Memo

To: Mayor Kwarsick, City Council
From: Jeff Arango, AICP – Director of Community Planning
Date: September 12, 2012

Re: Public Hearing on Interim Zoning Ordinance

Summary

The city council adopted an interim zoning ordinance along with findings of fact at the August 20, 2012 meeting. Since the council has already adopted findings of fact justifying adoption of the interim zoning ordinance no additional action by the council is required at this time. The interim ordinance will expire six months from the date of adoption unless the council adopts a work program for related studies that justify extending the interim ordinance in which case the ordinance is valid for one year from the date of adoption. It does not appear that a work program is necessary at this time as the Planning Advisory Board (PAB) continues to work on a recommended proposal to the city council to address the issue in the future.

Background on Interim Zoning Ordinances and Moratoriums

Interim zoning ordinances and moratoriums are adopted as emergency measures in order to prevent the filing of applications by developers, which might defeat the general purpose of the interim zoning ordinance or moratorium. The imposition of development interim zoning ordinances and moratoria is within the broad police power granted to the city and are important and useful tools to manage land development and growth in order to allow time for thoughtful and proper planning to deal while addressing emergent and unforeseen situations.

An example of an unforeseen impact is the development or expansion of uses within the Central Business (CB) district zone that might not be compatible with adjacent single-family residences. A city has authority to enact interim zoning controls as an emergency measure to preserve the status quo while the new plans or regulations are considered and prepared by the Planning Advisory Board. The Planning Advisory Board (PAB) continues to work on a permanent ordinance to recommend to the city council.

Under the interim regulations some existing businesses might become legal nonconforming
uses (grandfathered uses). The interim regulation is not intended to affect their ability to continue the use and operate their business. Any business that has become a legal non-conforming business as a result of the interim ordinance may continue to operate. A nonconforming use is however still subject to reasonable regulations under the city’s police power to protect the public health, safety and welfare.