

FRANK B. GRAY
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR


MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL




Ralph Becker, Mayor


Date Received: 8/11/2008 

Date Sent to City Council: 8/11/2008

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: August 11, 2008

FROM: Mary De La Mare-Schaefer, Community & Economic Development Deputy Director 

RE: An ordinance enacting temporary land use regulations for halfway homes in excess of six residents throughout the City 

STAFF CONTACTS: Everett Joyce, Senior Planner, at 535-7930 or
everett.joyce@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and adopt the proposed ordinance

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The City has recently become aware that its current regulations for Halfway Homes do not adequately address the size and potential impacts.

PUBLIC PROCESS:

Section 10-9a-504 of the Utah City 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.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." Other relevant sections include Section 21A.36.110 – Halfway Homes and Section 21A.54 – Conditional Uses.

SALT LAKE CITY ORDINANCE

No. _____ of 2008

(An Ordinance Enacting Temporary Land Use Regulations
for Halfway Homes In Excess of Six Residents Throughout the City)

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS FOR
HALFWAY HOMES IN EXCESS OF SIX (6) RESIDENTS 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, the siting of "Halfway Homes", as that term is defined in the Salt Lake City Code, creates a number of unique challenges to the City in terms of safety, land use compatibility, traffic, community development and the availability of adequate infrastructure, and for that reason the Salt Lake City Code presently requires that all new Halfway Homes obtain a conditional use permit in those zoning districts where such may be allowed; and

WHEREAS, the City has recently become aware that its current regulations for Halfway Homes do not adequately address the size and the potential impacts of those facilities; and

WHEREAS, the City Council finds it necessary to study and adopt ordinances that further regulate the size and potential impacts that such facilities create; and

WHEREAS, the City Council has serious concerns regarding the need to protect the City's communities from incompatible land uses; and.

WHEREAS, since the City's zoning ordinances do not presently regulate the size of Halfway Homes or adequately address the potential impacts of such facilities, future approval of Halfway Homes without regulations to address such potential impacts could result in long term, and perhaps irreversible, detrimental impacts upon the City's communities; and

WHEREAS, the City finds that the need to provide greater protection for its communities 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 the community resulting from the potential approval of an inappropriate land use application for a Halfway Home 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 quality and character of the community while the City Council reviews and evaluates specific proposals for changes to the existing regulations for Halfway Homes. The City Council finds that no conditional use application for a Halfway Home which has not received final approval from the City prior to 5:00 p.m. on August 12, 2008, in full compliance with existing zoning regulations 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 land use application for any proposed Halfway Home intended to house more than six (6) residents.

SECTION 4. Boundaries. This temporary land use regulation shall apply throughout the City.

SECTION 5. Duration. These temporary land use regulations shall remain in effect for a period of six (6) 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 existing regulations for Halfway Homes, 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 August, 2008.

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 2008.

Published: _____.

APPROVED AS TO FORM
Bak Lake City Attorney's Office
Date August 14, 2008
By Paul C. Nielson
Paul C. Nielson, DR. CITY ATTORNEY