



NIBLEY CITY COUNCIL and MUNICIPAL BUILDING AUTHORITY MEETING AGENDAS

Thursday, June 13, 2019 – 6:30 p.m.

Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report

6. A Public Hearing to receive comment regarding Resolution 19-08: A RESOLUTION AMENDNING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2018-19, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2019-20 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICE

7. A Public Hearing to receive comment regarding Ordinance 19-08: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City

8. Discussion and Consideration of Ordinance 19-08: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)

9. A Public Hearing to receive comment regarding Ordinance 19-09: Nibley City Design Standards and Specifications

10. Discussion and consideration of Ordinance 19-09: Nibley City Design Standards and Specifications (Second Reading)

11. A Public Hearing to receive comment regarding Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone

12. Discussion and Consideration of Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone (First Reading)

13. A Public Hearing to receive comment regarding Ordinance 19-11: Establishing Rules and Regulations Governing the Use of Parks, Trails and Outdoor Recreational Facilities

14. Discussion and Consideration of Ordinance 19-11: Establishing Rules and Regulations Governing the Use of Parks, Trails and Outdoor Recreational Facilities (First Reading)

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

15. A Public Hearing to receive comment regarding Ordinance 19-05: Amendments to Nibley City Code, Title 21: Subdivision Regulations—Minor Editing/Changes
16. Discussion and Consideration of Ordinance 19-05: Amendments to Nibley City Code, Title 21: Subdivision Regulations—Minor Editing/Changes (Second Reading)
17. Discussion and Consideration of Ordinance 19-06: Amendments to Nibley City Code, Title 21: Subdivision Regulations—Substantive Policy Changes (First Reading)
18. Discussion and Consideration of Ordinance 19-04: Highway 89/91 Setbacks and Commercial Node Definition (Second Reading)
19. Discussion and Consideration of Resolution 19-10: Establishing The Polling Place, Appointing Poll Workers And Setting The Rate Of Pay For Their Service (First Reading)
20. Council and Staff Reports

Adjourn to a meeting of the Municipal Building Authority

1. Ratification of the August 2, 2018 Meeting Minutes and approval of Agenda
2. Discussion and Consideration of Resolution MBA 19-01: Appointment of Officers and Approval of 2019-2020 Annual Budget

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.



**Nibley City Council
Agenda Report for
June 13, 2019**

Agenda Item #6

Description	A public hearing to receive comments regarding Resolution 19-08: A Resolution Amending the Budget for Various Funds of Nibley City for Fiscal Year 2018-19, Adopting the Budget for the Various Funds of Nibley City and other Budgetary matters for Fiscal Year 2019-20 and Adjusting Certain Fees and Payments for Service
Department	Administration
Presenter	David Zook, Nibley City Manager
Recommendation	Receive public comment
Reviewed By	Mayor, City Manager, City Treasurer

Background

On April 25, 2019, the City Council adopted a tentative budget for the fiscal year that begins July 1, 2019. The final budget will not be adopted until August 29 after the Truth in Taxation Hearing is held. This hearing is being held in order to allow the public to comment on the budget document.

Agenda Item #7 & 8

Description	A public hearing to receive comments regarding Ordinance 19-08: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City and Discussion and consideration of Ordinance 19-08: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (Second Reading)
Department	City Council
Presenter	David Zook, Nibley City Manager
Recommendation	Move to approve Ordinance 19-08: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City.
Reviewed By	Mayor, City Manager, City Treasurer

Background

In 2015, the City Council established a policy of adjusting elected official stipends annually at the same rate as salaries are adjusted for other employees. A 2% cost of living adjustment (COLA) is being proposed in this year's budget for employees, therefore elected official compensation is proposed to be increased by an equal amount.

The compensation of the elected and statutory officers is proposed as follows:

Office:	Proposed Salary:	Present Salary:	Increase:
Mayor	\$828/month	\$812/month	\$16/month
Councilmember	\$330/month	\$324/month	\$6/month
Treasurer	\$43,132 - 63,726/year	\$42,283-62,472/year	\$1,254/yea

ORDINANCE 19-8

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY

WHEREAS, elected and statutory officers are required to devote a significant amount of time and talent to the effective administration of Nibley City; and

WHEREAS, elected and statutory officers should be fairly compensated for their time and expenses; and

WHEREAS, the Nibley City Council established a policy in 2015 of annually adjusting City Council Member compensation commensurate with the cost of living adjustment provided to other City employees; and

WHEREAS, a COLA of 2% is proposed this year for city employees.

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

1. All previous salary or compensation ordinances regarding the elected and statutory officers below are hereby repealed.
2. The compensation of the elected and statutory officers shall be as follows:

Office:	Present Salary:	Proposed Salary:	Increase:
Mayor	\$812/month	\$828/month	\$16/month
Councilmember	\$324/month	\$330/month	\$6/month
Treasurer	\$42,283-\$62,472/yr	\$43,132-\$63,726/yr	\$845-1,254/year

3. Elected and statutory officers shall be paid on the same schedule as other municipal employees.
4. The compensation listed above is not inclusive of per diem, mileage, phone allowance or other expenses, which may be incurred in the course of conducting Nibley City business.
5. This ordinance shall become effective July 1, 2019.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

Agenda Item #9 & 10

Description	A public hearing to receive comments regarding Ordinance 19-09: Nibley City Design Standards and Specifications and Discussion and consideration of Ordinance 19-09: Nibley City Design Standards and Specifications (Second Reading)
Department	Public Works, Engineering, and Planning
Presenter	Justin Maughan, Nibley City Public Works Director
Recommendation	Move to approve Ordinance 19-09: Nibley City Design Standards and Specifications
Reviewed By	City Planner, City Public Works Director, City Engineer

Background

Nibley City's Public Works Department, Planning Department and Engineer have reviewed and made several updates and changes to the Nibley City Design Standards and Specification. These Design Standards and Specification provide further guidance and clarification on all infrastructure built within Nibley City. In order for the City to require these standards, the City Council must adopt them by resolution.

RESOLUTION 19-09

ADOPTING THE NIBLEY CITY DESIGN STANDARDS AND SPECIFICATIONS AND RELATED MATTERS

WHEREAS, Nibley City is authorized by Utah Code sections 10-3-702 and 10-3-711(2) and Nibley City Code 21.02.040(H) to establish the Nibley City Design Standards and Specifications providing building, safety, and design standards and regulations; and

WHEREAS, Nibley City desires to adopt the Nibley City Design Standards and Specifications, attached as Exhibit A, as previously compiled, filed, and provided for use and examination by the public in the office of the Nibley City recorder.

NOW, THEREFORE, be it ordained by the City Council of Nibley City, Utah, as follows:

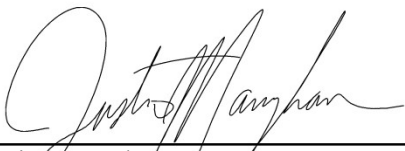
1. The City Council finds that there is good cause and that it is in the interest of the public welfare, health, and safety to adopt the Nibley City Design Standards and Specifications, attached as Exhibit A.
2. All ordinances, resolutions, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall be in full force and effect immediately upon its approval and adoption.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

Nibley City Design Standards

A handwritten signature in black ink, appearing to read "Justin Maughan".

Justin Maughan, PE
Nibley City Public Works Director

05/19/2019

Date

These Design Standards, Construction Standards and Specifications shall govern the design and construction of all public infrastructure in Nibley City. These standards may be periodically updated and changed as deemed necessary. See www.nibleycity.com for the most current and up to date edition.

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9. Landscape and Irrigation Design Standards
10. Standard Plans and Specifications
11. Subdivision Review and Approval Process Summary
12. Construction Inspection and Acceptance Process Summary
13. Bridge Standards
14. Secondary Water Systems

Section 1 – General Definitions

1.1 General Definitions.

1. **A Guide to Low Impact Development within Utah:** A reference manual created by Utah Department of Environmental Quality to guide and assist designers of LID practices. The guide can be found online at the DEQ website: <https://deq.utah.gov/water-quality/low-impact-development>
2. **Alley:** A public way used to provide secondary vehicular access to properties that also abut upon a street.
3. **Arterial Route or Street:** A general term including expressways and major arterial streets and interstate, state or county highways having regional continuity.
4. **Benchmark:** A mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level. Nibley City base is 4546.58 feet (Nibley City GPS Monument).
5. **Block:** A piece or parcel of land or groups of lots entirely surrounded by public streets, streams, railroads or parks, or a combination hereof, other than alleys; or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the council.
6. **Certified Percolation Test:** A saturated soil Double Ring Infiltration percolation test completed in accordance with Utah Administrative Rule, R317-4-5 with the exception that the test shall extend 2.0 feet below the bottom of the proposed invert of the pond. These tests shall be done in accordance with the certification requirements by a “qualified individual” as defined in R317-11.
7. **City Engineer:** The individual or firm appointed by the Council to be the City Engineer of the city.
8. **General Plan and Associated Master Plans:** A comprehensive plan, or parts thereof, providing for the future growth and improvement of the city and for the general location and coordination of streets and highways, schools and recreation areas, public building sites and other physical development, which shall have been duly adopted by the City Council.
9. **Planning Commission:** The Nibley City Planning Commission sometimes referred to hereinafter as the Commission.
10. **Collector Street:** A street that provides for traffic movement within neighborhoods of the city and between major streets and local streets and for direct access to abutting property.
11. **Conditional Approval:** An affirmative action by the City Planning Commission or City Council, indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
12. **Corner Lot:** A lot abutting on two (2) or more intersecting streets where the interior angle or intersection does not exceed one hundred thirty-five degrees (135 degrees). A corner lot shall be considered to be in that block in which the lot fronts.
13. **Council:** The governing body of the City.
14. **Curb or Curb and Gutter:** Sections of concrete that define and help to maintain the edges of asphalt road surfaces. The concrete sections may be flat or of a high

back style. See street cross-section drawings and details located in section 3, standard drawing list.

15. **Development Master Plan (DMP):** A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by the subdivider, planner and engineer and shall be subject to approval of the Commission.
16. **Detention:** The detaining or holding of water on site and releasing the water from the site into a pipeline, channel, or other water bodies at a slower rate than would otherwise occur.
17. **Detention Basin:** A pond or basin, either above ground or below, that catches the storm water runoff from a contributing area and uses the detention process.
18. **DEQ:** Utah Department of Environmental Quality
19. **DWQ:** Utah Division of Water Quality, a division of the DEQ.
20. **Easement:** A grant by the owner of the use of a parcel of land by the public, a corporation, or persons for specified use and purposes so designated on a plat.
21. **EM 1110-2-1601:** Engineering and Design – Hydraulic Design of Flood Control Channels, CECW-EH-D, US Army Corp of Engineers, June 1994
22. **Engineer:** The duly appointed and acting City Engineer.
23. **Engineering Plans:** Plans, profiles, cross-sections and other required details for the construction of public improvements, prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction by the Council.
24. **EPA:** United States Environmental Protection Agency
25. **Final Approval:** The approval of the final plat by the Council, as evidenced by certification on the plat by the Mayor of the city and all other required city officials as agents.
26. **Final Plat:** A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with the city's subdivision ordinance.
27. **HEC-11:** Design of Rip-Rap Revetment, Hydraulic Engineering Circular No. 11, US Dept. of Transportation, Federal Highway Administration. (FHWA-IP-89-016, March 1989)
28. **HEC-22:** Urban Drainage Design Manual, Hydraulic Engineering Circular No. 22, US Dept. of Transportation, Federal Highway Administration. (FHWA-SA-96-078, August 2001).
29. **HISTORICAL RUNOFF FLOW:** The runoff that has historically flowed off of a given piece of land in the specified storm frequency and duration prior to development, either in the land's pre-development agricultural or native condition.
30. **Improved Lot:** A lot that has all the improvements required by the subdivision ordinances.
31. **Interior Lot:** A lot having but one (1) side abutting on a street.
32. **Irrigation Facilities:** Includes canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water.
33. **Land Exception:** Any parcel of land that is within the boundaries of the sub-division that is not owned by the subdivider.

34. **Local Street:** A street that provides for direct access to residential, commercial, industrial or other abutting land and for local traffic movements and connects to collector and/or major streets.
35. **Lot:** A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for purposes of sale, lease or separate use.
36. **Lot width:** The width of a lot that shall be:
 - a. If the side property lines are parallel, the shortest distance between these sidelines
 - b. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot a distance equal to the front setback required for the district in which the lot is located. The axis of the lot shall be a line joining the mid-points of the front and rear property lines.
37. **Low Impact Development** – Low Impact Development - refers to engineered systems, either structural or natural, that use or mimic natural processes to promote infiltration, evapotranspiration, and/or reuse of storm water as close to its source as possible to protect water quality and aquatic habitat. LID practices at the regional and site-specific level preserve, restore, and create green space using soils, vegetation, and rainwater harvesting techniques
38. **Major Street:** A street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the master street plan as a controlled-access highway, major street, parkway or by equivalent terms suitable to identify street comprising the basic structure of the street plan.
39. **Marginal Access Street:** A minor street parallel and adjacent to an arterial route that provides access to abutting property and intercepts local streets and controls access to an arterial route.
40. **Minor Street:** A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.
41. **Mobile Home Subdivision:** A subdivision designed and intended for residential use where residence is primarily to be in mobile homes.
42. **Neighborhood Plan:** A plan to guide the platting of remaining vacant parcels in a partially built up neighborhood, so as to make reasonable use of all land, correlated street patterns, and achieve the best possible land use relationships.
43. **NOI:** A notice of intent to construct permit obtained from the DWQ which is required for all construction on areas greater than or equal to 1.0 acres.
44. **NOT:** A notice of termination to construction submitted to the DWQ upon the stabilization of 70 percent of the project site that required a NOI.
45. **Official Map:** Any map adopted by the Council under the provisions of Title 17, Chapter 27, Section 7 Utah Code Annotated, 1953 as amended.
46. **One Way Drive Way** – also known as circular driveways, are intended to allow a driver to exit a public right of way and reenter at a different location without having to back out.
47. **Owner:** The person or persons holding title by deed to land, or holding title as vendees under land contract, or holding any other title or record.

48. **Parcel of Land:** Contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
49. **Partial Cul-de-sac:** Cul-de-sac, or bulb out located any other location than at the end of a dead end street.
50. **Pedestrian Path/Trail:** A concrete, asphalt, or gravel path designated for a variety of non-motorized uses.
51. **Pedestrian Way:** A public walk dedicated through a block from street to street and/or providing access to a school, park, recreation area or shopping center.
52. **Planned Unit Development:** A use or combination of uses planned for a tract of land to be developed as a unit.
53. **Park/Planting Strip:** Planting strips are the area between the curb and the sidewalk along conventional streets. See street cross-section drawings and details located in section 3, standard drawing list.
54. **Plat:** A map of a subdivision prepared in accordance with standards of the subdivision ordinance.
55. **Preliminary Plat:** A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance and Utah Code.
56. **PWD:** Public Works Department
57. **Recorded Plat:** A final plat bearing all of the certificates of approval required in this title and duly recorded in the county recorder's office.
58. **Retention:** The retaining or keeping of water on site and preventing its release from the site by any method other than infiltration or evaporation.
59. **Retention Basin:** A pond that is built to capture and retain the design storm on site and dispose of it through infiltration.
60. **Return Frequency:** The frequency or likelihood of a storm of occurring. A 100-year storm has a one (1) percent chance of occurring in any given year while a 10-year storm has a ten (10) percent chance of occurring in any given year. This should never be interpreted as happening only once every 100 or 10 years for the two given examples.
61. **Sidewalk:** A concrete surface along side the planting strip or swales of a street or roadway designated for pedestrian traffic. See street cross-section drawings and details located in section 3, standard drawing list.
62. **Source Protection Zone:** Drinking water source protection zones to delineate area's of land that contribute to groundwater recharge as defined by the maps on file with State of Utah Division of Drinking Water.
63. **Spread Width:** The width of water flow as measured from the flow line of the gutter into the asphalt.
64. **Stream Alteration Permit:** A permit that is obtained through the Utah Division of Water Rights and is necessary anytime construction impacts a stream, wetland, riparian zone, or other water body defined as the waters of the U.S.
65. **Street:** Any street, avenue, road, lane, parkway, place, viaduct, easement for access or other ways which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the county recorder's office. A "street" includes the land between the right-of-way lines, whether

- improved or unimproved and may comprise pavement, shoulder, curbs, gutters, sidewalks, parking areas and lawns.
66. **Storm Event:** The event and hyetograph that define the design volume of precipitation, duration of the storm, intensity of the storm, and the pattern in which the precipitation falls.
67. **Subdivider:** The individual, firm, corporation, partnership, association, syndication, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title.
68. **Subdivision:** The division of a tract, lot, or parcel of land owned by a person or legal entity as an undivided tract or parcel into two or more lots or other divisions of land for the purpose of the sale, lease, transfer, use building development, or redevelopment thereof, whether immediate or future. This definition shall not apply to the sale, lease, transfer, use, building development, or re-development of any existing lot that is shown as one of the lots of a subdivision in an approved final plat that has previously been recorded in the offices of the city and county recorders. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision".
69. **Swale:** The area between the curb and the sidewalk or pedestrian path as used in low impact development (LID). Swales may also be located along private roads and drives. Swales are not always located between the sidewalk and street, but they do almost always run parallel with the street.
70. **SWPPP:** A storm water pollution prevention plan which is required on any construction site.
71. **Through lot:** A lot abutting two (2) parallel or approximately parallel streets.
72. **Underground Injection/Retention System:** A system designed to be fully underground and to dispose of water, entirely or in part, through infiltration. These require a special permit from the DWQ known as a Class 5 injection well permit.
73. **Underground Injection Well:** A facility, such as a pressured injection well, free draining injection well, sump, or other buried underground facility that infiltrates or injects surface water into the subsurface or groundwater system to eliminate surface runoff.
74. **Useable Lot Area:** That portion of a lot which is usable for or adaptable to the normal uses of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.
75. **Utilities:** Installations or facilities, underground or overhead, furnishing for the use of the public electricity, culinary water, gas, communications, water drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards as applicable herein.
76. **Wetlands Mitigation, or 404, Permit:** A permit obtained through the US Army Corp of Engineers which allows the wetlands to be impacted and provides for required mitigation before the project can be approved.
77. **Zone 1:** Zone 1 as delineated and shown on Source Water Protection Zone map approved by the Utah Division of Drinking Water.

78. **Zone 2.** Zone 2 as delineated and shown on Source Water Protection Zone map approved by the Utah Division of Drinking Water.

DRAFT

Section 2 - Development Standards

2.1 Engineering Reasonability

- A. The City's Design Standards do not relieve the developer's engineer from being responsible for examining and understanding local project conditions, confirming the correlation of all design standards with the techniques of construction, coordination of the standards with that of all other industry standards, and for the complete and satisfactory design of the project.

2.2 Issue's not covered by these standards

- A. All work not specifically described in these design standards and technical specifications shall conform to the APWA Manual of Standard Specifications as published by the Utah Chapter of the American Public Works Association. The latest edition referenced by these standards shall be used.

2.3 Impact on Existing Infrastructure

- A. The impact on existing infrastructure, will be reviewed by the City. The developer may be required to add additional off-site improvements in order to provide adequate service to the development.

2.4 Compliance with City Subdivision Ordinance

- A. Included herein by reference is the current Nibley City Zoning and Subdivision Ordinances as approved by the City Council. If a discrepancy exists between these design standards and the subdivision ordinance, the ordinance shall govern.

2.5 Compliance with City General Plan and Master Plans

- A. All Subdivisions shall comply with the City's most recent General Plan and associated Master Plans.

2.6 Required Studies, reports and plans: The following studies, reports, and plans shall be required on all developments, if in the opinion of the City Engineer, Public Works Director and/or City Council; they are determined to be necessary for the development of the project:

- A. Geotechnical Report. A geotechnical report shall be prepared by a qualified engineer, and must contain at least the following information:
 - 1. A slope Analysis with a contour map
 - 2. Classification of slopes on the site
 - a. Class 1: Areas of Non-Steep slopes - less than 30%
 - b. Class 2: Areas of steep slopes - 30% or greater

****Note:** Percentages shall be calculated as prescribed by the definition for "Steep Slopes". If the subdivision contains any areas of steep slopes, the person or firm preparing the soils report shall identify the class 2 areas, and should designate those areas as "Non-Buildable Areas" on the subdivision plat. If in the opinion of the qualified engineer any class 2 areas should not be designated as non-buildable areas, the report should include reasons why an exception should be made. The City Engineer will have final determination of such areas. ******

3. Soils Engineering properties including, but not limited to:
 - a. Bearing capacity
 - b. Settlement potential
 - c. Slope failure potential
 - d. Shrink/swell potential of the site.

****Note:** Testing should be completed adequately to determine if the existing soil on the site is suitable for public infrastructure. If there any indications that the soil is not suitable for the type of development, the report shall include mitigation strategies for public infrastructure. In such a case, the Final Plat shall also put owners on notice that building on these soils will require on-site investigation and lot-specific soils hazard mitigation plans. ******

4. An estimate of the normal highest elevation of the seasonal high-water table based on piezometer-tube testing and the locations of swamps, seeps or springs with the reasons for the occurrence of these underground water sources.
5. Percolation test performed by a certified testing agency.
6. A written statement of the person or firm preparing the geotechnical report identifying any other means proposed to minimize hazards to life, property, and adverse effects on the safety, use or stability of public rights of way or drainage channels, and adverse impacts on the natural environment.
- B. Geologic Hazard Report. A geologic hazard report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of geologic hazards and must identify the author and date of the data upon which the report is based. The report must include an analysis of the geologic conditions, conclusions regarding the effect of the geologic conditions on the development and recommendations covering the adequacy of sites to be developed within a recognized geologic hazard. It shall also include a written statement identifying the means proposed to minimize hazards to life or property, adverse effects on the safety, use, or impacts on the natural environment.
- C. Water Conservation Plan. A water conservation plan shall contain an assessment of the potential outside culinary water use for the subdivision and recommendations for lot size, landscaping, and irrigation practices to minimize culinary water use. For land with irrigation water rights the conservation plan should contain an assessment and recommendations for development of a secondary water system.
- D. Traffic Report. A Traffic report shall describe the traffic impacts that will be created by the project including but not limited to peak period trip generations rates, impacts on turning movements and road segment level of service and proposals to mitigate the impacts.

- E. **Fire Protection Plan.** Fire Protection plan shall be required by any subdivision that in the opinion of the City Fire Authority may be susceptible to wild fire. The plan shall include as a minimum the plans for any needed firebreaks and planned fire-wise construction and/or landscaping for the subdivision.

2.7 Non Buildable Area's. Non-buildable areas shall be designated on the preliminary and final plat by shading and shall have a designation of "Non-Buildable" shown on the plat. Final determination will be made by Public Works Director.

- A. The areas with the following characteristics will be considered for designation as Non-Buildable:
 - 1. Areas of Steep Slopes as defined in Nibley City Design Standards Definitions
 - 2. Areas with soils found to be unsuitable for development by a Geotechnical Report
 - 3. Natural drainage corridors, canal channels and wetlands
 - 4. Any areas identified by any required studies as potentially hazardous to life, limb or property
 - 5. Fire Breaks
- B. No homes, buildings, or other structures, streets or alleys shall be erected or built on areas designated and platted as "Non-Buildable".

2.8 Utilities. To the maximum extent practical, all utilities shall be placed within existing road rights of way and front yard public utility easements. All water, sewer, electrical, telephone, natural gas, cable television, communications and other utilities shall be placed underground except for transformers, pedestals, and other appurtenances which are normally located above ground.

2.9 Easements. In the event that all utilities are not able to be placed within existing road rights of way or easements, a min 20 foot wide utility easement shall be required (10 feet on each side of the utility), and recorded at the Cache County Records Office.

Section 3 – Drawing Requirements – Plat & Construction

3.1 Final Plat Signature Boxes.

- A. Surveyor's Certificate: the form of the professional surveyor's certificate shall be substantially as follows:

SURVEYOR'S CERTIFICATE

I, _____, a Registered Land Surveyor, hold Certificate No. _____, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described therewith, and have subdivided said tract of land into lots and streets to be hereafter known as _____, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, 20____

- B. Owners Dedication: A specific statement of dedication of all streets, alley, crosswalks, drainage ways, pedestrian ways and other easements for public use by the person holding title of record, by persons holding title of record, by persons holding title as vendees under land contract, and by wives of said parties shall be required. If land dedicated are mortgaged, the mortgaged shall also sign the plat, and if subject to a Real Estate Contract, the seller or actual owner of the real property being subdivided shall also sign the Final Plat. Dedication shall include a written location by section, township and range, of the tract. If the plat contains private streets, public utilities shall be reserved the right to install and maintain utilities in the street right-of-way. The form of the owner's dedication shall be substantially as follows:

OWNER'S DEDICATION

Know all by these presents that we the undersigned owners of the above described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as _____, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality's use, operation and maintenance of the streets and do further dedicate the easements as shown, with the same warranty as given for other dedicated property.

In witness whereof, we have hereunto set our hands this _____ day of _____, 20____.

Signed

Signed

C. Required Acknowledgements

1. Acknowledgement

STATE OF UTAH)

COUNTY OF CACHE)

ss. _____

On the _____ Day of _____ A.D., 20____, personally appeared before me, the signer(s) of the above Owner's Dedication, who duly acknowledged to me that he/she/they signed it freely and voluntarily and for the uses and purposes therein mentioned.

Notary Public

2. Corporate Acknowledgement

a. STATE OF UTAH)

COUNTY OF CACHE)

ss. _____

On the _____ Day of _____ A.D., 20____, personally appeared before me,

_____ and _____,
who acknowledged to me that they are the _____ and _____ of corporation, that they signed the Owner's Dedication freely and voluntarily and for and in the behalf of the corporation for the purposes therein mentioned and that the corporation executed the same.

Notary Public

- b. The form of a corporate, partnership, or other entity signature shall include a provision or a Notary in which the subdivider represents that the person signing for the corporation, partnership, or other entity has the authority to execute the agreement for the corporation, partnership, or other entity.

- E. Engineer's Certificate: the form of the Engineers Certificate shall be substantially as follows:

Engineers Certificate

I certify that I have examined this plat and find it to be correct and in accordance with the information on file in this Office and the city ordinance.

City Engineer

Date

- F. Utility Company Approvals: All utility companies must acknowledge and accept the easements as shown on the final plat. At a minimum the following company's signatures must be obtained:

Utility Company Approvals

Questar Gas

Date

Rocky Mountain Power

Date

Century Link

Date

Comcast Communications

Date

- G. Planning Commission Approval and Acceptance: the form of the Planning Commission Approval and Acceptance shall be substantially as follows:

Planning Commission Approval and Acceptance

Presented to the Nibley City Planning Commission this ____ day of _____, 20____, at which time this subdivision was recommended to the City Council for approval.

Planning Commission Chairman

Date

- H. City Council Approval and Acceptance when required by ordinance: the form of the City Council Approval and Acceptance shall be substantially as follows:

City Council Approval and Acceptance

Presented to the Nibley City Council this ____ day of _____, 20____, at which time this subdivision was approved and accepted.

Mayor

Date

- I. Attorney Approval: the form of the City Attorney Approval and Acceptance shall be substantially as follows:

Attorney Approval

Approved as to form this ____ day of _____, 20____.

City Attorney

Date

- J. County Recorders No: the form of the Cache County Recorder's No shall be substantially as follows:

County Recorders No.

State of Utah, County of _____, recorded and filed at the request of:

Date: _____ Time: _____ Fee: _____

Abstracted _____

Index _____

Filed in: File of plats

County Recorder

- K. Ground Water Note: This note shall be required on all plats.

Groundwater Note:

Areas in Nibley City have groundwater problems due to the varying depths of a fluctuating water table. The city's approval of a building permit or construction plans does not constitute a representation by the city that building at any specified elevation or location would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building lot and site. Responsibility for these stated concerns, and all other such concerns related to a lot or other building site, remains solely with the building permit applicant, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for other such concerns, including, but not limited to, building location and/or elevation, site grading, and drainage.

M. Other Notes required per Ordinances

3.2 Construction Plan Requirements

- A. Plan views of the street improvement shall be to a scale not greater than 1"=50' on new subdivisions and street improvements and shall contain the following information:
1. Any existing street curbs, driveways, and property lines, right-of-way, and utility easements referenced to property corners, street intersections, or section lines within 300-feet of proposed construction. Running grade, existing cross slopes, and curb elevations shall be required to determine if finished design grades will provide a smooth transition from existing to new construction.
 2. Catch points and limits of slope for all cuts and fills.
 3. Location and sizes of water courses, stream and railroad crossings, water mains, culverts, sanitary sewers, and storm sewers, including any of the mentioned pipe inverts within 300-feet of the proposed project. Use arrows on both existing watercourses and storm drains, and on proposed storm drains, indicating direction of flow.
 4. Location of wells (public or private), gas mains, underground power, and any other utility (public or franchised) within 100-feet of the proposed project.
 5. On horizontal curves, show stationing of the point of tangency and the point of curvature. Show the length of tangent, length of centerline curve, the delta angle, radius point, and centerline radius distance.
 6. On half or three-quarter street improvements show the existing centerline, edges of pavements, and the extent of the proposed widening, i.e. the location of the opposite curb and right-of-way. Show running and cross slopes of all proposed and existing surfaces, sufficient to show proper slopes of tie ins and transitions.
 7. Show all ADA ramps on each curb radii.
 8. The location of each manhole, catch basin, beginning and end of radius, point of curvature, and point of tangent shall be stationed to facilitate checking the plans with the profiles. The stationing shall be tied to existing property corners, centerline, centerline of intersections, and/or street monuments.
 9. Side streets shall be stationed at the centerline of the intersection.
- B. Profile Views. Profiles for the individual street shall be to the same horizontal scale on the same sheet and drawn immediately below the corresponding plan view to a vertical scale of 1"=5' reading from 0+00 left to right (where conditions warrant, right to left

may be approved as well as a different vertical scale), and shall contain, in addition to the above, at least the following information:

1. Location of catch basins, manholes, and other appurtenances with each numbered and stationed.
2. Profile of existing and finished ground line at property line and/or pavement, left and right curb line, and proposed centerline.
3. Percent of all street grades.
4. Beginning of all vertical curves, points of vertical intersection, ends of vertical curve, low point of vertical curve (if a sag curve) and length of vertical curve.
5. Design speed used and "K" value applied.
6. On half street or three-quarter improvements show elevations of the centerline, edge of pavement, and proposed top of curb for 300-feet in each direction of the improvement. Show running and cross slopes of all proposed and existing surfaces, sufficient to show proper slopes of tie ins and transitions.
7. Profiles on stub streets shall be shown 300-feet past the terminus of the street.
8. Street Transitions Street tapers to match new or widened streets to existing adjacent street improvements shall normally be in accordance with AASHTO standards, but shall be a minimum of 10:1 for Local Streets and 20:1 for Collector and Arterial Streets.

SPECIAL NOTE: The design engineer shall field locate and verify the alignment, depth, and inverts of all existing facilities shown on the plans that will be crossed by proposed facilities and shall certify them with a note on the plans. City as-builts are only to be used as an aid to the design engineer when field verifying the existing facilities

Section 4 – Water Design Standards

4.1 Purpose

- A. The purpose of this rule is to provide specific requirements for the design and installation of transmission and distribution pipelines in Nibley, in compliance with City and State standards and rules. These standards are intended to follow state rules and assure that facilities are reliably capable of supplying water in adequate quantities, consistently meeting applicable state drinking water quality requirements, and not posing a threat to general public health.

