

TEMPORARY LAND USE REGULATION ORDINANCE

ORDINANCE NO. 01-14-2022-1

AN ORDINANCE ESTABLISHING A SIX-MONTH TEMPORARY LAND USE REGULATION (MORATORIUM) PROHIBITING THE CONSTRUCTION OR DEVELOPMENT OF ANY PROPERTY WITHOUT EXISTING INFRASTRUCTURE TO SERVICE THE PROPERTY WITHIN EUREKA CITY

WHEREAS Utah Code §§10-9a-504 and 17-27a-504 authorizes the City Council to enact temporary zoning regulations not to exceed six months; and

WHEREAS, within the City of Eureka, Juab County, State of Utah, there is a critical need to identify and establish appropriate access to infrastructure, including but not limited to, public utilities, roads, easements, and rights-of-way, and to establish standards and practices that protect health, safety and welfare of the residents of Eureka City, and update any necessary ordinances, which facilitate appropriate and orderly future development of land within the city boundaries; and

WHEREAS the City Council has determined and found that there is a compelling countervailing public interest to impose a temporary land use ordinance restriction in the form of a moratorium on any zoning, construction or development of property within Eureka City that is without existing infrastructure to service the property until such easements, rights-of-way and plans can be established, and necessary ordinances can be adopted; and

WHEREAS the development properties without access to existing infrastructure, in the absence of appropriate regulatory guidelines and planning processes, may have irreversible negative impacts upon the City and its residents; and

WHEREAS the City Council hereby imposes a six-month moratorium on any land use applications for properties without existing infrastructure, i.e. access to roads and public utilities to allow time for adequate planning and a comprehensive review and revisions of the applicable ordinances; and

WHEREAS Eureka City requires up to six months to engage in the research and planning process to develop the aforementioned land use and zoning regulations and mitigation measures.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA CITY, THAT THE FOLLOWING "TEMPORARY LAND USE REGULATION ORDINANCE" BE ENACTED AS FOLLOWS.

1. The construction or development of property without access to existing infrastructure to service the property is hereby prohibited in all zones within Eureka City limits during the effective period of this ordinance.

2. No development applications shall be accepted and no building permits shall be issued for any property without direct access to existing infrastructure to service the property during the effective period of this ordinance.

3. This ordinance shall take effect immediately upon passage and shall expire no later than six months following the effective date of this ordinance, unless rescinded upon action of the City Council.

PASSED AND ADOPTED THIS 14th DAY OF JANUARY, 2022.

MAYOR OF EUREKA:


CHRISTOPHER J. DEVER, SR.

ATTEST:


CITY RECORDER