

FRANK B. GRAY
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

SCANNED TO: *meyer*
SCANNED BY: *RALPH BECKER*
DATE: *1/28/2010*

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff
Ralph Becker, Mayor

Date Received: _____

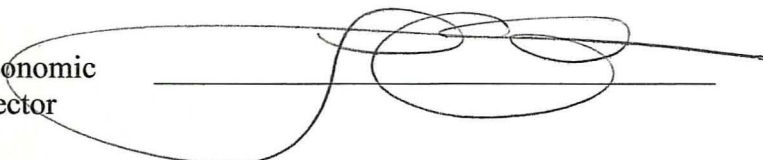


Date Sent to City Council: 01/28/2010

TO: Salt Lake City Council
JT Martin, Chair

DATE: January 27, 2010

FROM: Frank Gray, Community & Economic
Development Department Director



RE: Temporary Zoning Regulations for properties adjacent to North Temple. The proposed temporary zoning regulations would apply the TC-75 Transit Corridor zoning regulations to properties along North Temple Street that are currently zoned CC Corridor Commercial and CS Community Shopping.

STAFF CONTACTS: Nick Norris, Senior Planner, at 801-535-6173 or
nick.norris@slcgov.com

RECOMMENDATION: That the City Council adopt temporary zoning regulations

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The temporary zoning regulations are being placed on the subject properties in order to regulate development in critical areas along North Temple where the current zoning is not capable of producing the desired type of development as identified in the draft North Temple Boulevard Station Area Plans.

Analysis: The City is currently in the process of creating Station Area Plans and proposing new zoning regulations to implement those plans for the light rail stations currently under construction on North Temple Boulevard. The City should consider adopting temporary zoning regulations in order to prevent undesirable development until more permanent zoning regulations can be adopted.

In accordance with State Statute 10-9a-504 "temporary land use regulations" the City's legislative body may enact temporary zoning regulations if they find that there is a compelling, countervailing public interest or the area is unregulated. I believe there is a compelling, countervailing public interest for the area for the following reasons:

1. The City, Utah Transit Authority and other government entities are investing a substantial public funds to construct a light rail line along North Temple Boulevard;
2. The City has committed additional funds for various improvements to North Temple, including enhanced landscaping, construction of multi-use pathways, street lighting, the burying of power lines and other improvements;
3. The City has had an active, public process to identify the long term vision for North Temple Boulevard and adjacent neighborhoods and the desired type of development within these areas;
4. The City has started the formal adoption process of adopting a new master plan for North Temple Boulevard and the adjacent neighborhoods; and
5. The existing zoning regulations are not consistent with the intent, policies, and guidelines outlined in the draft and are not capable of creating the desired development patterns in the areas around the stations on the Airport Light Rail Line.

Adopting temporary zoning regulations would protect the objectives of the above items by prohibiting incompatible development until such time that new zoning regulations can be adopted that can implement the station area plans.

The Planning Division is in the process of drafting new zoning regulations for the areas near North Temple. The adoption process will start in February 2010 and it is anticipated that the Planning Commission will hold a public hearing within 60 days. This would leave the City Council approximately 100 days to consider adopting new transit oriented zoning for North Temple.

Master Plan Considerations: The North Temple Station Area Plans have started the formal adoption process. The plan is scheduled for a briefing with the Planning Commission on February 10, 2010 and will be scheduled for a public hearing before the Planning Commission shortly thereafter. It is anticipated the plan will be transmitted to the City Council in March.

PUBLIC PROCESS:

Temporary zoning regulations do not require a public hearing or a formal public process. In the case of planning for the North Temple Station Area Plans, extensive public visioning and outreach has occurred and the Station Area Plans are in a public draft version as a result of the

public participation process. A recommendation from the Planning Commission is not required prior to adopting temporary zoning regulations.

RELEVANT ORDINANCES:

Sections 10-9a-504 Utah Code Title 10, Chapter 9a, Municipal Land Use, Development and Management Act allows cities, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of a municipality if the municipality's legislative body makes a finding of compelling, countervailing public interest. This section allows a municipality, through the use of temporary land use regulations, to prohibit or regulate the erection, construction, reconstruction or alteration of any building or structure.

SALT LAKE CITY ORDINANCE

No. _____ of 2010

(An Ordinance Enacting Temporary Land Use Regulations
for areas adjacent to portions of North Temple Street)

An ordinance enacting temporary land use regulations for areas adjacent to North Temple Street to accommodate the implementation of the City's transit-oriented land use planning efforts.

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 a municipality if the municipality's legislative body makes a finding of compelling, countervailing public interest; and

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

WHEREAS, Salt Lake City Corporation (the "City") is presently engaged in land use planning activities for the North Temple Grand Boulevard transit corridor; and

WHEREAS, such land use planning efforts are critical to the vitality and livability of that area of the City; and

WHEREAS, significant financial resources have been apportioned and expended by the City and its partners in this planning effort; and

WHEREAS, any development within the North Temple Grand Boulevard transit corridor as generally depicted in Exhibit "A" that is inconsistent with the City's intended land use program for that area could nullify the effectiveness of the City's planning efforts and the wide-

reaching benefits of such efforts, and could prevent the City from effectively implementing its revitalization efforts in the subject area; and

WHEREAS, the City finds that the need to revitalize communities such as the areas identified herein and the need to protect the resources designated and expended on this project 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 existing standards in the subject area.

