

# **City of Washington Terrace**

County of Weber, State of Utah

## **ORDINANCE 06-11**

### **NEIGHBORHOOD REVITALIZATION**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATING TO CERTAIN RESIDENTIAL ZONES, AMENDING THE GENERAL PLAN MAP, AMENDING THE ZONING MAP TO MORE FULLY CONFORM TO THE GENERAL PLAN; FORMULATING THE SAP AND SAZ CONCEPTS; PROVIDING A LIMITED MORATORIUM FOR THE SAME; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, the City Council finds it necessary to revise and update its land use ordinances and the associated maps as within its pejorative under the “reasonably debatable” standard;

**WHEREAS**, the City Council finds it necessary to update its land use ordinances and the associated maps in order to respond to the challenges presented by development occurring in and around the City;

**WHEREAS**, the City Council desires to more fully conform its zoning and general plan maps to the current infrastructure capacities;

**WHEREAS**, the City Council finds it necessary to protect the integrity of the residential and single-family zones in the community by taking neighborhood revitalization measures;

**WHEREAS**, the City Council also desire to update its land use ordinances and maps to more fully protect issues relating to the improvement or preservation of public health, safety, and general welfare;

**WHEREAS**, the City hosted a Neighborhood Revitalization Open House on August 31, 2006, to serve as a basis for discussion of neighborhood concerns, to receive comments, and gather public input for this Ordinance addressing neighborhood revitalization;

**WHEREAS**, after publication of the required notice the planning commission held its public hearing on October 26, 2006, to take public comment on the proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the council received the recommendation from the planning commission and held its public hearing on November 14, 2006, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Washington Terrace City as follows:

**Section 1: Repealer.**

Any word, sentence, paragraph, phrase, or map designation in the *Washington Terrace Municipal Code* inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment to the General Plan Map and Zoning Map.**

The General Plan Map and Zoning Map is hereby amended and adopted as provided in the maps attached as part of this Ordinance. Said maps are adopted with the respective planning and zoning designations for each parcel as so indicated on said maps. The General Plan Map is attached as Exhibit "A" and the Zoning Map is attached as Exhibit "B", both being incorporated herein by this reference as the official land use maps of the City.

**Section 3: R-2 – options for consideration:**

- A. Chapter 17.16 entitled "R-2 Residential Zone" is here repealed in its entirety. Area currently zoned R-2 is hereby zoned as set forth in Exhibit "B".
- B. Chapter 17.16 entitled "R-2 Residential Zone" is here repealed, except as it relates to owner occupied duplex apartments which is consolidated with the R-1-6 zone. Area currently zoned as set forth in Exhibit "B".
- C. No action.

**Section 4: R-3 – options for consideration;**

- A. Chapter 17.20 entitled "R-3 Residential Zone" is here repealed in its entirety. Area currently zoned R-3 is hereby zoned as set forth in Exhibit "B".

B. Chapter 17.20 entitled “R-3 Residential Zone” is here repealed, except as it relates to owner occupied duplex apartments which is amended and consolidated with the R-1-6 zone. Area currently zoned R-3 is hereby zoned as set forth in Exhibit “B”.

C. No action.

**Section 5: R-4 – options for consideration:**

A. Chapter 17.24 entitled “R-4 Residential Zone” is here repealed in its entirety. Area currently zoned R-2 is hereby zoned as set forth in Exhibit “B”.

B. Chapter 17.24 entitled “R-4 Residential Zone” is here repealed, except as it relates to owner occupied duplex apartments which is amended and consolidated with the R-1-6 zone. Area currently zoned R-4 is hereby zoned as set forth in Exhibit “B”.

C. No action.

**Section 6: Special areas and limited moratorium.**

The General Plan Map shall include a new area entitled Special Area Plan (SAP) for areas designed under a pre-existing development or an approved special land use plan. The Zoning Map shall include a new zone entitled Special Area Zone (SAZ) effective upon adoption of the regulations for the same. Areas designated on the Zoning Map as SAZ shall not be considered zoned until the adoption of the regulations of the SAZ zone.

Development in all areas to be designated SAZ upon adoption of the regulations for the same is hereby placed under moratorium for a period no longer than six (6) months from the date of this Ordinance in order to allow adequate time to prepare the zoning regulations for this new zone. If no regulations are prepared within the time period set forth the area to be designated as SAZ shall revert to the R-1-10 zoning.

**Section 7: Severability.**

If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 8: Effective date.**

This ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 14<sup>th</sup> day of November, 2006.

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Mayor, Mark C. Allen  
Washington Terrace City

ATTEST:

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City Recorder

RECORDED this 14 day of November, 2006.  
PUBLISHED OR POSTED this 20 day of November, 2006.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) Recreation Center and 3) Website on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE:\_\_\_\_\_