4.2 Water Main Design

- A. System Pressure
 - 1. Water main lines shall be designed to maintain minimum and maximum pressures as required in Utah State code R309-105-9, under all conditions of flow.
- B. Hydraulic Analysis
 - 1. At the expense of the developer, any proposed water lines shall be added to the Cities existing hydraulic model, and analyzed to ensure proper pressures and flows as regulated by the State of Utah.
- C. Minimum Water Main Size
 - 1. Minimum Water Main Size shall be 12 inches in commercial or industrial zones and 8 inches in all other zones.
- D. Materials
 - 1. Rated for 200 psi min
 - 2. All pipe shall be colored blue
 - 3. Shall be C-900 or C-905 PVC

4.3 Fire Protection & Hydrants

- A. The design of water mains shall be consistent with the state fire flow requirements and pressure as determined by the local fire authority.
- B. The location of fire hydrants shall be consistent with the requirements of the State adopted fire code and as determined by the Local Fire Authority, but in no case shall be farther than 500 feet apart in residential zones and 250 feet apart in commercial or industrial zones.
- C. Fire Hydrant Laterals shall be min of 6 inches in diameter.
- D. Shall not be connected to or located within 10 of sanitary sewers.
- E. Auxiliary valves shall be installed on all hydrant laterals.
- F. Drains shall be installed with a gravel packet unless the natural soils will provide adequate drainage.
- G. All hydrants shall be compression type, Muller Super Centurion Model A-423.

4.4 Dead Ends

- A. Water mains should be looped whenever practical. Dead end lines will be limited to select circumstances as determined by the Public Works Director.
- B. Where dead ends occur, they shall be provided with a fire hydrant
- C. No flushing devices of any kind shall be directly connected to a sewer.
- D. Temporary dead ends
 - 1. Shall be allowed for construction purposes
 - 2. Flushing devices for construction
 - a. 2 inches for 8 inch and 10 inch water main
 - b. 4 inches for 12 inch and larger

4.5 Isolation Valves

- A. Sufficient number of valves shall be provided on water mains so that inconvenience and sanitary hazards will be minimized during repairs. Valves shall be located at not more than 500 foot intervals in commercial and industrial zones and at not more than one block or 800 foot intervals in other zones.
- B. Isolation valves shall be installed on all legs of water lines at an intersecting location, unless otherwise approved by Public Works Director.
- C. Gate Valves required on 10 inch lines and smaller.

4.6 Materials

- A. All materials that may come in contact with drinking water shall be stamped with the NSF logo certifying that the material meets the requirements of ANSI/NSF Standard 61.
- B. All pipes and fittings shall be “lead free” in accordance with section 1417 of the Federal Safe Drinking Water Act.
- C. Previously used materials are not allowed

4.7 High Points in Line

- A. At high points where air can accumulate, provisions shall be made to remove air by means of a hydrant or air relief Valve.

4.8 Air Relief Valve

- A. The open end of air relief vent pipe from automatic valves shall be provided with a #14 mesh, non corrodible screen and a downward elbow extended to at least one foot above grade.
- B. Shall not be directly connected to the sewer.
- C. Shall be installed in a manner to prevent it from freezing
- D. Shut off valve required

4.9 Chamber Drainage – chambers, pits or manholes containing valves, blow-offs, meters or other such appurtenances

- A. Shall not be connected directly to a sanitary sewer.
- B. Provided with a drain to daylight if possible. Where not possible, absorption pits may be used if the site is not subject to flooding, and or a pump system installed.

4.10 Control Valve Stations

- A. Pressure Reducing Valves (PRVs)
 - 1. Isolation valves shall be installed on both sides of the pressure reducing valve.
 - 2. Parallel PRV lines to accommodate low and high flow conditions shall be required.
 - 4. Electronic pressure gauge shall be installed up stream and downstream of PRV, and both shall be tied into City SCADA system.
 - 5. Flow monitoring device shall be required and tied into City SCADA system.

4.11 Backflow Devices

- A. Shall conform to the State-adopted plumbing code.

4.12 Water Services

- A. Corporation Stops
 - 1. Shall be Mueller I.P. Thread/110 conductive compression corporation stops (H-15010)
 - 2. Shall be installed at both ends of the service line
- B. Unions and Couplings
 - 1. Shall be Mueller H-15403, H-15428 and H-15451 or approved equal
- C. Service Clamps
 - 1. Shall be Mueller DR-25 Series double strapped
- D. Service Line
 - 1. Shall be Pure-Core Blue High Density Polyethylene with a 200 PSI rating
 - 2. Tracer wire Required and shall be installed above the service line and attached to the setter with a grounding clamp
 - 3. Warning tape required
 - 4. Shall be installed continuously from the main line to the meter setter, with no joints
 - 5. For new installs, shall be ran perpendicular with the centerline of road
 - 6. Shall be installed 10 feet inside of the property line of the lot being served.
- E. Setters
 - 1. Shall be copper Mueller H-1424
- F. Meter Vaults – 1”
 - 1. Shall be 21 inch, white PE pipe
 - 2. Shall be installed 5 feet behind sidewalk in public utility easement
 - 3. Finished grade of meter lid shall be within one inch of nearest concrete surface. If no concrete exists, finished grade shall be within one inch of surrounding existing surface.

- G. Water Meters
 - 1. Shall be provided and installed by the City upon payment of appropriate fee's
- H. Connections from the water meter setter and private buildings shall conform to Adopted plumbing code, and inspected by building inspector at time of installation.
- I. Meter Vault Lids
 - 1. Shall have a 2" recessed hole for meter antenna

4.13 Multifamily Dwellings

- A. Four-plex units and smaller
 - 1. Shall have individual water services and 1" meters to each unit
- B. Five-plex and larger
 - 1. Shall be allowed to have a common master meter, but shall provide means for turning off individual units
 - 2. Property owners shall be responsible for the maintenance of the valves to the individual units

4.13 Separation from Sewer

- A. Water mains shall be a min of ten feet min horizontally from sewer
- B. Water mains shall be a min of 18 inches above sewer if they cross
- C. Water lines and sewer lines shall not be installed in the same trench
- D. If the basic separation standards as outlined cannot be met, an exception to the rule can be applied for with additional mitigation measures to protect public health, in accordance with Utah State Code R309-105-6(2)(b)

4.14 Cover

- A. 5 feet of earth
- B. Other insulation to prevent freezing as approved by Public Works Director

4.15 Thrust Blocking

- A. Required on all tees, bends, plugs, hydrants per APWA plan No 561 and 562

4.16 Surface Water Crossings

- A. Shall follow State of Utah R309 rules and to be approved on a case by case basis.

4.17 Individual Home Booster Pumps

- A. Not Allowed

DRAFT

Section 5. Sewer Design Standards

5.1 GENERAL

- A. Construction of a sewer project may not begin until the applicant has submitted detailed design and construction drawings to the City Engineer, and received a copy of the approved set of drawings, that have been stamped and signed by the City Engineer .
- B. Sewer services to residential households do not constitute a sewer project, and will not generally be reviewed by the City Engineer.
- C. Storm water and ground water shall not be allowed to enter the sanitary sewer system, unless approved by Public Works Director per Nibley City Code 15.04.060.
- D. Each individually owned unit shall have a separate sewer line connected to the public sanitary sewer system unless otherwise approved by Public Works Director.
- E. All connections to the public sanitary sewer system shall be constructed by a licensed professional contractor.
- F. Sewer laterals shall be backfilled to the same standards as the sewer main line and other pipes.
- G. Wastes detrimental to the public sanitary sewer system or plant shall not be discharged into the sanitary sewer system.
- H. Property owners are responsible for maintenance of sewer laterals from the public right of way, to the residence.
- I. Property owners are responsible for the maintenance of all pretreatment facilities including but not limited to: grease traps, sand separators, oil separators, or clarifiers connected to their facilities.
- J. All permits shall be secured and fees shall be paid before any work is commenced on a sewer connection.

5.2 BASIS OF DESIGN

- A. Planning Period
 - 1. Sewers shall be designed for the estimated ultimate tributary population. The City Engineer may approve the design for reduced capacities provided the capacity of the system can be readily increased when required. The maximum anticipated capacity required by institutions, industrial parks, etc. must be considered in the design.
- B. Sewer Capacity
 - 1. The required sewer capacity shall be determined on the basis of peak hour sewage flow.
- C. Per Capita Flow
 - 1. Residential sewer systems shall be designed on the basis of an annual average daily rate of flow of 100 gallons per capita per day.
- D. Design Flow
 - 1. Residential laterals and collector sewers shall be designed with a peak hour factor of 4.0.

2. Interceptors and outfall sewers shall be designed with a peak hour factor of 2.5
 3. Commercial and industrial capacities shall be calculated and documented by the Engineer or Architect based on fixtures and any expected process or wash down flows. Calculations shall not be considered final until approved by the City Engineer.
 4. The City Engineer will consider other rates of flow for the design if such basis is justified on the basis of supporting documentation.
- E. Design Calculations
1. Detailed computations, such as the basis of design, average and peak flow calculations and hydraulic calculations showing depth of flow, velocity, water surface profiles, and gradients shall be submitted with the construction plans.

5.3 DESIGN AND CONSTRUCTION DETAILS

- A. Minimum Size
1. No publicly dedicated gravity sewer main shall be of less than eight inches in diameter.
 2. No private gravity sewer main shall be of less than six inches in diameter.
- B. Depth of Bury
1. Sewer Main lines shall be buried a minimum of four feet deep, unless otherwise approved by the City Engineer.
 2. Depths of Master Planned sewer trunk lines shall be of sufficient depth to follow plan, per City Engineer.
- C. Slope
1. The pipe diameter and slope shall be selected to obtain velocities to minimize settling problems.
 2. All sewers shall be designed and constructed to give mean velocities of not less than 2 feet per second.
 3. Unless otherwise approved and/or required by the City Engineer, sewer lines six through fifteen inches in diameter shall be designed to flow no more than half full during peak flow. Sewer lines larger than fifteen inches in diameter shall be designed to flow three-fourths full.
 4. Table 1.3.D.4 shows the minimum slopes which shall be provided; however, slopes greater than these are desirable.

Table 1.3.D.4 - Minimum Slopes	
Inch	Feet/Feet
6	.01
8	0.004

10	0.0028
12	0.0022
15	0.0015
18	0.0012
21	0.0010
24	0.0008

5. Sewers shall be laid with uniform slope between manholes.

D. Flatter Slopes

1. Slopes flatter than those required for the 2-feet-per-second velocity criterion, may be permitted by the City Engineer provided that:
 - a. there is no other practical alternative;
 - b. the depth of flow is not less than 30 percent of the diameter at the average design rate of flow;
 - c. the design engineer has furnished with the report the computations showing velocity and depth of flow corresponding to the minimum, average and peak rates of flow for the present and design conditions in support of the request for variance

E. Steep Slopes

1. Where velocities greater than 15 feet per second are attained, special provision shall be made to protect against displacement by erosion and shock.
2. Sewers on 20 percent slopes or greater shall be anchored securely against lateral and axial displacement with suitable thrust blocks, concrete anchors or other equivalent restraints, spaced as follows:
 - a. Not over 36 feet center to center on grades 20 percent and up to 35 percent;
 - b. Not over 24 feet center to center on grades 35 percent and up to 50 percent;
 - c. Not over 16 feet center to center on grades 50 percent and over.
3. Where velocities greater than 15 feet per second are attained drop manholes may be used. Drop manholes may not be used under any other circumstances unless approved by City Engineer

F. Alignment

1. Sewers shall be located under the paved streets or roads to allow access of maintenance equipment under all weather conditions, unless otherwise approved by the City Engineer.
2. Sewers shall be laid with a straight alignment between manholes.

G. Changes in Pipe Size

1. When a smaller sewer joins a large one, the invert of the larger sewer should be lowered sufficiently to maintain the same energy gradient, and shall be documented by the design engineer in plan details and the hydraulic grade lines.

H. Materials

1. The material of pipe selected should be suitable for local conditions. The material of sewer pipe should be compatible with factors such as industrial wastewater characteristics, putrecibility, physical and chemical properties of adjacent soil, heavy external loading, etc.
2. The material of pipe must withstand superimposed loads without any damage. The design of trench widths and depths should allow for loads. Special bedding, concrete cradle or encasement, or other special construction may be used to withstand extraordinary superimposed loading.
3. Unless otherwise approved by City Engineer, all sewers shall be constructed of green SDR 35(or thicker walled) PVC pipe.

5.4 CURVED SEWERS

- A. Not allowed

5.5 INSTALLATION REQUIREMENTS

A. Standards

1. The technical specifications shall require that installation be in accordance with the requirements based on the criteria, standards and procedures established by:
 - a. Utah Administrative Code R317;
 - b. Current American Public Works Association (APWA) Standards and Specs as amended by Nibley City;
 - c. Recognized industry standards and practices;
 - d. The product manufacturer's recommendations and guidance;
 - e. The Following codes, as adopted by the State of Utah: International Building Code, International Plumbing Code, International Mechanical Code and National Electrical Code;
 - f. American Society of Testing Materials (ASTM);
 - g. American National Standards Institute (ANSI); and
 - h. Occupational Safety and Health Administration (OSHA), US Department of Labor or its succeeding agencies;
 - i. American Society of Civil Engineers (ASCE);
 - j. American Water Works Association (AWWA);

5.6 MANHOLES

A. Location, manholes shall be installed at:

1. The end of each line;
2. All changes in grade, size, or alignment;
3. All pipe intersections; and
4. Distances not greater than 350 feet unless otherwise approved by City Engineer.

B. Drop Type Manholes

1. A drop pipe should be provided for a sewer entering a manhole at an elevation of 24 inches (61 centimeters) or more above the manhole invert. Where the difference in

elevation between the incoming sewer and manhole invert is less than 24 inches (61 centimeters), the invert should be filleted to prevent solids deposition.

C. Diameter

1. The minimum diameter of manholes shall be 48 inches;
2. All manholes with three or more pipes entering the base or with pipes 18 inches or larger in diameter shall be 60 inches inside diameter.
3. All manholes shall be analyzed by a Professional Engineer to ensure structural integrity of walls is sufficient for pipe penetrations.

D. Access

1. Concentric cones required
2. A minimum diameter of 25 inches shall be provided for safe access.
3. Corrosive resistant steps beginning no more than 24 inches from the bottom surface of the manhole, up to and within 24 inches of cover of manhole shall be installed. Shall be installed vertically, over the apron.

E. Flow Channel

1. The flow channel through manholes should be made to conform in shape and slope to that of the sewers. The depth of flow channels should be between one-half and three-quarters of the diameter of the sewer. Adjacent floor area should drain to the channel with the minimum slope of 1 inch per foot.

F. Water tightness

1. Manholes shall be of pre-cast concrete.
2. Manholes shall be water tight.
3. Sanitary sewer manholes shall not be installed where ponded water is expected for any duration.
4. Manholes shall be located to avoid street runoff and high water.
5. Locked manhole covers may be desirable in isolated easement locations or where vandalism may be a problem as directed by the City Engineer.
6. Two layers of mastic seal per joint
Pre heat mastic before setting next section
7. Wrap exterior joint with
8. Grout left?

G. Electrical

1. Electrical equipment installed or used in manholes shall conform to appropriate National Electrical Code, as adopted by the State of Utah, requirements.

5.7 INVERTED SIPHONS

- A. Not allowed unless approved by City Engineer.

5.8 SEWERS IN RELATION TO STREAMS

- A. Location of Sewers on Streams

1. The top of all sewers entering or crossing streams shall be at a sufficient depth below the natural bottom of the stream bed to protect the sewer line from damage and freezing. In general, the following cover requirements must be met:
 - a. one foot (30 centimeters) of cover is required where the sewer is located in bedrock;
 - b. three feet (90 centimeters) of cover is required in other material;
 - c. cover in excess of 5 feet may be required in streams having a high erosion potential; and
 - d. in paved stream channels, the top of the sewer must be placed 5 feet below the bottom of the channel pavement.
- B. Horizontal Location
 1. Sewers located along streams shall be outside of the stream bed and banks.
- C. Structures
 1. The sewer outfalls, headwalls, manholes, gate boxes, or other structures shall be located so they do not interfere with the free discharge of flood flows of the stream.
- D. Alignment
 1. Sewers crossing streams should be designed to cross the stream as nearly at right angles to the stream flow as possible, and shall be free from change in grade.
 2. Sewer systems shall be designed to minimize the number of stream crossings.
- E. Construction
 1. Materials.
 - a. Sewer main shall be encased in a joint less casing.
 - b. Material used to backfill the trench shall be engineered to protect sewer line from scour or other damage as directed by the City Engineer
- F. Aerial Crossings
 1. Not Allowed.

5.9 PROTECTION OF WATER SUPPLIES

- A. All sewer designs must comply with the requirements stated in Utah Administrative Code R309.

5.10 SEWER LATERALS

- A. Sewer laterals shall be placed 10 feet from water service line
- B. Shall run perpendicular to centerline of road
- C. Shall have sewer cleanouts at 100' intervals
- D. Shall be connected with a saddle connection and not directly to a manhole

5.11 LIFT STATIONS AND FORCE MAINS

- A. All Sewer Sewage Pumping Stations and Force Main Designs shall comply with Utah State Administrative Code R317-3-3.
- B. A 12 gauge copper wire, PVC jacketed for underground service, shall be placed along the crown of force mains along its entire length.

1. All splices shall be with gel filled wire connectors.
 2. At vault locations, coil wire inside of vault, and secure in a location that is readily accessible near the entrance of the vault, to allow access to the wires without completely entering the vault.
 3. Provide a termination point for locate wire every 500 linear feet. Termination points not in a vault should be protected in valve box type structures.
- C. See Nibley City Standard Lift Station drawings and specifications.

5.12 Private Sewer Mains

- A. Private Sewer Mains are allowed, but not have more than 3 connections to it.
- B. Shall follow the same design guidelines as presented in section 5.3 above.
- C. Manhole not required at connection point.
- D. Two clean outs required at the property line, one in each direction.

Section 6. Storm Drain Design Standards

Cache Valley Storm Water Design Standards As Amended by Nibley City April 2019

These design standards provide the required storm water design criteria and methodology to be utilized for all public and private development and redevelopment required by the Utah Pollutant Discharge Elimination System (UPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4 or MS4 Permit). Any deviations from these criteria shall be reviewed and approved, only if adequate, by the City Engineer in writing prior to initiating and again before finalizing the design or bidding the project. Where any deviations may also affect a canal company or irrigation ditch, a written approval of the canal company shall also be required before the designs will be approved and before bidding the project.

All designs must utilize and comply with the most current edition of the Nibley City Design and Construction Standards and Specifications.

A. DESIGN REQUIREMENTS

All projects, irrespective of the size or type, shall meet these requirements. Where projects are governed by a state or federal agency, their standards shall take precedence. All designs shall be in compliance with the PWD's constructions standards and specifications.

Subsequent sections identify the required methodology based upon the size and type of the project.

1. Storm Water Submittals

B. Submittals Required

Every submittal shall include the calculations in Table B-1 based on contributing storm water runoff source area.

Table B-1: Storm Water Submittals Required

Contributing Areas	Requirements
--------------------	--------------

Less than 1.0 Acre disturbed and not part of a common plan of development	Pollution Control Plan (See B.2) Hydrologic checklists and summary calculations required on checklist. LID and BMP Selection Checklist
Greater than 1.0 acres disturbed or part of a common plan of development.	SWPPP Hydrologic report and copy of checklists, with associated calculations for each drainage basin Water Quality/Treatment Requirements Checklist LID and BMP Selection Documentation and Checklist

1. Storm Water Pollution Prevention Plan

Storm water pollution prevention plans (SWPPP) are required on all projects in PWD boundaries and every project must comply with PWD standards and specifications, whether approved by the PWD or not. Table B-2 summarizes the requirements of the SWPPP.

Table B-2, SWPPP Requirements

Contributing Area Size	Minimum Requirements
Less than 1.0 Acre and NOT part of a common plan of development	A pollution control plan that will address at a minimum the control and prevention of the following: erosion and sediment; dust; debris and garbage; concrete washout and excess material, wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds or other construction materials; soaps solvents or detergents used in vehicle or equipment washing; and toxic or hazardous substances from spills or other releases. Each pollution control plan shall also include an inspection and maintenance plan, record keeping and training, and final stabilization. These can be on a standard design sheet as detailed notes with supporting details or a standalone document.

1.0 Acre and larger OR Less than 1.0 Acre and part of a common plan of development	A full SWPPP using the UDEQ template downloadable from the DWQ at the following web site: http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm All elements in the SWPPP document must be included in the submittal.
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2. Irrigation Canals and Systems

Every existing irrigation ditch or canal has played a part of the City storm water facilities from the settling of the community. When the canals were built, they delivered water from the river and intercepted storm water runoff from uphill naturally. However, when the canals flooded, there weren't houses at risk back then. Now, with ongoing development, these conditions have changed. Design of storm drainage systems using the canals have special requirements as a result and must be approved by not only the City, but also the canal company serving the area of question.

The PWD requires that irrigation ditches and canals that deliver irrigation water be preserved to deliver the water to the water users and to allow access to the ditch or canal for maintenance.

All irrigation canals, pipes, ditches, channels, structures, diversions, and other portions of the system shall be designed for the full range of base flows including historical maximum flows, historical minimum flows, and the full water right flow. Then the channel shall have the upstream storm drain inflows and irrigation return flows added to the model to ensure that all future systems have sufficient capacity. These design flows must to be approved by the associated canal company or irrigation ditch owners in writing and the City Engineer.

C. Water Right Flows

The design flow will be the maximum flow allowed by the canal water rights. Flows down laterals and distribution ditches shall be obtained in accordance with the agreements between the Cities and the canal companies Obtain the water righted flows and the lateral flows directly from the canal companies. These must be documented in a letter signed by an authorized canal company representative to be accepted by the City. Primary canal company contacts are available from the City.

a) Return Flows

Many of the canals receive return flows from the upstream canals. This can seriously complicate the storm water design since many people turn off their

irrigation water and simply pass it down the ditch during storms. This can result in major flooding issues on some canals, even without any storm water entering the canals. When designing a section of the canal, it shall be necessary to take the return flows into consideration and to discuss them with the canal companies. Again, the agreed upon flows must be obtained in accordance with the canal agreements with the Cities.

2. Storm Event (Frequency and Duration Requirements)

Design all storm water facilities associated with projects shall be designed in accordance with Table B-3.

Table B-3: Storm Event Frequency and Duration Design Requirements

Contributing Area Size	Temporary Construction BMPs Design Frequency	Permanent Construction BMPs Design Frequency	Design Storm Duration	Rainfall Depths at KVNU Radio Station
Less than 1.0 acres	2-Year	100-year	Retention/Infiltration: 48 hours All Other BMPS: 24 Hours	24 Hour, 2-year: 1.46 inches 10-year: 2.04 inches 25-year: 2.41 inches
1.0 acres and less than 640 acres	2-Year	100-year	Retention/Infiltration: 48 hours All Other BMPS: 24 Hours	50-year: 2.71 inches 100-year: 3.02 inches 48-hour,
640 Acres and larger	2-year	10-year, 25-year, 50-year, and 100-year	Retention/Infiltration: 48 hours All Other BMPS: 24 Hours	2-year: 1.68 inches 10-year: 2.33 inches 25-year: 2.75 inches 50-year: 3.08 inches 100 Year: 3.42 inches

Existing development shall be required to construct storm water facilities to meet the new storm water design criteria at the time of redevelopment or reconstruction of any facilities. However, the return frequency and design duration may be modified under extreme conditions at the direction of the City Engineer with approval of the agency managing the receiving waters in writing.

3. Allowable Storm Water Discharge

There are two criteria related to the allowable discharge that shall be met by all projects. Any exceptions to this requirement shall be evaluated and approved on a case by case basis using the methodology provided in this document and other equivalent water quality treatments shall be utilized. Approval by the PWD is required before any deviations are allowed.

a) Mandatory Onsite Management

Under the MS4 Permit, all new development and re-development, including roads, shall be designed to manage the 90th percentile rainfall event as defined Table B-4 and Table

B-5 of these design standards. The MS4 permit requires that the entire volume of the 90th percentile storm that falls on the site shall be infiltrated, evaporated, and/or harvested (not exceeding amounts allowed by Utah Division of Water Rights).

Table B-4: 90th Percentile Storm Definitions in Cache County

Gauging Station	LOGAN RADIO KVNU UT US	LOGAN UT STATE UNIVERSITY UT US	LOGAN 5 SW EXPERIMENTAL FARM UT US
Depth (Inches)	.60	.66	.63
Elevation (ft)	4,505	4,778	4,491

Table B-5: 90th Percentile Design Criteria by PWD.

PWD	90 th Percentile Criteria
Logan City	Elevation < 4,642: Use 0.60 inches (KVNU) Elevation > 4,642: Use 0.66 inches (UT State University)

Under conditions where the 90th percentile storm cannot be managed on site, the designer shall provide a storm water design report that shall document the following:

1. Why the 90th percent storm cannot be managed on site.
2. Provide an alternative design rational that maximizes all of the following:
 - a. Infiltration,
 - b. Rain harvesting as allowed by the Utah Division of Water Rights,
 - c. Evapotranspiration.

b) Maximum Allowable Discharge

Most of the storm water in Cache Valley discharges to irrigation ditches and canals before reaching the rivers and streams. However, the ditches and canals are not designed to carry the increase in flows and are at risk of flooding both private and public property. Through negotiations with the canal companies, the following flow rate restrictions have been agreed upon:

- 1) The storm water runoff leaving the site during the 1 percent (100-year) event shall not exceed the lesser of:
 - a) Discharge prior to development (Historical Runoff Flow), or
 - b) 0.2 cfs per acre.
- 2) All storm water calculations shall include the following:
 - a) A calculation of Historical/Predevelopment flow rate. This is defined as the flow rate off of an irrigated pasture in good condition using the NRCS Curve Number Methodology defined in Section 3 of this standard.
 - i) If the Historical /Predevelopment flow rate is greater than 0.2 cfs/acre, then the maximum allowable discharge is 0.2 cfs/acre.
 - ii) If the Historical/Predevelopment flow rate is less than 0.2 cfs/acre, then the Historical/Predevelopment flow rate is the maximum allowable discharge.
 - b) A calculation of the Post-Construction flow rate and volume. If the Post- Construction flow rate, after the removal of the 90th percentile storm in B.4.a above, exceeds the maximum allowable discharge, additional detention or retention of flows shall be included in the design until the discharge is reduced to not more than the maximum allowable discharge.
- 3) The locations of the storm water discharge shall not be altered without permission. This is interpreted to mean that the ditches or canals receiving the discharge cannot be changed without express approval of the managers of the receiving ditches or canals.

6. Water Quality/Treatment Requirements and Possible BMPs

Under the MS4s Permit, Nibley City is required to “ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs must be selected that address pollutants known to be discharged or anticipated to be discharged from site.” The BMPs and Procedures included in this section summarize the design requirements for the most common BMPs to meet the MS4 permit requirements. Table B-6 summarizes many of the pollutants of concern based on expected land use.

Retail Gasoline Outlets	Oils, Fuel, Fuel Combustion byproducts, salt, sediment, garbage and trash.	Petroleum Products, Trash, BOD, E.coli, pesticides, herbicides, and other chemicals.	Limit: ☐ total phosphorus < 0.07 mg/L. ☐ total nitrogen < 6 mg/L ☐ BOD5 < 5 mg/L. ☐ E.Coli < 126 ☐ TDS < 1200 mg/L ☐ TSS cause <10 NTU ☐ increase in receiving water ☐ TSS < 70 mg/L ☐ Petroleum cause no sheen ☐ Trash cleaned up
Large Grassed Areas (parks, churches, etc.) and Golf Courses	Organic trash such as leaves, grass trimmings, decomposing vegetation, and animal waste. Application of fertilizers, pesticides, and herbicides	Phosphorus, Nitrogen, BOD, E.coli, pesticides, herbicides, and other chemicals.	Limit: ☐ total phosphorus < 0.07 mg/L. ☐ total nitrogen < 6 mg/L ☐ BOD5 < 5 mg/L. ☐ E.Coli < 126
Animal Operations (Feed Lots, Veterinary Clinics, Research Facilities)	Animal wastes	Phosphorus, Nitrogen, BOD, E.coli, pesticides, herbicides, and other chemicals.	Limit: ☐ total phosphorus < 0.07 mg/L. ☐ total nitrogen < 6 mg/L ☐ BOD5 < 5 mg/L. ☐ E.Coli < 126 ☐ TSS cause <10 NTU ☐ increase in receiving water ☐ TSS < 70 mg/L

Table B6- Pollutants of primary concern

7. Required LID and BMP Selection

Under the MS4s Permit, Nibley City is required to “ensure that all storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs must be selected that address pollutants known to be discharged or anticipated to be discharged from site.” As part of the selection of BMPs, the designer is required by the MS4 Permit to

evaluate and utilize LID methods that infiltrate, evapotranspire, or harvest and use storm water on site to protect water quality.

The BMPs and Procedures included in this section summarize the design requirements for the most common BMPs. However, the State of Utah DEQ has published a *Guide To Low Impact Development in Utah*, that may also be used and will be referred to by Nibley City staff while evaluating proposed LID practices and proje.

a) Mandatory LID Evaluation

Each project shall be evaluated for the use of LID approach with encourages the implementation of BMPs that infiltrate, evapotranspire or harvest and use storm water on site to protect water quality. The evaluation shall use shall include both structural and non-structural BMPs. If the designer determines that an LID approach cannot be utilized, the designer shall document and explain the reasons that LID will not work on the specific site and provide the rationale for the chosen alternative controls that will be used to obtain the same water quality objectives. This evaluation shall be completed on a case by case basis. As a minimum, the evaluation shall document:

1. Why LID won't work.
2. Rational for the chosen alternative controls on a case by case basis for each project.

LID to be considered on all Projects

(i) Development in riparian areas

1. Riparian areas are defined as being within 75 feet of centerline of streamdrainage a basin larger than 1 square mile, and land within 25 feet of stream centerline for streams that drain areas of one square mile or less.
2. All structures shall maintain a setback of 25 feet from the top of the stream bank within a riparian area.
3. No more than 50% of the land area within the riparian area may be disturbed, including grading, clearing, grubbing, tree removal etc. All disturbed areas shall be revegetated within 60 days of initial disturbance.
4. Trees larger than 12" dbh shall not be removed from the riparian area unless they are considered a hazard tree, diseased or dead.

(ii) Open Space Preservation

1. Open space is an area of land or water that may be used for passive

or active recreation, agriculture, conservation, landscaped areas, preservation of the natural environment, scenic land, and/or other similar uses.

2. Minimum open space by development type shall include:
 - a. Residential: 20%
 - b. Commercial: 10%
 - c. Industrial: 10%
3. A permanent restrictive covenant in the form of a perpetual conservation easement shall be placed upon open space land requiring its maintenance as open space.

(iii) Land Designation as a Resource Conservation Zone

1. The Resource Conservation Zone includes lands protected from development such as highly productive agricultural lands, areas of high visual value, and critical environmental resources especially including lands critical to protecting the water quality of our rivers and streams. Much of this land would be wetlands.
2. This zone is intended to maintain the vegetation in this area.

