

**APPLE VALLEY TOWN  
ORDINANCE NO. 2018-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING SUBDIVISION APPROVALS AND THE ERECTION OR CONSTRUCTION OF COMMERCIAL, MANUFACTURING, OR INDUSTRIAL BUILDINGS.**

**WHEREAS**, the ordinances of the Town of Apple Valley provide for land use regulation of property, including the construction of commercial, manufacturing or industrial buildings, as well as for the subdivision of property within the Town; and

**WHEREAS**, Utah Code Annotated Section 10-9a-504 allows a municipal legislative body to, 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 regarding the erection or construction of buildings or any subdivision approval if the legislative body makes a finding of compelling, countervailing public interest; and

**WHEREAS**, the Town is experiencing a dramatic increase in interest in the development of commercial property and subdivision of property within the Town; and

**WHEREAS**, there is a need for additional clarity in the Town of Apple Valley Code concerning the requirements for the construction of commercial, manufacturing and industrial buildings and the subdivision of property within the Town; and

**WHEREAS**, the Town Council finds that the resources of the Town are not currently adequate to properly evaluate and review new subdivisions and commercial, manufacturing, and industrial projects, and evaluate the impact of these projects and subdivisions on the Town, as well as the ability to provide the necessary services for the projects and subdivisions; and

**WHEREAS**, Town Council finds that there is a compelling and countervailing public interest to enact this Temporary Land Use Regulation; and

**WHEREAS**, Town Council has determined that this ordinance is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH:**

**SECTION I: Repealer.** If any provisions of the Town of Apple Valley Code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.**

- A. **Recitals Incorporated by Reference.** The foregoing recitals are hereby incorporated by reference.
- B. **Prohibition.** There is hereby enacted a Temporary Land Use Regulation within the Town, prohibiting the approval of permits for the construction of commercial, manufacturing and industrial buildings or structures as well as the subdivision of property. No application for a commercial, manufacturing or industrial structure or building or for the subdivision of

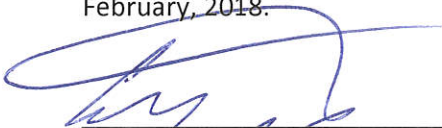
property shall be accepted or approved during the term of this Temporary Land Use Regulation.

- C. **Exceptions.** Completed and accepted applications, including the payment of all applicable fees, for commercial, manufacturing or industrial buildings and structures or for the subdivision of property submitted prior to the adoption of this Temporary Land Use Regulation are excepted from the prohibition herein.
- D. **Finding.** The Town Council finds that it is acting in the interest of the public health, safety and welfare of the citizens of the Town of Apple Valley. The Town Council finds that there is a compelling, countervailing public interest in imposing this Temporary Land Use Regulation for the reasons stated herein.
- E. **Penalty Provision.** Any violation of this ordinance is a class B misdemeanor and is punishable as such.
- F. **Term.** The term of this Temporary Land Use Regulation shall be six (6) months from the effective date of the ordinance.

SECTION III. **Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

SECTION IV. **Effective Date.** This ordinance shall take effect immediately upon the signing of this ordinance, and upon posting as required by law.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Apple Valley, Utah this 7<sup>TH</sup> day of February, 2018.




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Robert S. Campbell, Mayor

ATTEST:




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Jauna M. McGinnis, Town Recorder

Mayor Robert Campbell  
 Debbie Kopp  
 Michael McLaughlin  
 Ron Brown

Aye  Nay \_\_\_  
 Aye  Nay \_\_\_  
 Aye  Nay \_\_\_  
 Aye \_\_\_ Nay \_\_\_ **ABSENT**

Approved as to Form:

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Shawn M. Guzman, Town Attorney