

COTTONWOOD HEIGHTS

ORDINANCE No. 402

AN ORDINANCE ESTABLISHING TEMPORARY LAND USE REGULATIONS FOR OUTDOOR NON-VEGETATIVE PLAYING SURFACES 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 potentially significant adverse (noise and lighting) impacts on neighboring properties attending the construction and use of non-vegetative horizontal playing surfaces (“*sports courts*”) in residential zones; and

WHEREAS, there are significant health, safety, and welfare issues surrounding sports courts and their potential impact on residential neighborhoods; and

WHEREAS, on 5 September 2023, the Council held a duly-noticed public meeting to discuss sports courts in residential zones 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 sports courts on near-by properties; (b) such action will preserve the City’s ability to study the impacts of sports courts on residential neighborhoods; (c) such action will allow the City to ensure that its standards for sports courts 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 Sports Courts.**
During the term of this ordinance (this “*Ordinance*”), Code §19.76.030(Q) shall be deemed enacted as follows:

Q. Sports courts.

1. Notwithstanding anything in this code to the contrary, for a period not to exceed six months following the effective date of this section 19.76.030(Q), no sports

court may be constructed or reconstructed for any reason in or contiguous to any F-20, F-1-43, F-1-21, RR-1-43, RR-1-29, RR-1-21, R-1-15, R-1-10, R-1-8 or R-1-6 residential single family zone.

2. For purposes of this section, "sports court" means any horizontal playing area of over 500 square feet that is paved or otherwise covered with a non-vegetative surface reasonably usable or intended for use for multi-player sports activities such as tennis, pickleball or basketball, together with all related fencing and exterior lighting.

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

Section 3. **Pending Ordinance.** Pursuant to UTAH CODE ANN. §10-9a-509, proceedings to amend Code chapter 19.76 (concerning sports courts) 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 the 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. 402, 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 5th day of September 2023.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder



By: 
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>
Matt Holton	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>
J. Scott Bracken	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 5th day of September 2023.

POSTED this 6 day of September 2023.