(iv) Landscaping

1. Landscape buffers shall be provided between parking areas and adjacent residential, commercial, or industrial properties.
2. Landscaping shall be installed in all yard areas, along the perimeter of the lot, around buildings and all other portions of the property not specifically utilized otherwise.
3. Minimum Landscaping requirements:
 - a. Commercial, industrial, mixed-use, and multi-family projects shall comply with the following:
 - i. 50% of the required useable open space of the project shall be planted landscape area.
 - ii. Twenty trees shall be required per one (1) acre of gross land
 - iii. Fifty (50) shrubs shall be required per one (1) acre of gross land.
 - iv. Plant material shall be placed around the perimeter of the building foot print in a three (3) foot minimum planting strip with the exception of entrances, utilities and where setbacks are less than three feet.
 - v. Mulch or clean gravel is recommended in non-turf areas to retain water and encourage infiltration. Weed barrier fabrics or drainage fabrics placed under the mulch or gravel shall be porous material to allow water and air to infiltrate into the soils

below.

b. Landscaping of Rights-of-way

- i. All public or private streets shall provide a planted landscaped strip (park strip) and be perpetually maintained by the adjacent property owner.
- ii. Street trees shall be planted within the parkstrip along both sides of all streets every thirty (30) feet on center.
- iii. Residential park strips shall be planted with live plant material to a minimum of fifty percent (50%). When calculating the park strip coverage percentage areas, plants may be measured at mature spread excluding street trees.
- iv. Impermeable surfaces such as asphalt or concrete are prohibited within the park strip.

c. Parking Lot Landscaping

- i. The parking lot perimeter landscaping requirements apply to all off-street parking lots that are not otherwise fully screened from view of the adjacent public rights-of-way. Parking Lot perimeter landscaping is governed by the City Land Development Code.
- ii. The parking lot interior landscaping shall provide the following:
 1. At least 18 square feet of interior landscape planting area for each off-street parking stall.
 2. Landscaping located within the interior shall be evenly dispersed throughout the area.
 3. All aisles shall have landscaped areas at each end of the aisle.
 4. One landscaped planter area containing at least one (1) tree shall be installed within the interior of the parking area for every fifteen (15) stalls.

b) Infiltration BMPS

(i) At Grade Retention/Infiltration Basins

1. All retention basins shall be sized to meet the requirements of Section B of this chapter and to contain 100 percent of project site runoff from the design storm. Infiltration during the storm shall not be included in the calculation.
2. Side slopes shall not be steeper than 3:1 (H:V).
3. The maximum depth of the pond shall be three feet plus one (1) foot of

freeboard above the emergency overflow and a maximum water depth of three (feet) below the emergency overflow. All other ponds require special design, approval, and permitting including safety precautions on a case by case situation.

4. All ponds shall be stabilized with rocks or planted vegetation to prevent internal erosion. Vegetation or other stabilization shall be maintained.
5. All ponds shall drain within 3 days (72 hours) from the end of the storm event. This is to be documented with a certified percolation test of the native sub-grade material and the material placed during construction, and documented in the soils report.
6. Emergency overflows and the flow path of the overflows shall be mapped for purpose of flooding.
7. The emergency overflow shall be designed to pass the full 100 year event.
8. Other utilities (for example water lines, sewer lines, gas lines, power lines, phone lines, etc.) shall not be allowed through the retention pond or within 5 feet of the pond berms.
9. The invert or lowest point in the pond shall be not less than 24-inches above the historically highest groundwater levels.
10. The bottom of the pond shall be finished to maintain historical infiltration.

(ii) Underground Retention/Infiltration Systems

1. All retention basins shall be sized to meet the requirements of Section B of this chapter and to contain 100 percent of project site runoff from the design storm. Infiltration during the storm shall not be included in the calculation.
2. Underground buried retention and injections systems, are not allowed in drinking water source protection zones 1 and 2.
3. Underground systems shall provide adequate access points for cleaning and maintenance of the underground chambers.
4. All systems shall drain by infiltration within 3 days (72 hours) from the end of the storm event. This is to be documented with a certified percolation test and documented in the soils report.
5. Sumps shall provide adequate water quality treatment to prevent contamination of the ground water aquifer.
6. Emergency overflows and the flow path of the overflows shall be mapped for purpose of flooding and flood insurance requirements.
7. The emergency overflow shall be designed to pass the full 100 year event.
8. Other utilities (for example water lines, sewer lines, gas lines, power lines, phone lines, etc.) shall not be allowed through or under the underground retention system.

9. Registration with the DWQ and a Class 5 Injection Well Permit are required for all underground retention/infiltration systems.

(iii) Infiltration Trenches

1. Infiltration trenches are not allowed in drinking water source protection zones 1 and 2.
2. Infiltration trenches shall provide adequate access points for cleaning and maintenance underground piping.
3. Infiltration trenches shall drain by infiltration within 3 days (72 hours) from the end of the storm event to provide adequate storage for a subsequent event. This is to be documented with a certified percolation test and documented in the soils report.
4. Infiltration trenches shall have adequate water quality treatment to prevent contamination of the ground water aquifer.
5. Emergency overflows and the flow path of the overflows shall be mapped for purpose of flooding and flood insurance requirements.
6. The emergency overflow shall be designed to pass the full 100 year event.
7. Other utilities (for example water lines, sewer lines, gas lines, power lines, phone lines, etc.) shall not be allowed through or under the infiltration trenches.
8. Registration with the DWQ and a Class 5 Injection Well Permit are required for all infiltration trenches.

(iv) Infiltration Swales

1. Side slopes shall not be steeper than 4:1 (H:V).
2. The maximum depth of the pond shall be one (1) foot.
3. All ponds shall be landscaped per landscaping requirements. Vegetation or other stabilization shall be maintained.
4. All swales shall drain within 3 days (72 hours) from the end of the storm event. This is to be documented with a certified percolation test of the native sub-grade material and the material placed during construction, and documented in the soils report.
5. Emergency overflows and the flow path of the overflows shall be mapped for purpose of flooding to ensure all emergency overflows are to the PWD drainage system
6. The invert or lowest point in the pond shall be not less than 24-inches above the historically highest groundwater levels.
7. The bottom of the pond shall be finished to maintain historical infiltration.

8. Temporary check dams shall be constructed at 150' intervals during construction of a subdivision. May be removed when permanent driveway is installed within the lot the temp dam is constructed on.
9. Swales must be completed to final grade and top soil prior to final acceptance of a subdivision.

(v) Permeable Pavements

Permeable (or pervious) pavements contain small voids that allow water to pass through to a stone base. They come in a variety of forms; they may be modular paving system (concrete pavers, modular grass or gravel grids) or poured in place pavement (porous concrete, permeable asphalt). All permeable pavements with a stone reservoir base treat storm water to remove sediments and metals to some degree by allowing storm water to percolate through the pavement and enter the soil below. All permeable pavement systems shall be designed to ensure that water in the pavement and the rocks below completely infiltrate into the soil within 72 hours.

(vi) Injection Wells (Sumps)

1. Injection wells also known as sumps are not allowed in drinking water source protection zones 1 and 2.
2. Injection wells shall provide adequate access points for cleaning and maintenance underground piping.
3. Injection wells shall drain by infiltration within 3 days (72 hours) from the end of the storm event to provide adequate storage for a subsequent event. This is to be documented with a certified percolation test and documented in the soils report.
4. Injection wells shall have adequate water quality treatment to prevent contamination of the ground water aquifer.
5. Emergency overflows and the flow path of the overflows shall be mapped for purpose of flooding and flood insurance requirements.
6. The emergency overflow shall be designed to pass the full 100 year event.
7. Registration with the DWQ and a Class 5 Injection Well Permit are required for all injection wells.

c) Storm Water Harvesting

Storm water harvesting will not be considered a means of an acceptable permanent stormwater BMP.

d) Natural Filters

Natural Filter facilities are landscaped shallow depressions that capture and filter stormwater runoff. As stormwater passes down through the planting soil, pollutants are filtered, adsorbed, and biodegraded by the soil and plants. Because they are not contained within an impermeable structure, they may allow for infiltration.

Projects that have demonstrated they cannot manage 100% of the water quality design volume onsite through infiltration and/or stormwater harvesting BMPs may manage the remaining volume through the use of a high removal efficiency natural filter BMP. A high removal efficiency natural filter BMP shall be sized to adequately capture 1.5 times the volume not managed through infiltration and/or capture and use.

(i) Bio-Filters

Most natural filter systems can be classified as biofilters. They normally consist of a ponding area, mulch layer, planting soils, plants, and in some cases an underdrain. Runoff that passes through a biofiltration system is treated by the natural absorption and filtration characteristics of the plants, soils, and microbes with which the water contacts.

(ii) Rain Gardens

Rain gardens are simply gardens designed to capture and treat runoff. They are generally small in size and should not be used to treat impervious areas exceeding 4,000 square feet. Rain gardens most often utilize native plant species and soil amendments to encourage absorption of stormwater. For projects with impervious areas exceeding 4,000 square feet biofilters, planter boxes with infiltration, vegetated swales or natural buffer strips should be considered.

(iii) Planter Boxes with infiltration

Planter boxes with infiltration are natural filtration treatment control measures located in and around structures and facilities to handle larger volumes of water than a typical rain garden. They typically are constructed with vertical or near vertical sides and above

ground. They can be equipped with underdrains if necessary. Planter boxes with infiltration should maintain setbacks from adjacent buildings, other structures, sidewalks or roadways.

(iv) Vegetated Swales

Vegetated swales are open, shallow channels with dense, low-lying vegetation covering the side slopes and bottom that collect and slowly convey runoff to downstream discharge points. An effective vegetated swale achieves uniform sheet flow through the densely vegetated area for a period of several minutes. The vegetation in the swale can vary depending on its location and is the choice of the designer. Most swales are grass-lined.

(v) Filter or Buffer Strips

Filter strips are vegetated areas designed to treat sheet flow runoff from adjacent impervious surfaces such as parking lots and roadways, or intensive landscaped areas such as golf courses. While some assimilation of dissolved constituents may occur, filter strips are generally more effective in trapping sediment and particulate-bound metals, nutrients, and pesticides. Filter strips are more effective when the runoff passes through the vegetation and thatch layer in the form of shallow, uniform flow. Filter strips are primarily used to pretreat runoff before it flows to an infiltration BMP or another natural filtration BMP.

e) Man-Made Treatment

(i) Planter Boxes

Planter boxes are bioretention treatment control measures that are completely contained within an impermeable structure with an underdrain (they do not infiltrate). They are similar to bioretention facilities with underdrains except they are situated at or above ground and are bound by impermeable walls. Planter boxes may be placed adjacent to or near buildings, other structures, or sidewalks.

(ii) Hydrodynamic Separators

Hydrodynamic separators are stormwater management devices that work primarily based on vortex and gravity principles to separate stormwater from the pollutants. They are generally designed as flow-through systems with either on-line or off-line storage of pollutants. They include chambers for settling and storage of pollutants and are often used in conjunction with other BMPs as pretreatment. They are not especially effective for the removal of fine materials or dissolved pollutants. On-line separators are more susceptible to scour or re-suspension of pollutants than systems that incorporate off-line storage.

f) Settlement systems

Settlement systems are used to store and settle out sediment using Stokes Law. This approach does not infiltrate, harvest, or evaporate sufficient water. However, it can be used in combination with other BMPs to ensure treatment of water above

the 90th percentile storm to ensure water quality requirements and the flow requirements of the canal companies are met.

(i) At Grade Detention Basins

1. Side slopes shall not be steeper than 3:1 (H:V).
2. The maximum depth at the emergency overflow location of the pond shall be three feet plus one (1) foot of freeboard above the emergency overflow and a maximum water depth of three (feet) below the emergency overflow. All other ponds require special design, approval, and permitting including safety precautions on a case by case situation.
3. All ponds shall be stabilized with rocks or planted vegetation to prevent internal erosion. Vegetation or other stabilization must be maintained.
4. Where orifice and snouts are used, the orifice size is limited to not less than three (3) inches in diameter to prevent clogging.
5. Emergency overflows and the flow path of the overflows shall be mapped to natural streams, canals, or city approved drainage system for purpose of flood mapping using existing topographic mapping.
6. The emergency overflow shall be designed to pass the full 100 year event.
7. Other utilities (for example water lines, sewer lines, gas lines, power lines, phone lines, etc.) shall not be allowed through the detention pond or within 5 feet of the pond berms.
8. The invert or lowest point in the pond shall be not less than 12-inches above the historically highest groundwater levels (whichever is higher).
9. The bottom of the pond shall be finished to maintain historical infiltration.

(ii) Underground Detention Systems

1. Underground systems shall provide adequate access points for cleaning and maintenance.
2. All Detention systems shall drain by discharge (detention basins) within 3 days (72 hours) from the end of the storm event. This is to be documented.
3. Emergency overflows and the flow path of the overflows shall be mapped for purpose of flooding and flood insurance requirements.

4. The emergency overflow shall be designed to pass the full 100 year event.
5. Other utilities (for example water lines, sewer lines, gas lines, power lines, phone lines, etc.) shall not be allowed through or under the underground retention system.

8. Curb and Gutter Flow Design

1. The flow depth in the gutter shall not be allowed to exceed the lesser of the top back of curb elevation (TBC) or the peak drive way approach elevation during the required storm event. This includes a combination of piping, curb and gutter, and ditches.
2. Where the flow depth is exceeded, storm drain inlets and a piped system shall be required and appropriate actions taken to eliminate overtopping of the curbs and flooding private property.

9. Channel Design

1. Channel side slopes shall not be steeper than 3:1 (H:V) unless they are concrete. Where they are incorporated into landscaping, flatter slopes shall be required. This will be evaluated on a case by case basis.
2. Channel velocities shall be slow enough to prevent scour, and where possible, facilitate further settlement of sediments unless the channel is used to deliver irrigation water as well. If the channel will also carry irrigation water, maintain velocities above 2 ft/sec if possible, but at no time exceed 4 ft/sec.
3. Where rip-rap is used, design shall be in accordance with EM-1110 from the US Army Corp of Engineers or HEC-11 from the Federal Highway Administration.
4. Free board on the channels shall be in compliance with the Bureau of Reclamation, Design of Small Canal Structures.
5. Channel maintenance easements shall be maintained as required in the City and Canal Company agreements.

10. Pipe Design

1. For storm water pipes, roughness coefficients listed in the table included in Section D of these standards that coincide with the accepted pipe materials in the City's Standard Specifications, most current edition shall be used.

2. Maintain velocities in the pipes at design flows sufficient to prevent sediment deposition and low enough to prevent scour damage to the pipe.
3. Pipe outlets shall have a flared end discharge unless more stringent methods of energy dissipation are required.
4. Minimum diameter of storm drains shall be:
5. 12 inches for laterals
6. 15 inches for trunk lines
7. 18 inches under the UDOT right of way.
8. Pipe sizes shall not decrease in the downstream direction.
9. Maximum flow depth in the pipe during the design storm shall not exceed 0.85 times the diameter of the pipe.

D. REQUIRED HYDROLOGIC METHODOLOGY

1. Design Methodology

Table C-1 summarizes the required methods based on the area contributing flows to the system, including offsite flows. THE RATIONAL EQUATION IS NOT ALLOWED FOR DESIGN OF BEST MANAGEMENT PRACTICES.

Table C-1, Hydrologic Methods Required

Contributing Area (Acres)	Methodology Required
Less than 10.0 Acre	SCS Method with calculated time of concentration. Time of Concentration shall not be less than 5 minutes.
Greater than 10.0 Acres	SCS Method. The time of concentration can be calculated or hydrodynamic solutions may be used. If hydrodynamic solutions are used, the model must be provided to the PWD for detailed review of all assumptions and data used.

2. Design Hyetographs

Table C-2 summarizes the hyetograph which shall be used during the design.

Table C-2, Required Design Hyetograph

Contributing Area (Acres)	Methodology Required
Less than 10.0 Acres	SCS Type II Storm
10.0 Acres or Larger	SCS Type II Storm or other acceptable Hyetograph with special approval.

3. Hydrologic Procedures

The SCS method, as developed in TR-55 by the Soil Conservation Service in the 1950s, requires the designer to address the soil conditions, vegetative cover, and the antecedent soil condition (AMC) being evaluated.

a) SCS Soil Conditions

Soil maps and references available from the Natural Resource Conservation Service will identify the group associated with each soil class. HOWEVER, the designer needs to consider the effects of the final landscaping, such as the use of top soil, as part of his design.

There are four primary soil conditions available in the SCS method, grouped as A, B, C, and D.

Group A soils typically are gravels and sands with fast infiltration rates and low runoff potential. While there are Group A soils on some of the benches and along the Logan river in some places, as soon as any landscaping with topsoil occurs, the storm water benefit is lost. Unless specific LID design is incorporated to maintain the infiltration potential of these soils, final landscaping will require a different soil group.

Group B soils have moderate infiltration rates when wetted and consist of moderately well drained soils with moderately fine to coarse textures, typically without clay.

Group C soils have slow infiltration rates if thoroughly wetted and consist of soils that have a layer that impedes vertical infiltration.

Group D soils have a slow infiltration rate if thoroughly wetted and consist of clays, usually with high swelling potential, soils with a permanent high water table, soils with a clay pan or hard pan later near the surface, and shallow soils over an impervious material.

b) Antecedent Soil Conditions

In addition to the soil group, the antecedent moisture condition (AMC) must also be considered. For the average case, the SCS has defined AMC II to apply as the definition of the conditions preceding most annual floods. For this purpose, AMC II will be used for all PWD approved projects.

Upon selecting the soil group, the appropriate curve number can be selected from various standard references and text books. A common free reference is the HEC-HMS technical reference manual which can be downloaded from the Army Corp of Engineers HEC website. Runoff coefficients are subject to approval by the City Engineer.

c) Runoff Coefficients

PWD has established standard runoff coefficients that shall be used to ensure compatibility of results from the base model and each individual project.

Calculations differing from these values shall be returned to the design professional for corrections.

Table C-3, Required Runoff Coefficient (CN)

Condition	Soil Group A	Soil Group B	Soil Group C	Soil Group D
Asphalt	98	98	98	98
Concrete Pavement	98	98	98	98
Grassed Open Space (Grass Cover > 75%)	39	61	74	80
Grassed Open Space (Grass Cover 50-75%)	49	69	79	84
Graveled Areas	76	85	89	91
Woods and Forested Areas (Good Condition)	25	55	70	77
¹⁾ Residential Lots, less than ¼ acre	77	85	91	94
¹⁾ Residential Lots, ¼ acre to ½ acre	61	75	83	87
¹⁾ Commercial Business Areas	89	92	94	95
¹⁾ Industrial Areas	81	88	91	93

¹⁾ Where the weighted values are too cumbersome to calculate, or insufficient data is available outside of the project area, use these values.

d) Time of Concentrations Calculations

There are numerous equations for calculating the time of concentrations. While many may be applicable to various locations, Table C-4 identifies the methods that shall be used in determining the time of concentrations within the PWD areas.

Table C-4, Time of Concentration Calculations

Larger of Contributing Area or Project Area (Acres)	Sheet Flow	Open Channel Flow	Piped Flow
Less than 10.0 Acres	Calculated per HEC-22	Calculated per HEC-22	Calculated per HEC-22
10.0 Acres or Larger	Coordinate with City Engineer	Coordinate with City Engineer	Coordinate with City Engineer

E. HYDRAULIC CALCULATIONS

Hydraulic calculations shall be used for sizing pipes and open channels associated with the total design flows.

1. Channel Design

Channels shall be designed with a trapezoidal cross section using roughness coefficients associated with the final restored condition. The Manning's equation methodology shall be used for sizing and considering the associated backwater impacts from downstream conditions. Computer software can be used to calculate the channel size, but sufficient data and results shall be provided to validate the procedure, assumptions, and conclusions.

2. Pipe Design

For design of pipes and culverts, the designer shall demonstrate that the pipes meet the standard design requirements using Manning's equation for open channel flow and standard culvert calculation procedures to determine inlet and outlet control conditions. Full pipe flow designs are not allowed for gravity systems. For storm water pressure mains from pump stations, either the Hazen-Williams or Darcy-Weisbach equations will be allowed. Roughness coefficients and assumptions shall be in accordance with Table D-1 selected from various references.

Pipe material: shall be Reinforced Concrete Pipe (APWA 33 05 02) or Polyethylene Pipe (APWA 33 05 06) or Polypropylene (APWA 33 05 11).

Required cover shall follow manufacturers recommendations, but in no case shall be less than 12" without prior approval from City Engineer.

Due to many places in the City having high ground water, flotation and buoyancy calculations are required on all Poly pipe installations, and counter measures designed if calculations show a risk of the pipe floating.

Table D-1, Manning's Coefficients for Pipe

Material	Roughness "n"
Smooth Interior HDPE or PE Pipe	.010
Reinforced Concrete	.013

The design and sizing may be done manually or with the use of computer software. However the results must be provided as part of the submittal review process.

3. Spread Width Calculations

Spread width calculations and depth of flow in the gutters shall be completed in accordance with HEC-22 methodology developed by the Federal Highway Administration (FHWA). These calculations can be completed using numerous available software or manually. However, the calculations must be documented and provided to the City for review for the design storms.

Section 7. Other Utility Design Standards

- 7.1 Monuments.** Permanent monuments shall be accurately set and established within the subdivision at such points and to the specifications determined by the City Engineer as necessary to definitely establish all the lines of the plat and individual lots.
- A. All subdivision plats shall be tied to two corner or monuments of record or established land office survey corners, as well as the Nibley City Monument System.
 - B. Curb pins shall be placed in the center of the top of curb at locations where the property lines would intersect the curb if they were to extend to the centerline of the road.
- 7.2 Natural Gas Service.** Natural gas mains and laterals shall be installed to each lot, to the lot line.
- 7.3 Electric Power Service.** Underground electrical conduits shall be installed to each lot, to the lot line.
- 7.4 Street Lighting.** Street lights shall be shown on construction plans, and required every:
- A. Five hundred feet (500') throughout the subdivision;
 - B. At all intersections;
 - C. At the back of each cul-de-sac.
- 7.5 Street Signs.** Street signs shall be paid for by the developer as part of the Development Agreement. City staff shall order the signs and install the street signs.

Section 8. Street Standards

8.1 Additional Referenced Standards. Design of street and related improvements in Nibley City shall conform to these Design Standards, Nibley City Standard Construction Specifications, and certain sections (as required by the City Engineer) of the current edition of the following referenced standards or documents:

- A. “A Policy on the Geometric Design of Highways and Streets” American Association of State Transportation and Highway Officials (AASHTO)
- B. “Manual on Uniform Traffic Control Devices (MUTCD) for streets and highways” US Department of Transportation Federal Highway Administration
- C. “Guide for the Design of Pavement Structures” American Association of State Transportation and Highway Officials (AASHTO)
- D. “Roadside Design Guide” American Association of State Transportation and Highway Officials (AASHTO)
- E. “Standard Specifications for Highway Construction” Utah Department of Transportation (UDOT)
- F. Uniform Fire Code
- G. American Public Works Association Manual of Specification and Plans

8.2 Street Classification and Rights of Way Width. The Nibley City Transportation Master Plan shall establish street classifications. In the event that the Transportation Master Plan does not provide sufficient information in determining a classification, the City Engineer shall make a final determination.

- A. Local Streets
 - 1. Serve up to 75 residences
 - 2. Serve an ADT of 750 or less
 - 3. Shall have a minimum of a 60-foot right of way, unless listed on the Master Street Plan Map, then must comply with 8.3 (C).
- B. Collector Streets
 - 1. Serve over 75 residences
 - 2. Serve an ADT between 750 and 4000
 - 3. Designated in the Transportation Master Plan or General Plan
 - 4. Shall have a minimum of 66-foot right of way
- C. Arterial Streets
 - 1. Designated in the Transportation Master Plan or General Plan
 - 2. Shall have a minimum of 80-foot right of way

8.3 Standard Street Cross Sections.

- A. Street Cross Sections shall conform to the following table and section with cross sections in the Transportation Master Plan Chapter 5.

Typical Section	Description	Street Classification	Right-of-way Width (feet)	Applicable Streets
TS-1	3-Lane Street with Buffered Bike Lane	Arterial	99	Heritage Drive, 4400 South, 3200 South
TS-2	3- Lane Street with Trail Facility			
TS-3	2- Lane Street with Buffered Bike Lane And Trail Facility	Arterial	80	2600 S (East of Railroad); 1200 W
TS-4	2-Lane Street with Buffered Bike Lane	Arterial	80	1900 W
TS-5	2-Lane Street with Trail Facility	Arterial	80	4000 South, 2600 South (West of 1200 W)
TS-6	2-Lane Street (No Bike Facility)	Arterial	80	2500 West
TS-7	2 Lane Street with on street parking	Collector	66	1000 W, Other collector within subdivision
TS-8	2 Lane Street with Bicycle Boulevard	Collector	66	250 W,
TS-9	2 Lane Street (No Bike Facility)	Collector	66	3650 S; Nibley Parkway; 2200 South; 1700 West; 1500 West; 900 West (South of 3200 South); 900 West (2600 South to 900 West); 700 West (South of 4000 South); 250 East
TS-10	2-Lane Street with Trail Facility	Collector	66	800 West (North of 2600 South); 640 West (4000 South to 3200 S)

:

B. All neighborhood and local streets within a subdivision shall comply with TS-13 in the Transportation Master Plan, or TS-14 if the developer or City wishes to incorporate swales. The City may allow the use of TS-11 when there is a proposed Trail use within the Trails Master Plan or proposed as part of a development. TS-12 may be approved in limited

circumstances to access a residential development, or an industrial or commercial facility. TS-12 may also be used in town-home, condominium or Residential-Planned Unit Developments as long as sufficient parking is provided in parking courts, dedicated sections of on street parking, driveways, and garages.

- C. Local Collector roads are roads labeled within the Master Street Plan Map as local roads. These roads shall be built to 66 right-of-way width. TS-7 shall be the default cross-section. The Public Works director may allow other cross-section for local collectors based on 8.3 (D)
- D. The City Public Works Director may adjust the layout of the above listed cross sections for Low Impact Development, increase safety, or to achieve other goals that are contained in the General Plan, Transportation Master Plan, Trails Master Plan, or the master/development plan of a subdivision.
 - 1. Examples of reason why a cross-section would be altered include some of the following: increase width of sidewalks or bike lanes, increase width of proposed swales, eliminating street parking where sufficient parking will be located in parking court or lot or to allow for bicycle or pedestrian facilities, etc.
- E. Right-of-way widths must comply with right-of-way widths listed in the Transportation Master Plan. The Public Works director may approve a wider right-of-way if necessary, for traffic, Low Impact Development, or to improve the function of an intersection.

8.4 Street Design Speeds Design considerations for all street geometrics shall reflect the following design speeds. Variances from these design speeds shall be approved by the City on a case-by case-basis.

- A. Shall normally be as follows: Design Speed/ Posted Limit
 - 1. Local 30 mph /25 mph
 - 2. Collector Streets 30 mph/25 mph
 - 3. Arterial Streets 40 mph/35 mph
- A. Design of controlled intersections shall conform to applicable requirements Referenced Standards listed in Section 6.1 of these Design Standards.

8.5 Street Geometric Design. Design of vertical and horizontal curves, and super-elevated street sections shall be to AASHTO Standards as referenced herein. Horizontal and vertical curves for a given street shall reflect the design speed of the particular classification of the street.

- A. Horizontal Alignment. Horizontal alignment and curvature shall be calculated in accordance with AASHTO's "Policy for the Geometric Design of Highways and Streets."
- B. Horizontal Curve.
1. Horizontal curve radii shall be computed using the above named AASHTO guide, but shall be restricted to the following minimum center-line curve radii with 0% super elevation and standard friction factors.
 - a. Local 100 ft
 - b. Collector and Arterial Design pre-AASHTO guide
 2. Horizontal centerline of improvements shall be parallel to the centerline of the right-of-way.
 3. The centerline of proposed street extensions shall be aligned with the existing street centerline.
 4. Sharp horizontal curvature should not be introduced at or near the top of a pronounced crest.
- C. Vertical curve.
1. Sharp horizontal curvature should not be introduced at or near the low point of a pronounced sag vertical curve.
- D. Vertical Alignment
1. Vertical curves are required at changes in grade greater than 1.5%.
 2. Streets intersecting a Collector or Arterial Street shall be provided with a Landing averaging 5%, or less. Landings are that portion of the street within 20-feet of the nearest curb on the intersecting street at its required design full improvement width.
 3. Street grades, intersections, and super elevation transitions shall be designed to not allow concentrations of storm water to flow out of the gutter, across the street, or in a manner that is unsafe for vehicular travel.
 4. Vertical curves shall normally provide for desirable stopping sight distance, but shall at least provide for minimum stopping sight distance.
 5. Vertical curves shall be parabolic and of a minimum length computed from the formula:
 - a. $L = K * A$
where:
L = length of vertical curve in feet
K = design constant (rate of vertical curvature)
A = algebraic difference in grades, in percent
 6. "K" is a constant for each design speed; its selection for crest vertical curves is based on stopping sight distance (SSD) requirements and, for sag vertical curves, on headlight sight distance. K values to be used for the design of vertical curves are as follows:

Design Speed MPH	Crest Minimum	V.C. SSD Desirable	SAG Minimum	V.C. SSD Desirable
20	10		20	
25	20		25	
30	30	30	35	35
35	40	50	45	50
40	60	80	55	70

E. Super-elevation. The maximum super-elevation rate permitted on City streets shall be:

1. Local 4%
2. Collector 4%
3. Arterial 6%
4. Super-elevation design shall meet all requirements for vertical alignment and shall be reviewed on a case-by-case basis.

F. Intersections.

1. The interior angle at intersecting street shall be kept as near to 90 degrees, or perpendicular to the intersecting street, as possible. In no case shall the interior angle be less than 80 degrees for a distance of 100 feet.
2. Standard Top Back Curb radii at intersections are as follows:
 - a. Local/Local 12 ft
 - b. Local/Collector 12 ft
 - c. Collector/Collector
 - d. Collector/Arterial
 - e. Arterial/Arterial
3. ADA sidewalk ramps shall be provided at all intersections

G. Street Grades & Slopes.

1. Maximum grade on streets shall be as follows:
 - a. Arterials 6%
 - b. Collectors 8%
 - c. Residential 12%
 - d. Neighborhood 12%
2. Minimum grade
 - a. On streets shall be 0.4%
 - b. On a curve or curb radius less than 30 feet shall be 0.5%
3. Cross slope
 - a. Minimum 2%
 - b. Maximum 4%
4. Intersections
 - a. Street grades at intersections shall be no greater than 2% for at least 50 feet from the center of the intersection.

8.6 Pavement Structural Design. Pavement structure design for all streets shall be per AASHTO standards for pavement design.

A. All laboratory test results required in the AASHTO procedure shall be provided to the City Engineer

- B. Roadway structural section is dependent on subsurface conditions and traffic volume. They shall be determined by developer's licensed geotechnical engineer and approved by the City Engineer. A soils investigation shall be submitted that includes:
1. Soil borings along roadway centerline and other areas as needed
 2. Analysis on the overall bearing capacity of the soil
 3. Recommendation for structural street cross section
 4. Recommendation as to the requirements for land drains to adequately collect groundwater which could adversely affect development
 5. Cut and fill slope requirements
 6. Compaction requirements
 7. A geotechnical analysis shall be performed to determine the structural section. However, the minimum section shall be 3" Asphalt, 6" Untreated Base Course and 8" Structural Fill.
- C. Pavement structure design for all streets shall be per AASHTO standards for pavement design and the following design parameters:
1. Minimum Level of Reliability:
 - a. Arterials – 95
 - b. Collectors – 90
 - c. Local – 80
 2. Design Life – 20 years on all roads
 3. Minimum CBR Value for Materials:
 - a. Granular Borrow – 30
 - b. untreated Base Course – 70
 4. Design Loads – All roads shall account for a minimum of 5% trucks
 5. Mix Design shall meet APWA 32 12 03 30% RAP Mix Design with a target binder grade of PG58-28.

