

SALT LAKE CITY ORDINANCE

No. _____ of 2007

(An Ordinance Enacting Temporary Land Use Regulations
for above ground Streambed Corridors)

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS FOR ABOVE
GROUND STREAMBED CORRIDORS

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, under the Salt Lake City Zoning Code, adopted in 1995, only a very limited amount of the City's streambed corridors, watercourses, lakes, ponds, floodplains and wetland areas are designated as lowland protection areas or zoned with the Lowland Conservancy Overlay District; and

WHEREAS, protection and preservation of streambed corridors within the City promote the public health, safety and general welfare of present and future City residents; and

WHEREAS, due to escalating land values and increasing development pressures throughout the City, the City Council is concerned that current Lowland Conservancy Overlay District zoning regulations, particularly relating to development setbacks and preservation of stream bed corridors, are insufficient to adequately protect and preserve the City's above ground streambed corridors and lowland protection areas; and

WHEREAS, the City finds that is necessary to establish temporary non-buildable setback requirements to protect streambed corridors and other lowland protection areas while the City

evaluates current best practices and reevaluates the current Lowland Conservancy District Overlay District regulations and requirements to determine what level of protection is required in light of current development pressures; and

WHEREAS, the City finds that these temporary land use regulations will minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, and preserve aesthetic values of natural watercourses and wetlands areas.

WHEREAS, the City finds that the need to provide greater protection for lowland protection areas, particularly streambed corridors, 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, Utah Code Ann., the City Council expressly finds that protecting stream bed corridors and other lowland protection areas from increasing development pressure 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 protecting and preserving the City’s above ground streambed corridors and lowland protection areas while the City Council reviews and evaluates changes to the current Lowland Conservancy Overlay District zoning requirements. The City Council finds that any applications within or abutting any above ground streambed corridors and other lowland protection areas within the City

that have 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, have no right to develop under the existing regulations but are instead subject to this temporary land use regulation.

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 minimum non-buildable setback requirement for all proposed uses and structures within any above ground streambed corridor or lowland protection area shall be 100 feet.

SECTION 4. Boundaries. This temporary land use regulation shall apply to all properties located within or abutting any above ground stream bed corridor or lowland protection areas 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 regulations and standards of the Lowland Conservancy Overlay Zoning District, whichever occurs first.

SECTION 6. 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: _____.

HB ATTY # 1098

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 2/13/07
By [Signature]