

Moratoria

A city or town may, without prior consideration, or a recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation within any part or all of the area within a city or town.¹ This is what is commonly called a moratorium. These temporary land use regulations cannot last longer than six months. The regulations may prohibit or regulate the erection and construction of buildings or any subdivision approval. Before enacting a moratorium, the city or town council must make one of two findings: 1) It must either find that there is a compelling public interest in doing so (an important reason); or 2) That the area is currently unregulated.

Moratoriums are effective for limited purposes. They do not stop development, they only delay it. They do allow a city or town time to catch up on modernizing their ordinances. The most effective use for a moratorium is when a city or town discovers that an area is unregulated through either a mistake or a court action. If, for example a court were to determine that a city zoning ordinance was invalid, a city could immediately pass a moratorium and use that period of time to cure the defect.

¹ Utah Code 10-9a-509(1)(a).