8.7 Concrete Curbs

A. Required Concrete Curb Types

1. APWA Type "A" Curb and Gutter shall be installed on all new construction.
2. Ribbon Curb per Nibley amendments to APWA Standards

8.8 Driveways

A. Driveways -

1. Single Family Dwellings in developed area's shall be limited to one driveway. Corner lots may be allowed two driveways, one driveway per fronting street.
2. Multi-family Dwelling, Apartments, Industrial, and Commercial properties shall be limited to two driveways.
3. One-way driveways shall be no closer than 75-feet between their nearest edges.
4. Corner properties of less than 75-feet frontage on a collector or arterial street shall have no driveway located on the collector or arterial street.

5. All proposed commercial businesses shall be limited to two access points to a public right of way
 6. Commercial Driveways shall be located a minimum of 200-feet from the centerline of an intersection with a collector or arterial street.
 7. Residential Driveways shall be located a minimum of 100-feet from the centerline of an intersection.
 8. Maximum width shall be 24 feet from bottom of curb cut to bottom of curb cut
- B. Driveways on Arterial streets
1. Not allowed without prior approval from Public Works Director
 1. One-way driveway entrances onto an arterial Street shall be located a minimum of 125-feet from a downstream intersection, and no closer than 75-feet from an upstream intersection
 2. One-way driveway exits shall be located a minimum of 75-feet from the downstream intersection and no closer than 125-feet from an upstream intersection
- C. Driveway Turnaround
1. Should the length of a residential driveway be greater than 150-feet and the driveway have only one access to the street or does not loop to the street, an approved turnaround meeting Nibley City and Uniform Fire Code standards shall be provided

8.9 Cul-de-Sac

- A. Length
1. Shall conform to the Nibley City Subdivision ordinance and shall be measured from the center of the cul-de-sac radius to the center of the right of way on the street perpendicular to the street of the cul-de-sac.
- B. Radius
1. Turnaround area pavement shall have a min radius of 44.5 feet to edge of asphalt.
- C. Curb, gutter, sidewalk and planting strip within the turnaround area shall remain the same as the road cross section leading into the turnaround.
- D. Temporary
1. Where a street is designed to remain only temporarily as a dead - end street, an adequate temporary turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end exists.
 2. Shall meet Nibley City and Uniform Fire code standard radius requirements.
 3. Shall be hard surfaced with concrete or asphalt
- E. Partial cul-de-sacs
1. Not allowed

8.10 Speed Humps or Bumps

- A. Not allowed in a public right of way

8.11 Partial Streets (tie ins)

- A. Minimum tie in asphalt section shall be 3' wide
- B. Tie in section of asphalt shall have same structural pavement cross section as existing street
- C. Off set crowns shall not be allowed more than two feet from center or crown of street

- D. Longitudinal joints shall not be in direct wheel path
- E. Angle of deflection at tie other than crown, shall be 2% max
- F. Tie in section shall provide for proper drainage to curb or swale
- G. All asphalt tie in shall be to a clean newly cut line in existing asphalt

8.12 Winter Time Restriction

- A. No asphalt roadway section shall be cut or removed during the months of November to May, except for emergencies as determined by Public Works Director

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Section 9. Landscape and Irrigation Design Standards

9.1 Sprinkler Design

- A. Sprinkler designs must be submitted and approved as part of construction documentation during subdivision review process.
- B. Sprinkler designs shall be designed not to spray over any hard surfaces on any property that will be owned and maintained by Nibley City.

9.2 Landscape Plan

- A. Landscape plan must be submitted and approved as part of construction documentation during subdivision review process.

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Section 10. Standard Details and Specifications

10.1 APWA 2017

- A. Nibley City has adopted the 2012 APWA Standard Plans and Specifications, with the following amendments:

10.2 Changes to Definitions:

- A. ENGINEER shall be defined as Nibley City Public Works Director.

10.3 Changes to Standard Details

- A. Part1 – General Requirements
 - 1. Plan No 121 -Straw Bale Barrier
 - a. Not Allowed
 - 2. Plan No 122 – Silt Fence
 - a. 14 Gage 6 Inch Wire Mesh not required
 - 3. Plan No 124 – Inlet Protection – fence or Straw Bale
 - a. Straw bale not allowed
 - 4. Plan no 126 - Stabilized Roadway Entrance
 - a. Sediment fabric under the gravel not required
- B. Part 2 – Roadways
 - 1. Plan No 205 – Curb and Gutter
 - a. Remove note 2.B and note 3.B.1
 - b. Remove Expansion Joint at beginning and end of radi
 - c. Remove dowelled cold joint at new to old transition
 - d. Add Type I Ribbon Curb
 - 1. Curb shall have a Min 2% flow away from the street
 - 2. Curb shall have a Max 4% flow away from the street
 - 3. Curb shall be 18 inches wide
 - 4. Curb shall be 10 inches thick
 - 5. Two Number 4 bars running throughout the curb
 - 6. Shall have a min of 8" Grade ¾" Untreated Base Course compacted to 95% relative to a Modified proctor density
 - 2. Plan No 206 – Curb and Gutter Connection
 - a. Not required
 - 3. Plan 209 - Curbs
 - a. Remove note 2.B. and note 3.B.1.
 - b. Remove Expansion Joint at beginning and end of radi.
 - c. Remove Dowelled Cold Joint at new to old transition.
 - 4. Plan No 225 - Open Driveway Approach
 - a. Not allowed without pre approval in writing by Public Works Director.
 - 5. Plan 229 - Bridge Driveway Approach
 - a. Not allowed without pre approval in writing by Public Works Director.
 - 6. Plan 235 - Corner Curb Cut Assembly
 - a. Per note 1.B., Curb Return Alternate not allowed without pre approval in writing by Public Works Director.
 - 7. Plan No 236 - Mid Block Curb Cut Assembly

- a. Per note 1.B., Curb Return Alternate not allowed without pre approval in writing by Public Works Director.
- 8. Plan No 238 - Detectable Warning Surface
 - a. Remove Note 2.A., 2.B. and 2.D., not allowed.
 - b. Color of panels to be Colonial Red
- 9. Plan No 254 - Patch Repair - in place hot reused asphalt paving
 - a. Flowable fill not allowed without pre approval in writing by Public Works Director
- 10. Plan No 255 - Asphalt Concrete T-Patch
 - a. Flowable Fill not allowed without pre approval in writing by Public Works Director
- 11. Plan No 292 - Street Name Sign Post
 - a. City to order and install all street signs, cost to be paid for by developer in development agreement
- C. Part 3 – Storm Drain
 - 1. Plan No 302 - 30” Frame and Cover
 - a. This style not allowed
 - 2. Plan No 360 - Raise Frame to Grade
 - a. Cast iron grade rings allowed, max 12”
 - 3. Plan No 381 - Trench Backfill
 - a. Do not use flowable fill without written prior approval by Public Works Director
 - 4. Plan No 382 - Pipe Zone Backfill
 - a. Do not use flowable fill without written prior approval by Public Works Director.
- D. Part 4 Sanitary Sewer
 - 1. Plan No 431 - Sewer Lateral Connection
 - a. If not being connected to a structure at the time of stub from main, lateral must have 45° bend up for a min of 2’, then 45° vertical to the surface, and extend to within one foot of the ground surface and capped. If buried, place marker for location
 - b. Tracer wire is required entire length of sewer lateral
 - c. Cast iron or brass cleanout plug not required, PVC allowed
 - d. Connection made with double strapped, stainless steel saddle
 - 2. Plan No 432 - Sewer Lateral Relocation
 - a. Cast Iron not required
 - 3. Plan No 433 - Pipe Drop
 - a. Alternate 1 not allowed
 - b. Screw in plug shall not be installed
- E. Part 5 – Water System
 - 1. All fittings shall be ductile iron, wrapped with polyethylene sheet and tape wrapped
 - 2. All bolts on fittings shall be Blue Whitford Xylan Coated
 - 1. Plan No 502 - 27 Inch Frame and Cover
 - a. Inscription on cover shall say “Water”
 - b. Shall have 2” recessed hole for meter antenna
 - 2. Plan No 503 - 38” Frame and Double Cover

- a. Inscription on cover shall say "Water"
- 3. Plan No 511 - Fire Hydrant with Valve
 - a. Muller Hydrant only, no other Hydrant shall be excepted
 - b. Painted Bonnet per pressure zone not required
 - c. MJ X FL tee on main line required
 - d. Hydrant locator flag shall be installed on all new hydrants
 - i. Bolt Mounted with spring
 - ii. Fiber Glass shaft
- 4. Plan No 521 - $\frac{3}{4}$ Inch and 1 Inch Meter
 - a. Installation in Driveways not allowed
 - b. placement in new subdivisions shall be 5 feet behind sidewalk
 - c. Grade to match existing TBC or Sidewalk, whichever is closer
 - d. Tracer wire required from main line to setter, and connected with grounding clamp
 - e. Compression coupling/fittings allowed
 - f. No cross bar required
 - g. Meter box to be 21 inch diameter corrugated white PE
 - h. $\frac{3}{4}$ Inch meter yoke not allowed
 - i. Back flow prevention in meter yoke required
 - j. Blue Poly CTS from main to yoke, no copper allowed
 - k. Meter shall be paid for by contractor/developer, but provided and installed by City
- 6. Plan No 522 - 1 $\frac{1}{2}$ Inch and 2 Inch Meter
 - a. Installation in Driveways not allowed
 - b. Placement in new subdivisions shall be 5 feet behind sidewalk
 - c. Grade to match existing TBC or Sidewalk, whichever is closer
 - d. Tracer wire required from main line to setter, and connected with grounding clamp
 - e. Compression coupling/fittings allowed
 - f. Alternate meter box may be proposed, and approved by Nibley City Public Works Director
 - g. Meter shall be paid for by contractor, but provided and installed by City
- 7. Plan No 523 - 3 and 4 Inch Compound meter with 2 Inch Bypass
 - a. 2" Displacement meter not required (H in legend of drawing)
 - b. Bypass to be constructed of DL 900 or Ductile (O in legend of drawing)
 - c. Meter shall be paid for by contractor, but provided and installed by City
- 8. Plan No 525 - 6 Inch Compound meter with 2 Inch Bypass
 - a. Vault and all associated piping to be designed and proposed by contractor for approval by Nibley City Public Works Director, before installation
 - b. Meter shall be paid for by contractor, but provided and installed by City
- 9. Plan No 527 - 8 Inch Compound meter with 2 Inch Bypass
 - a. Vault and all associated piping to be designed and proposed by contractor for approval by Nibley City Public Works Director, before installation
 - b. Meter shall be paid for by contractor, but provided and installed by City
- 10. Plan No 529 - 10 Inch Turbo meter with 2 Inch Bypass

- a. Vault and all associated piping to be designed and proposed by contractor for approval by Nibley City Public Works Director, before installation
 - b. Meter shall be paid for by contractor, but provided and installed by City
- 11. Plan No 541 - Water Service Line
 - a. Type "K" copper pipe not allowed use Blue Poly CTS
 - b. Tracer wire from main to setter yoke, connected to yoke with grounding clamp
- 12. Plan No 551 - ¾ Inch and 1 Inch Service Taps
 - a. Use stainless double banded epoxy coated saddle clamp
 - b. No Direct taps allowed
 - c. Use Blue Poly CTS, no copper allowed
- 13. Plan No 571 - 4" Wash Out Valve
 - a. Not allowed for permanent use, install fire hydrant
- 14. Plan No 573 - 6" Pressure Reducing valve with 2 Inch bypass
 - a. Vault and all associated piping to be designed and proposed by contractor for approval by Nibley City Public Works Director, before installation
- 15. Plan No 574 - Cover Collar for Water Valves Box
 - a. Steel hoop not required
 - b. 12 Inch from rim of lid to outer edge of concrete
- 16. Plan No 593 - Pressurized Irrigation Water and Potable Water Interface
 - a. Type A Not allowed
- F. Part 6 – Irrigation and Landscaping
 - 1. Plan No 613 - Irrigation Diversion Box
 - a. Irrigation diversion boxes will be reviewed and approved by respective canal company
 - 2. Plan No 614 - Irrigation Diversion Box
 - a. Irrigation diversion boxes will be reviewed and approved by respective canal company
 - 3. Plan No 621 - Stationary Head
 - a. Unless otherwise approved in writing by Public Works Director, use pop up head
 - 4. Plan No 622 - Pop Up Head
 - a. Type N nozzle head - use Hunter PRS 30 or Hunter PRS 40
 - b. Type R rotor head - use Hunter 4 inch I20 or 6 inch I25
 - c. Flexible swing pipe to be 12 inch minimum, 24 inch maximum
 - d. Use spiral barb fittings for less than 8 gallons per minute
 - e. Greater than 8 gallons per minute, to be designed and proposed by contractor for written approval by Nibley City Public Works Director, before installation
 - 5. Plan No 631 - Backflow Preventer (less than 3 inch diameter)
 - a. Stop and waste to be Muller brand surrounded by 6 inches of 1 inch minus gravel material, wrapped in a filter fabric
 - b. Backflow preventer device to proposed by contractor for written approval by Nibley City Public Works Director, before installation
 - c. Enclosure required, to be proposed by contractor for written approval by Nibley City Public Works Director, before installation
 - 6. Plan No 631 - Backflow Preventer (3 inch diameter and larger)

- a. Backflow preventer device to proposed by contractor for written approval by Nibley City Public Works Director, before installation
- b. Enclosure required, to be proposed by contractor for written approval by Nibley City Public Works Director, before installation
- c. Sleeve pipe penetrations through concrete pad
- d. 12" minimum clearance from edge of enclosure to edge of concrete pad all sides
- e. Frost prevention not required
- 7. Plan No 632 - Drain Valve
 - a. Manual drain valves to be proposed by contractor for written approval by Nibley City Public Works Director, before installation
 - b. Automatic drain valves not allowed
- 8. Plan No 633 - Control Valve
 - a. Valves larger than 2 inch to proposed by contractor for written approval by Nibley City Public Works Director, before installation
 - b. Automatic control valve to be a 1 inch or 2 inch Hunter ICV
 - c. Place concrete pavers under bottom edge of ground box
- 9. Plan No 651 - Wire Runs for Landscape Irrigation
 - a. All control wires to be ran inside appropriately sized pvc conduit, placed between 1 to 4 inches below sprinkler lines (when ran parallel)
- 10. Plan No. 681 – Tree
 - a. Typical tree staking detail is not allowed. Instead use 2 inch diameter wood stakes that are 8 feet in length. Drive a minimum of two stakes vertical and embed a minimum of 2 feet below tree hole. Ensure that stakes are not driven through root ball. Use a minimum of two V.I.T. cinch ties to secure tree to wood stakes. Top cinch tie to be with in 6 inches of main branching of tree. Drive stakes parallel to prevailing wind direction.
- G. Part 7 – Communications, Lighting, Traffic Control, Power
 - 1. All street lighting to be designed and meet Rocky Mountain Power Standards and specs.
 - 2. Traffic signals to be designed by Professional Engineer as part of construction Drawings.

Section 11. Amendments to APWA Standard Specifications

11.1 33 08 00 Commissioning of Water Utilities

1. Add line to Table 3- for Sewer Laterals, tests required: Exfiltration and CCTV
2. Add Column for CCTV: Sanitary Sewer mains and laterals and stormwater to Table 3 in section 3.10.a.

Section 12. Construction Inspection and Acceptance Summary

This section is intended to be a summary and may not be all inclusive.

12.1 Part 1 Partial Acceptance Inspections - This inspection is intended to insure that all buried public infrastructure (water, sewer, storm drain) and at grade storm water facilities are constructed according to the plan approved by the City Engineer and to Nibley City Standards and Specifications. Key points of this inspection include, but are not limited to:

***Note: No person shall operate or turn a Nibley City water system valve, unless he or she is explicitly employed by the City of Nibley. ***

- A. Acceptance Testing per APWA
- B. Review of approved SWPPP (including required self-inspections)
- C. GPS (by city staff) of all buried fittings, bends, tee's, valves, thrust blocks, etc.
- D. Water System
 1. Periodic visual inspection of construction process and materials
 2. Visual inspections required
 - a. All tie in locations
 - b. Fittings and Thrust blocks
 3. Water Main Commissioning Report Required
 - a. Pressure Testing
 - b. Bac-T Testing
 - c. Tracer Continuity Test
- E. Sewer System
 1. Periodic visual inspection of construction process and materials
 2. Commissioning Report
 - a. Low Air Pressure Test
 - b. Obstruction and Deflection test
 - c. Tracer Continuity Test
 - d. Sewer Video Inspection (to be done just prior to asphaltting surface)
- F. Storm Water System
 1. Grades and slopes of ponds, elevations, inlet and outlet structures
 2. GPS (by city staff) of all storm water pertinences

12.2 Part 2 Partial Acceptance Inspection - This inspection is intended to ensure that open space amenities (trails, parks, etc.) and roadways (minus the asphalt and sidewalks) are constructed according to the plan approved by the City Engineer and to Nibley City Standards and Specifications. Key points of this inspection include, but are not limited to:

- A. Acceptance Testing per APWA
- B. Review of approved SWPPP (including required self-inspections)
- C. Proof roll test of native base material, with a loaded ten wheel dump truck
- D. Visual inspection required
 - 1. When laying and compacting base course materials
 - 2. When laying geo fabric or grid
 - 3. When compaction tests are taken by contractor's representative
- E. Compaction Reports required per APWA
- F. Sewer Video Inspection shall be done at this time, just prior to placing of asphalt
- G. Pre Paving Meeting

12.3 Part 3 Partial Acceptance Inspection - This inspection is intended to ensure that Asphaltting of the roadway surface and the construction of sidewalks are in accordance with the plan approved by the City Engineer and Nibley City Standards and Specifications. Key points of this inspection include but are not limited to:

- A. Acceptance Testing per APWA
- B. Review of approved SWPPP (including required self-inspections)
- C. Asphalt Construction Report
- D. Sidewalk Compaction Report
- E. Visual inspection required of sidewalk forms prior to placing of concrete
- F. ADA ramp requirements

12.4 Final Acceptance Inspection - This inspection is intended to be an all-inclusive inspection of the public infrastructure. At this time, the Public Works Director and Division Managers within the department will come to the site together to conduct the Final Acceptance Inspection. The Contractor or his/her representative must be present. All infrastructure will be re-inspected at this time. Key points of this inspection include but are not limited to:

- A. Review of approved SWPPP (including required self-inspections)
- B. Acceptance testing per APWA
- C. Water System
 - 1. Fire Hydrants will be opened and closed
 - 2. All valves will be checked for vertical alignment of the valve box, that it is free of debris and at proper grade
 - 3. Meter barrels and lids will be checked for proper grade
 - 4. Meter Setters will be turned on and off and checked for placement in center of barrel
 - 5. Review of Water Commissioning Report
- D. Sewer System
 - 1. Manholes are not leaking at joints
 - 2. No debris left in manholes

3. Vented lids with "Sewer" inscribed on them
 4. Lids are within 1 inch of asphalt grade
 5. Connections are not leaking and at proper grade
 6. Steps installed properly
 7. Review of Sewer Commissioning Report
- E. Storm Water
1. Catch basins are free of debris
 2. Inlet/Outlet grates are properly installed
 3. Orifice plates properly installed
 4. Overflow's constructed per plan
 5. Landscaping completed per plan
- F. Curb and Gutter
1. No low spots per flood test
 2. No cracking/spalling
 3. Backfilled properly behind curb
- G. Sidewalk
1. No cracking/spalling
 2. No finish deformities (footprints)
 3. Proper cross slope
 4. Proper slopes and area's on ADA pedestrian ramps
 5. Both edges backfilled properly
- H. Asphalt
1. Asphalt 1/4" above lip of gutter
 2. Asphalt Construction Report
 3. No puddles
- I. Final Grading and Backfill
1. Area between sidewalk and curb backfilled with min 6" top soil
 2. Area behind the sidewalk properly backfilled and graded to existing surfaces
 3. Construction debris removed from site

12.5 Issue Final Inspection Report (punch list)- Upon completion of the Final Acceptance Inspection, the Public Works Director shall issue an Inspection Report, detailing any deficiencies that need to be corrected. The developer shall have 30 days to complete the repairs, after such date the City reserves the right to repair the deficiencies by utilizing the financial Guaranty issued to the City by the Developer, per City Ordinance.

12.6 As-Built Drawings submitted- As - Built drawings shall be required as outlined in the Subdivision Ordinance, before an Improvements Completion and Acceptance Report will be issued.

12.7 Guaranty Period- The Guaranty period unless otherwise stipulated by the City, shall be a minimum of one year from the date of the issuance of an Improvements Completion and Acceptance Report.

12.8 Improvements Completion and Acceptance Report- This report will be issued to the Developer by the Public Works Director when the completed Subdivision has passed all required inspections, and all stipulations of the Subdivision Ordinance have been met, and is ready to be accepted by the City as public infrastructure. The date of the issuance of this report will begin the one year Guaranty Period.

12.9 End of Warrantee Inspection - This inspection is intended to find any defects in workmanship or construction that become evident during the Guarantee Period. It is the responsibility of the Developer to schedule the Final Inspection after the Guarantee Period has elapsed. If any defects are discovered during the inspection, the Developer shall have 30 days to complete the repairs, after such date the City reserves the right to repair the deficiencies by utilizing the Financial Guaranty issued to the City by the Developer, per City Ordinance. At this time, the site should be stabilized and a N.O.T. filed with the state and a copy submitted to the City. If no deficiencies are discovered, or they are repaired as specified, the City shall release the Warrantee Bond.

Section 13. Bridge Standards

13.1 Professional Engineer - All design shall be performed by or under the direction of a professional structural engineer.

- A. The following design standards shall be used:
 - 1. UDOT Structures Design and Detailing Manual
 - 2. UDOT Bridge Standard Drawings
 - 3. AASHTO LRFD Bridge Design Specifications, current edition, with current interims.

Section 14. Secondary Water System

14.1 Design of secondary Systems

- A. Not allowed in Public Right of Way or Public Utility Easement
- B. Purple pipe required
- C. Cased when main lines cross public right of way
- D. Provide proper swing joint
- E. Register system with City, current contact info of system manager
- F. Written canal company approval
- G. Yearly certified backflow inspection

Agenda Item #11 & 12

Description	A public hearing to receive comments regarding Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone and Discussion and consideration of Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone (First Reading)
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Move to approve Ordinance 19-10: Adjusting the Maximum Height of a Building in the Industrial Zone, for first reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, Nibley City Planning Commission, Hyrum Fire Chief, Cache County Fire Marshal

Background

Nibley City is considering increasing the maximum building height in its industrial zone to 70 ft for any parcel that is a minimum of 300' from a residential zone, and would remain at 50' for any other build lot in an industrial zone located within 300' of a residential zone. The reason for the setback is to mitigate negative impact that a height change could bring to surrounding neighborhoods, since most of our industrial zones are adjacent to residential communities.

Nibley City Code defines building height as follows:

NCC 19.04.010

BUILDING, HEIGHT OF: The vertical distance from the grade elevation measured from center of street line running in front of the building or structure to the highest point of the roof.

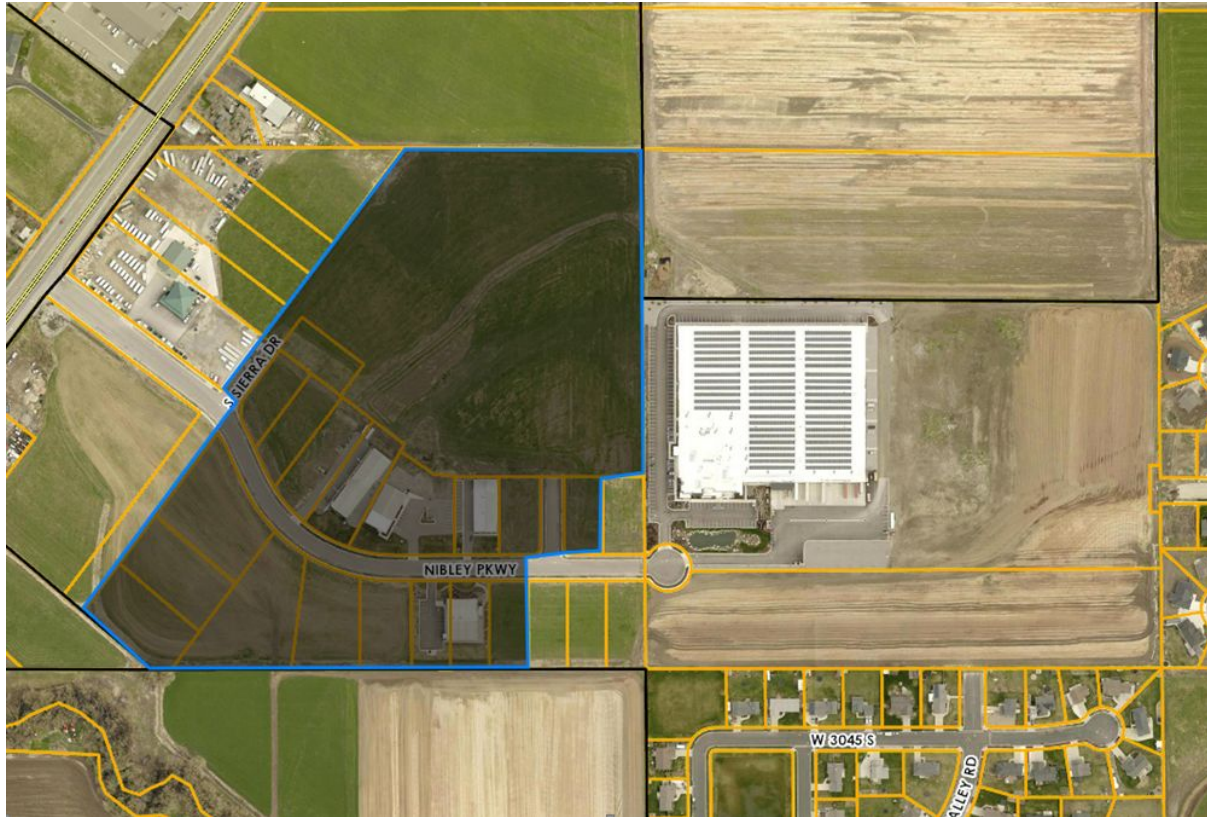
One of the main reasons for the City to consider this change is based on a proposed new building located within one of its industrial zones. The applicant, Malouf, is proposing to build a new office building which will measure just under 70'. The Mayor, Planning Commission, and staff recommends the City Council consider the proposed changes in order to allow for the applicant to seek approval of the new building.

One item the City will need to consider is if local Fire Departments can service the building. The proposed code has been sent for review and comments to the County Fire Marshal, who provides fire inspection services for Nibley, as well as to Hyrum Fire Chief Maughan, who provides fire suppression service for Nibley.

Chief Maughan stated: "That is higher than we have ladders to reach for evacuation and suppression. There are ladder trucks available from Logan and North Logan that can be dispatched in the event of a need. If you are considering these elevated structures I would suggest you require the building to have a fire suppression system. This probably would be required by current code just on size alone."

Hyrum City also notified Nibley City last week that it is in the process of purchasing a ladder truck, which is likely to be in service prior to completion of construction of the Malouf building.

Fire Marshal Winn stated: "As far as fire is concerned the 70' isn't an issue. We do have ladder trucks in the valley that can reach the 70 foot mark. The code will take care of any issues as far as height and what will be required in buildings that tall."



The picture above highlights every lot within Nibley City's industrial zones that would be able to build a building to 70' in height.

ORDINANCE 19-10

ADJUSTING THE MAXIMUM HEIGHT OF A BUILDING IN THE INDUSTRIAL ZONE

WHEREAS, State law gives Nibley City authority to create regulations and ordinances governing zoning and land use requirements within the City's boundaries; and

WHEREAS, Nibley City wants to help encourage economic growth within the City; and

WHEREAS, Nibley City wants to mitigate negative impacts from industrial zones and help enhance buffering along residential zones.

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

1. The attached update Adjusting the Maximum Height of a Building in the Industrial Zone be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. 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.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2019.

ATTEST:

David Zook, City Recorder

Shaun Dustin, Mayor

19.22.010 Space Requirements Chart

		A	R-E	R-1	R-1A	R-2	R-2A	C	I
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre	12,000 sq. ft. (10)	--	--
	Minimum lot width, measured at setback line	200	200	200	150	100	100	--	--
B.	Setback principal uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	50
	Side yard, interior	15 ³	15	10	10	10	10	0(10) ³	0(50) ⁴
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	25(35) ³
	Rear yard	30	30	30	30	25	25	0(10) ³	0(50) ⁴
C.	Setback accessory uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	50
	Side yard, interior	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	0(10) ⁴	0(10) ⁴
	Side yard, street		25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	25(35) ³
	Rear yard	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁴	1(10) ⁴
D.	Height maximum								
	Principal uses	40	40	40	40	40	40	40	50(70)11
	Accessory uses	30	30	30	30	20	20	30	30
E.	Fences and walls maximum height								

Front yard, property line to setback line	4	4	4	4	4	4	4	4
Rear yard	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*
Side yard	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*
Corner lots		See NCC 19.24.090(B)						

Notes:

1. In all zones in a platted subdivision, lot width is 100 feet minimum, at setback line, but lot area must be 1/2 acre.
2. All measurements are in feet unless otherwise specified.
3. Greater distance required where yard faces arterial road.
4. Greater distance required where property line is adjacent to residential zone or residential dwelling unit.
5. Lesser distance allowed where accessory building is at least 10 feet behind the rear of main building and not less than 10 feet from any dwelling unit on adjacent property.
6. Greater distance required where rear yard faces side yard of adjacent property.
7. Principal use is defined as a dwelling unit in R-E, R-1 and R-2.
8. 8 foot height allowed for a transparent fence, e.g., chainlink.
9. Conditional use permit required on request of height increase.
10. The average lot size for the entire subdivision phase and portion thereof shall average at least fourteen thousand (14,000) sq. ft.
11. **Greater maximum height allowed if building lot is at a minimum of 300' from a residential zone**

* Eight-foot (8') height allowed for a transparent fence, e.g., chain link.

Agenda Item #13 & 14

Description	A public hearing to receive comments regarding Ordinance 19-11: Establishing Rules and Regulations Governing the Use of Parks, Trails, and Outdoor Recreational Facilities and Discussion and consideration of Ordinance 19-11: Establishing Rules and Regulations Governing the Use of Parks, Trails, and Outdoor Recreational Facilities (First Reading)
Department	Planning, Parks, and Recreation
Presenter	Stephen Nelson, City Planner
Recommendation	Move to approve Ordinance 19-11: Establishing Rules and Regulations Governing the Use of Parks, Trails, and Outdoor Recreational Facilities, for first reading.
Reviewed By	Mayor, City Manager, City Parks Superintendent, City Recreation Director, City Planner, City Attorney, County Prosecutor, Parks and Recreation Advisory Committee.

Background

Nibley currently has 11 developed parks containing about 62 acres of land, with one more park scheduled to finish soon that contains about .5 acres total. In addition, Nibley City has a developing trail system within the City. Nibley City code has very few regulations regarding activities that can take place within Nibley's parks, trails, and open space. With the opening of a new nature park, Nibley City staff and the Parks and Recreation Advisory Committee (PRAC) are recommending the Nibley City Council consider items within the attached ordinance for adoption.

