CLEARFIELD CITY ORDINANCE 2025-18

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE ANN. § 10-9A-504 REGARDING THE CIVIC (CV) AND URBAN MIXED RESIDENTIAL (UR) ZONES WITHIN THE CLEARFIELD CITY FORM BASED CODE (FBC)

WHEREAS, Utah Code Ann. § 10-9a-504 allows a municipality to enact an ordinance establishing a temporary land use regulation for any part or all of the area within a municipality if the municipal legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, the City adopted the Clearfield City Downtown Form Based Code (FBC) on February 11, 2020, with the intent that the FBC is a regulatory document that reflects the City Council's vision of allowing for a variety of uses with a consistency of form to create a vibrant, mixed-use downtown that is oriented towards people in the public realm; and

WHEREAS, the purpose and intent of the FBC, as well as many of its included standards derive from the City's "Creating Downtown Clearfield Small Area Plan" (2016) that reflects the Council's collective vision to create a downtown that is the economic driver for the city, a center of activity, jobs, and commerce for the community, a walkable and distinct part of the city, and a destination that encourages civic pride where people want to spend their time; and

WHEREAS, in response to the state's crisis regarding available housing stock and the economy of the State (and region) as it relates to housing development, housing affordability, and housing options, the City anticipates an influx of applications seeking approval for the erection, construction, reconstruction, or alteration of buildings or structures or a subdivision of property within the CV or UR zones within the FBC; and

WHEREAS, the City supports the highest and best use of property within the City, including a well thought out and deliberate development/redevelopment of a downtown through the regulatory FBC; and

WHEREAS, the City has a legitimate, substantial, and compelling interest in encouraging appropriate patterns of development/redevelopment in the community which minimize the negative impacts of certain types of land uses; and

WHEREAS, the City has a legitimate, substantial, and compelling interest in promoting economic investment in the community; and

WHEREAS, the City finds a compelling, countervailing public interest to review and amend, if necessary, the current CV and UR zones within the FBC in order to promote the health, safety, and welfare of the community and to best serve the interests of the City's residents, visitors, and property and business owners; and

WHEREAS, the City finds that a temporary land use regulation is needed at this time to ensure the City's best interest in encouraging and supporting the orderly and well thought out downtown development/redevelopment within the City; and,

WHEREAS, following proper notice, as set forth in Utah Code Annotated § 10-9a-205(6) for a ministerial land use regulation.

NOW THEREFORE BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL, Pursuant to Utah Code Ann. § 10-9a-504 *et. seq.*, and for the reasons stated above, the Clearfield City Council, Clearfield, Utah hereby adopts, passes, and publishes the following:

Section 1. Enactment:

Based on the City Council's finding of a compelling, countervailing public interest as enumerated above, and pursuant to Title 10, Chapter 9a, Section 504 of the Utah Municipal Code, this Clearfield City Ordinance 2025-18 is hereby enacted to establish a temporary land use regulation prohibiting the approval of applications for the erection, construction, reconstruction, or alteration of any building or structure or any subdivision within the Civic (CV) and Urban Mixed Residential (UR) within the Clearfield City Form Based Code (FBC);

Section 2. Period of Effect:

Pursuant to state law, the temporary land use regulation enacted by this ordinance shall be in effect until it is either repealed by the Clearfield City Council, or until a period of 180 days has passed from this 26th day of August, 2025.

Section 3. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Passed and adopted by the Clearfield City Council this 26th day of August, 2025.

ATTEST:

Nancy R. Dean, City Recorder

CLEARFIELD CITY CORPORATION

Mark Shepherd, Mayor

VOTE OF THE COUNCIL

AYE: Councilmembers Peterson, Ratchford, Roper, Thompson, Wurth

NAY: None