

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2010

(Temporary land use regulation suspending fees required for zoning text or map amendments pertaining to historic overlay districts)

An ordinance enacting a temporary land use regulation to suspend fees required for zoning text or map amendments pertaining to historic overlay districts until January 15, 2011.

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, the Yalecrest National Historic District (“Yalecrest”) is an area of the City that has been placed on the National Register of Historic Places; and

WHEREAS, in July 2010, the Council adopted a Legislative Intent outlining a potential process for the Yalecrest community to work in small groups and “at the appropriate time, when broad-based support has been achieved within the area, request review by the Historic Landmark Commission” to establish a local historic district; and

WHEREAS, since that time Yalecrest residents have, in a number of forums, vigorously debated whether such a district should be established in the Yalecrest area; and

WHEREAS, during the October 12, 2010 Work Session, the City Council confirmed its intent to close out any Council-initiated petition or action relating to establishment of a local historic district in the Yalecrest neighborhood; and

WHEREAS, the purpose of such Council action was to leave the pursuit of such a historic district designation in the hands of the community, to give the neighborhood the opportunity for ‘self-determination’, and to provide an opportunity for community

28 consensus to be achieved regarding this matter as has been accomplished in other City  
29 local historic districts; and

30 WHEREAS, in consideration of the foregoing, the Council believes that barriers  
31 to successful community dialogue regarding this matter should be removed; and

32 WHEREAS, one such barrier is the requirement that neighborhood groups must  
33 pay a fee to petition for a zoning map amendment to establish a historic overlay zone or  
34 to amend zoning requirements applicable to the establishment of such a district (“Petition  
35 Fees”); and

36 WHEREAS, petitions are likely to be submitted to the City relating to this issue;  
37 and

38 WHEREAS, the Council finds Petition Fees should be suspended until January  
39 15, 2011 in order to encourage meaningful public dialogue regarding possible  
40 establishment of a local historic district in the Yalecrest area.

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

42 SECTION 1. Finding of compelling, counterveiling public interest. Pursuant to Section  
43 10-9a-504 of the Utah Code, the City Council expressly finds that the petition fees or historic  
44 district zoning map or text amendments, required under Section 21A.64.010, *Salt Lake City*  
45 *Code*, should be suspended until January 15, 2011 in order to encourage meaningful public  
46 dialogue regarding possible establishment of a local historic district in the Yalecrest area and that  
47 suspending such fees constitutes a compelling, countervailing public interest which justifies this  
48 temporary land use regulation.

49 SECTION 2. Balancing of Public vs. Private Interests. The City Council further finds  
50 that because this temporary zoning regulation will apply equally to petitioners who may support

51 or be against establishment of a Yalecrest local historic district, any harm to private interests is  
52 *de minimus* and is outweighed by the public interest in promoting civic dialogue regarding an  
53 important public issue.

54 SECTION 3. Temporary zoning regulation. Notwithstanding any other ordinance  
55 adopted by the City Council which provides otherwise, during the period of this temporary land  
56 use regulation, the fee to amend historic district overlay zone regulations or to apply a historic  
57 district overlay zone, as set forth in Section 21A.64.010 (Fee Schedule) of the *Salt Lake City*  
58 *Code*, is hereby suspended until January 15, 2011.

59 SECTION 4. Duration. This temporary land use regulation shall remain in until January  
60 15, 2011.

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

62 Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of October, 2010.

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CHAIRPERSON

ATTEST:

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CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

83 Mayor's Action: \_\_\_\_\_Approved. \_\_\_\_\_Vetoed.

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MAYOR

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91 ATTEST:

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CITY RECORDER

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99 (SEAL)

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101 Bill No. \_\_\_\_\_ of 2010.

102 Published: \_\_\_\_\_.

**APPROVED AS TO FORM**

Date: \_\_\_\_\_

By: \_\_\_\_\_