



Temporary Land Use Regulation (Moratorium)

Sometimes, the best planning and foresight falls short of the public interest. In very limited circumstances, the jurisdiction can suspend the extended process for adopting or amending land use regulations and can adopt a temporary land use regulation without more than 24 hours' notice and without the participation of the planning commission. For obvious reasons, there are many limitations on this power. First, the temporary regulation can last for no more than 180 days. Second, it can be adopted in only two distinct circumstances:

1. If there is no zoning whatsoever. This circumstance would occur in a newly incorporated jurisdiction; or
2. In the event of a public emergency.

CHECKLIST – ADOPTING A TEMPORARY LAND USE REGULATION (MORATORIUM)

- _____ 1. Determine that a compelling, countervailing public interest demands the suspension of the land use regulation process, by-passing the process of planning commission review and recommendation, by-passing advance public notice and discussion, and enactment of an immediate land use regulation.
- _____ 2. Place the moratorium ordinance on an agenda for the legislative body.
- _____ 3. Provide twenty-four hour notice of the meeting. (A public hearing is not required by state law.),
- _____ 4. Conduct at least one public meeting .
- _____ 5. The legislative body publicly reviews the matter and considers any relevant evidence and opinion related to whether or not the proposed moratorium ordinance is justified by a compelling, countervailing public interest.
- _____ 6. The legislative body takes a vote and approves or denies the Moratorium ordinance for a specific time period that does not exceed 180 days.
- _____ 7. Preserve the minutes of the meetings and hearings as required by law.

NOTE:

A compelling, countervailing public interest is one that is vital and relatively urgent. Substituting the preferences of one land use authority over its predecessor does not represent a compelling, countervailing public interest. The justification for a TLUR should be a significant issue of health, safety, and welfare. Special requirements are provided in state law for temporary regulations related to proposed transportation corridors, which may be effective for up to eighteen months. The relevant statute is 10-9a-504 where specifics about the process involved are outlined.