

ORDINANCE NO. 23-01

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-5.1A-10 and 10-5.1B-10, REQUIRING STAFF TO REPORT ANY REQUESTS FOR EXCEPTIONS TO THE PLANNING COMMISSION; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION I - 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, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

WHEREAS, the City Council finds that the Planning Commission has recommended that all requests for exceptions exceeding the parameters of 10-5.1A-10-3 and 10-5.1B-10-3 be heard and considered by the Planning Commission rather than the City Manager; and,

WHEREAS, the City Council finds that rather than following the recommendation of the Planning Commission they instead will require that staff report all requests for exceptions and decisions on the requests to the Planning Commission; and,

WHEREAS, the City Council finds that South Ogden City Code, Title 10, Chapter 5.1 and various of its subsections should be amended by adding new language governing these changes for exception requests; and,

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

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

AMENDED SECTION:

Upon the adoption of this Ordinance, Title 10, Chapter 5.1 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION II - 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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 III - PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall 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 V - DATE OF EFFECT

This Ordinance shall be effective on the 3rd day of January, 2023, and after publication or posting as required by law.

DATED this 3rd day of January, 2023.

SOUTH OGDEN CITY

Russell L. Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 23-01

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-5.1a-10 And 10-5.1b-10, Requiring Staff To Report Any Requests For Exceptions To The Planning Commission; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

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10-5.1A-10-3: Exceptions and Variances

1. Exceptions:

1. Intent: To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
2. Eligible Applicant: Applicant is eligible to apply for an exception to this article upon submittal of an application for site plan approval, in cases that involve such standards as the following:
 1. Regulating plan requirements:
 1. Distribution of permitted subdistricts within one hundred feet (100') of required amount. (Substitution of subdistricts is not permitted.)
 2. Block size within one hundred feet (100') of required dimensions and with the provision of a midblock pedestrianway. (Refer to section 10-5.1A-1 of this article.)
 3. Street type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-2 of this article.)
 4. Open space requirement within one hundred feet (100') of required distance for no more than ten (10) units and with the availability of two (2) open spaces within that dimension. (Refer to sections 10-5.1A-1 and 10-5.1A-6 of this article.)
 5. Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
 2. Site plan requirements:
 1. Landscape requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-7 of this article.)
 2. Parking and loading facilities within one foot (1') of required dimensions. (Refer to section 10-5.1A-8 of this article.)
 3. Sign type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-9 of this article.)
 4. Building type requirements within one foot (1') of required dimensions. (Refer to section 10-5.1A-5 of this article.)
 5. Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development. [Staff shall report any exception request and its decision to the planning commission at their next meeting.](#)
3. Application Process Time Line: An application for exception ~~shall~~ [may](#) be submitted [before or](#) concurrently with ~~the process seeking exception from~~ either [the](#) regulating plan approval or site plan approval.
 1. The staff review committee shall review and make recommendations [to the city manager](#) on the application [for exception](#) within [ten business days](#) ~~the same time line as the applicable process, regulating plan or site plan approval~~ [from receiving it.](#)

2. The city manager or designee shall render a decision to approve or disapprove the application for exception within five business days from receiving recommendations from the staff review committee. ~~the same time line as the applicable process, regulating plan or site plan approval.~~
4. Variances: Refer to subsection 10-4-6C of this title for information on the variance process. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)

10-5.1B-10-3: Exceptions And Variances

1. Exceptions:

1. Intent: To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
2. Eligible Applicant: Applicant is eligible to apply for an exception to this article upon submittal of an application for site plan approval, in cases that involve such standards as the following:
 1. Regulating plan requirements:
 1. Distribution of permitted subdistricts within one hundred feet (100') of required amount. (Substitution of subdistricts is not permitted.)
 2. Block size within one hundred feet (100') of required dimensions and with the provision of a mid-block pedestrianway (refer to section 10-5.1B-1 of this article).
 3. Street type requirements within one foot (1') of required dimensions (refer to section 10-5.1B-2 of this article).
 4. Open space requirement within one hundred feet (100') of required distance for no more than ten (10) units and with the availability of two (2) open spaces within that dimension (refer to sections 10-5.1B-1 and 10-5.1B-6 of this article).
 5. Building type requirements within one foot (1') of required dimensions (refer to section 10-5.1B-5 of this article).
 2. Site plan requirements:
 1. Landscape requirements within one foot (1') of required dimensions (refer to section 10-5.1B-7 of this article).
 2. Parking and loading facilities within one foot (1') of required dimensions (refer to section 10-5.1B-8 of this article).
 3. Sign type requirements within one foot (1') of required dimensions (refer to section 10-5.1B-9 of this article).
 4. Building type requirements within one foot (1') of required dimensions (refer to section 10-5.1B-5 of this article).
 5. Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development. Staff shall report any exception

request and its decision to the planning commission at their next meeting

3. Application Process Time Line: An application for exception ~~shall~~may be submitted before or concurrently with ~~the process seeking exception from,~~ either the regulating plan approval or site plan approval.
 1. The Staff Review Committee shall review and make recommendations to the city manager on the application for exception within ten business days of receiving it.~~the same time line as the applicable process, regulating plan or site plan approval.~~
 2. The City Manager or designee shall render a decision to approve or disapprove the application for exception within five business days from receiving recommendationse from the staff review committee.~~the same time line as the applicable process, regulating plan or site plan approval.~~
2. Variances: Refer to subsection 10-4-6C of this title for information on the variance process. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)