

COTTONWOOD HEIGHTS

ORDINANCE NO. 432

AN ORDINANCE ESTABLISHING TEMPORARY LAND USE REGULATIONS FOR LIVE/WORK SPACES AND COMMENCING PROCEEDINGS TO AMEND ORDINANCES

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), authorizes a municipal legislative body, 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, *inter alia*, the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, §10-9a-509(1) of the Act authorizes municipalities to give notice of the commencement of proceedings to amend its land use ordinances; and

WHEREAS, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) recently became aware of the need to more fully address the nature, scope and other attributes of “Live/work spaces” (“*Live/work spaces*”) under Title 19 of the City’s code of ordinances (“*Title 19*”); and

WHEREAS, there are significant health, safety, and welfare issues surrounding the potential impact of Live/work spaces on the City’s neighborhoods; and

WHEREAS, on 18 February 2025 the Council held a duly-noticed public meeting to discuss Live/work spaces and related issues and facts; and

WHEREAS, after careful consideration and discussion, the Council finds (a) the proposed temporary zoning regulation set forth below is necessary to protect the residents of the City’s residential neighborhoods from undue adverse impacts of construction and use of Live/work spaces on near-by properties; (b) such action will preserve the City’s ability to study the impacts of Live/work spaces on residential neighborhoods; (c) such action will allow the City to ensure that its standards for Live/work spaces are consistent with Utah state law and with best practices; (d) all of the foregoing together constitute a compelling, countervailing public interest basis for enacting the temporary zoning regulation set forth below; and (e) such enactment is essential to further the health, safety, and general welfare of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Establishment of Temporary Zoning Regulations for Live-work spaces.** During the term of this ordinance (this “*Ordinance*”) (a) Code §19.37.030(W), stating “Live/work spaces”, shall be deemed omitted as a conditional use in the City’s NC (Neighborhood Commercial) zone; and (b) application for, or consideration or approval of, any Live/work space(s) in the City not already subject to a submitted and complete land use application under UTAH CODE ANN. §10-9a-509 shall be prohibited.

Section 2. **Duration.** Unless sooner terminated by action of the Council, this Ordinance shall remain in effect until the date that is 180 days after its effective date.

Section 3. **Pending Ordinance.** Pursuant to UTAH CODE ANN. §10-9a-509 proceedings to amend Title 19 (concerning Live/work spaces) within 180 days after the effective date of this Ordinance are hereby commenced.

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after adoption hereof, are hereby ratified, confirmed and approved.

Section 5. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date.** This Ordinance, assigned no. 432, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 18th day of February 2025.

ATTEST:

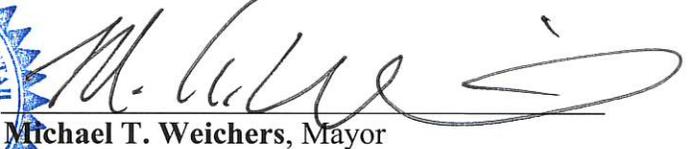
By:


Tiffany Janzen, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By:


Michael T. Weichers, Mayor

VOTING:

| | | |
|---------------------|---|---|
| Michael T. Weichers | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Matt Holton | Yea <input type="checkbox"/> | Nay <input checked="" type="checkbox"/> |
| Suzanne Hyland | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Shawn E. Newell | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Ellen Birrell | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |

DEPOSITED in the Recorder's office this 18th day of February 2025.

POSTED this 18th day of February 2025.