ORDINANCE NO. 2024-11

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTION 16.02.102 OF THE IVINS CITY CODE REGARDING ADMINISTRATIVE INTERPRETATIONS

WHEREAS, the Ivins City Council desires to amend Section 16.02.102 of the Ivins City Code to have the city attorney make such interpretations rather than the zoning administrator; and

WHEREAS, the Ivins City Planning Commission held a public hearing on this matter on June 4, 2024 and thereafter recommended approval of the proposed amendment;

NOW THEREFORE BE IT ORDAINED by the Ivins City Council that Section 16.02.102 of the Ivins City Code be amended to now read as follows:

16.02.102: ADMINISTRATIVE INTERPRETATIONS:

(1) Purpose: To promote day to day efficiencies in the administration and implementation of this title, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement of this title, this section is provided to allow and authorize the city attorney to make interpretations of this title, as needed, guided by the purposes set forth herein and applied to a specific circumstance.

(2) Authority: The city attorney is authorized to render interpretations of the text of this title.

(3) Initiation: Any person may request an administrative interpretation of any text provision of this title by presenting an application for an administrative interpretation.

(4) Procedure: An application for an administrative interpretation shall be considered and processed as provided in this chapter:

(a) A complete application shall be submitted to the zoning administrator.

(b) After an application is determined to be complete, the city attorney shall review the application and make an interpretation in accordance with the standards set forth in this chapter.

(c) After making a decision, the city attorney shall provide a written copy of the administrative interpretation to the applicant. A written copy of the administrative interpretation of the city attorney shall also be maintained in the office of the city recorder.

(5) Standards For Making Administrative Interpretations: The city attorney shall apply the following standards in making an administrative interpretation:

(a) The administrative interpretation shall not have the effect of adding or removing any provision of this title.

(b) The city attorney shall not make any interpretation on the location of any zoning district boundary, such interpretations being provided by section 16.02.103 of this chapter.

(c) An administrative interpretation shall be consistent with the purposes of this title and any previously rendered administrative interpretations, based on similar facts.

(d) An administrative interpretation concerning a use interpretation shall not allow the establishment of a use that is substantially different or allow any prohibited use in the zoning district.

(e) No use interpretation shall permit the establishment of any use that would be inconsistent with the purposes of the zoning district in which it would be located.

(6) Effect Of Interpretation: An administrative interpretation shall only apply to the property for which an interpretation is given. An interpretation finding a use to be a class I, class II, class III, class IV or class V use shall not authorize the establishment of the use but may authorize the filing of land use applications necessary for any approvals, permits or licenses, as may be required.

(7) Appeal: Any person adversely affected by an interpretation of any text provision of this title, rendered by the city attorney, may appeal that interpretation by filing a written appeal as provided in chapter 30 of this title. (Ord. 2024-11, 2024)

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF JUNE, 2024 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder