



# ORDINANCE

## NUMBER 20-283

**AN ORDINANCE OF DELTA CITY ESTABLISHING AND ADOPTING A MORATORIUM ON RECEIVING OR PROCESSING APPLICATIONS FOR CERTAIN LAND DEVELOPMENT AND USES FOR SIX MONTHS AFTER PASSAGE OF THIS ORDINANCE FOR ANY AREA WITHIN THE CITY.**

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for enacting this Ordinance:

- A. The City Council finds that in conformance with Utah Code Ann. §§ 10-3-717, and 10-3-701, the governing body of the City may exercise all administrative and legislative powers by resolution or ordinance;
- B. The "Municipal Land Use, Development, and Management Act", Utah Code Ann. § 10-91-101 et seq., as amended (the "Act"), provides that each municipality of the State of Utah may enact a land use ordinance and a zoning map establishing regulations for land use and development within the municipality;
- C. Delta City has experienced a rapid growth resulting in a sudden interest in multifamily and affordable housing options;
- D. These options have included the possible construction of multiple primary structures on larger parcels of land, without subdivision to accommodate those primary structures;
- E. The City Council finds that it is in the best interest of the City to consider whether it is long term best interest of Delta City to allow the construction of multiple primary structures on a single parcel of real property within Delta City;
- F. The City Council finds that it is necessary to review this question prior to a possible influx of such land use applications;

- G. The City Council finds that Utah Code Ann. § 10-9a-504 provides, in part, that the City Council may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation (“moratorium”) for any part or all of the area within the municipality;
- H. The City Council finds that there is an urgency to this matter and that such a moratorium should be effective immediately;
- I. The City Council finds that the public convenience and necessity, public safety, health and welfare requires that the procedures and policies related to management of planning, zoning and development administration be fully evaluated as contemplated.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Moratorium of Certain Development Practices. There is imposed an immediate moratorium on the receipt and processing of applications regarding the following land use activities within Delta City:

- a) The receipt of, consideration of, or granting of building permits that would result in more than one primary structure upon a single, subdivided parcel of real property.

Section 2. Moratorium for 6 Months. This moratorium shall last six (6) months from February 19, 2020 , or until repealed, whichever is sooner.

Section 3. Effective Date. This ordinance shall become effective upon publication.

Section 4. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 5. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

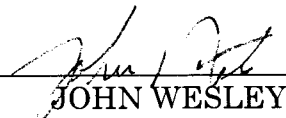
Section 6. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of


this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 19th day of February, 2020, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	_____	_____	_____	_____X_____
Kiley J. Chase	_____X_____	_____	_____	_____
Brett C. Bunker	_____X_____	_____	_____	_____
Nicholas W. Killpack	_____X_____	_____	_____	_____
Betty Jo Western	_____X_____	_____	_____	_____



  
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JOHN WESLEY NILES  
MAYOR

  
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SHERRI WESTBROOK  
RECORDER