The PRAC can serve as a recommendation body to the City Council about the items within the ordinance for the City Council to consider. This responsibility can be found in [Nibley City Code 3.10.090 \(E\)\(F\) Specific Duties And Responsibilities](#), which reads:

E. To study, investigate, counsel, and report suggestions and feedback to City Council and City Staff in matters of Parks and Recreation.

F. Upon request of city staff, shall consider, investigate, make finding, report and recommend upon any special matter of question regarding parks, recreation, trails, and publicly owned open space.

The PRAC reviewed the proposed ordinance during their April and May meetings and have made a positive recommendation to the City Council for adoption of the proposed ordinance.

Purpose

The goal of the proposed ordinance is to provide clear regulations in order to protect and maintain the public open space within the City that is owned by Nibley City. This takes shape of protecting City amenities, waterways, wildlife, vegetation, and most importantly the general public.

A couple of the highlights include hours of use, disturbance of natural resources and wildlife, regulations of dogs, regulation of motorized vehicles, drug use, noise, and other nuisances.





Protection of Wildlife and Natural Resources

Nibley City has recently built a 20-acre nature park, Firefly Park. This park contains fireflies, a couple of dozen species of birds, and wetland habitat. In addition, Nibley City owns several other parcels throughout the City that contain wetlands, waterways, tree stands, and other wildlife. This ordinance would prohibit the disturbance of wildlife within the park, including fireflies. There is an exception to fishing in public waterways.

The proposed code also contains a section that would protect City trees. It would prohibit connecting or hanging anything on our trees including items like slacklines, signs and hammocks. It does allow Nibley City to attached bird houses and signs when needed.

Dogs

This ordinance would clarify that dogs are allowed in all City parks and trails, except for Firefly Park. It also states that all dogs must be on a leash, that owners must clean up after their dogs waste and that they must be in possession of a bag for such purposes when on Nibley City property with their dog. The ordinance also allows the City to create off leash areas or dog parks within the City, and also park areas that prohibit dogs.

Nuisance Regulation

One of the first items this ordinance address is hours of operation, which would be from 6:00 a.m. to 10:00 p.m. There may be special extended hours for special events like Heritage Days or for viewing fireflies, wildlife, or star gazing. It would also become unlawful to park or store any vehicle or trailer in a Nibley City park/parking lot overnight except for construction vehicle working on a project in the park.

A few other items this code further clarifies, prohibits, and defines are as follows: littering, no use of motor vehicles within Nibley Parks and Trails except for pre-approved purpose, disorderly conduct, alcohol, tobacco, drugs and e-cigarettes, noise restrictions, fires except in fire pits, fireworks, inflatable attractions, mechanical rides, the use of weapons, etc. Some of these items may be allowed with a special event permit or at City sponsored events. Most of these regulations are about protecting community safety and for liability reasons.

ORDINANCE 19-11

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE USE OF PARKS, TRAILS AND OUTDOOR RECREATIONAL FACILITIES

WHEREAS, the Utah Municipal Code authorizes the City to provide and regulate the use of parks, trails, and outdoor recreational facilities for the beneficial use of citizens; and

WHEREAS, the City has determined that it is necessary for the health, safety, comfort, and welfare of the citizens of the City to preserve and protect the public property and forms of nature found in and around the City's parks, trails, and outdoor recreational facilities; and

WHEREAS, the City wishes to provide necessary adopt regulations to govern the use of the City's parks, trails, and outdoor recreational facilities in order to preserve and protect the public property and nature in and around the City's parks, trails, and outdoor recreational facilities.

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

1. The following Chapter be added to Title 13, of the Nibley City Code to read as attached.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. 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.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2019.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

13.16 Parks, Trails and Outdoor Recreational Facilities

13.16.010 Purpose

It is the purpose of this chapter to establish rules and regulations for the protection and preservation of citizens, public property and nature found in and around City parks, trails, and outdoor recreational facilities.

13.16.020 Definitions

As used in this Chapter:

PARK: A specific piece of property, either within the City or that is under the ownership or control of the City, that is operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, including natural parks and open space, and that may or may not be planted with trees, lawns and other shrubbery, including any areas identified as parks in the City's Parks, Trails, Recreation, & Open Space Master Plan.

TRAIL: A linear corridor of property maintained by the City for the purposes of non-motorized transportation, such as hiking, walking, jogging, running, horseback riding, cycling, or other similar uses, including any trails identified in the City's Parks, Trails, Recreation, & Open Space Master Plan, whether now constructed or planned for the future construction

OUTDOOR RECREATIONAL FACILITY: Improvements owned or maintained by the City for leisure activity or diversion including, but not limited to, parks, trails, pavilions, amphitheaters, theaters, recreation centers, gymnasiums, athletic fields or courts and equipment attached thereto, playgrounds, community gardens, cemeteries, schoolyards, public seating areas, public plazas, parking lots, and agricultural heritage farms and any improvements or structures associated therewith, including any outdoor recreational facilities identified in the City's Parks, Trails, Recreation, & Open Space Master Plan.

13.16.030 Hours of Use

- A. Unless otherwise noticed by sign or other written communication by the City; City parks, trails, and outdoor recreational facilities may be used by the public every day of the year between the hours of six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. Any section or part of any park, trail, or outdoor recreational facility may be declared closed to the public by the City Manager, or their designee,, or their designee,, at any time and for any interval of time, either temporarily or at regular and stated intervals, and either entirely or for certain uses as the City

Manager, or their designee,, may find necessary, subject to any modifications approved, if any, by the City Council. The City Manager, or their designee,, may extend hours of use for public events such as for viewing fireflies, wildlife, or star gazing; or for special events that have obtained a permit.

- B. It is unlawful for any person to enter or use City parks, trails, or outdoor recreational facilities outside of the hours of use set forth in this Section without written authorization from the City.
- C. It is unlawful for any person to park or store any vehicle, trailers, or equipment at a park facility or park parking area overnight unless given direct permission by the City Manager, or their designee,,. The City Manager, or their designee,, may grant permission for the purpose of public events, construction and maintenance projects.

13.16.040 General Conduct

- A. Destruction Or Defacement Of Outdoor Recreational Facilities Or Signs: It is unlawful for any person to deface, vandalize, or remove recreation facility property, buildings, or equipment, or to deface, destroy, cover, damage, or remove any placard notice, or sign or parts thereof, whether permanent or temporary, posted or exhibited by the City in or on any City park, trail, or outdoor recreational facility.
- B. Disturbance Of Natural Resources: It is unlawful for any person to remove, alter, injure, or destroy any natural resource, including trees and landscaping, in or on any City park, trail or outdoor recreational facility without authorization from the City Manager, or their designee,, excepting actions of the City and its agents as directed by the City Manager, or their designee,, taken to protect the peace, safety, well-being and general welfare of the City and its citizens.
- C. Trees: No items shall be attached, tied, or hung by ropes, cords, nails, screws, or another method to trees in City parks and trails including swings, slacklines, hammocks, unauthorized signs, etc. The City Parks Superintendent may make exceptions for bird houses, notification signs, or for tree maintenance.
- D. Disturbance Of Wildlife: Unless otherwise noticed by sign or other written communication by the City, it is unlawful for any person to kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, or have in possession any species of wildlife found in or on any City park, trail, or outdoor recreational facility. For the purpose of this subsection, the term wildlife includes any and all species of firefly. Nibley City may

remove wildlife if such wildlife is deemed to be a nuisance or danger to the general public and patrons who visit the park.

1. Fishing is allowed in the Blacksmith Fork River, designated fishing ponds, and public bodies of water as governed by State law.
- E. Dogs: Dogs are permitted in all parks and on Nibley City Trails unless otherwise posted, except that dogs are not allowed in Firefly Park. All dogs must be on a leash, except for in designated off-leash areas or dog parks as may be designated by the City. All dog owners or person with the dog shall clean up after their dog's waste and dispose of it in proper garbage receptacle and must be in possession of a bag for such purposes whenever walking a dog on City property.
- F. No motorized vehicles, including recreational vehicles, side-by-sides, motorcycles, minibikes, snowmobiles, ATVs, etc, shall be permitted to drive in or on City Parks or trails except for public parking areas. Any motorized vehicles within Nibley City park or trail parking areas must be properly licensed for public street use. The City City Manager, or their designee,, may make exceptions for maintenance and construction vehicles, and vehicles used to set up for special or city events. This code shall not apply to emergency vehicles responding to an emergency event. The City may establish speed limits for all City trails to govern the use of bicycles, electric scooters, and other permitted non-motorized vehicles.
- G. Littering: It is unlawful for any person to deposit, scatter, drop, or abandon in or along any City park, trail, or outdoor recreational facility any paper, bottles, cans, sewage, waste, trash, or other debris, except in receptacles provided by the City Public Works Department for such purpose. No person shall deposit in any receptacle in any City park, trail, or outdoor recreational facility any accumulation of waste or trash generated outside the boundaries of the City park, trail, or outdoor recreational facility.
- H. Disorderly Conduct: It is unlawful for any person to engage in fighting or indulge in riotous, disorderly, threatening, or indecent conduct or use any abusive, threatening, profane, or indecent language, or to play music audible to others with such language, while in or on a City park, trail, or outdoor recreational facility.
- I. Alcohol, Tobacco And Controlled Substances: Unless otherwise noticed by sign or other written communication by the City, it is unlawful for any person to use, possess, or sell any alcoholic beverages, tobacco products, including e-cigarettes, drugs or other illegal or

controlled substances while in or on a City park, trail, or outdoor recreational facility.

- J. Noise Restrictions: It is unlawful for any person to play or cause to be played amplified music or sound in or on a City park, trail, or outdoor recreational facility without a special event permit issued by the City. Such permission or license may be denied by the City where it is reasonably believed that such noise would disturb other patrons of the City park, trail, or outdoor recreational facility, annoy residents neighboring the same, or disturb wildlife. Issuance of a permit under this subsection does not exempt the holder or permittee from all other rules, regulations, ordinances or statutes, whether State, County or City.
- K. Fires and Fireworks: It is unlawful for any person to burn an open fire in a City park, trail, or outdoor recreational facility, except in barbecue, grill or fire pit areas provided by the City. No fireworks shall be allowed within a public park, including parking lots, without a special event permit issued by the City. Such permission or license may be denied by the City where it is reasonably believed that such use would disturb other patrons of the City park, trail, or outdoor recreational facility, annoy residents neighboring the same, or disturb wildlife or the environment. Issuance of a permit under this subsection does not exempt the holder or permittee from all other rules, regulations, ordinances or statutes, whether State, County or City.
- L. Weapons: The use of all weapons, including firearms, bows, arrows, axes, and hatchets, blow darts, swords, staves, spears or anything designed or used for inflicting bodily harm or physical damage is prohibited within Nibley City Parks. The City may make exceptions for special events, or designated shooting or archery ranges. This section does not apply to tools that are used to maintain the park by maintenance crews.
- M. The City may restrict allowed uses for the protection and preservation of public health, safety and welfare, and any public or private property facilities.
- N. Grazing: It is unlawful to use any City park, trail, or outdoor recreational facility for the purposes of grazing domestic livestock, such as horses, donkeys, mules, llamas, cattle, sheep, or goats or similar livestock without written authorization from the City.
- O. Concessions: It is unlawful for any person to operate any dispensary or concessions stand in or on any City park, trail, or outdoor recreational facility without the express written consent of the City.

- P. Inflatable Attractions, Mechanical Rides, Water Slides: It is unlawful for any person to set up a private attraction, including, but not limited to: inflatable bounce houses, water slides, mechanical bulls, and carnival type rides in or on any City park, trail, or outdoor recreational facility without written authorization from the City. The City may only allow such uses at City sponsored events or events that have been issued a special event permit and provided sufficient insurance for these uses.
- Q. Camping: It is unlawful for any person to camp, lodge, or remain overnight in or on any City park, trail, or outdoor recreational facility without written authorization from the City.

13.16.050 Enforcement and Penalty

- A. Enforcement: Law enforcement officers, in connection with their duties imposed by law, shall enforce the provisions of this Chapter and may issue citations, arrest and/or evict any persons acting in violation of the provisions of this Chapter. These law enforcement officers shall have the authority to seize, confiscate and impound any substance, plant, animal, or other similar article that is used or possessed in violation of this Chapter.
- B. Penalty: Any person found in violation of the provisions set forth herein shall be guilty of an infraction and shall be subject to applicable civil penalties.

Agenda Item #15 & 16

Description	A public hearing to receive comments regarding Ordinance 19-05: Amendments to Nibley City Code, Title 21: Subdivision Regulations--Minor Editing/Changes and Discussion and consideration of Ordinance 19-05: Amendments to Nibley City Code, Title 21: Subdivision Regulations--Minor Editing/Changes (Second Reading)
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Hold the public hearing and move to approve Ordinance 19-05: Amendments to Nibley City Code, Title 21: Subdivision Regulations--Minor Editing/Changes.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, Nibley City Planning Commission



Background

The City Council recommended that the proposed changes to the Subdivision Ordinance be broken into two different ordinances, one to cover minor changes in wording and general clean up of the ordinance, and the other to cover major policy changes. This first ordinance covers the recommended text changes which will help clarify the current subdivision ordinance.

Highlighted Changes: There are multiple changes listed within this document, which are shown as tracked changes. This report will not highlight every proposed change, but will attempt to cover some of the more significant changes.

21.02.090 Fees

The proposed ordinance makes a change to highlight the change the City adopted by resolution by requiring a deposit.

21.02.100 Appeal

The language has been changed so that someone wanting to appeal a decision by the City for a subdivision, must be a "adversely affected by (the) action or decision". Subsection B was also added referencing state code.

21.04 Definitions

Several Definitions were added in order to address and clarify items within the Subdivision Ordinance.

21.08.010 Preliminary Plat

Staff has removed sections that require a strict timeline, though the City has been able to meet the timeline as described in this section, but there have been a couple of times that it has been really close to not meeting the timeline as described.

21.08.030 Lot Line Adjustments and Amendments to a Subdivision Plat

Staff has added that any amendment to a subdivision plat must follow the steps listed within state code.

21.10.030 Cluster Subdivision

There have been some clarifying changes made within this ordinance to make the application more clear.

21.12.020 Water Supply

There are only a couple of small word changes, but they are important because the City cannot sell or lease its water shares or rights but may sell the water itself that is controlled by those rights and/or shares.

Improvement Bonds

Staff recommends that the word "Improvement Bond" be changed to "Improvement Completion Assurance" to match state code and to be more comprehensive since the City will take more than just an improvement bond for our security.

ORDINANCE 19-05

**AMENDMENTS TO NIBLEY CITY CODE, TITLE 21: SUBDIVISION REGULATIONS--
MINOR EDITING/CHANGES**

WHEREAS, State law gives Nibley City authority to create regulations and ordinances governing subdivision of land within the City's boundaries; and

WHEREAS, Nibley City has subdivision regulations and desires to update them; and

WHEREAS, Nibley City wants to provide more clarity within the Subdivision Title; and

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

1. The attached changes to Title 21: Subdivision Regulations-Minor Editing Changes be adopted.

2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

3. 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.

4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2019.

ATTEST:

David Zook, City Recorder

Shaun Dustin, Mayor

21 Subdivision Regulations

21.02 General Provisions

21.04 Definitions

21.06 Approval Process

21.08 Standards Of Approval

21.10 Subdivision Options

21.12 Infrastructure Improvements

21.14 Inspection And Guarantee Of Work

21.16 Notice To Proceed And Authorization To Begin Work On The Subdivision

21.18 Acceptance Of The Completed Subdivision

HISTORY

Repealed & Reenacted by Ord. 15-02 An Ordinance Amending the Nibley City Subdivision Ordinance on 6/11/2015

21.02 General Provisions

21.02.010 Purposes

21.02.020 Violation

21.02.030 Permits

21.02.040 General Requirements

21.02.050 Site Preparation And Work Prohibited

21.02.060 Complete Submittal Required

21.02.070 Effect Of Approval

21.02.080 Phasing

21.02.090 Fees

21.02.100 Appeal

21.02.110 Enforcement

21.02.120 Inspection

21.02.130 Prohibition On Subdivision

21.02.010 Purposes

The purposes of this title are:

1. To promote the health, safety and general welfare of the residents of the City.
2. To promote the efficient and orderly growth of the City.
3. The Nibley City Council adopts this title pursuant to the Utah Municipal Land Use, Development and Management Act, Utah Code 10-9a, 1953, as amended, for the purposes set forth therein. Maps referenced herein are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the Nibley City General Plan.
4. To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within the City, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water, stormwater and sewer systems, design standards for public facilities and utilities, accesses to public rights of way, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Repealed & Reenacted by Ord. [15-02](#) on 6/11/2015

21.02.020 Violation

1. No person shall subdivide any tract or parcel of land located wholly or in part in the City, except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.
2. Whoever shall violate any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction of any such violation, shall be subject to penalty as provided in NCC 1.08.010.
3. Any parcel of land created, purchased, sold or exchanged in violation of this title shall not be eligible for building permit or other development approval until full compliance with the provisions of this title is achieved.
4. Any person or corporation that allows to continue any violation of any provision of this title shall be guilty of a misdemeanor for each and every day the violation continues, and each day shall be a separate violation.
5. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit.
6. Any owner or agent of the owner of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded in the office of the Cache County Recorder, consistent with the requirements of this title, and applicable state and federal requirements, is guilty of a violation of this title, and of Utah Code § 10-9a, for each lot or parcel transferred or sold.
7. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, Nibley City land use ordinances, or the laws of the State of Utah.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Repealed & Reenacted by Ord. [15-02](#) on 6/11/2015

21.02.030 Permits

~~From the time of the effective date hereof, t~~The building inspector shall not grant a permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions

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shall be void. Approved development plans shall be filed with the Planning Commission and City Recorder.

HISTORY

Adopted by Ord. No Source on 6/1/1992

Amended by Ord. 2002 Code on 1/1/2002

21.02.040 General Requirements

1. The subdivider shall prepare all plats consistent with the standards contained herein and also as may be described in the Nibley City Design Standards and Specifications and shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein.
2. All improvements shall be constructed in accordance with the International Building Code, the Nibley City Design Standards and Specifications and other applicable federal, state and local regulations.
3. The City shall review the plats for design, for conformity to the Nibley City General Plan and to the land use ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
4. Proposed subdivisions shall be referred by the City to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The City is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivision.
5. The City engineer shall make comments as to engineering requirements for plans submitted for construction, including, but not limited to, street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Nibley City Transportation Master Plan.
6. The Planning Commission shall act as an advisory agency to the City Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Nibley City General Plan and land use ordinances, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary and final plats to the City Council.
7. The City, in conjunction with the City engineer and City attorney, shall approve the form of the final plat, that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
8. The Nibley City Council has final jurisdiction in the approval of subdivision plats unless otherwise designated within this title; the establishment of requirements for the Nibley City Design Standards and Specifications; and the acceptance of lands and public improvements that may be proposed for dedication.

Commented [RP1]: Are they really filed with both? How about just "the City"?

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Commented [RP2]: This is used as a defined term throughout the ordinance, but is never defined so far as I can see

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Commented [SN3]: Recommend taking City Council out of the process. If so search the whole document for where City Council is involved.

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Commented [RP4]: Under MLUDMA, you can have an application process that has "a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested." It's not clear what this means, but you may be able to have P&Z handle most zoning matters and leave the Council for appeals for contested/difficult questions. It looks like that's what you're proposing below

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1. The amendment and alteration of the Nibley City Design Standards ~~and~~ Specifications may, by resolution, be delegated to the Public Works Director and the City Engineer.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Repealed & Reenacted by Ord. 15-02 on 6/11/2015

21.02.050 Site Preparation And Work Prohibited

No excavation, grading, regrading or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Nibley City Council and a Notice to Proceed has been issued.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Repealed & Reenacted by Ord. 15-02 on 6/11/2015

21.02.060 Complete Submittal Required

No application for a subdivision shall be reviewed by the City Planning Commission or City Council ~~or be entitled to substantive review and approval;~~ until the applicant has submitted all documents required by this Chapter. The City shall inform applicants of the information needed to provide a complete application. Once a complete application has been received, the application shall be reviewed/approved as outlined in this Chapter.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

21.02.070 Effect Of Approval

Any approval granted under this title, whether it be for a preliminary plat or for a final plat for all or part of a subdivision shall be effective for a period of one year from the date of approval by the ~~City Council, or their designee~~ Approval Authority. If the applicant has not recorded the final plat or, in the case of the preliminary plat, presented a final plat for a phase of the subdivision for approval, within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the applicant fails to cure the default within said thirty (30) day period. Applicants shall then be required to submit a new application for review and approval, subject to local, state and federal laws and ordinances in effect at the time of the new submittal.

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Commented [RP5]: Other proposed changes have called into question this timeline.

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Commented [RP6]: Do you want to provide authority to grant an extension upon application for good cause

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Repealed & Reenacted by Ord. 15-02 on 6/11/2015

21.02.080 Phasing

1. When developing a large tract of land, subdividers may choose to construct the subdivision in phases rather than develop the entire property at once. Subdividers opting

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Commented [SN7]: Mayor's Comments:

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to phase the subdivision shall have one year from the date of preliminary approval to present the subdivision, inclusive of all phases, for final approval.

2. Phasing shall be done in a manner that maximizes connectivity between phases of the subdivision and shall be presented as part of the preliminary plat approval. Specific attention shall be paid to ensure that the roads in each phase connect to the roads in earlier phases.
3. Developers may choose to construct infrastructure improvements within the proposed subdivision, which may include, but are not limited to: utilities, parks, open space, stormwater facilities, trails, etc. When such improvements are approved as part of the subdivision approval, they shall be phased in proportion, based on percentage of the total value of the amenities in the subdivision, to the total number of lots in the subdivision, per phase. Example: If a phase contains 25% of the lots for the subdivision, then 25% of the total value of the subdivision's amenities are required to be constructed along with that phase.
4. Choosing to phase the subdivision does not relieve developers of the requirement to present the entire subdivision, in its phases, for final approval by the Planning Commission and City Council within one year of receiving approval of the preliminary plat by the City Council, as outlined in NCC 21.06.080.

Commented [RP8]: 10 years is a long time, but may help with some complex developments that take a while. Another option may be like a 5 year timeframe with the option to make application to extend for another 5 years under the original, vested approval.

Commented [SN9R8]: Could review it based on if the transportation master plan or other significant code has been updated.

Commented [SN10]: Is that timing ok?

Commented [SN11]: Reword to make more clear.

Commented [RP12]: Not clear on this

HISTORY

Adopted by Ord. No Source on 6/1/1992

Amended by Ord. 2002 Code on 1/1/2002

Repealed & Reenacted by Ord. 15-02 on 6/11/2015

21.02.090 Fees

Subdividers shall pay non-refundable filing fees for each of the preliminary plat(s), final plat(s) and plat amendments, ~~in such amounts as may be established by resolution of the City Council.~~ Subdividers shall also pay a deposit to cover costs including, but not limited to, staff review, legal review and engineering review. Fees shall be paid prior to the subdivision receiving either preliminary or final plat approval. Subdividers shall also pay any fee if bond money is insufficient. Fees and deposit amounts shall be established by resolution of the City Council.

HISTORY

Adopted by Ord. 15-02 on 6/11/2015

21.02.100 Appeal

- A. Any person adversely affected by an action or decision of the Development Committee, disagreeing with the actions of the Planning Commission, or City Council relative interpreting or applying Utah Code or Nibley City Code in the review, denial, or approval to the approval, approval with conditions, or disapproval of a land use application proposed subdivision plat may appeal such actions by following the procedures for appeal outlined in NCC 19.06 "Appeals".

- A-B. An applicant who wishes to challenge the completeness or timeliness of an application shall follow the procedures set forth in Utah Code § 10-9a-509.5.

Commented [SN13]: Write into Nibley City code that a staff action may be appealed to the City Council or Planning Commission

Commented [RP14]: Seconding the above comment. You would have to amend NCC 19.06. One easy way of doing this is to have staff be appealed to PZ, and PZ appealed to City Council, and then CC appealed either to a hearing officer or just to district court. Standards for appeal authority set out in 10-9a-701(4)

HISTORY

Adopted by Ord. [15-02](#) on 6/11/2015

21.02.110 Enforcement

The Planning Commission, the City engineer and such other departments and agencies of the City as are specified under the provisions of this title are hereby designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions [or waive the City's right to pursue such remedies in the future.](#)

HISTORY

Adopted by Ord. [15-02](#) on 6/11/2015

21.02.120 Inspection

Appropriate agencies and departments of the City shall inspect or cause to be inspected all public improvements in the course of construction, installation or repair [as required in this title.](#) Excavations for any publicly owned infrastructure shall not be covered or backfilled until such installation shall have been approved by the Public Works Director. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector, and at the responsible person's cost and expense.

Commented [SN15]: Put this section at the end?

HISTORY

Adopted by Ord. [15-02](#) on 6/11/2015

21.02.130 ~~21.02.130 Pro~~Prohibition On Subdivision

A. It is unlawful for any person to subdivide any tract or parcel of land located wholly or in part in the Nibley City limits, and no application for any subdivision for any tract or parcel of land may be approved, if any of the following apply;

1. The applicant or subdivider is a member of the City Council;
2. The applicant or subdivider is a spouse of a City Council member;
3. A member of the City Council owns an interest of any kind in the applicant or subdivider;

B. As set forth in NCC 1.10.030, the Mayor is a member of the City Council for the purpose of this Section.

A violation of this section is a Class B Misdemeanor.

HISTORY

Adopted by Ord. [18-02](#) on 3/15/2018

21.04 Definitions

- A. For purposes specific to this title, all terms shall have the same definition as provided by Utah Code § 10-9a-103, 1953, as amended and also in NCC 19.04, except as such definitions are modified herein.
- B. "Appeal Authority" as used in Utah Code § 10-9a-103 means that body or person designated by NCC 19.06 "Appeals".
- C. "Land Use Authority" as used in Utah Code § 10-9a-103 means that body or person designated as the Approval Authority by Nibley Code 21.06.060 Land Use Authority.
- D. "Nibley City Design Standards and Specifications" means those technical standards, specifications, measurements, and requirements adopted by the City Council or its designee that govern the design and construction of public and private infrastructure and facilities.

21.06 Approval Process

21.06.010 Compliance Required

21.06.020 Standards And Lot Size

21.06.030 Concept Plan Review

21.06.040 Submission Of Preliminary Plat

21.06.050 Public Hearing Required

21.06.060 Notification Of Adjacent Property Owners

21.06.070 Authorization To Proceed

21.06.080 Final Plat Approval

21.06.010 Compliance Required

Before dividing any tract of land into a "subdivision" as defined in NCC 21.04, a subdivider shall follow the procedures specifically provided for that type of development or zoning under Nibley City Code. If no more specific procedures are provided, a subdivider shall follow the procedures outlined in this chapter, except as may be provided for in Utah Code § 10-9a-605, 1953, as amended.

HISTORY

Adopted by Ord. No Source on 6/1/1992

Amended by Ord. 2002 Code on 1/1/2002

21.06.020 Standards And Lot Size

All subdivisions must meet the minimum lot and development standards as outlined in each zone of the Nibley City land use ordinance and within this Title.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.030 Concept Plan Review

Commented [SN16]: Make note that other developments, like RPS or RPUD may have different approval processes.

- A. Prior to submitting a preliminary plat, a subdivider may submit an initial written "concept plan" to the Planning Commission. The concept plan shall include a sketch plan of the proposed subdivision in which the proposed subdivision is sufficiently described to enable the Planning Commission to determine whether the proposed subdivision complies with zoning title, master plans, street plans and services. The Planning Commission shall advise the subdivider of possible problems with the proposed subdivision within thirty (30) days after it receives the concept plan. Approval of the concept plan shall not constitute final approval of a particular subdivision plan or of the preliminary plat. This section is not mandatory and a subdivider may submit a preliminary plat plan in lieu of the concept plan.

Commented [SN17]: Mayor's Comment: Mostly want staff to handle it. Council and Commissioners may

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.040 Submission Of Preliminary Plat

Commented [SN18]: Review by Fire.

The subdivider shall submit ~~three (3)~~ ~~five (5)~~ paper copies and one (1) electronic copy, in a format that is readable, of the proposed preliminary plat to the Planning Commission at least fourteen (14) days prior to the date of the Planning Commission meeting at which the preliminary subdivision plan is to be reviewed. The Planning Commission shall circulate copies of the proposed preliminary plat to all affected departments and to any districts which may be providing special services for comment and review.

Commented [SN19]: Do we really need 5 copies?

The preliminary plat shall conform to the development standards outlined in NCC 21.08.010.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.50 21.06.050 Public Hearing Required

Commented [SN20]: No need for a public hearing, but it still might be good for advertisement on property

- A. Upon receipt of a subdivision application, the City Council and Planning Commission shall hold public hearings on all preliminary plats, to hear public comment and concern regarding the proposed development.

HISTORY

Adopted by Ord. No Source on 6/1/1992

Amended by Ord. 07-17 on 11/15/2007

21.06.060 Notification Of Adjacent Property Owners

- A. Written notice of the time, date and place where the Planning Commission and City Council will hold public hearings and consider giving preliminary approval to the subdivision shall be given to adjacent property owners within three hundred (300') feet of the proposed subdivision in accordance with NCC 19.02.120(G). The written notice shall also advise the property owner that he or she has the right to be present and to comment on the proposed subdivision. The applicant shall provide the Planning Commission with the names of all persons to whom the notice was mailed.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.070 Authorization To Proceed

Upon approval of the preliminary plat by the City Council, copies of the approved preliminary plat with written conditions attached shall be delivered to the City Planner and to the subdivider. Receipt of same shall be authorization for the subdivider to proceed with the preparation of the final plat and plans and specifications for the improvements required in the final plat.

Prior to the construction of any improvements required by this title, the subdivider shall provide the City engineer with all plans, information and data necessary to install and construct the improvements. This information shall be examined by the City engineer and shall be approved if he determines them to be in accordance with the requirements of City ordinances.

Commented [SN21]: Are the reports needed listed in our design standards?

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.080 Final Plat Approval

- A. Within one year of receiving approval of the preliminary plat by the City Council, developers shall present the entire subdivision for final approval by the Planning Commission and the City Council. Planning Commission shall make a recommendation to the City Council for the final subdivision approval, approval with conditions, or disapproval.
- B. The application for final approval ~~final subdivision submittal~~ shall consist of the following:
 1. ~~Final plats for each of the entire subdivision's or for the proposed phases,~~ prepared according to this ordinance and to the Nibley City Design Standards ~~and~~ Specifications;
 2. A stamped report, prepared by a Utah Licensed Professional Engineer or Professional geologist, establishing the ordinary high groundwater elevation and finished floor elevations for the subdivision.
 1. No finished floor elevations, including basement floor elevations, shall be permitted below the aforementioned groundwater elevation.
 2. The groundwater elevation and finished floor elevation limitations shall be recorded as a boxed note (min 14 pt font) on the recorded mylar
 - ~~3-4.~~ 3. The report shall be attached to the Development Agreement.
 3. Construction drawings for the subdivision, prepared by licensed professionals according to this ordinance and to the Nibley City Design Standards ~~&and~~ Specifications;
 4. Three (3) hard copies of the final plats and construction drawings and one (1) electronic copy of the same; and
 5. A draft Development Agreement, prepared by Nibley City, outlining the roles and responsibilities of both the subdivider and Nibley City. The Development Agreement shall be approved by the City Council as part of the final approval.

