

## **ORDINANCE NO. 24-03**

### **AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING THE GENERAL PLAN OF THE CITY, ADDING TIMELINES FOR MODERATE INCOME HOUSING STRATEGIES; APPROVING AND ADOPTING THE TEXT REQUIRED TO GIVE EFFECT TO THESE 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 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-401, the governing body of the city must adopt a comprehensive, long-range General Plan; and,

**WHEREAS**, South Ogden City has previously adopted and promulgated a comprehensive, long-range General Plan for the City; and,

**WHEREAS**, the City Council finds that in conformance with UC §10-9a-204, the legislative body may amend the general plan by following the procedures required by Section 10-9a-204 and 10-9a-404; and,

**WHEREAS**, the City Council finds that in order to qualify for priority consideration for State Transportation Funding it must adopt five moderate income housing strategies; and,

**WHEREAS**, the City Council finds that although the current General Plan has five moderate income housing strategies, two of the strategies do not have timelines for completion and therefore cannot be used by the City for priority consideration of State Transportation Funding; and,

**WHEREAS**, the City Council finds that it now wishes to amend the General Plan, as set out in Attachment "A", by adding the required timelines and amending others in order to be considered for priority State Transportation Funding;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City's General Plan be amended to include the changes

and additions contained in Attachment "A", and by this reference incorporated, and that these amendments are adopted, from the effective date of this Ordinance forward, and considered to be an integral part of the City's General Plan.

## **SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

All orders, ordinances and resolutions regarding the changes 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 will not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

## **SECTION III - 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 IV - SAVINGS CLAUSE:**

If any provision of this Ordinance be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason will not render any other provision or provisions 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 V - DATE OF EFFECT**

This Ordinance will be effective on the 21st day of May, 2024, and after publication or posting as required by law.

**DATED** this 21<sup>st</sup> day of May, 2024.

SOUTH OGDEN CITY, a municipal corporation

---

Mayor Russell L. Porter

Attested and recorded

---

Leesa Kapetanov, MMC  
City Recorder

## **ATTACHMENT "A"**

### **ORDINANCE NO. 24-03**

An Ordinance Of South Ogden City, Utah, Revising And Amending The General Plan Of The City, Adding Timelines For Moderate Income Housing Strategies; Approving And Adopting The Text Required To Give Effect To These Changes; And Establishing An Effective Date For Those Changes.

21 May 24



## MODERATE INCOME HOUSING PLAN

### HOUSING STRATEGIES AND RECOMMENDATIONS

To qualify for State transportation funding, the State requires municipalities to select three housing affordability strategies to implement in their community. In addition, the legislature is giving priority funding designation to those communities that adopt two additional strategies. South Ogden City has selected the following strategies for implementing moderate-income housing in the community.

The following strategies were selected for 2023. However, since the State requires the City to reevaluate these strategies annually, the City's most current Moderate-Income Housing Report should be referenced for the City's most current strategies.

**STRATEGY 1:** Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing (Menu Item P).

**STRATEGY 2:** Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund (Menu Item K).

**STRATEGY 3:** Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones (Menu Item E).

**STRATEGY 4:** Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers (Menu Item F).

**STRATEGY 5:** Rezone for densities necessary to facilitate the production of moderate-income housing (Menu Item A).

#### TRACKING & IMPLEMENTATION

To track and prioritize implementation measures for each strategy, the City will incorporate the five housing strategies into the South Ogden Strategic Plan. The Strategic Plan, annually adopted by the South Ogden City Council, outlines and prioritizes directives to guide policy decisions and prioritize community needs. The Strategic Plan identifies the required resources, the department personnel involved, a tentative due date, and the City's overall progress relative to each directive.

## STRATEGY 1

### DEMONSTRATE UTILIZATION OF A MODERATE INCOME HOUSING SET ASIDE FROM A COMMUNITY REINVESTMENT AGENCY, REDEVELOPMENT AGENCY, OR COMMUNITY DEVELOPMENT AND RENEWAL AGENCY TO CREATE OR SUBSIDIZE MODERATE INCOME HOUSING

South Ogden City has created the City Center Community Reinvestment Project Area and will utilize funds from the tax increment generated by the project area to aid in the development and/or subsidization of moderate-income housing (Menu Item P).

In 2019 the South Ogden City Community Development and Renewal Agency (CDRA) created the City Center Community Reinvestment Area (CRA). With support and participation from Weber County and Central Weber Sewer Improvement District, the City Center CRA was created to aid in the redevelopment of properties along Riverdale Road, Washington Blvd., Harrison Blvd. and 40th Street. The long-range vision, as demonstrated within the City's general plan, is for these properties to be redeveloped with a variety of mixed uses, at much higher densities, and with a more urbanized look and feel.

It is estimated the City Center CRA will generate approximately \$964,673 of incremental value over the next 20 years. These funds will be restricted for the Agency's use to help with the development/subsidization of moderate-income housing. The first year of tax increment was 2022, providing the Agency some housing monies through the project area through 2042.

