

SALT LAKE CITY ORDINANCE

No. _____ of 2007

(An Ordinance Enacting Temporary Land Use Regulations
Regarding Conditional Use Permits on Residentially Zoned Properties
and on Properties Abutting Residentially Zoned Areas Throughout the City)

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS
REGARDING CONDITIONAL USE PERMITS ON RESIDENTIALLY ZONED PROPERTIES
AND ON PROPERTIES WHICH ABUT RESIDENTIALLY ZONED AREAS THROUGHOUT
THE CITY.

WHEREAS, Section 10-9a-504 of the Utah Code allows cities, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the City if the City Council makes a finding of compelling, countervailing public interest; and

WHEREAS, Section 10-9a-504 of the Utah Code. allows the City in a temporary land use regulation to prohibit or regulate the erection, construction, reconstruction or alteration of any building or structure; and

WHEREAS, when the Salt Lake City Zoning Code was adopted in April 1995, it was assumed that the City had broad discretion in determining whether to grant or deny a conditional use permit; and

WHEREAS, the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code Ann., was amended in 2005, limiting the City's discretion as to conditional use permits; and

WHEREAS, the Table of Permitted and Conditional Uses adopted by the City in its zoning code was based upon the more discretionary standard; and

WHEREAS, under current state law, the City's criteria for conditional uses are inadequate and lack specificity, and the City needs to review and revise its Table of Permitted and Conditional Uses for residential areas to better define what uses are allowed, conditional, or not allowed in those areas; and

WHEREAS, it is necessary to clarify the powers, duties, and responsibilities of land use related Boards and Commissions under current state law with regard to conditional uses; and

WHEREAS, due to escalating land values and increasing development pressures, there is a substantial risk that the City may be required by state law to approve conditional use applications which under the current criteria may not be compatible with residentially zoned areas, and which would damage the character of those residential neighborhoods; and

WHEREAS, the City Council has serious concerns regarding the need to protect the residential neighborhoods of the City and to preserve the character of those areas from incompatible land uses; and

WHEREAS, since under the City's zoning ordinances, conditional use permits run with the land, the approval of a conditional use application which may be inappropriate for a residentially zoned area would result in a long term, and perhaps irreversible, detrimental impact upon those residential neighborhoods; and

WHEREAS, the City finds that the need to provide greater protection for the residential neighborhoods in the City constitutes a compelling, countervailing public interest which justifies a temporary land use regulation; and

WHEREAS, the City Council finds that the City's interest in adopting these temporary land use regulations outweighs any private interest in developing under other existing standards;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Finding of compelling, counter-veiling public interest. Pursuant to Section 10-9a-504 of the Utah Code., the City Council expressly finds that the risk of a long term detrimental impact upon its residential neighborhoods resulting from the potential approval of inappropriate conditional use applications constitutes a compelling, countervailing public interest sufficient to justify these temporary land use regulations.

SECTION 2. Balancing of Public vs. Private Interests. The City Council further finds that any harm to private interests is *de minimus* and is outweighed by the City's interest in maintaining the character of its existing residential neighborhoods while the City Council reviews and evaluates specific proposals for changes to the table of permitted and conditional uses for residential zoning districts and the City's conditional use regulations. The City Council finds that no conditional use application which has not received final approval from the City prior to 5:00 p.m. on July 17, 2007, in full compliance with existing zoning regulations, other City ordinances and requirements applicable to new construction, has any right to develop under those existing regulations.

SECTION 3. Temporary zoning regulations. Notwithstanding any other ordinance which the City Council may have adopted which may provide otherwise, during the period of this temporary land use regulation, the City shall not accept, process or approve any application for a conditional use permit for any property in a residential zoning district, or for any property which abuts a residentially zoned district.

SECTION 4. Boundaries. This temporary land use regulation shall apply to all properties within the City.

SECTION 5. Duration. These temporary land use regulations shall remain in effect for a period of six months from the effective date of this ordinance, or until the effective date of the City Council's action adopting revisions to the City's table of permitted and conditional uses for residential districts and revisions to the City's conditional use regulations, whichever occurs first.

SECTION 6. Exemptions. These temporary land use regulations prohibiting the acceptance, processing or approval of any conditional use applications shall not apply to applications for planned developments. Accordingly, any application for a planned use development may continue to be filed, processed and decided notwithstanding the terms of these temporary land use regulations.

SECTION 7. Effective date. This ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of July, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 7/13/07
By [Signature]