has recommended certain changes to the city’s current zoning scheme be adopted and that the zoning map be modified accordingly; and,

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

WHEREAS, South Ogden City desires to comply with the procedure specified in UC § 10-9a-502 in preparing and adopting an amendment to the zoning ordinance or the zoning map; and,

WHEREAS, upon petition to and based on the recommendation of the South Ogden City Planning Commission, the City Council determines it to be in the best interest of the City to change the existing zone of R-5A to R-5B under the Ordinances of the City regarding the following described property.

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

Section 1. Rezoned Property:

The following described lands and premises within the boundaries of the City, and commonly known as approximately 1894 Skyline Dr., are rezoned from R-5A to R-5B and the Zoning Map accordingly amended so to indicate:

Parcels 07-697-0002 & 07-697-0003

Section 2. Reserved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Zoning Ordinance be changed and amended to read as set out hereinabove and that the City Zoning Map shall be amended accordingly.

Section 3. Repealer of Conflicting Enactments:

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

Section 4. Prior Ordinances and Resolutions:

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

Section 5. Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall 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 being deemed to be the separate independent and severable act of the City Council of South Ogden City.

Section 6. Date of Effect

This Ordinance shall be effective on the 21st day of June, 2016, and after publication or posting as required by law.

DATED this 21st day of June, 2016

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov, CMC
City Recorder