

ORDINANCE NO. 17-03

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10-1-8(A) OF THE CITY CODE CLARIFYING THE PRELIMINARY SITE PLAN APPROVAL PROCESS FOR VARIOUS ZONES IN 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 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 Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Zoning Regulations within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at **Title 10, Chapter 1, Section 8(A)** deals with regulations, procedures, and other development issues within certain zones of the city, having to do with Preliminary site Plan Approval Process for Various Zones in the City, and that certain additions or changes should be made, based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds it is in the public interest to manage and regulate the procedures governing these zoning regulations, procedures, and other issues for Preliminary site Plan Approval Process for Various Zones in the City; and,

WHEREAS, the City Council finds that the requirements and provisions 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 and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that these changes to the City Code are adopted as set out below:

10-1-8: PRELIMINARY SITE PLAN APPROVAL is amended 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.

*For City Center Core, City Center General, Riverdale Road General, 40th Street General, and Edge zones, site plan approval will follow the process outlined in the City Center/40th Street Form Based Code as adopted June 21, 2016.

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 will not be construed to revive any act, order or resolution, or part, repealed.

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 be held or deemed or shall be invalid, inoperative or unenforceable such reason will not render 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 will be effective on the 17th day of January, 2017, and after publication or posting as required by law.

DATED this 17th day of January, 2017

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov, CMC
City Recorder