Commented [RP22]: Does this mean the last submission for final plat approval or just A submission for a final plat/phase approval?

Commented [RP23]: All or just one phase?

Commented [RP24]: Your design specs may cover this, but I don't see any specific requirement for licensed professionals for construction drawings

- C. Upon a ~~subdivider's~~ subdividers failure to receive approval within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the Applicant fails to cure the default within said thirty (30) day period. Applicants shall then be required to submit a new application for review and approval, subject to local, state and federal laws and ordinances in effect at the time of the new submittal.
- D. Developers are not required to record all phases of the subdivision, once final approval has been given. They are required only to receive final approval for the entire subdivision and then they may construct the subdivision in phases.
- E. Final approval shall be valid for three (3) years. If a subdivision, or phase thereof, has not been constructed within three (3) years of the date of final approval by the City Council, the Public Works Director shall suspend the Notice to Proceed and the developer shall be required to resubmit the final plats and construction drawings for review and compliance with City standards and specifications in effect at that time.
- F. At the time final approval is requested, the City and the developer shall enter into a development agreement outlining the roles and responsibilities of each respective to the development. Regardless of how the developer chooses to phase the subdivision, the development agreement shall encompass the entirety of the project and shall be recorded with the first recorded phase of the subdivision.

Commented [RP25]: This is duplicated. I would recommend not have duplicative provisions. Code references are better so there's less chance of confusion/discrepancies. "Failure of the subdivider to receive a final plat approval may result in the approval becoming void as described in 21.02.070."

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Commented [RP26]: This doesn't seem to mesh with the change above allowing the developer to submit one phase for final approval. I would recommend allowing them to get final plat approval in phases.

Commented [SN27]: I feel that is too short, any large project will take 10 years or more for build out.

Commented [RP28]: This seems to be contradicted by 21.02.070, which gives one year from final approval. This should be rectified and probably just made into a reference.

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Commented [SN29]: Do we want a single development agreement for each phase?

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HISTORY

Adopted by Ord. No Source on 6/1/1992

[21.08 Standards Of Approval](#)

[21.08.010 Preliminary Plat](#)

[21.08.020 Final Plat](#)

[21.08.030 Lot Line Adjustments](#)

[21.08.040 Minor Subdivision Process](#)

[21.08.10 21.08.010 Preliminary Plat](#)

- ~~4- A.~~ As part of the submittal of the preliminary plat, subdividers shall provide Nibley City with the following information:

~~4- A list containing the names and mailing addresses of person(s) or other entities who are the owners of record of property located within three hundred feet (300') of any portion of the property proposed for development.~~

~~2-1.~~ A title report, provided by a title company, for the property proposed to be subdivided, dated within thirty (30) days of the submittal of the preliminary plat.

- ~~2- B.~~ Description: The preliminary plat shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100') on standard twenty four inch by thirty six inch (24" x 36") paper and shall include the following information in the title block:

~~4-2.~~ The proposed name of the subdivision.

2-3. The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project..

3-4. A legal description of the property.

4-5. The names and addresses of the owner, subdivider if other than owner, and the engineer or surveyor of the subdivision.

5-6. Date of preparation.

6-7. Scale.

3-2. Existing Conditions: The plat shall show:

1. The location of the nearest benchmark and property monuments.
2. All property contiguous to the proposed subdivision under the control of the subdivider, even if only a portion is being subdivided.
3. The location, width and names of all existing streets, railroads, open spaces, sewers, water mains, culverts or other utility lines and rights-of-way, and permanent buildings and structures located within the tract and within three hundred feet (300') of the outermost boundary of the subdivision.
4. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract.
5. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.
6. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
 1. Except as outlined in NCC 21.10.040, prior to approval of the preliminary plat, the subdivider shall provide the City with signed documentation that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.
7. Identification of known natural features including, but not limited to, wetlands as identified by the US Army Corps of Engineers, areas which would be covered in the event of a 100-year storm event, all water bodies, floodways and drainageways, slopes exceeding twenty percent (20%) and any other natural features as may be required by the Planning Commission or City Council for the subdivision, including the acreage in each required feature.
8. Boundary lines of adjacent tracts of land, showing ownership where possible.
9. Contour map at vertical intervals of not more than five feet (5') where the slope is greater than ten percent (10%) and not more than two feet (2') where the slope is less than ten percent (10%).
10. A plan outlining how the subdivider intends to phase construction of the project, if phasing is intended.

4-3. Proposed Development: In addition to the above-listed items, the preliminary plat shall show:

1. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
2. The layout, numbers and typical dimensions of lots.

3. Open space intended to be dedicated for public use or set aside for the private use of property owners in the subdivision.
4. Building setback lines, including dimensions of said lines.
5. Easements, including dimensions, for water, sewer, drainage, utility lines and other purposes as required by the Planning Commission or by City law.
6. A tentative plan or method for the subdivision's groundwater, fire hydrant, sewer and stormwater drainage facilities.
7. Where the plan submitted covers only part of the subdivider's tract, the preliminary plat shall include a sketch of the prospective future street system which shall be considered in light of the future street system of the larger area.

5-4. Approval Of Preliminary Plat:

1. Conditions Of Approval: The Planning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this title, Title 10 of the Nibley City Code and all other applicable City ordinances.
2. Environmental Impact Analysis: The Planning Commission shall determine from the preliminary plat the possible need for environmental impact analysis. .
3. Approval Or Disapproval By Planning Commission: The Planning Commission shall, within forty five (45) days after the preliminary plat is filed with the Planning Commission, approve the preliminary subdivision plan if it finds that the subdivision complies with City ordinances. The Planning Commission may conditionally approve a preliminary subdivision plat imposing such conditions as required in order to bring the subdivision plat into compliance with the requirements of City ordinances. In the event the Planning Commission disapproves the preliminary plat, ~~it shall do so within forty five (45) days after the date the subdivider made application for approval and shall state in writing each reason for the disapproval. All comments and recommendations shall be forwarded to the City Council within the prescribed time limit.~~
4. Approval Or Disapproval By City Council: The City Council ~~shall, within thirty (30) days after~~ shall, after receiving the preliminary plan with recommendations from the Planning Commission, approve, approve with conditions, or disapprove the preliminary plan. ~~A representative of the Planning Commission shall meet with the City Council to discuss and clarify the Planning Commission's position.~~ The final conditions of approval or reasons for disapproval shall be stated in writing to the subdivider.
5. ~~Plats not acted upon within the above time frames shall be deemed to have been approved. A plat shall be deemed to be acted upon if it is approved, denied, approved with conditions, continued for further review or tabled.~~

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HISTORY

Adopted by Ord. No Source on 6/1/1992

21.08.020 Final Plat

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A. Description: The final plat shall be drawn to a scale ~~not smaller than one hundred feet to the inch (100' = 1")~~ on standard twenty four inch by thirty six inch (24"x36") paper and shall include the following information:

1. The proposed name of the subdivision.
2. The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project.
3. A legal description of the property.
4. The names and addresses of the owner, subdivider, if other than owner, and the engineer or surveyor of the subdivision.
5. Date of preparation.
6. Scale
7. The base heading of true north.

B. The plat shall contain the following information:

1. Accurate dimensions for each lot, street, alley, easement, areas to be dedicated as open space and other important features. Dimensions shall be shown in feet and hundredths. Lot sizes shall be expressed in acreage.
2. The street address for each lot. Lots on the north and west sides of the street shall have odd numbers. Lots on the south and east sides of the street shall have even numbers.
3. A description and delineation of other angles, distances, points, monuments, markers, boundaries and other geometries as described in the Nibley City Design Standards and Specifications.
4. Standard signature forms, the wording of which is found in the Nibley City Design Standards and Specifications, for the following:

- i. Registered land surveyor's certificate of survey, as applicable under Utah law;
- ii. Owner's signature of dedication;
- iii. Notary public acknowledgement;
- iv. City engineer's certificate of approval;
- v. Utility companies' approval;
- vi. Planning Commission approval;
- vii. City approval, signed by the Mayor and City Recorder if City Council is required to approve the plat;

- viii. City attorney approval;
- ix. A block for use by the County Recorder containing the required recording information.

~~ix. The following note regarding agricultural uses of property:~~

- a. ~~This property is located in the vicinity of property that is used for agricultural purposes. It may be anticipated that such uses and activities may or may not in the future be conducted in this area and such uses are previously existing uses. Agricultural uses and situations must be sound agricultural practices and not bear a direct threat to public health and safety.~~

x. The following note regarding groundwater:

- a. Areas in Nibley have groundwater problems due to the varying depth of a water table. The City's approval of a final plat, building

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Commented [RP30]: This seems to be unnecessary. It's more of a warning than anything else. Whether or not the City can regulate preexisting agricultural uses through nuisance law is not really relevant to a new subdivision.

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Commented [SN31]: Do we need this?

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permit or construction plans does not constitute a representation by the City that building at any specified elevation or location would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building site, remain solely with the building permit application, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for such concerns including, but not limited to, building location and/or elevation, site grading and drainage.

- C. Additionally, construction plans shall be submitted with the final plat. These plans shall detail the size, design, type and location of all infrastructure improvements proposed for construction as part of the phase, including, but not limited to, streets, sidewalks, curbs, utility pipes and other infrastructure. Construction plans shall be prepared in accordance with the Nibley City Design Standards and Specifications.

Commented [RP32]: Maybe not necessary, but it's not bad to have a waiver for liability from groundwater.

Commented [SN33]: Or this?

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Amended by Ord. 2002 Code on 1/1/2002

21.08.030 Lot Line Adjustments and Amendments to a Subdivision Plat

- A. An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:
1. No new lot results from the lot line adjustment.
 2. No previously existing lot is eliminated as a result of the adjustment.
 3. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.
 4. No lot is made undevelopable without a variance or other special consideration.
 5. All property owners directly affected by the lot line adjustment give their consent.
 6. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
 7. The lot line adjustment does not result in the violation of any applicable zoning ordinance.
 8. The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.
 9. Provided the above conditions are met, no municipal land use authority approval is required.

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- 8-B. An amendment to a subdivision plat shall follow the process and standards within Utah State Code 10-9a-6 as amended, and any applicable Nibley City ordinances.

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~~Provided the above conditions are met, no municipal land use authority approval is required.~~

21.08.040 Minor Subdivision Process

1. Purpose: In an effort to reduce the expense of developing relatively small residential subdivisions that meet certain conditions, residential subdivisions of five (5) lots or less may be considered and approved under this section. A subdivision approved under this section shall be known as a "Minor Subdivision." Minor subdivisions, when approved, are exempt from platting requirements for preliminary and/or final plats and may also be exempt from the requirements for some engineering reports and construction drawings as determined by the Nibley City Engineer and as provided in this section.
2. Minor Subdivision Requirements: To be considered for approval as a Minor Subdivision, the proposed subdivision must meet all the following requirements:
 1. Notice is provided as required by ordinance;
 2. The proposed parcel is not traversed by the mapped lines of a proposed street or trail as shown in the General Plan, Master Transportation Plan, and/or Trail Master Plan;
 3. The proposed subdivision does not require the dedication of any land for street or other public purposes;
 4. The proposed subdivision has been approved by the culinary water authority and the sanitary sewer authority;
 5. The proposed subdivision is located in a residential zoned area; and
 6. The proposed subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;
 7. The proposed subdivision contains five (5) lots or less total;
 8. The parcel being divided has not had other lots separated from it within the past five years, provided that, if another lot or lots have been separated from the parcel that is the subject of the request for Minor Subdivision within the past five years, then the previously separated lots and the subject parcel will all be counted towards the five (5) lot limit for the purposes of the application for a Minor Subdivision under this section;
 9. The proposed subdivisions does not require or contemplate that require the creation or dedication of open space land for the purpose of receiving higher density and/or smaller lot size may not use the minor subdivision process; and
 10. The proposed subdivision complies with all other applicable requirements under Nibley City Code for a subdivision, including zoning, infrastructure improvements and bonding thereof, providing for drainage needs, providing required utility easements, and protecting sensitive land issues, etc. must be provided for as applicable as outlined Nibley City subdivision requirements.
3. Minor Residential Subdivision Application Procedure: The application procedure for a minor subdivision shall be as follows:
 1. Pre-Application Meeting- The applicant must meet with Nibley City Staff to determine if the proposed subdivision meets the requirements of a Minor Subdivision. The staff shall provide a copy or access of this section of Nibley City code and inform the applicant of their options. The staff shall review with the

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- applicant any requirements for construction drawings that may be needed and required for approval.
2. Minor Subdivision Plat- Minor Subdivisions shall be exempt from preliminary plat application and shall file a final plat in compliance with all NCC 21 and standards on the plat as unless noted in this section and the applicant may only submit a final Minor Subdivision plat after a Pre-Application Meeting with Nibley City staff and a determination from City staff that the proposed subdivision meets the requirements for a Minor Subdivision. Nibley City staff shall write and proposed a development agreement to be considered with the minor subdivision application.
 3. The Planning Commission shall act as the land use authority for a Minor Subdivision and shall grant or deny an application for a Minor Subdivision within 60 days of its receipt of a complete application. The Planning Commission shall approve an application for a Minor Subdivision if the plat and development agreement meet all of Nibley City's ordinances as listed in NCC 19 and NCC 21, Public Work's design standards, general plan, master plans and all requirements for a final plat.
 4. Recording of the final plat: Final approval shall be valid for three (3) years. If an applicant fails to record the final plat within that time, the approval of the plat is void.
 5. Notice to proceed and process after final approval: All Minor Subdivisions shall follow the Nibley City subdivision code and process as outlined after final approval.
 6. Minor Subdivision standards: All Minor Subdivision shall comply with Nibley City Ordinances, as listed in Nibley Code, and engineering and public work design standards, unless otherwise listed in this section.
 1. Finished floor elevation recorded on the final plat:
 1. An applicant shall include all groundwater reports as required Nibley City code with the final plat. An applicant is not required to submit a groundwater report or finish floor elevations of any permitted building if the applicant records on the final plat that no finished floor shall be built at an elevation lower then six inches (6") above finish curb or center line of the street, whichever is higher.
 2. Construction Drawings and Engineering Reports:
 1. The applicant shall submit all report as required by Nibley City code unless otherwise exempted by the Planning Commission.
 2. Applicants shall submit detailed stormwater plans at the request of the Nibley City Engineer.

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HISTORY

Adopted by Ord. [18-07](#) on 8/2/2018

21.10 Subdivision Options

21.10.010 Type Of Subdivisions

21.10.020 Rural Preservation Subdivision

21.10.030 Cluster Subdivisons

21.10.010 Type Of Subdivisions

A developer may subdivide under one of the following subdivisions:

Type of Subdivision	Applicable Zones	Density	Open Space Requirements	Lot Size
Standard Subdivision	All zones	Density must comply with zoning	Open space is not required	Lot size must comply with zoning
Rural Preservation Subdivision	R-1, R-1A, R-2, and R-2A	Bonus density	Open space is required	Smaller lots are allowed
Cluster Subdivision	A, R-E, R-1, R-1A, R-2, and R-2A	Density must comply with zoning	Open space is required	Smaller lots are allowed

1. Standard Subdivision must follow all zoning and subdivision code contained within Nibley City code and design standards, including lot sizes, frontages, setbacks, etc.
2. Rural Preservation Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified within the Rural Preservation Subdivision requirements stated within Nibley City Code.
3. Cluster Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified with the Cluster Subdivision requirements stated within Nibley City Code.
4. Each subdivision must follow State law and the Utah Land Use Development Management Act.

HISTORY

Adopted by Ord. [18-05](#) on 7/19/2018

21.10.020 Rural Preservation Subdivision

1. Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:
 1. Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
 2. Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
 3. Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
 4. Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
 5. Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings

- and/or sites, archeological sites, and green space, by setting them aside from development;
6. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
 7. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
 8. Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
 9. Creates neighborhoods with direct visual and/or physical access to Open Space Land;
 10. Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.
2. Definitions: For purpose of this section, the following words shall have the meanings set forth herein:
1. OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.
 2. CONSTRAINED AND SENSITIVE LAND: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater ~~then~~ than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.
 3. WATERWAY: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
 4. TREE STAND: A group or cluster of trees within a geographic location that are occurring naturally or artificially.
 5. MEADOWS: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
 6. PASTURE: A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.

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7. NET DEVELOPABLE LAND: Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
 8. Public access rights-of-way
 9. Land required to be dedicated along waterways
 10. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
 11. Constrained and Sensitive Land as defined herein
 12. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.
 13. Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the proposed final plat.
3. Applicability:
 1. The election to develop the property as a Rural Preservation Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and the rural preservation subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. Rural Preservation Subdivisions may be developed within applicable residential zones of the City. Rural Preservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.
 2. In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.
 3. Development Options: In R-1, R-1A, and R-2 zones in Nibley City, developers may elect to develop a Rural Preservation Subdivision. R-2A zones may also be developed under the terms of this ordinance; in such cases, the R-2A zoned property shall be treated as R-2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance. If the zone is not listed above, it does not qualify for a Rural Preservation Subdivision.
 4. Developers desiring to develop the property as Rural Preservation Subdivision are subject to the development standards, conditions procedures and regulations of this section.
4. Application Process:
 1. Applications for a Rural Preservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the

City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.

2. Pre-application Meeting: Applicants for a Rural Preservation Subdivision shall have a pre-application meeting with Nibley City staff to review the application and answer questions provided by the applicant. Prior to this meeting, the developer shall submit the draft plan of the proposed subdivision and shall include the following:
 1. Zoning and parcel location
 2. Total gross acres
 3. Estimated right-of-way dedication
 4. Estimated Constrained and Sensitive Land
 5. Estimated Net Developable Land
 6. Estimated Open Space Dedication and proposed uses.
 7. Total number of lots based on density bonus
 8. Estimated lot sizes and subdivision layout.
3. Sensitive Area Designation Plan Map: All applications for a Rural Preservation Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet (400') of the developments property boundaries as noted in City, County, State, and Federal records.
4. Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.
5. Dimensional Standards:

1. The lot standards within a Rural Preservation Subdivision shall be determined in accordance with the Lot Standards Chart.

Lot Standards Chart					
Zone	Open Space Ratio (OSR) ^{NOTE 1}	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage ^{NOTE 2}
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2 and R-2A	$0.25 \leq \text{OSR} < 0.30$	1.20	$\geq 13,200 \text{ ft}^2$	$\geq 11,500 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.25	$\geq 12,200 \text{ ft}^2$	$\geq 10,500 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.30	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.35	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$
Notes:					
1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land.					
2. Frontage is determined at the front setback line.					

2. Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a Rural Preservation Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:
 1. The subdivision must be in one of the approved zones as listed within the Rural Preservation Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance.
 2. Provide to the City the total area contained within the subdivision plat.
 3. Provide to the City the total area being dedicated to rights-of-way.
 4. Provide to the City the total acres of Constrained and Sensitive Land.
 5. Provide the City the total Net Developable Land area as defined within this section.
 6. State the area of proposed Open Space Land.
 7. Calculate Open Space Ratio.
 8. Calculate the Base Number of Lots per zone:
 1. Base Number of Lots R-1 = Net Developable Land / 1 acre
 2. Base Number of Lots R-1A = Net Developable Land / .75 acres

3. Base Number of Lots R-2 and R-2A = Net Developable Land / 0.5 acres
 9. Determine Incentive Multiplier
 1. Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.
 10. Calculate total allowed
 1. Total allowed lots = Base number of lots multiplied by the Incentive Multiplier
6. Lot Area, Frontages, and Zoning Regulations:
 1. The subdivision, along with each lot within the subdivision, shall meet and comply with the minimum lot sizes, average lot sizes, and frontages shown on the Lot Standards Chart. Except for these requirements, the Zoning Regulations (NCC 19) for the underlying zone shall apply to Rural Preservation Subdivisions, unless otherwise noted within this section.
7. Conservancy Lots:
 1. Open Space Land and Constrained and Sensitive Land may be included within individual residential lots when such areas can be properly protected and preserved in accordance with the intent and purpose of this section. Such lots shall be known and referred to as "conservancy lots". These lots must contain a minimum of 0.5 acres of Open Space Land, except for areas approved by Nibley City as defined Landscape Buffers, and that Open Space Land must meet the design standards and use standards within this section.
 2. Regulations: Open Space Land and Constrained and Sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection. Open Space Land must be developed and maintained within the first year of the date of issuance of a Notice to Proceed under NCC 21.
 3. The portion of each Conservancy Lot that is not Open Space Land must meet the minimum lot size on the applicable Lot Standards Chart and shall be the portion of the Conservancy Lot used to calculate the average and minimum lot size within the subdivision.
8. Use Regulation: Use of the land in a Rural Preservation Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a Rural Preservation Subdivisions is subject to the following:
 1. Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:
 1. Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
 2. Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open Space Land when computing the Open Space Ratio in

- the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.
3. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
 4. Conservation of open land in its natural state; e.g., meadows, tree stands, wetlands, forestland.
 5. Waterways along with dedicated public access rights-of-way or easements along one or both sides.
 6. Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
 7. Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Rural Preservation Subdivision if maintained by a functional owners association.
 8. Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.
 9. Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
 10. Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
 11. Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.
 12. Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
 13. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
 14. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Design Standards [and Specifications](#), must contain a tree for every 300 square feet

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and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation.

2. Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:

~~1.~~ ~~Commercial activities are not permitted unless otherwise specifically permitted within this section.~~

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~~2-1.~~ Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.

~~3-2.~~ Firearm ranges, and other uses similar in character and potential impact are prohibited.

~~4-3.~~ Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.

~~5-4.~~ Any cutting of trees or vegetation, except as reasonably necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses or other uses allowed within this section.

~~6-5.~~ Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted use.

~~7-6.~~ Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land

~~8-7.~~ Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.

~~9-8.~~ Any residential, commercial or industrial activity except as specifically permitted in this ordinance.

~~10-9.~~ Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.

~~11-10.~~ Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.

~~12-11.~~ Hunting or trapping for any purpose other than predatory or problem animal control.

~~13-12.~~ The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.

~~14-13.~~ The division, subdivision or de facto subdivision of the property.

~~45-14.~~ The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.

~~46-15.~~ All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.

3. Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands.
4. Open Space Land Coordination: Open Space Land shall be coordinated and located to maximize the continued use of the space. To create larger areas of Open Space Land and to combine Open Space Land from a variety of developments, Open Space Land shall be coordinated either with existing adjacent Open Space Land or with planned future Open Space Land. If no adjacent parcels of land are planned for development, Open Space Land shall be planned to provide the greatest likelihood of adjoining future developments' Open Space Land.
5. Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within a rural preservation Subdivision shall be complied with as provided herein.
9. Open Space Land Design Standards: Open Space Land shall be located and designed within the Rural Preservation Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within a Rural Preservation Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:
 1. Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
 2. Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.
 3. Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
 4. Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, ~~six (6) trees~~ ~~four (4) deciduous trees, five (5) evergreen trees,~~ and fifteen (15) shrubs. Tree and

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shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.

5. Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
 6. Recreation Space: Open Space Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
 7. Stormwater Basin: These facilities must be built to Nibley City Design Standards [and Specifications](#), must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.
10. Permanent Protections of Open Space Land:
1. Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the rural preservation subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Rural preservation subdivision.
 2. Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
 1. Legal description of the easement;
 2. Description of the current use and condition of the property;
 3. Permanent duration of easement;

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4. Permitted and conditional uses;
 5. Prohibited development and/or uses;
 6. Maintenance responsibilities and duties; and
 7. Enforcement rights and procedures.
3. Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.
 4. Grantee: Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering Open Space Lands within a Rural Preservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.
11. Ownership of Open Space Land:
1. Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
 2. Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
 3. Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
 4. Owners' Association: Open Space Land may be held in common ownership by a Home Owners' or other acceptable Owners' Association, subject to all the provisions for Owners' Associations set forth in state law, the City Code, and the following:
 1. A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
 2. The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;

3. Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.
 4. The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
 5. The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted; and
 6. Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of the Association and to the City no less than thirty (30) days prior to such event. vii. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.
 7. In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.
5. Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.

12. Maintenance of Open Space Lands:

1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
 1. The proposed Ownership of the Open Space Land;
 2. The party that will be responsible for maintenance of the Open Space Land;
 3. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the
 4. standards listed within this section;
 5. The size of each Open Space Land parcel; and
 6. The proposed concept plan for landscaping of the Open Space Land.
3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Rural Preservation Subdivision application for the subdivision. The

developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:

1. Ownership agreements for Open Space Land;
2. A description of the use of the Open Space Land and how that use complies with this section;
3. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
4. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
5. The landscaping plans for parcels that will be owned by an owners association or by the City.
6. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
4. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.
5. Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.
6. Corrective Action: The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien

shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.

7. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
8. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the Rural preservation subdivision.

HISTORY

Adopted by Ord. 18-05 on 7/19/2018

21.10.030 Cluster Subdivisions

1. Purpose and Intent: Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area.
2. General Regulations:

1. Conditional Use: A cluster subdivision shall be a conditional use in the A, R-E, R-1, R-1A, R-2 and R-2A zones, and the terms and requirements of those zones shall govern the subdivision except as such terms and requirements are modified by this section. and, notwithstanding any other provisions of this title, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided, however, that no such cluster subdivision shall contain fewer than ten (10) dwelling units.

4.2. Minimum Subdivision Size: A proposed cluster subdivision shall have a minimum of ten (10) dwelling units and sufficient land to meet the density requirements of the zone in which the development is located, as set forth below.

2.3. Reduction In Minimum Lot Area: Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located may be recommended for approval by the planning commission to the city council, provided the provisions of this chapter are met and further provided that the cluster subdivision receives subdivision approval.

3. Site Development Standards:

1. Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but the

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overall density of the cluster subdivision shall not exceed the density allowed in the zone in which the development is located.

2. Use And Height Regulations: Use and height regulations shall be the same as for the zone in which the cluster subdivision is located.
3. Yard Setbacks: The required yard setbacks of the zone shall be maintained on the perimeter of the cluster subdivision.
4. General Considerations: The cluster subdivision should be compatible with the surrounding land uses, building types and physical features of the site. The planning commission should consider the criteria used in NCC 19.28.
5. Basis For Issuance Of Conditional Use Permit: In addition, the planning commission should consider the following:
 1. Fencing, screening and landscaping both inside and at the perimeter of the site;
 2. The quality, quantity and potential uses of the reserved or dedicated open space land; and
 3. Bulk and location of buildings on the site.
4. Open Space
 1. Required: There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located.
 2. Preservation And Maintenance: Recreation and/or open space areas to be permanently reserved shall be improved, landscaped and maintained in accordance with a plan approved by the planning commission. The developer shall specify how and by whom the reserved open space land will be maintained.
5. Procedure for Approval: A preliminary site plan of the cluster subdivision showing topography, proposed building sites and locations, proposed uses, areas within the subdivision to be permanently reserved for recreation and/or open space, improvements and method of maintenance of such areas shall be presented to the planning commission. The planning commission shall submit its recommendation for approval or denial, together with such modifications necessary to serve the public and ensure integration of the development into the neighborhood, to the city council. The site plan must be approved by the city council before the cluster subdivision proposal becomes a permitted use in the zone in which it is proposed.

[21.12 Infrastructure Improvements](#)

[21.12.010 Compliance Required](#)

[21.12.020 Water Supply](#)

[21.12.030 Sewage Disposal](#)

[21.12.040 Storm Drainage](#)

[21.12.050 Streets](#)

[21.12.060 Blocks](#)

[21.12.070 Lot Layout And Design](#)

[21.12.080 Railroad](#)

[21.12.090 Ditches And Canals](#)

[21.12.100 Safety Fences](#)

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[21.12.110 Street Signs](#)

[21.12.120 Landscaping](#)

[21.12.130 Monuments/Pins](#)

[21.12.140 Street Lighting](#)

[21.12.150 Protection Strips](#)

[21.12.160 Utilities](#)

21.12.010 Compliance Required

Prior to the release of the mylar, to the subdivider, for recordation and subsequent issuance of building permits by the City, the improvements described in this section shall be completed by the subdivider and approved by the Public Works Director. All improvements described in this title shall meet the standards set forth in the Nibley City Design Standards and Specifications.

In lieu of completion of the infrastructure requirements, surety may be provided as described in [NCC 21.14.010, herein](#).

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.020 Water Supply

All subdivisions shall be required to connect to the Nibley City culinary water system. Subdividers shall, at their own expense, install water mains, fire hydrants and service laterals to each lot within the subdivision in accordance with the Nibley City Design Standards and Specifications. The subdivider must also install the necessary pipeline from the subdivision to the nearest City water line. In addition, the following minimum standards shall apply:

- 4-A. Subdividers shall be required, in all zones, to provide Nibley City with water shares sufficient to serve the culinary needs of the subdivision. The amount required shall be determined by the City Engineer as part of the preliminary plat review.

 1. In calculating the amount of water needed, the City shall follow Utah Administrative Code Rule R309-510: Facility Design Operation: Minimum Sizing Requirements, as may be amended.
- 2-B. In areas where flood irrigation or pressurized irrigation is available, subdividers are encouraged to install a secondary water system, in addition to the required hook-on to the Nibley City culinary system. Subdividers shall notify Nibley City of their intent to install a secondary system at the time the preliminary plat is submitted and shall submit plans for the design and operation of the secondary system. Providing a secondary water system does not relieve subdividers of providing the City with water shares, as outlined in NCC 21.10.020(A). However, the City ~~may shall sell lease back~~ to the owners of the secondary system ~~secondary water such shares~~ as may be needed to support the secondary system. The subdivider shall provide the City with engineered calculations demonstrating the amount of ~~watershares~~ they require to support the secondary system. The cost of the ~~waterlease~~ will be limited to actual costs associated with maintaining the shares, plus a reasonable administrative fee.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.030 Sewage Disposal

Public sanitary sewer facilities shall be provided for each lot in the subdivision. Where a public sanitary sewer is available within three hundred feet (300') of a subdivision property line, or any part or portion thereof, including the property lines for each individual parcel located within the subdivision, at the time of recording the final plat, the subdivider shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

Amended by Ord. 2002 Code on 1/1/2002

21.12.040 Storm Drainage

~~4-A.~~ A storm drainage system shall be provided and must meet the approval of the City engineer. This system must be independent of any sanitary sewer system. No ditch or canal shall be approved as suitable for use as storm drainage without the written permission of the appropriate ditch or canal company, and/or the affected water users. If permission is obtained, ditches and canals must be adequately improved to handle such water as might reasonably be expected to flow from normal irrigation and spring water, storm runoff water, and any other water expected to reach such ditch or canal.

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~~2-B.~~ Any use of the irrigation canal system owned by the Nibley Blacksmith Fork Irrigation Company (NBFI) for stormwater drainage shall be approved as provided in the Operating Agreement between the City and NBFI dated August 21, 2014, as may be amended.

1. Prior to the approval of a preliminary plat by the Approval Authority, developer shall present to the NBFI, any and all plans related to the alteration of canals owned and operated by NBFI on the developer's property under consideration for subdivision. Such plans shall include, but not be limited to: relocation of canals on the property, proposed pipe size, location and design of proposed inlet and outlet structures, and calculations demonstrating how the proposed alterations will affect the discharge volume of canals on the property.
2. At the time of presentation of plans to the NBFI, developer shall secure a signed and dated receipt showing the NBFI has received the plans.
3. Within sixty (60) days of receipt of said plans, which shall be calculated from the date on the signed receipt, NBFI shall notify the developer and Nibley City in writing, of having accepted said plans or, by empirical data, demonstrated a sound reasoning for refusing said plans. Failure to contact developer and Nibley City within sixty (60) days shall constitute acceptance of said plans.
4. Once Nibley City has received notification from NBFI, the preliminary plat may be approved by the Nibley City Council. Developer may, at their discretion, choose to seek NBFI approval prior to submittal of the preliminary plat to Nibley City.

