

ORDINANCE 20-08

AN ORDINANCE ESTABLISHING TEMPORARY LAND USE REGULATIONS PROHIBITING THE RECEIPT, PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS

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, is in the process of updating its Residential Planned Unit Development; and

WHEREAS, Nibley City Ordinances governing Residential Planned Unit Developments require legislative approval of any such development, so no property that has not already received legislative approval of a Residential Planned Unit Development has any entitlement to receive the terms and conditions of the Residential Planned Unit Development ordinance; and

WHEREAS, the City finds that the continued receipt of applications 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 updates and adopts the amendments to the code; and

WHEREAS the City finds that a certain amount of time will be required to complete the review, design, and amendment of said ordinance; 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) A municipal 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 within the municipality if:
 - (i) the legislative body makes a finding of compelling, countervailing public interest; or
 - (ii) the area is unregulated.
- (b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
- (c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other

financial requirement on building or development.

and;

WHEREAS, the Nibley City Council finds that there is compelling, countervailing public interest to have the Nibley City Code 19.32 Residential Planned Unit Development put on a temporary land use regulation prohibiting the receipt, processing and approval of all new application for Residential Planned Unit Developments in order to ensure that such developments are carried in the best interests of the City and its citizens.

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

1. There is hereby adopted an immediate, temporary land use regulation pursuant to Utah Code § 10-9a-504 regarding Nibley Code 19.32 and Residential Planned Unit Developments, as detailed below.
2. The Nibley Code 19.32 Residential Planned Unit Development is hereby temporarily amended and suspended to prohibit the receipt, processing, and approval of applications for the Residential Planned Unit Development.
3. 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.
4. 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 adopted by ordinance or resolution that it would be in the best interest of the City so to do.
5. 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.
6. 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.
7. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this 26 day of March, 2020.



Shaun Dustin, Mayor



David Zook, City Recorder

