

City Council Staff Report

September 4, 2019

Applicant: Mapleton City

Location: City-wide

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Y

Zone: All zones

Attachments:

1. Proposed ordinance.

REQUEST

Consideration an Ordinance adopting a notice of pending ordinance amendments and enacting a temporary land use regulation establishing a moratorium on all rezone applications for a period of 180 days.

BACKGROUND AND PROJECT DESCRIPTION

Mapleton City is in the process of updating its Land Use Element of the General Plan. The Land Use Element provides a broad vision for how the City intends to develop over time. When an applicant submits an application to rezone a property, the City uses the Land Use Element as guidance on whether the proposed rezone is consistent with the vision for the City. Since the Land Use Element is being updated, staff is recommending a temporary moratorium for 180 days to allow for the completion of the Land Use Element prior to any decisions are made to rezone property.

Utah Code section 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 legislative body makes a finding of compelling, countervailing public interest. Staff finds that it is in the public's interest to not process rezone applications while the land use element of the general plan is being updated to avoid decisions that may end up being contrary to the updated plan. Staff notes that the proposed moratorium only impacts applications that are submitted after the adoption of the ordinance. Staff also notes that the proposed ordinance would not prohibit a property owner from applying to have a Transferable Development Right Receiving Site Overlay (TDR-R).

RECOMMENDATION

Adopt the attached Ordinance.

ORDINANCE NO. 2019-

AN ORDINANCE ADOPTING A NOTICE OF PENDING ORDINANCE AMENDMENTS AND ENACTING A TEMPORARY LAND USE REGULATION ESTABLISHING A MORATORIUM ON ALL REZONE APPLICATIONS FOR A PERIOD OF 180 DAYS

WHEREAS, Utah Code 10-9a-403 requires each municipality to adopt a general plan that contains a land use element; and

WHEREAS, Utah Code 10-9a-403 states that the land use element shall designate long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, buildings and grounds, open space, and other categories of public and private uses of land as appropriate, and may include a statement of the projections for and standards of population designation and building intensity recommended for the various land use categories covered by the plan; and

WHEREAS, Mapleton City adopted a land use element of the general plan in 2009; and

WHEREAS, prior to making a decision on any rezone application, Mapleton City Code (MCC) Chapter 18.12.010.B requires the City to make a determination as to whether the application is consistent with the goals and policies of the general plan; and

WHEREAS, Mapleton City is beginning the process of updating the land use element of the general plan, which will be adopted by ordinance, and is seeking to obtain public comment to ensure the updated element reflects the goals and values of the community; and

WHEREAS, Utah Code Section 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 legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, such an ordinance may take effect immediately, and shall be effective for 180 days; and

WHEREAS, Mapleton City is proposing a temporary moratorium for all rezone applications for 180 days while the land use element is being updated; and

WHEREAS, the City Council finds that rezone applications are often controversial and have lasting impacts on infrastructure and community character; and

WHEREAS, the City Council finds that due to the amount of time that has passed since the land use element was originally adopted, the land use element may not accurately represent the goals and values of the community in 2019; and

WHEREAS, the City Council finds it is in the public's interest to not process rezone applications while the land use element of the general plan is being updated to avoid decisions that may end up being contrary to the updated plan; and

WHEREAS, the City Council finds that the land use element of the general plan will be adopted by ordinance and that it is in the best interest of the health, safety and general welfare of the citizens of the City to invoke the pending ordinance doctrine established in Utah caselaw and Utah Code Section 10-9a-509.

NOW THEREFORE, the City Council finds that there is an important, compelling and countervailing public interest in completing the update to the land use element of the general plan before allowing any new rezones to occur.

BE IT RESOLVED, pursuant to Utah Code Section 10-9a-504, the Pending Ordinance Doctrine, and for the reasons stated above, the City Council hereby adopts a notice of pending ordinance and a temporary land use regulation establishing a moratorium on all rezone applications for a period of 180 days from the date of this action.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON,
UTAH,

This 4th Day of September, 2019.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date: