

ORDINANCE NO. 26-07

AN ORDINANCE OF SOUTH OGDEN CITY, ESTABLISHING AND ADOPTING A MORATORIUM ON RECEIVING OR PROCESSING APPLICATIONS FOR ANY DEVELOPMENT OR PLANNING RELATED PERMITS REQUIRING APPROVAL FROM THE STAFF REVIEW COMMITTEE, FOR AREAS WITHIN THE CITY CENTER CORE, CITY CENTER GENERAL, RIVERDALE ROAD GENERAL, AND 40TH STREET GENERAL ZONES, FOR 180 DAYS AFTER PASSAGE OF THIS ORDINANCE

SECTION I - 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, 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-504, the City Council of the City may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality; and,

WHEREAS, the City finds that UCA § 10-9a-504 also states that the City Council may only enact a temporary land use regulation or moratorium if it makes a finding of a compelling, countervailing public interest; and

WHEREAS, the City Council finds that a Small Area Master Plan Study for the City Center Core, City Center General Subdistricts, Riverdale Road General, and 40th Street General Subdistricts (Zones) has been completed and adopted; and,

WHEREAS, the City Council finds that the City Center Master Plan advises that the City Center and 40th Street Corridor Form Based Code be amended to accomplish the goals and recommendations of the City Center Master Plan; and,

WHEREAS, the City Council also finds that there are other issues regarding vague language within certain aspects of the Form Based Code; and

WHEREAS, the City Council finds that the management and administration of the applications for any and all development or planning related applications and permits requiring approval from the staff review committee within the City Center Core, City Center General, Riverdale Road General, and 40th Street General zones is an integral part of realizing the goals

and recommendations of the City Center Master Plan; and

WHEREAS, the City Council finds that the continued receipt or approval of any development or building related applications and permits within the City Center Core, City Center General, Riverdale Road General, and 40th Street General zones is not in the best interest of the City nor its residents and would be harmful to the public interest until the recommended changes and also clarification of language to the City Center and 40th Street Corridor Form Based Code are completed; and,

WHEREAS, the City Council finds that a certain amount of time will be required to complete the changes to the City Center and 40th Street Corridor Form Based Code;

WHEREAS, the City finds that making amendments to the Form Based Code to accomplish the goals and recommendations of the City Center Master Plan and to fix vague language in the Form Based Code is a compelling, countervailing public interest to halt acceptance of any development applications and planning related permits involving areas within the City Center Core Zone, City Center General Zone, Riverdale Road General Zone, and the 40th Street General Zone until the City has reviewed, clarified, and amended the language in the City Code to fix any ambiguities and vagueness in the language regarding what is allowed and what is not allowed regarding developments; and

WHEREAS, the City Council finds that implementing a moratorium on accepting any type of land use change applications within the City should be accomplished so such amendments to the Form Based Code can be accomplished; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH THAT:

SECTION II – MORATORIUM IMPOSED:

1. There is imposed an immediate moratorium on the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval, including the receipt and processing of applications for zoning, any and all development and planning related applications and permits or any other land use activity requiring approval of the staff review committee, within the City Center Core, City Center General, Riverdale Road General, and 40th Street General zones (see map, “Attachment A”).
2. This moratorium does not apply to those subdivisions which already have preliminary approval nor does it apply to the City being able to issue building permits regarding those subdivisions which already have at least preliminary approval as of this date.
3. is moratorium shall last one hundred and eighty (180) days from August 18, 2026, or until all the recommended changes, including clarifying language, to the City Center and 40th Street Corridor Form Based Code are completed,

- whichever is sooner;
4. This moratorium may be lifted prior to one hundred and eighty (180) 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.

That the foregoing recitals are incorporated herein.

SECTION III - 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 IV - 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 V - 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 VI - DATE OF EFFECT

This Ordinance will be effective August 18, 2026, and after publication or posting as required by law.

DATED this 18th day of August 2026.

SOUTH OGDEN CITY

Russell L. Porter, Mayor

ATTEST:

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT A

ORDINANCE NO. 26-07

An Ordinance of South Ogden City, Establishing and Adopting a Moratorium on Receiving or Processing Applications for Any Development or Planning Related Permits Requiring Approval From the Staff Review Committee, for Areas Within the City Center Core, City Center General, Riverdale Road General, and 40th Street General Zones, for 180 Days After Passage of This Ordinance

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