

ORDINANCE 15-09

AN ORDINANCE ESTABLISHING TEMPORARY LAND USE REGULATIONS PROHIBITING THE
RECEIPT, PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR ZONING, RE-ZONING,
SUBDIVISION APPROVALS,
AND ANNEXATIONS IN NIBLEY CITY.

WHEREAS, Nibley City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and

WHEREAS, the City finds that UC §10-9a-101 et. seq. and related sections provide that the City Council may enact zoning and subdivision ordinances establishing regulations for land use and development within the City; and

WHEREAS, the City finds that the management and administration of the applications for zoning, re-zoning, subdivision approval and annexation are an integral part of the function of both the Nibley City Planning Commission and Nibley City Council; and

WHEREAS, Nibley City, by virtue of having entered into a contract with Logan Simpson Design, is in the process of updating its general plan, which, upon adoption, will provide the framework for, among other things, zoning, re-zoning, subdivision and annexation in Nibley City in the future; and

WHEREAS, the City finds that the continued receipt of applications for zoning, re-zoning, subdivision of property, preliminary or final, or annexation, each as defined in the ordinances of Nibley City, or approval of such is not in the best interest of the City nor its residents and would be harmful to the public interest until the City's updated general plan has been adopted; and

WHEREAS the City finds that a certain amount of time will be required to complete the review, design, and amendment of said general plan; and

WHEREAS the City finds that UC §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 for any part or all of the area within the municipality.

WHEREAS, Utah State Law provides as follows:

UCA 10-9a-504 Temporary Land Use Regulations.

(1) (a) The legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area in a municipality if:

(i) the legislative body makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

and;

WHEREAS, the Nibley City Council finds that there is compelling, countervailing public interest to have the City's Master Plan updated and adopted prior to the receipt, processing and approval of additional applications for zoning, rezoning, subdivision approval, both preliminary and final, and/or annexations into the municipal boundaries of Nibley City, in order that such future applications will be processed in compliance with the City's updated and current General Plan.

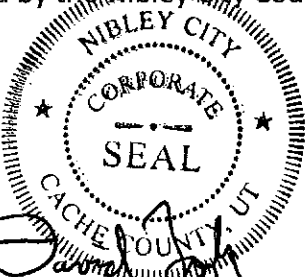
NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

1. The Nibley City Land Use Ordinances are hereby temporarily amended to include, in all zones within the City, the imposition of immediate, temporary land use regulations which prohibit the receipt, processing and approval of applications for zoning, rezoning, subdivision approval, both preliminary and final, and/or annexation into the municipal boundaries of Nibley City.
2. These temporary land use regulations shall be effective for a period of time not exceeding six (6) months, starting on the date this Ordinance is posted as required by law.
3. These temporary land use regulations may be rescinded prior to the end of said six (6) month period, upon a finding by the Nibley City Council that it would be in the best interest of the City so to do.
4. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
5. Should any provision, clause or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this

ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

6. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this 19th day of November, 2015.


David Zook
David Zook, City Recorder


Shaun Dustin, Mayor

Posting Date: 11/20/15