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

SECTION 1. Finding of compelling, countervailing 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 development inconsistent with its present land use planning efforts for the North Temple Grand Boulevard transit corridor, would threaten the City's efforts to revitalize that area of the City and 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 zoning regulations in areas presently zoned CC (Commercial Corridor) and CS (Community Shopping) adjacent to North Temple Street, as those areas are depicted in Exhibit "B", attached hereto.

SECTION 3. Temporary zoning regulations; boundaries. Notwithstanding any other ordinance which the City Council may have adopted which may provide otherwise, during the period of this temporary land use regulation, all parcels of land situated in the CC or CS zoning districts adjacent to North Temple Street, as identified in Exhibit "B" hereto, shall be subject to the requirements of the TC-75 (Transit Corridor) zoning district and treated as if the City's zoning map designated such parcels as within the TC-75 zoning district. The entire parcel of properties affected by this temporary land use ordinance shall be subject to its requirements and all land use applications for development in the affected areas shall be processed accordingly.

SECTION 4. 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 land use regulations pertaining to the areas identified above, whichever occurs first.

SECTION 5. Effective date. This ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of February, 2010.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.

Published: _____.

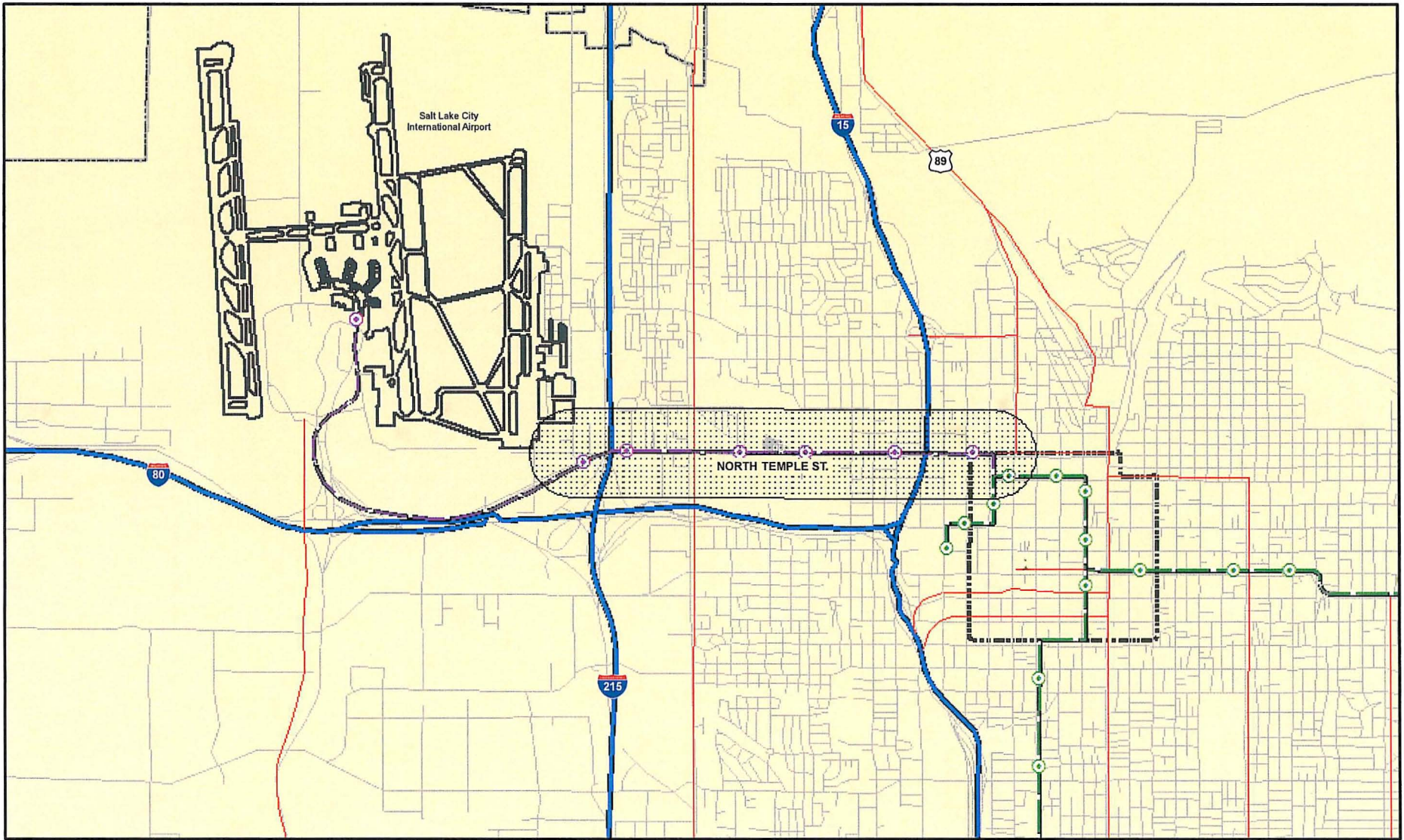
APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: JANUARY 27, 2010