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~~3-1.~~ Nibley City storm drainage regulations are governed by the State of Utah Construction General Permit. (CGP) and the Nibley City Municipal Separate Storm Sewer System (MS4). All plans related to storm drainage, including but not limited to, a Stormwater Pollution Prevention Plan, shall be designed and constructed in accordance with the CGP, ~~and the MS4, and as well as~~ the Nibley City Design Standards and Specifications.

~~4-C.~~ The City encourages developers to utilize Low Impact Development (LID) techniques in developing their plan(s) for storm drainage. Prior to approval of any LID techniques, the developer must be able to demonstrate how such techniques will satisfy the subdivision's storm drainage needs. Any LID technique must be approved by the City Engineer.

~~5-D.~~ At the time a subdivider intends to record a plat for a subdivision, or for a phase thereof, the subdivider shall submit for review and approval, a stormwater pollution prevention plan (SWPPP), which shall meet the standards and requirements of the State of Utah Construction General Permit, the Nibley City MS4, and such other federal, state and local regulations regarding stormwater as may be in effect at the time of such submittal.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.050 Streets

1. Street Design: Subdividers shall locate streets within the subdivision so that streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be efficiently subdivided.

Half streets (completed only to centerline) are allowed only when the City engineer has reviewed the proposed half street design and can attest that public safety issues have been satisfied. A minimum of twenty feet (20') of asphalt shall be required on all half streets.

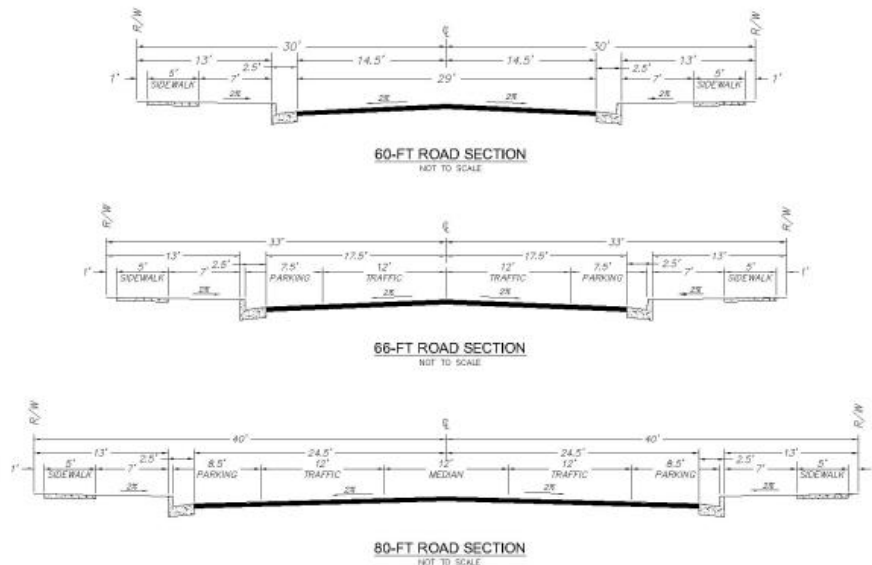
2. Streets To Conform To Transportation Master Plan: Arterial and collector streets shall conform to the Transportation Master plan. Whenever a subdivision is in an area for which a major or collector street plan has not been adopted, major or collector streets shall be provided as determined by staff and the City engineer.
3. Minimum Street Widths: The minimum street widths shall be:

1. The neighborhood street may be used in areas that would not generally be considered a through street or a street that would carry significant amounts of traffic other than that generated on that street. A cul-de-sac may be a neighborhood street.
2. All sidewalks shall be a minimum of five feet (5') in width. Planting strips shall be at least seven feet (7') in width.

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3. The design of road types shall be in accordance with the Nibley City Design Standards & Specifications, and as follows:



To view larger image, please click here:

<https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/nibley/ordinances/files/NibleyRoadSections.jpg>

4. **Curb, Gutter And Sidewalks:** The subdivider shall be required to install curb and gutter on all new and existing streets within or adjoining the proposed subdivision.
1. Sidewalks are required in all **aresareas** of new development.
 2. The above requirements may be waived in rural estate and agricultural zones, if it is felt that curb, gutter and sidewalks would detract from the rural setting of the subdivision.
 3. The requirement for curb and gutter on existing streets may be waived only if future changes to the street are anticipated that would make the installation of curb and gutter unwise. In such cases, the Planning and Zoning Commission may require that the subdivider pay to the city a sum equal to the best estimate of the cost of the improvements not installed to allow sufficient funds to later complete the improvements. Any such proceeds shall be placed in the street capital improvement fund.

Commented [RP41]: This may impact the minor subdivision procedure. Minor subdivisions can't be approved if they have to dedicate land for public roads, but are theoretically allowed to develop up to 5 lots. But this says if you have 4 or more lots, you have to make a public dedication. It may be good to align those requirements

4. Alternate curb and gutter cross sections may be proposed as part of Low Impact Development (LID) practices. Proposed alternates shall be in compliance with Nibley City Design Standards and include design drawings and engineering calculations showing the effectiveness of the proposed LID technique. Proposed alternates shall be reviewed and approved by the City Engineer and Public Works Director.
5. Cul-De-Sacs: Cul-de-sacs shall not exceed one-eighth (1/8) mile in length, except in R-E zones where they shall not exceed one-fourth (1/4) mile in length. Each cul-de-sac must be terminated by a turnaround with a radius of at least sixty feet (60'). If surface water drainage runs into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end street. It shall remain and be available to the public so long as the dead end exists.
 1. The subdivider shall provide a pedestrian ROW as outlined below linking the cul-de-sac to the nearest adjacent public ROW unless expressly prohibited by conflict with previously developed subdivisions or land uses.
 2. In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.
 3. All pedestrian ROWs shall be designed for compliance with the Transportation Master plan to maximize non-motorized transportation network efficiency.
 4. The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.
6. Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.
7. Street Width Requirements For Small Acreage Parcels On Cul-De-Sacs: The following shall serve as street width requirements for development of small acreage parcels using a cul-de-sac as the only access to the development:
 1. Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City design standards and specifications and shall include five foot (5') sidewalks where required by City ordinance.
 2. Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot (50') cross section as follows: twenty five feet (25')

of asphalt, and the following on each side of the road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot (1') strip to property line. These roads shall be built to the standards of the Nibley City design standards and specifications.

3. All other developments shall have roadways that conform to this section.

8. Flag Lots

1. A lot meeting the minimum size requirement for the underlying zone but which lacks the required minimum frontage may be approved by the Planning Commission for a building permit, provided the following conditions are met:

1. A paved driving surface of not less than twenty feet (20') with six inches (6") minimum crushed gravel base and a three foot (3') drainage on one side.

1. The driving surface shall be paved entirely from the point where the stem of the flag lot meets the publicly dedicated road to the point where the stem of the flag lot meets the flag portion of the lot, except in the case of the R-E zone, where the driving surface shall be paved for the first fifty feet (50') from point where the stem of the flag lot meets the publicly dedicated road.

2. A turnaround per the international fire code standard.

1. Prior to the Planning Commission's approval of the building permit, the applicant shall submit plans for the turnaround to the local fire protection agency and shall receive the agency's approval for the turnaround.

3. A stormwater pollution prevention plan shall be submitted, demonstrating how any dust, erosion or sediment problems which may result will be eliminated.

4. The flag lot shall not be created as part of a subdivision proposed under this ordinance.

5. The flag portion of the lot shall meet the size requirement of the underlying zone, regardless of the size of the flag stem portion of the lot.

6. All other requirements of the underlying zone which may be outlined in Nibley City Code or in the Nibley City Design Standards & Specifications, including, but not limited to: maximum grade, building height, setback, etc., shall be observed.

1. Setback shall be calculated from the point where the stem of the flag lot meets the flag portion of the lot.

7. All accesses to flag lots, regardless of the underlying zone, shall be maintained as private accesses and the responsibility for maintenance of the same shall lie with those property owners who may utilize said access to access their respective properties.

8. Owners of a flag lot shall grant to Nibley City a permanent, recorded easement along the full width of the access allowing for emergency vehicle access and also for City inspection.

9. All utilities running the length of the flag stem which service the home on the flag lot shall be owned and maintained by the owners of the flag lot.
10. Approved flag lot accesses shall be for single lot access only.
11. The Planning Commission may impose such other conditions as they deem necessary and proper.

HISTORY

Adopted by Ord. No Source on 6/1/1992
Amended by Ord. 2002 Code on 1/1/2002
Amended by Ord. 03-04 on 3/6/2003
Amended by Ord. 06-08 on 8/3/2006
Amended by Ord. 07-13 on 9/6/2007
Amended by Ord. [17-02](#) on 1/19/2017
21.12.060 Blocks

Blocks shall not be longer than one thousand six hundred feet (1,600'). Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.

Road segments longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private street or cul-de-sac unless expressly prohibited by conflict with previously developed subdivisions or land uses.

In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.

All pedestrian ROWs shall be designed for compliance with the Transportation Masterplan to maximize non-motorized transportation network efficiency.

The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.

HISTORY

Adopted by Ord. No Source on 6/1/1992
21.12.070 Lot Layout And Design

- 4-A.** Standards: All lots shown on the subdivision plan shall conform to the minimum requirements of the zoning title for the zone in which the subdivision is located, and to the minimum requirements of the Nibley City Design Standards [and](#) Specifications.
- 2-B.** Street Access: All lots shall abut a dedicated public street, a private street or a street which has become a public right of way or right of use. In the event a lot abuts a

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public right of way created by use, the subdivider is responsible for demonstrating and proving to the City's satisfaction that the right of way has been dedicated to public use and shall improve the right of way to the standards required by this title.

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~~3-C.~~ Lot Arrangement: The lot arrangement and design shall be based on the following criteria: provide satisfactory and desirable sites for buildings, be properly related to topography, to the character of surrounding developments and to existing requirements.

~~4-D.~~ Lot Remnants: All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than be allowed to remain lot remnants.

~~5-E.~~ Undeveloped Lots: Undeveloped lots shall be kept free of trash, weeds, abandoned automobiles, machinery and other unsanitary, unsightly or unsafe material.

~~6-F.~~ Lot Ownership: Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.080 Railroad

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A. Where the proposed subdivision contains or is adjacent to a railroad right of way, provision shall be made for either:

1. A street approximately parallel to and on each side of such right of way; or
2. A buffer planting strip of trees and/or shrubs at least ten feet (10') in width.
3. A six foot (6') fence running the length of the property adjacent to the railroad right-of-way.

B. Any plan for improvement along the railroad right-of-way shall include a description of who will be responsible for maintenance of the improvements.

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HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.90 ~~21.12.090 Ditches, And Canals and Conveyance~~

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A. Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines or through permanently reserved open space. Subdividers may also be required to pipe any ditches and canals on the property. Subdividers shall coordinate any improvements to canals with the affected canal company, as stated herein.

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B. Each subdivision must comply with the provision of NCC 19.24.230 Preserving Safety And Maintenance of Conveyance

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HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.100 Safety Fences

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Subdividers may be required to install a six foot (6'), nonclimbable chainlink fence, or its equivalent, along railroad rights of way, ditches and canals or streets. All fences must comply with NCC 19.24.090.

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HISTORY

Adopted by Ord. 02-11 on 10/17/2002

21.12.110 Street Signs

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The subdivider shall be required to pay for the installation of all necessary street signs. Fees for such shall be assessed as part of the subdivision fee schedule.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.120 Landscaping

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In compliance with the State of Utah Construction General Permit, subdividers shall provide ground cover where it is determined that soil erosion may be a problem, that surface water may flood portions of the City or damage City property, to prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger the public health and may specify the types of ground cover.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.130 Monuments/Pins

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4-A. Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. All subdivision plats shall be tied to a corner or monument of record.

2-B. Property lines outlining individual lots shall be established by setting pins in the curb, as detailed in the Nibley City Design Standards and Specifications.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.140 Street Lighting

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Streetlights shall be required every five hundred feet (500') throughout the subdivision, at every street intersection and at the back of each cul-de-sac. Street lights shall comply with Nibley City standards.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.150 ~~21.12.150 P~~Protection Strips

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4-A. A. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the City Council, retain a protection strip not less than

one foot (1') in width between the street and adjacent property. The protection strip shall be subject to the following provisions:

1. An agreement shall be made between the subdivider and the City whereby the subdivider shall deed the protection strip to the City at the end of six (6) years; said deed shall not be recorded until the end of the six (6) year period;
2. The agreement will provide for the reimbursement to the subdivider for the fair cost of land in the protection strip and the street improvements and other infrastructure properly chargeable to the adjacent property owner;
3. The subdivider shall agree to pay the costs associated with the agreement (engineering review, attorney fees, etc).

2-B. Time for determining the six (6) year period shall be determined from the time the subdivider receives notice that the improvements of his property are substantially complete and usable.

3-C. At the time that the adjacent property is proposed for development, as a condition of approval, the property owner shall pay to the City the full cost of the improvements initially installed by the first subdivider, which are chargeable to the owner of the adjacent property.

4-D. Protection strips shall not be permitted at the end of streets.

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HISTORY

Adopted by Ord. 03-00 on 3/2/2000

21.12.160 Utilities

All utilities shall be installed underground. In addition to infrastructure for utilities proposed as part of the subdivision, Developers shall install conduit for future utilities, as outlined in the Nibley City Standards and Specifications.

21.14 Inspection And Guarantee Of Work

21.14.010 Effect

21.14.020 Definitions

21.14.030 Inspections

21.14.040 Building Permit Issuance

21.14.050 Guarantee Of Work

21.14.060 Guarantee Of Improvements

21.14.070 Form And Method Of Guarantee Of Improvements

21.14.010 Effect

The provisions contained in this section shall apply to all subdivisions and, in the event that a developer chooses to phase their subdivision, to each phase of the subdivision.

21.14.020 Definitions

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A. The following definitions are used in this section relating to the guarantee of improvements in subdivisions.

4-B. Acceptance Inspection: An inspection of the completed subdivision improvements conducted by the Public Works Director to determine completion status of all required improvements for a subdivision, or a specific phase thereof. Once the improvements are complete, the Public Works Director shall issue an Improvements Completion and Acceptance Report stating such and accepts the improvements on behalf of Nibley City.

2-C. Cost Estimate of Improvements: The subdivider's estimate (~~normally done by the developer's engineer and verified by the City Engineer~~) of the costs of all work to be done to complete subdivision improvements required in accordance with the subdivision's approved construction drawings. The cost estimate is used to determine the amounts of the ~~Improvements Bond~~Improvement Completion Assurance~~Improvement Completion Assurance~~ for the subdivision. The ~~Cost Estimate of Improvements or~~ actual cost of the improvements is used to establish the amount of the Warranty Bond.

3-D. Final Inspection: An inspection of the completed subdivision improvements conducted by the Public Works Director after the one-year Guarantee Period for the subdivision improvements to determine if the improvements are free from material defects or workmanship for the Guarantee Period.

4-E. Guaranty Period: The period (normally one year) following the completion and acceptance by the City of all subdivision improvements during which time the subdivider is responsible to ensure, by a Warranty Bond, that the improvements are free of material defect or workmanship.

5-F. ~~Improvements~~Improvement Completion Assurance~~Bond~~: The legal/financial instrument by which the subdivider of the subdivision guarantees to the City, and to the purchasers of the various lots within the subdivision, that all of the subdivision improvements required in accordance with the subdivision's approved development plan are completed. Improvement Completion Assurance must comply with all aspect of this Title and State law.

6-G. Improvements Completion and Acceptance Report: A report issued by the Public Works Director stating the findings of the Acceptance Inspection and acknowledging the City's acceptance of the subdivision improvements.

7-H. Notice to Proceed: The written notification by the City (issued by the Public Works Director, after consultation with the City Planner), to the subdivider that work may commence on the subdivision improvements.

8-I. Partial Acceptance Inspection: Periodic inspections by the Public Works Director throughout the construction of the subdivision improvements to determine if the work is being done properly. These inspections may be done during each of "Parts 1, 2 and 3", as defined herein, in order to release portions of the ~~Improvement Completion Assurance~~Improvements Bond~~Improvement Completion Assurance~~Improvement Completion Assurance to the subdivider.

9-J. Parts 1, 2 and 3: A list and grouping of tasks within the total work requirements for a subdivision which divides and sequences the project. This is done in order to provide points at which inspections shall be done and partial releases made, thus ensuring work is completed in a logical manner. Each of the parts is as follows:

1. Part 1: Installation of underground utilities and stormwater structures.

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2. Part 2: Construction of open space amenities and roads, minus asphalt, to the point that they provide access to the individual building lots.
3. Part 3: Asphalt roads and construction of the sidewalks.
4. Any exceptions to Parts 1, 2 and 3 must be approved by the City Engineer and the Public Works Director and shall be incorporated into the subdivision's Development Agreement. No certificates of occupancy for individual building lots shall be issued until the inspection and acceptance of Part 3.

40-K. Pre-Construction Meeting: A meeting held prior to any construction being started for the subdivision, or each phase thereof, in which appropriate City staff members and the subdivider, his general contractor and any other associates of the subdivider directly related to the subdivision, meet together to discuss the project.

44-L. Public Works Director: The Public Works Director for Nibley City, or his designated representative.

42-M. Subdivision Development Agreement: An agreement between the subdivider and Nibley City relative to the specific subdivision subdivider is proposing whereby the subdivider agrees to construct all improvements in the subdivision in accordance with the Nibley City Design Standards and Specifications and an estimated schedule, and the City agrees to allow for building permits to be issued within the subdivision at an agreed upon point in the construction process, typically after the completion of Parts 1 and 2.

43-N. Warranty Bond: The legal/financial instrument by which the subdivider warrants to the City, and to the purchasers of various lots within the subdivision, that all of the subdivision improvements are free of defective materials or workmanship for one-year following the City's issuance of the Improvements Completion and Acceptance Report. The amount of the warranty bond is equal to ten percent (10%) of the actual cost of making the subdivision improvements.

21.14.030 Inspections

A. All construction work involving the installation of improvements in subdivisions shall be subject to inspection by Nibley City. The appropriate person or agencies of the City shall inspect or cause to be inspected in the course of construction, installation, or repair, any infrastructure outlined in approved construction drawings, including, but not limited to: roadways, curb, gutter, sidewalk, trails, landscaping, stormwater facilities and piping, sewer and water systems. Any underground utilities which may be publicly owned shall not be covered until such installations shall have been inspected by the Public Works Director or other authorized City inspector. Certain types of construction shall have continuous inspection, with no work being done except in the presence of the inspector or with the specific approval from the inspector allowing the work to continue in his absence. Partial Acceptance Inspections shall be made as needed in order to evaluate the completion of Parts 1, 2 or 3 and to allow for the partial release of the Improvements Bond/Improvement Completion Assurance/Improvement Completion Assurance.

1. Continuous Inspection. Continuous inspection shall be required on the following types of work:
 - i. Laying of street surfacing
 - ii. Pouring of concrete for curb and gutter, sidewalks and other structures

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Commented [RP44]: It's worth reconsidering the need for development agreements. Generally, I've found that you only want agreements when the developer wants some special exception or favor beyond the normal standards, and the City is willing to grant it in exchange for certain benefits. A development agreement that just reiterates that both sides will follow the requirements and standards of Utah Code and City Code doesn't really add much except more administration. However, you would need to adopt a fee/water share schedule so that doesn't need to be done by agreement.

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Commented [SN45]: This is not currently within out development agreements.

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Commented [RP46]: How has this worked for you? It seems like it may be more administration to have someone there continuously rather than inspecting after the work is done.

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- iii. Installation of infrastructure related to sewer, stormwater and culinary water systems
 - iv. Acceptance testing
 - v. Direct connections to existing sewer, stormwater and culinary water systems.
2. Periodic Inspection. Periodic inspection shall be required on the following:
 - i. Street grading and gravel base
 - ii. Excavations for curb, gutter and sidewalks
 - iii. Excavations for structures
 - iv. Forms for concrete for curb and gutter, sidewalks and structures
 - v. Required improvements to or reclamation of open spaces or any common areas.
3. Requests for Inspection. Requests for inspection shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made at least three (3) days prior to commencing the work. Requests for inspection on work requiring periodic inspection shall be made at least one (1) day prior to commencing the work.
4. Acceptance Inspection. Upon the request of the subdivider, an Acceptance Inspection shall be made by the Public Works Director or their designee, after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of thirty (30) days of the date the Public Works Director or their designee issues an inspection report defining the faulty or defective work. Upon satisfactory completion of all improvements, allowing for minor "punch list" items, the Public Works Director shall issue to the subdivider an Improvements Completion and Acceptance Report. The warranty period shall begin once the Improvements Completion and Acceptance Report has been issued by the Public Works Director.
5. Whenever, in the judgment of the Public Works Director, the subdivision improvements cannot be seen, tested, or otherwise properly inspected, such as when the area is covered with snow, he may postpone and/or delay inspection of the subdivision improvements, including the Acceptance Inspection, until such time as the improvements requiring inspection can be appropriately seen/tested/inspected.

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21.14.040 Building Permit Issuance

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No building permit for construction of any building on any lot within a subdivision shall be issued until after:

1. All improvements required by Parts 1 and 2 are completed or the subdivider has executed a Subdivision Development Agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any building permit; and
2. An ~~Improvements Bond~~Improvement Completion Assurance~~Improvement Completion Assurance~~ is in place, pursuant to this ~~title~~section.

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21.14.050 Guarantee Of Work

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The subdivider shall warrant and guarantee that ~~the improvements~~the improvements provided for hereunder, and every part thereof, will be completed to the satisfaction of the City and thereafter remain in good condition by providing the assurances described hereunder, for the subdivision and for each phase thereof, as applicable.

1. Financial Guaranty

1. Improvements ~~Bond~~Improvement Completion Assurance. The subdivider shall provide an ~~Improvements Improvement Completion Assurance Bond~~ stating that 100% of all agreed upon improvements shall be completed in accordance with the Subdivision Development Agreement and this ordinance. The work covered by this guaranty shall begin with the Notice to Proceed for the subdivision and shall end with the issuance of an Improvements Completion and Acceptance Report by the Public Works Director whereby the improvements are accepted by the City. No specific time period is associated with the ~~Improvements Improvement Completion Assurance Bond~~. It must remain in place until the issuance of the Improvements Completion and Acceptance Report by the PUBLIC WORKS DIRECTOR and the Warranty Bond has been provided.
2. Warranty Bond. The Warranty Bond shall ensure that the improvements constructed are free from defective material or workmanship for a period of one year following the date of the Improvements Completion and Acceptance Report issued by the Public Works Director ("Guaranty Period"). This Warranty Bond shall be filed with the Public Works Director and shall secure the subdivider's agreement to make all repairs to and maintain the improvements and every part thereof in good condition during that time, with no cost to the City. The City reserves the right, as appropriate, to extend the Guaranty Period to a period of two (2) years following the date of the Improvements Completion and Acceptance Report ~~ICAR~~ issued by the Public Works Director, in accordance with the provisions of Utah Code § 10-9a-604.5, as amended.

2. Repair of Work

1. The Public Works Director shall determine when repairs or maintenance are required for improvements which have not been accepted by the City, or for improvements which have been accepted by the City, based on the ~~ICAR~~Improvements Completion and Acceptance Report, but which are not free of defective materials or workmanship for the one (1) year Guaranty Period. Unless unreasonable, arbitrary or capricious, the Public Works Director's decision shall be binding on the subdivider. Required repairs or maintenance to improvements may extend to, but is not limited to, the street base, and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks and other accessories which are or may be affected by the construction operations.
2. Whenever, in the judgment of the Public Works Director, the work needs repair, maintenance or rebuilding, he shall cause a written notice to be served on the subdivider and thereupon, the subdivider shall undertake and complete such repairs, maintenance or rebuilding. If the subdivider fails to do so within thirty (30) days from the date of the service of such notice, the Public Works Director may have such repairs made and the costs of such repairs shall be charged to the

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subdivider with an additional twenty-five percent (25%) of the cost of the repairs levied for stipulated damages resulting from such failure on the part of the subdivider to make the repairs.

21.14.060 Guarantee Of Improvements

Prior to the recording of the Final Plat, whereafter lots may be sold, and before the issuance of any building permit within the subdivision, the subdivider shall guarantee, by an ~~Improvements Bond~~Improvement Completion Assurance, the installation and construction of any payment for the required improvements. Prior to the City's acceptance of the improvements and the final release of the ~~Improvements Bond~~Improvement Completion Assurance, the subdivider shall guarantee, by a Warranty Bond, that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for the Guaranty Period. The provisions of both such guarantees, regardless of form, shall be as approved by the Public Works Director as to the amount of the bond and as approved by the City Attorney as to the form of the guarantee and shall provide for the following:

1. The ~~Improvements-Bond~~Improvement Completion Assurance shall be in an amount equal to one hundred ~~ten~~ percent (~~10+10~~%) of the cost of all improvements as estimated by the subdivider and verified by the City Engineer. The estimated improvements costs shall include only those costs for which the subdivider is responsible including the installation and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances of each subdivision and set forth in an agreement between the City and subdivider. The estimated cost upon which the ~~Improvements SecurityBond~~ is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part of the subdivision, or any improvements for which the subdivider has no responsibility such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.
2. The subdivider shall have the right to partial release(s) against the ~~Improvements Improvement Completion AssuranceBond~~ with the municipality providing however that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the municipality until after the issuance of an "Improvements Completion and Acceptance Report" by the City Engineer and the Warrantee Bond has been provided. The subdivider must show evidence of payment of all costs for the improvements and show that the lots and the improvements thereto are free from any liens before any release (partial or full) of funds from the ~~Improvements Bond~~Improvement Completion Assurance. The City Engineer may release a portion of this remaining part of the ~~Improvement Bond~~Improvement Completion Assurance (meaning the 10% above the estimated costs of all the improvements) if, in his opinion, there remains encumbered a sufficient amount of the ~~Improvement Bond~~Improvement Completion Assurance to ensure the completion of the required subdivision improvements. The Warrantee Bond provided to the City is to guarantee that improvements are correctly installed, constructed, and are maintained through the Guarantee Period and to secure the City as to the costs of any required corrections of defects of such improvements.

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Commented [RP47]: Utah Code speaks generally about posting an assurance that "provides for completion of 100% of the required landscaping or infrastructure improvements" 100% is safest, though you could potentially go higher under the reasoning that the City completing the work would require additional costs beyond the developer's costs

Commented [SN48]: Can we do that? I think we can only do 100% and then 10% for Warrantee.

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3. During said Guarantee Period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required in ~~this title~~the municipality's subdivision ordinance and Nibley City Design Standards and Specifications, the City shall notify the subdivider in writing of the defects or any other problems and shall make demand on the subdivider that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the municipality may correct the defects and charge to the subdivider the costs of correcting the defects as provided ~~for in subsection (4)(b) above~~including administrative costs. There shall be no draw(s) made by the subdivider against the Warrantee Bond. The cost of correcting any deficiencies must be borne by the subdivider without access to the Warrantee Bond.
4. After eleven (11) months of the Guarantee Period have expired, the subdivider shall call for Final Inspection by the City Engineer. If the required improvements remain substantially free from defects, or other problems, and free from liens, the municipality shall certify such fact to the subdivider and the municipality shall discharge the subdivider of its obligation to the municipality within thirty (30) days from the time of Final Inspection by releasing the Warrantee Bond. Any items that need correcting following the Final Inspection must be corrected within thirty (30) days to have the Warrantee Bond released. Any items not completed at the end of these last thirty (30) days, or in other words one year from the date of initial acceptance of the improvements, shall require an additional, or extension of the, Warrantee Bond be established to ensure the completion of any corrections, and/or the City may obtain draw(s) against the Warrantee Bond for such purpose.

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21.14.70 21.14.070 Form And Method Of Guarantee Of Improvements

- A. The form and method of the guarantee of improvements, for both the ~~Improvements Bond~~Improvement Completion Assurance, and the Warrantee Bond shall be as approved by the City Engineer as to the amount of the bond, escrow, letter of credit or deposit with the municipality and as approved by the City Attorney as to the form of said guarantee documents. All guarantee methods shall provide surety in accordance with ~~this Title~~subsection (5) above, and may consist in the form of one or more of the following:
 - ~~4.~~B. Bond. The subdivider may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this ordinance. The bond agreement must include a provision that the bond may only be released, in whole or in part, by an order executed ~~by the subdivider and~~ by an authorized officer of the City, subject to the requirements of subsection ~~(eE)~~(E), below.
 - ~~2.~~C. Escrow. The subdivider may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this ordinance. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed ~~by the subdivider and~~ by an authorized officer of the City, subject to the requirements of subsection ~~m(eE)~~(E), below.
 - ~~3.~~D. Irrevocable Letter of Credit. The subdivider may file with the municipality an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount as required by this ordinance. The letter of credit must include a provision that the guaranteed credit amount may only be reduced by an order

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Commented [RP49]: The bond needs to be able to be released/foreclosed without the developer's approval, and don't want to introduce any question regarding the City's authority on that matter

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executed ~~by the subdivider and~~ by an authorized officer of the City, subject to the requirements of subsection (e), below.

~~4-E.~~ Any of the above Forms and Methods for Guarantee of Improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the subdivider, the municipality, and the entity providing the surety bond or holding the escrow, or the financial institution providing the letter of credit, or by the subdivider and municipality for a deposit with the municipality, as applicable. The Guarantee of Improvement may include provisions that allow for partial release or reduction of the funds ~~by an authorized officer of the City~~ for partial completion of work ~~in the case of any of the approved Methods for Guarantee of Improvements~~. The Guarantee of Improvements utilized must name the City as the payee or beneficiary, in the event of default or non-performance and shall provide for the City's access to all or any remaining funds, without the subdivider's approval, for both ~~Improvements Bond~~ Improvement Completion Assurance, and Warrantee Bond purposes, in the event of default or non-performance by the subdivider. In the case of both the ~~Improvements Bond~~ Improvement Completion Assurance, and Warrantee Bond, the provisions shall provide for use of all or any remaining funds by the City in accordance with subsection (4), above, in order to complete required improvements and/or make repairs not completed in a timely manner by the subdivider. The Guarantee of Improvements documents used shall also include provisions whereby the subdivider agrees to pay all administrative costs, legal fees, and other costs of enforcement incurred by the City pursuant to the agreement.

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21.16 Notice To Proceed And Authorization To Begin Work On The Subdivision

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21.16.010 Preconstruction

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21.16.020 Conditions Prior To Authorization

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21.16.030 Authorizing Work To Begin An A Subdivision Without Improvements Bond

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21.16.010 Preconstruction

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The ~~Public Works City Engineer may~~ Director may require that all contractors participating in the construction meet for a pre-construction conference to discuss the project prior to beginning work.

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21.16.020 Conditions Prior To Authorization

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~~Except as provided in subsection (3) below, p~~ Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:

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~~1.~~ The final plat, ~~or if a minor subdivision the Approval Document~~, shall have been approved by the City, ~~and filed with the County Recorder as required in this Code.~~

~~2-1.~~ All required contract and construction documents shall be completed and filed with the City Engineer.

~~3-2.~~ Fee simple title to all necessary off-site easements or dedications required for public facilities, not shown on the final plat or final site plan, must be conveyed separately to the City, or other agency approved by the City, with proper signatures

affixed. The originals of each document, and filing fees as determined by the City shall be delivered to the City Engineer prior to approval and release of the construction documents.

