Resolution No. 14-25 (Amended)

RESOLUTION OF SOUTH OGDEN CITY ESTABLISHING AND ADOPTING A 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 FOR 120 DAYS AFTER PASSAGE OF THIS RESOLUTION FOR ANY AREA WITHIN THE CITY, AND PROVIDING AN EFFECTIVE DATE THEREFORE

SECTION 1 – RECITALS:

WHEREAS, the City of South Ogden ("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, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City finds that UC §10-9a-101 et. seq. and related sections provide that 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 the 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 there is an urgency to this matter and that such a moratorium should be effective immediately; and,

WHEREAS the City finds that it has previously adopted Resolution 14-25 and that certain additions should be made thereto; 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 Housing be fully evaluated as contemplated; now,

THEREFORE, BE IT RESOLVED by the City of South Ogden:

1. There is imposed an immediate 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;

2. This moratorium shall, additionally, but not exclusively, apply to Educational Institutions and Planned Residential Unit Developments;

3. This moratorium shall last one hundred and twenty (120) days from September 2, 2014, or until the review, analysis and policy decisions have been completed, whichever is later;

4. This moratorium may be lifted prior to 120 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 and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed. Notwithstanding anything in the forgoing to the contrary, Resolution 14-19 shall remain in effect as previously adopted.

SECTION 3 - PRIOR RESOLUTIONS:

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

SECTION 4 - SAVINGS CLAUSE:

If any provision of this Resolution 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 invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed to be the separate independent and severable act of the City Council of South Ogden City.

SECTION 5 - DATE OF EFFECT:

This Resolution shall be effective on the 16th day of September, 2014, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 16th day of September, 2014.

SOUTH OGDEN CITY

_____
James F. Minster
Mayor

ATTEST:

_____
Leesa Kapetanov
City Recorder