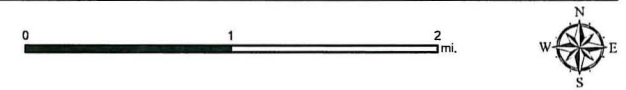
By: Paul C. Nielson
Paul C. Nielson, *Senior City Attorney*

Exhibit A

**General Study Area for
North Temple Boulevard Station Area Plans**



North Temple Study Area



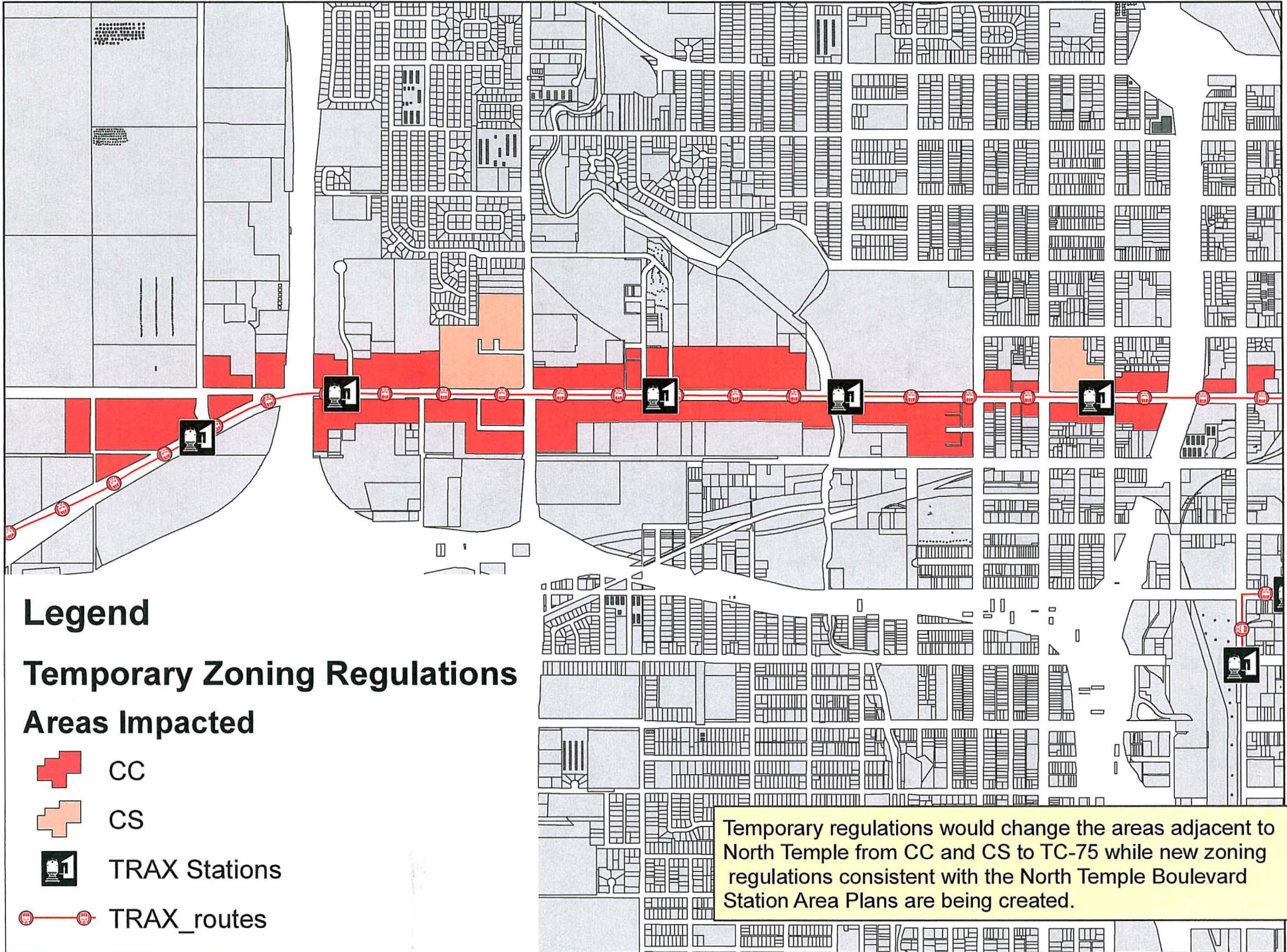
Legend

- Existing TRAX Station
- Downtown Salt Lake City
- Salt Lake City
- General Study Area
- Interstate
- US or State Hwy.
- Local Roads
- Existing TRAX Lines
- Proposed TRAX Lines



Exhibit B





**Temporary Zoning Regulations
Areas Impacted**



Legend

Temporary Zoning Regulations

Areas Impacted

-  CC
-  CS
-  TRAX Stations
-  TRAX_routes

Temporary regulations would change the areas adjacent to North Temple from CC and CS to TC-75 while new zoning regulations consistent with the North Temple Boulevard Station Area Plans are being created.