#### IMPLEMENTATION

- Analyze the feasibility to develop moderate-income housing on the city-owned property at 40th and Evelyn. [\(Spring 2025\)](#)
- Seek LIHTC funding to help with construction of deeply affordable housing (30% AMI) or other income-restricted housing projects. [\(Spring 2025\)](#)



## STRATEGY 2

### PRESERVE EXISTING AND NEW MODERATE INCOME HOUSING AND SUBSIDIZED UNITS BY UTILIZING A LANDLORD INCENTIVE PROGRAM, PROVIDING FOR DEED RESTRICTED UNITS THROUGH A GRANT PROGRAM, OR ESTABLISHING A HOUSING LOSS MITIGATION FUND

South Ogden City desires to preserve existing and develop new moderate-income housing and subsidized housing units by utilization of a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535m establishing a housing loss mitigation fund (Menu Item K).

Utilizing tax increment generated through the City Center Community Reinvestment Project Area, South Ogden City will explore and implement program(s) to aid in the preservation and/or development of moderate-income housing, as well as ways the city can work with developers to incorporate moderate-income housing into new, market-rate projects through deed restrictions of a certain number of units. This would increase the number of moderate-income units throughout the city and would inter-mix these units with market-rate units within the same development/project.

#### IMPLEMENTATION

- Explore policies that would incorporate/require deed-restricted moderate-income housing units to be incorporated into new projects whenever a development agreement is utilized as a part of the projects' approval. [\(Spring 2025\)](#)
- Explore the cost/benefits of establishing a Housing Preservation Fund. [\(Spring 2025\)](#)
- Explore cost/benefits of creating a Housing Loss Mitigation Fund for the development or preservation of moderate-income housing. [\(Spring 2025\)](#)
- Explore ways to utilize housing funds from the City Center CRA to incentivize landlords to deed-restrict units, subsidize development-related fees, etc. [\(Spring 2025\)](#)



## STRATEGY 3

### CREATE OR ALLOW FOR AND REDUCE REGULATIONS RELATED TO INTERNAL ADUS

South Ogden has created regulations related to internal accessory dwelling units (ADUs) in residential zones (Menu Item E).

In 2021, South Ogden amended City code to allow for the interior ADUs as permitted uses in single-family residential, two-family residential, and multiple-family residential zones. In addition, the City created an “Accessory Dwelling Unit” section in their municipal code (Adopted 9/21/2021) to provide reasonable regulations for supplementary living accommodations in internal ADUs located in residential areas of the City.

#### IMPLEMENTATION

- Begin to track building permits and rental licenses related to ADUs (Spring 2023).
- Review “Accessory Dwelling Unit” code with City Council and Planning Commission to determine the feasibility of extending policy to allow for attached and detached ADUs (Winter 2023).
- Work with the Planning Commission and City Council on drafting and adopting ADU code amendment (Spring 2024).



## STRATEGY 4

### ZONE OR REZONE FOR HIGHER DENSITY OR MODERATE-INCOME RESIDENTIAL DEVELOPMENT

South Ogden has zoned or rezoned for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers (Menu Item F).

The City's form-based code creates three districts:

1. **Neighborhood Commercial:** a number of smaller areas that provide convenient local commercial services for residents.
2. **Wall Avenue:** flexible mixed-use district that allows for a broad range of commercial uses and building types
3. **South Gateway:** flexible mixed-use district that allows for a broad range of commercial uses and building types.

The major districts are further broken down into subdistricts:

- **Gateway Core:** The Gateway Core Subdistrict is intended to be the City's most flexible and inclusive subdistrict, ensuring a place for all of South Ogden's commercial needs. It includes a range of building types that will allow for a vibrant, mixed-use commercial area.
- **Gateway General:** The Gateway General Subdistrict provides the same function as the Gateway Core Subdistrict, but with a lower intensity of building to provide a buffer between residential neighborhoods and commercial areas.
- **Neighborhood Commercial:** The Neighborhood Subdistrict allows for smaller nodes of commercial uses, the purpose of which is to provide residents with easy access to businesses which provide local services and goods.
- **Gateway Edge:** The Edge Subdistricts are made up of smaller scale residential buildings, which provide a buffer between existing single family residential neighborhoods and the Commercial Subdistricts. (Ord. 17-21, 11-21-2017, eff. 11-21-2017)

The rezone districts allow for density variations based on permitted uses.

#### IMPLEMENTATION

- Track the number of new housing units established from the City's form-based code districts (Neighborhood Commercial, Wall Avenue, and South Gateway) to monitor the number of units that qualify as moderate income housings units (Spring 2023 – Winter 2023).

## STRATEGY 5

### REZONE FOR DENSITIES NECESSARY TO FACILITATE THE PRODUCTION OF MODERATE-INCOME HOUSING

South Ogden has rezoned for densities to facilitate the production of moderate-income housing (Menu Item A).

The City has rezoned for mixed use and high density as part of the form-based code initiative. The rezone process was a complete review of existing zoning and the establishment of form-based code in order to promote redevelopment of commercial areas to mixed use zones suitable for higher density housing. This initiative included a steering committee, public review process, planning commission review, public hearing, and adoption by City Council and was completed over two-year period. The City will continue to update zoning to meet current demands.

The City created nine additional zones to facilitate the production of moderate-income housing:

1. 40th Street General
2. City Center General
3. City Center Core
4. Riverdale Road General
5. Edge
6. Gateway Core
7. Gateway General
8. Neighborhood Commercial
9. Gateway Edge Subdistricts

#### IMPLEMENTATION

- Review and update the zoning code to allow for higher density in redeveloping residential areas (Winter 2023 – Spring 2024).
- Work with Planning Commission, Community Development and Renewal Agency (CDRA), and the City Council to modify zoning in anticipation for redevelopment efforts (Spring 2024).