

ORDINANCE NO. 1079

AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE ANN. 10-9a-504, REGARDING DRAPER CITY MUNICIPAL CODE CHAPTER 9-11 AND TABLE 9-11-1, TEMPORARILY PROHIBITING THE ESTABLISHMENT OF EQUIPMENT RENTAL OR SALE BUSINESSES IN COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS

WHEREAS, Utah Code Ann. §10-9a-504 allows municipal legislative bodies, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, such a temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval per UCA 10-9a-504(1)(b); and

WHEREAS, Draper City Municipal Code Chapter 9-11 establishes standards for vehicle and equipment rental or sales in community commercial (CC) zoning districts; and

WHEREAS, the council desires to separate vehicle rental and sales from equipment rental and sales in CC zoning districts and to possibly prohibit equipment rental and sales in that zoning district; and

WHEREAS, inconsistencies appear in Table 9-11-1 regarding the vehicle and equipment rental or sales and the definitions pertaining thereto, and the city council has directed staff to clarify such provisions, particularly as they apply to the CC zoning district; and

WHEREAS, this council finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit the establishment of equipment rental or sale businesses in CC zoning districts until such time as appropriate public hearings are held and amended provisions are presented to the planning commission and the city council for review;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Temporary Land Use Regulation. Based upon the premises, this council hereby finds a compelling, countervailing public interest in prohibiting the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval under Chapter 9-11 of the Draper City Municipal Code for equipment rental or sales in CC zoning districts. There is an immediate threat of a proliferation of equipment sales and rental businesses in CC zoning districts and the related negative effects on the quality of life in Draper. Therefore, all future applications for the establishment of equipment rental or sales businesses under Chapter 9-11 and Table 9-11-1 in CC zoning districts shall be held in abeyance pending the council's consideration and possible re-writing of applicable code sections and definitions. The council finds this ordinance

is necessary to protect the health, safety, and welfare of its residents. Pursuant to Utah Code Ann. §10-9a-504, this ordinance shall be in effect for a period not to exceed six months from the effective date hereof.

Section 2. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 3rd DAY OF DECEMBER 2013.

ATTEST:

DRAPER CITY

By: [Signature]
City Recorder

By: [Signature]
Mayor



Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1079** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 3rd day of December, 2013** were posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: December 5, 2013 through December 26, 2013

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah