

ORDINANCE NO. 2016-009

AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION FOR THE ADMINISTRATION OF LAND USE ORDINANCES.

WHEREAS, Utah Code Ann. §10-9a-504 allows municipal legislative bodies, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, such a temporary land use regulation may take effect immediately upon passage and continue in effect for a period of time not to exceed six months; and

WHEREAS, the enactment of a land use regulation would otherwise require a more extended time period to allow for the review of the proposed regulation by the Planning Commission and to allow for public input; and

WHEREAS, the City Council wishes to allow for that Planning Commission review and for the public input to be provided for and accommodated without undue time pressure; and

WHEREAS, recent changes in the administrative structure of the City have eliminated the position of City Administrator; and

WHEREAS, the position of City Administrator is mentioned in the Land Use Regulations of the City as Administrative Director of the Planning Commission, as the chairperson of the Administrative Land Use Authority and as a member of the City Executive Staff in the Subdivision Ordinance; and

WHEREAS, Providence City has an obligation to provide for timely and efficient review of land use applications, permits and approvals; and

WHEREAS, the City cannot provide timely and efficient review of land use applications, permits, and approvals if the positions of Administrative Director of the Planning Commission, Chairperson of the Administrative Land Use Authority, and key member of the City Executive Staff as described in the Subdivision Ordinance remain vacant;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PROVIDENCE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Compelling, Countervailing Public Interest. This council hereby finds a compelling, countervailing public interest in protecting private property interests and in preserving the health, safety, and welfare of its present and future residents and property owners by continuing without interruption the ongoing functions of the Planning Commission and the Administrative Land Use Authority. This council further finds that such interests are not properly protected where the positions of Administrator of the Planning Commission and Chairperson of the Administrative Land Use Authority are vacant for an extended period of time.

Section 2. Temporary Land Use Regulation. Therefore, pursuant to Utah Code Ann. §10-9a-504, a temporary land use regulation not to exceed six months is hereby established to provide for the proper administration of the land use regulations within the City of Providence.

Section 3. Planning Commission Staff Amendment. The provisions of Section 2-1-3(A)(1) of the Providence City Ordinances are amended by striking the words “City Administrator.” and replacing those words with the words “Administrative Services Director”.

Section 4. Subdivision City Executive Staff Amendment. The provisions of Section 11-3-1 of the Providence City Ordinances are amended by striking the words “City Administrator.” and replacing those words with the words “Administrative Services Director”.

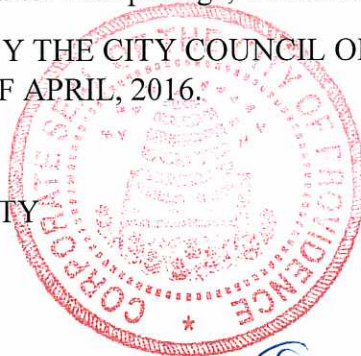
Section 5. Administrative Land Use Authority Amendment. The provisions of Section 2-4-1 and 2-4-2 of the Providence City Ordinances are amended by striking the words “City Administrator” in each of those sections and replacing those words with the words “Administrative Services Director” in each of those sections.

Section 6. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 7. Effective Date. This Ordinance shall become effective immediately upon publication or posting or thirty (30) days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF PROVIDENCE CITY, STATE OF UTAH, ON THIS 26 DAY OF APRIL, 2016.

ATTEST: PROVIDENCE CITY



By: Skarlet Bankhead
Skarlet Bankhead, City Recorder

By: Don Calderwood
Don Calderwood, Mayor

Council Vote:

Allen, Kirk	(X) Yes	() No	() Excused	() Abstained	() Absent
Baldwin, Jeff	(X) Yes	() No	() Excused	() Abstained	() Absent
Drew, John	(X) Yes	() No	() Excused	() Abstained	() Absent
Giles, Dennis	(X) Yes	() No	() Excused	() Abstained	() Absent
Sneddon, Roy	(X) Yes	() No	() Excused	() Abstained	() Absent