

**CITY OF FLORENCE
ORDINANCE NO. 11, SERIES 2021**

**AN ORDINANCE RELATING TO EXTENDING APPROVED LAND USE
DECISIONS, AND DECLARING AN EMERGENCY**

RECITALS:

1. The Florence City Code (FCC) Title 10 and Title 11 establish certain deadlines for the expiration of land use application approvals before which action on the approved application must commence.
2. For most approvals, the FCC allows for limited extensions of the approval expiration deadlines.
3. The COVID-19 worldwide pandemic has resulted in economic disruption and emergency declarations by federal, state and local officials, including by the City of Florence.
4. Presently, there are a number of development projects within the City of Florence that have received land use approval from the City, and some that have also received an applicable approval period extension that the Code currently allows. Ongoing projects within the City are experiencing hardships related to the current pandemic, including hardship in moving the projects forward due to delays in financing or obtaining necessary resources (e.g., materials and labor).
5. While the City's general rules for the expiration of land use approvals is appropriate under most all situations, the expiration of land use approvals for projects taking place during the current pandemic would result in unnecessary costs and further delays resulting from applicants having to resubmit applications for approval. The usual benefits to the City resulting from expiration deadlines are now outweighed by the costs on developers and staff created by the pandemic's impact on these ongoing projects.
6. It is appropriate that an emergency be declared as to the enactment of this Ordinance as it is necessary for the immediate preservation of the public peace, health and safety, and due to the pending expiration of certain land use approvals and the urgency created by the ongoing pandemic and the pandemic's related economic impacts. This Ordinance shall take effect on its passage so that it is in full force and effect immediately from and after its enactment by the Florence City Council.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Purpose. Land use decisions within the City of Florence may expire as the Code sets out a particular "expiration" or "lapse of approval" period from the date of approval of the development project. Due to the current unforeseen and unprecedented economic and financial disruptions resulting from the worldwide pandemic, financing and resources for many approved development projects within the City limits are difficult to obtain. This Ordinance is intended to extend the time that an approved land use decision remains effective.

2. Definitions. For purposes of this ordinance only, the following definitions apply:
 - a) "Approved land use decision" means any decision made under the authority of the FCC Title 10 or Title 11, which has not expired or otherwise terminated prior to the effective date of this ordinance.
 - b) "Effective period" means any period of time established in FCC Title 10 or Title 11 after which an approved land use decision could expire, regardless of the language describing the period of time in the Code.

3. Extension of effective period.
 - a) The effective period of any approved land use decision is extended by one additional calendar year.
 - b) This extension is in addition to, and not in place of, any other extension allowed by FCC Title 10 or Title 11, so long as the extension is also consistent with subsection d), below.
 - c) This extension does not apply to land use applications approved after the effective date of this ordinance.
 - d) This extension applies only to those approved land use decisions which would otherwise expire prior to May 31, 2022, but which have not expired as of the effective date of this ordinance

4. The Council declares an emergency and as such this ordinance shall take effect earlier than the thirtieth day after its enactment as set out in the Florence City Charter Section 31. This ordinance immediately upon its passage by the City Council and its approval by the Mayor.

ADOPTION:

First Reading on __ day of June, 2021.

Second Reading on __ day of _____, 2021.

This Ordinance is passed and adopted on the ____ day of _____, 2021.

AYES —
 NAYS —
 ABSTAIN —
 ABSENT —

 Joe Henry, Mayor

Attest:

 Kelli Weese, City Recorder