3. The ~~Improvements~~ Improvement Completion Assurance Bond and other documents required to be accomplished in accordance with this ordinance and the development plan, and any applicable ancillary agreements shall be completed and filed with the City Engineer.

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4. The final plat and development agreement shall be filed with the County Recorder as required in this Title.

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21.16.030 Authorizing Work To Begin An A Subdivision Without ~~Improvements~~ Bond Improvement Completion Assurance

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The Public Works Director may authorize work to begin on a subdivision without an ~~Improvements Bond~~ Improvement Completion Assurance, if all other conditions in NCC 21.16.020 have been met. Until the ~~City Mayor~~ has signed the final plat, or if a minor subdivision the Approval Document, no plat shall be filed with the County Recorder and therefore no lots may be sold. The final plat or Approval Document shall be signed by the Mayor and filed with the County Recorder only after all subdivision improvements have been completed and the 10% Warrantee Bond has been established and filed with the City Engineer.

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1. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer. These plans shall remain on the job site at all times.
2. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
3. All applicable fees must be paid to the City prior to issuance of the Notice to Proceed.

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21.18 Acceptance Of The Completed Subdivision

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21.18.010 Applicant's Submittal Of Completed ~~Subdivison~~ Subdivision

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21.18.020 As-Built Drawings

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21.18.030 Public Works Director Review

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21.18.040 Partial Release Of ~~Improvements Bond~~ Improvement Completion Assurance

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21.18.050 Final Release Of Warrantee Bond

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21.18.010 Applicant's Submittal Of Completed ~~Subdivison~~ Subdivision

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Applicant's Submittal of Completed Subdivision. Subdivider may notify the City in writing of the completion of the subdivision and request Final Inspection when the subdivider believes that they have done the following:

1. Completed all infrastructure work in the subdivision or development, as prescribed in the Nibley City Design Standards ~~and~~ & Specifications and per approved construction drawings.

2. Provided to the City the required as-built drawings, and
3. Otherwise complied with all conditions required by the City Council or this ordinance as preconditions to approval of the Development Agreement, Final Plat, and Construction Drawings.

21.18.020 As-Built Drawings

The subdivider shall provide to the City as-built drawings and specifications for all infrastructure improvements in the subdivision. Drawings and specifications shall include but not necessarily be limited to roads, curb/gutter, sidewalks, drainage systems, irrigation systems, waterlines, and sewer lines. Standards for as-builts shall be the same as called for in construction drawings in the Nibley City Design Standards and Specifications. The drawings and specifications, certified by a registered engineer, shall be submitted to and approved by the City Engineer before final release of funds established by the subdivider to ensure improvement completion under any ~~Improvements Bond~~Improvement Completion Assurance, ~~provided, as set forth in section 12D-501.~~ One (1) reproducible mylar copy of drawings shall be provided to the City. In addition the subdivider shall provide either:

1. A Computer Assisted Design file of the subdivision (must be readable by AUTOCAD as updated) or ArcMap file of the subdivision; and
2. Electronic PDF copies of the as-built drawings

21.18.030 Public Works Director Review

The Public Works Director shall conduct such review as he/she considers appropriate to determine whether the subdivision is complete and whether the Applicant has satisfied all applicable conditions. If the Public Works Director finds that the Applicant has completed the subdivision and has satisfied all applicable conditions, and that all other requirements of applicable law have been met, the Public Works Director shall, ~~in accordance with section 12D-501,~~ approve the as-built drawings and shall forward to the City Recorder a copy of the Improvements Completion and Acceptance Report, and notify him that the ~~Improvements Bond~~Improvement Completion Assurance, has been released.

21.18.040 Partial Release Of ~~Improvements Bond~~Improvement Completion Assurance,

The Public Works Director is authorized from time to time, at the request of the subdivider or his successors in interest, and with recommendation from the City Attorney to release all or a portion of a subdivider's ~~Improvements Bond~~Improvement Completion Assurance, up to the amount of one hundred percent (100%) of the value of the improvements. The remaining percent (10%) may only be released in ~~accordance with this Title~~accordance with section 12D-501.

21.18.050 Final Release Of Warrantee Bond

Release Submittal and Approval. Following a review of the subdivider's request to have the subdivision's Warrantee Bond released, the Public Works Director shall forward to the City Council a recommendation for the release of the Warrantee Bond and the City Council shall

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release, in accordance with section 12D-501 (5), the subdivider’s Warrantee Bond, with respect to the subdivision.

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21 Subdivision Regulations

21.02 General Provisions

21.02.010 Purposes

The purposes of this title are:

- A) To promote the health, safety and general welfare of the residents of the City.
- B) To promote the efficient and orderly growth of the City.
- C) The Nibley City Council adopts this title pursuant to the Utah Municipal Land Use, Development and Management Act, Utah Code 10-9a, 1953, as amended, for the purposes set forth therein. Maps referenced herein are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the Nibley City General Plan.
- D) To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within the City, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water, stormwater and sewer systems, design standards for public facilities and utilities, accesses to public rights of way, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision.

21.02.020 Violation

- A. No person shall subdivide any tract or parcel of land located wholly or in part in the City, except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.
- B. Whoever shall violate any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction of any such violation, shall be subject to penalty as provided in NCC 1.08.010.
- C. Any parcel of land created, purchased, sold or exchanged in violation of this title shall not be eligible for building permit or other development approval until full compliance with the provisions of this title is achieved.
- D. Any person or corporation that allows to continue any violation of any provision of this title shall be guilty of a misdemeanor for each and every day the violation continues, and each day shall be a separate violation.
- E. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit.
- F. Any owner or agent of the owner of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded in the office of the Cache County Recorder, consistent with

the requirements of this title, and applicable state and federal requirements, is guilty of a violation of this title, and of Utah Code § 10-9a, for each lot or parcel transferred or sold.

- G. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, Nibley City land use ordinances, or the laws of the State of Utah.

21.02.030 Permits

- A) The building inspector shall not grant a permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void. Approved development plans shall be filed with the Planning Commission and City Recorder.

21.02.040 General Requirements

- A) The subdivider shall prepare all plats consistent with the standards contained herein and the Nibley City Design Standards and Specifications and shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein.
- B) All improvements shall be constructed in accordance with the International Building Code, the Nibley City Design Standards and Specifications and other applicable federal, state and local regulations.
- C) The City shall review the plats for design, for conformity to the Nibley City General Plan and to the land use ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- D) Proposed subdivisions shall be referred by the City to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The City is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivision.
- E) The City engineer shall make comments as to engineering requirements for plans submitted for construction, including, but not limited to, street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Nibley City Transportation Master Plan.
- F) The Planning Commission shall act as an advisory agency to the City Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Nibley City General Plan and land use ordinances, and other

pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary and final plats to the City Council.

- G) The City, in conjunction with the City engineer and City attorney, shall approve the form of the final plat, that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- H) The Nibley City Council has final jurisdiction in the approval of subdivision plats unless otherwise designated within this title; the establishment of requirements for the Nibley City Design Standards and Specifications; and the acceptance of lands and public improvements that may be proposed for dedication.
 - 1) The amendment and alteration of the Nibley City Design Standards and Specifications may, by resolution, be delegated to the Public Works Director and the City Engineer.

21.02.050 Site Preparation And Work Prohibited

- A) No excavation, grading, regrading or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Nibley City Council and a Notice to Proceed has been issued.

21.02.060 Complete Submittal Required

- A) No application for a subdivision shall be reviewed by the City Planning Commission or City Council or be entitled to substantive review and approval until the applicant has submitted all documents required by this Chapter. The City shall inform applicants of the information needed to provide a complete application. Once a complete application has been received, the application shall be reviewed/approved as outlined in this Chapter.

21.02.070 Effect Of Approval

- A) Any approval granted under this title, whether it be for a preliminary plat or for a final plat for all or part of a subdivision shall be effective for a period of one year from the date of approval by the Approval Authority. If the applicant has not recorded the final plat or, in the case of the preliminary plat, presented a final plat for a phase of the subdivision for approval, within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the applicant fails to cure the default within said thirty (30) day period. Applicants shall then be required to submit a new application for review and approval, subject to local, state and federal laws and ordinances in effect at the time of the new submittal.

21.02.080 Phasing

- A) When developing a large tract of land, subdividers may choose to construct the subdivision in phases rather than develop the entire property at once. Subdividers opting to phase the subdivision shall have one year from the date of preliminary approval to present the subdivision , inclusive of all phases, for final approval.

- B) Phasing shall be done in a manner that maximizes connectivity between phases of the subdivision and shall be presented as part of the preliminary plat approval. Specific attention shall be paid to ensure that the roads in each phase connect to the roads in earlier phases.
- C) Developers may choose to construct infrastructure improvements within the proposed subdivision, which may include, but are not limited to: utilities, parks, open space, stormwater facilities, trails, etc. When such improvements are approved as part of the subdivision approval, they shall be phased in proportion, based on percentage of the total value of the amenities in the subdivision, to the total number of lots in the subdivision, per phase. Example: If a phase contains 25% of the lots for the subdivision, then 25% of the total value of the subdivision's amenities are required to be constructed along with that phase.
- D) Choosing to phase the subdivision does not relieve developers of the requirement to present the entire subdivision, in its phases, for final approval by the Planning Commission and City Council within one year of receiving approval of the preliminary plat by the City Council, as outlined in NCC 21.06.080.

21.02.090 Fees

- A) Subdividers shall pay non-refundable filing fees for each of the preliminary plat(s), final plat(s) and plat amendments. Subdividers shall also pay a deposit to cover costs including, but not limited to, staff review, legal review and engineering review. Fees shall be paid prior to the subdivision receiving either preliminary or final plat approval. Subdividers shall also pay any fee if bond money is insufficient. Fees and deposit amounts shall be established by resolution of the City Council.

21.02.100 Appeal

- A) Any person adversely affected by an action or decision of the Planning Commission or City Council interpreting or applying Utah Code or Nibley City Code in the review, denial, or approval of a land use application may appeal by following the procedures for appeal outlined in NCC 19.06 "Appeals".
- B) An applicant who wishes to challenge the completeness or timeliness of an application shall follow the procedures set forth in Utah Code § 10-9a-509.5.

21.02.110 Enforcement

- A) The Planning Commission, the City engineer and such other departments and agencies of the City as are specified under the provisions of this title are hereby designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions or waive the City's right to pursue such remedies in the future.

21.02.120 Inspection

- A) Appropriate agencies and departments of the City shall inspect or cause to be inspected all public improvements in the course of construction, installation or repair as required in this

title. Excavations for any publicly owned infrastructure shall not be covered or backfilled until such installation shall have been approved by the Public Works Director. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector, and at the responsible person's cost and expense.

21.02.130 Prohibition On Subdivision

- A) It is unlawful for any person to subdivide any tract or parcel of land located wholly or in part in the Nibley City limits, and no application for any subdivision for any tract or parcel of land may be approved, if any of the following apply;
 - 1) The applicant or subdivider is a member of the City Council;
 - 2) The applicant or subdivider is a spouse of a City Council member;
 - 3) A member of the City Council owns an interest of any kind in the applicant or subdivider;
- B) As set forth in NCC 1.10.030, the Mayor is a member of the City Council for the purpose of this Section.
- C) A violation of this section is a Class B Misdemeanor.

21.04 Definitions

21.04.010 Definitions

- A) For purposes specific to this title, all terms shall have the same definition as provided by Utah Code § 10-9a-103, 1953, as amended and also in NCC 19.04, except as such definitions are modified herein.
- B) "Appeal Authority" as used in Utah Code § 10-9a-103 means that body or person designated by NCC 19.06 "Appeals".
- C) "Land Use Authority" as used in Utah Code § 10-9a-103 means that body or person designated as the Approval Authority by Nibley Code 21.06.060 Land Use Authority.
- D) "Nibley City Design Standards and Specifications" means those technical standards, specifications, measurements, and requirements adopted by the City Council or its designee that govern the design and construction of public and private infrastructure and facilities.

21.06 Approval Process

21.06.010 Compliance Required

- A) Before dividing any tract of land into a "subdivision" as defined in NCC 21.04, a subdivider shall follow the procedures specifically provided for that type of development or zoning under Nibley City Code. If no more specific procedures are provided, a subdivider shall

follow the procedures outlined in this chapter, except as may be provided for in Utah Code § 10-9a-605, 1953, as amended.

21.06.020 Standards And Lot Size

- A) All subdivisions must meet the minimum lot and development standards as outlined in each zone of the Nibley City land use ordinance and within this Title.

21.06.030 Concept Plan Review

- A) Prior to submitting a preliminary plat, a subdivider may submit an initial written "concept plan" to the Planning Commission. The concept plan shall include a sketch plan of the proposed subdivision in which the proposed subdivision is sufficiently described to enable the Planning Commission to determine whether the proposed subdivision complies with zoning title, master plans, street plans and services. The Planning Commission shall advise the subdivider of possible problems with the proposed subdivision within thirty (30) days after it receives the concept plan. Approval of the concept plan shall not constitute final approval of a particular subdivision plan or of the preliminary plat. This section is not mandatory and a subdivider may submit a preliminary plat plan in lieu of the concept plan.

21.06.040 Submission Of Preliminary Plat

- A) The subdivider shall submit three (3) paper copies and one (1) electronic copy, in a format that is readable, of the proposed preliminary plat to the Planning Commission at least fourteen (14) days prior to the date of the Planning Commission meeting at which the preliminary subdivision plan is to be reviewed. The Planning Commission shall circulate copies of the proposed preliminary plat to all affected departments and to any districts which may be providing special services for comment and review.
- B) The preliminary plat shall conform to the development standards outlined in NCC 21.08.010.

21.06.050 Public Hearing Required

- A) Upon receipt of a subdivision application, the City Council and Planning Commission shall hold public hearings on all preliminary plats, to hear public comment and concern regarding the proposed development.

21.06.060 Notification Of Adjacent Property Owners

- A) Written notice of the time, date and place where the Planning Commission and City Council will hold public hearings and consider giving preliminary approval to the subdivision shall be given to adjacent property owners within three hundred (300') feet of the proposed subdivision in accordance with NCC 19.02.120(G). The written notice shall also advise the property owner that he or she has the right to be present and to comment on the proposed subdivision. The applicant shall provide the Planning Commission with the names of all persons to whom the notice was mailed.

21.06.070 Authorization To Proceed

- A) Upon approval of the preliminary plat by the City Council, copies of the approved preliminary plat with written conditions attached shall be delivered to the City Planner and to the subdivider. Receipt of same shall be authorization for the subdivider to proceed with the preparation of the final plat and plans and specifications for the improvements required in the final plat.
- B) Prior to the construction of any improvements required by this title, the subdivider shall provide the City engineer with all plans, information and data necessary to install and construct the improvements. This information shall be examined by the City engineer and shall be approved if he determines them to be in accordance with the requirements of City ordinances.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.080 Final Plat Approval

- A) Within one year of receiving approval of the preliminary plat by the City Council, developers shall present the entire subdivision for final approval by the Planning Commission and the City Council. Planning Commission shall make a recommendation to the City Council for the final subdivision approval, approval with conditions, or disapproval.
- B) The application for final approval shall consist of the following:
 - 1) Final plats for the entire subdivision or for the proposed phases, prepared according to this ordinance and to the Nibley City Design Standards and Specifications;
 - 2) A stamped report, prepared by a Utah Licensed Professional Engineer or Professional geologist, establishing the ordinary high groundwater elevation and finished floor elevations for the subdivision.
 - i) No finished floor elevations, including basement floor elevations, shall be permitted below the aforementioned groundwater elevation.
 - ii) The groundwater elevation and finished floor elevation limitations shall be recorded as a boxed note (min 14 pt font) on the recorded mylar
 - iii) The report shall be attached to the Development Agreement.
 - iv)
 - 3) Construction drawings for the subdivision, prepared by licensed professionals according to this ordinance and to the Nibley City Design Standards and Specifications;
 - 4) Three (3) hard copies of the final plats and construction drawings and one (1) electronic copy of the same; and
 - 5) A draft Development Agreement, prepared by Nibley City, outlining the roles and responsibilities of both the subdivider and Nibley City. The Development Agreement shall be approved by the City Council as part of the final approval.
- C) Upon a subdividers failure to receive approval within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the Applicant fails to cure the default within said thirty (30) day period. Applicants shall then be required to submit a new application for review and approval, subject to local, state and federal laws and ordinances in effect at the time of the new submittal.

- D) Developers are not required to record all phases of the subdivision, once final approval has been given. They are required only to receive final approval for the entire subdivision and then they may construct the subdivision in phases.
- E) Final approval shall be valid for three (3) years. If a subdivision, or phase thereof, has not been constructed within three (3) years of the date of final approval by the City Council, the Public Works Director shall suspend the Notice to Proceed and the developer shall be required to resubmit the final plats and construction drawings for review and compliance with City standards and specifications in effect at that time.
- F) At the time final approval is requested, the City and the developer shall enter into a development agreement outlining the roles and responsibilities of each respective to the development. Regardless of how the developer chooses to phase the subdivision, the development agreement shall encompass the entirety of the project and shall be recorded with the first recorded phase of the subdivision.

21.08 Standards of Approval

21.08.010 Preliminary Plat

- A) As part of the submittal of the preliminary plat, subdividers shall provide Nibley City with the following information:
 - 1) A title report, provided by a title company, for the property proposed to be subdivided, dated within thirty (30) days of the submittal of the preliminary plat.
- B) Description: The preliminary plat shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100') on standard twenty four inch by thirty six inch (24" x 36") paper and shall include the following information in the title block:
 - 1) The proposed name of the subdivision.
 - 2) The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project..
 - 3) A legal description of the property.
 - 4) The names and addresses of the owner, subdivider if other than owner, and the engineer or surveyor of the subdivision.
 - 5) Date of preparation.
 - 6) Scale.
- C) Existing Conditions: The plat shall show:
 - 1) The location of the nearest benchmark and property monuments.
 - 2) All property contiguous to the proposed subdivision under the control of the subdivider, even if only a portion is being subdivided.
 - 3) The location, width and names of all existing streets, railroads, open spaces, sewers, water mains, culverts or other utility lines and rights-of-way, and permanent buildings and structures located within the tract and within three hundred feet (300') of the outermost boundary of the subdivision.
 - 4) The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract.
 - 5) Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.

- 6) Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
 - i) Except as outlined in NCC 21.10.040, prior to approval of the preliminary plat, the subdivider shall provide the City with signed documentation that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.
 - 7) Identification of known natural features including, but not limited to, wetlands as identified by the US Army Corps of Engineers, areas which would be covered in the event of a 100-year storm event, all water bodies, floodways and drainageways, slopes exceeding twenty percent (20%) and any other natural features as may be required by the Planning Commission or City Council for the subdivision, including the acreage in each required feature.
 - 8) Boundary lines of adjacent tracts of land, showing ownership where possible.
 - 9) Contour map at vertical intervals of not more than five feet (5') where the slope is greater than ten percent (10%) and not more than two feet (2') where the slope is less than ten percent (10%).
 - 10) A plan outlining how the subdivider intends to phase construction of the project, if phasing is intended.
- D) Proposed Development: In addition to the above-listed items, the preliminary plat shall show:
- 1) The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
 - 2) The layout, numbers and typical dimensions of lots.
 - 3) Open space intended to be dedicated for public use or set aside for the private use of property owners in the subdivision.
 - 4) Building setback lines, including dimensions of said lines.
 - 5) Easements, including dimensions, for water, sewer, drainage, utility lines and other purposes as required by the Planning Commission or by City law.
 - 6) A tentative plan or method for the subdivision's groundwater, fire hydrant, sewer and stormwater drainage facilities.
 - 7) Where the plan submitted covers only part of the subdivider's tract, the preliminary plat shall include a sketch of the prospective future street system which shall be considered in light of the future street system of the larger area.
- E) Approval Of Preliminary Plat:
- 1) Conditions Of Approval: The Planning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this title, Title 10 of the Nibley City Code and all other applicable City ordinances.
 - 2) Environmental Impact Analysis: The Planning Commission shall determine from the preliminary plat the possible need for environmental impact analysis. .
 - 3) Approval Or Disapproval By Planning Commission: The Planning Commission shall, within forty five (45) days after the preliminary plat is filed with the Planning Commission, approve the preliminary subdivision plan if it finds that the subdivision complies with City ordinances. The Planning Commission may conditionally approve a preliminary subdivision plat imposing such conditions as required in order to bring the subdivision plat into compliance with the requirements of City ordinances. In the event

the Planning Commission disapproves the preliminary plat and shall state in writing each reason for the disapproval.

- 4) Approval Or Disapproval By City Council: The City Council shall, after receiving the preliminary plan with recommendations from the Planning Commission, approve, approve with conditions, or disapprove the preliminary plan.. The final conditions of approval or reasons for disapproval shall be stated in writing to the subdivider.

21.08.020 Final Plat

- A) Description: The final plat shall be drawn to scale on standard twenty four inch by thirty six inch (24"x36") paper and shall include the following information:
 - 1) The proposed name of the subdivision.
 - 2) The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project.
 - 3) A legal description of the property.
 - 4) The names and addresses of the owner, subdivider, if other than owner, and the engineer or surveyor of the subdivision.
 - 5) Date of preparation.
 - 6) Scale
 - 7) The base heading of true north.
- B) The plat shall contain the following information:
 - 1) Accurate dimensions for each lot, street, alley, easement, areas to be dedicated as open space and other important features. Dimensions shall be shown in feet and hundredths. Lot sizes shall be expressed in acreage.
 - 2) The street address for each lot. Lots on the north and west sides of the street shall have odd numbers. Lots on the south and east sides of the street shall have even numbers.
 - 3) A description and delineation of other angles, distances, points, monuments, markers, boundaries and other geometries as described in the Nibley City Design Standards and Specifications.
 - 4) Standard signature forms, the wording of which is found in the Nibley City Design Standards and Specifications, for the following:
 - i) Registered land surveyor's certificate of survey, as applicable under Utah law;
 - ii) Owner's signature of dedication;
 - iii) Notary public acknowledgement;
 - iv) City engineer's certificate of approval;
 - v) Utility companies' approval;
 - vi) Planning Commission approval;
 - vii) City approval, signed by the Mayor and City Recorder if City Council is required to approve the plat;
 - viii) City attorney approval;
 - ix) A block for use by the County Recorder containing the required recording information.
 - (a)
 - x) The following note regarding groundwater:
 - (a) Areas in Nibley have groundwater problems due to the varying depth of a water table. The City's approval of a final plat, building permit or construction plans

does not constitute a representation by the City that building at any specified elevation or location would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building site, remain solely with the building permit application, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for such concerns including, but not limited to, building location and/or elevation, site grading and drainage.

- C) Additionally, construction plans shall be submitted with the final plat. These plans shall detail the size, design, type and location of all infrastructure improvements proposed for construction as part of the phase, including, but not limited to, streets, sidewalks, curbs, utility pipes and other infrastructure. Construction plans shall be prepared in accordance with the Nibley City Design Standards and Specifications.

21.08.030 Lot Line Adjustments and Amendments to a Subdivision Plat

- A) An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:
- 1) No new lot results from the lot line adjustment.
 - 2) No previously existing lot is eliminated as a result of the adjustment.
 - 3) If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.
 - 4) No lot is made undevelopable without a variance or other special consideration.
 - 5) All property owners directly affected by the lot line adjustment give their consent.
 - 6) The lot line adjustment does not result in a remnant piece of land that did not exist previously.
 - 7) The lot line adjustment does not result in the violation of any applicable zoning ordinance.
 - 8) The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.
 - 9) Provided the above conditions are met, no municipal land use authority approval is required.
- B) An amendment to a subdivision plat shall follow the process and standards within Utah State Code 10-9a-6 as amended, and any applicable Nibley City ordinances.

21.08.040 Minor Subdivision Process

- A) Purpose: In an effort to reduce the expense of developing relatively small residential subdivisions that meet certain conditions, residential subdivisions of five (5) lots or less may be considered and approved under this section. A subdivision approved under this section shall be known as a "Minor Subdivision." Minor subdivisions, when approved, are exempt from platting requirements for preliminary and/or final plats and may also be exempt from the requirements for some engineering reports and construction drawings as determined by the Nibley City Engineer and as provided in this section.

- B) Minor Subdivision Requirements: To be considered for approval as a Minor Subdivision, the proposed subdivision must meet all the following requirements:
- 1) Notice is provided as required by ordinance;
 - 2) The proposed parcel is not traversed by the mapped lines of a proposed street or trail as shown in the General Plan, Master Transportation Plan, and/or Trail Master Plan;
 - 3) The proposed subdivision does not require the dedication of any land for street or other public purposes;
 - 4) The proposed subdivision has been approved by the culinary water authority and the sanitary sewer authority;
 - 5) The proposed subdivision is located in a residential zoned area;
 - 6) The proposed subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;
 - 7) The proposed subdivision contains five (5) lots or less total;
 - 8) The parcel being divided has not had other lots separated from it within the past five years, provided that if another lot or lots have been separated from the parcel that is the subject of the request for Minor Subdivision within the past five years, then the previously separated lots and the subject parcel will all be counted towards the five (5) lot limit for the purposes of the application for a Minor Subdivision under this section;
 - 9) The proposed subdivision does not require or contemplate the creation or dedication of open space land for the purpose of receiving higher density and/or smaller lot size; and
 - 10) The proposed subdivision complies with all other applicable requirements under Nibley City Code for a subdivision, including zoning, infrastructure improvements and bonding thereof, providing for drainage needs, providing required utility easements, and protecting sensitive land issues, etc..
- C) Minor Residential Subdivision Application Procedure: The application procedure for a minor subdivision shall be as follows:
- 1) Pre-Application Meeting- The applicant must meet with Nibley City Staff to determine if the proposed subdivision meets the requirements of a Minor Subdivision. The staff shall provide a copy or access of this section of Nibley City code and inform the applicant of their options. The staff shall review with the applicant any requirements for construction drawings that may be needed and required for approval.
 - 2) Minor Subdivision Plat- Minor Subdivisions shall be exempt from preliminary plat application and shall file a final plat in compliance with all NCC 21 and standards on the plat as unless noted in this section and the applicant may only submit a final Minor Subdivision plat after a Pre-Application Meeting with Nibley City staff and a determination from City staff that the proposed subdivision meets the requirements for a Minor Subdivision. Nibley City staff shall write and proposed a development agreement to be considered with the minor subdivision application.
 - 3) The Planning Commission shall act as the land use authority for a Minor Subdivision and shall grant or deny an application for a Minor Subdivision within 60 days of its receipt of a complete application. The Planning Commission shall approve an application for a Minor Subdivision if the plat and development agreement meet all of Nibley City's ordinances as listed in NCC 19 and NCC 21, Public Work's design standards, general plan, master plans and all requirements for a final plat.

- D) Recording of the final plat: Final approval shall be valid for three (3) years. If an applicant fails to record the final plat within that time, the approval of the plat is void.
- E) Notice to proceed and process after final approval: All Minor Subdivisions shall follow the Nibley City subdivision code and process as outlined after final approval.
- F) Minor Subdivision standards: All Minor Subdivision shall comply with Nibley City Ordinances, as listed in Nibley Code, and engineering and public work design standards, unless otherwise listed in this section.
- 1) Finished floor elevation recorded on the final plat:
 - i) An applicant shall include all groundwater reports as required Nibley City code with the final plat. An applicant is not required to submit a groundwater report or finish floor elevations of any permitted building if the applicant records on the final plat that no finished floor shall be built at an elevation lower then six inches (6”) above finish curb or center line of the street, whichever is higher.
 - 2) Construction Drawings and Engineering Reports:
 - i) The applicant shall submit all report as required by Nibley City code unless otherwise exempted by the Planning Commission.
 - ii) Applicants shall submit detailed stormwater plans at the request of the Nibley City Engineer.

21.10 Subdivision Options

21.10.010 Type Of Subdivisions

- A) A developer may subdivide under one of the following subdivisions:

Type of Subdivision	Applicable Zones	Density	Open Space Requirements	Lot Size
Standard Subdivision	All zones	Density must comply with zoning	Open space is not required	Lot size must comply with zoning
Rural Preservation Subdivision	R-1, R-1A, R-2, and R-2A	Bonus density	Open space is required	Smaller lots are allowed
Cluster Subdivision	A, R-E, R-1, R-1A, R-2, and R-2A	Density must comply with zoning	Open space is required	Smaller lots are allowed

1. Standard Subdivision must follow all zoning and subdivision code contained within Nibley City code and design standards, including lot sizes, frontages, setbacks, etc.
2. Rural Preservation Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified within the Rural Preservation Subdivision requirements stated within Nibley City Code.
3. Cluster Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified with the Cluster Subdivision requirements stated within Nibley City Code.

4. Each subdivision must follow State law and the Utah Land Use Development Management Act.

21.10.020 Rural Preservation Subdivision

- A) Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:
- 1) Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
 - 2) Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
 - 3) Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
 - 4) Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
 - 5) Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
 - 6) Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
 - 7) Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
 - 8) Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
 - 9) Creates neighborhoods with direct visual and/or physical access to Open Space Land;
 - 10) Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.
- B) Definitions: For purpose of this section, the following words shall have the meanings set forth herein:
- 1) **OPEN SPACE LAND:** Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.
 - 2) **CONSTRAINED AND SENSITIVE LAND:** Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space

Land if it complies fully with conditions within this ordinance for qualification of Open Space.

- 3) WATERWAY: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
 - 4) TREE STAND: A group or cluster of trees within a geographic location that are occurring naturally or artificially.
 - 5) MEADOWS: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
 - 6) PASTURE: A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.
 - 7) NET DEVELOPABLE LAND: Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
 - 8) Public access rights-of-way
 - 9) Land required to be dedicated along waterways
 - 10) Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
 - 11) Constrained and Sensitive Land as defined herein
 - 12) Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.
 - 13) Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the proposed final plat.
- C) Applicability:
- 1) The election to develop the property as a Rural Preservation Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and the rural preservation subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. Rural Preservation Subdivisions may be developed within applicable residential zones of the City. Rural Preservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.
 - 2) In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.

- 3) Development Options: In R-1, R-1A, and R-2 zones in Nibley City, developers may elect to develop a Rural Preservation Subdivision. R-2A zones may also be developed under the terms of this ordinance; in such cases, the R-2A zoned property shall be treated as R-2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance. If the zone is not listed above, it does not qualify for a Rural Preservation Subdivision.
- 4) Developers desiring to develop the property as Rural Preservation Subdivision are subject to the development standards, conditions procedures and regulations of this section.

D) Application Process:

- 1) Applications for a Rural Preservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
- 2) Pre-application Meeting: Applicants for a Rural Preservation Subdivision shall have a pre-application meeting with Nibley City staff to review the application and answer questions provided by the applicant. Prior to this meeting, the developer shall submit the draft plan of the proposed subdivision and shall include the following:
 - i) Zoning and parcel location
 - ii) Total gross acres
 - iii) Estimated right-of-way dedication
 - iv) Estimated Constrained and Sensitive Land
 - v) Estimated Net Developable Land
 - vi) Estimated Open Space Dedication and proposed uses.
 - vii) Total number of lots based on density bonus
 - viii) Estimated lot sizes and subdivision layout.
- 3) Sensitive Area Designation Plan Map: All applications for a Rural Preservation Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet (400') of the developments property boundaries as noted in City, County, State, and Federal records.
- 4) Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final

Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E) Dimensional Standards:

- 1) The lot standards within a Rural Preservation Subdivision shall be determined in accordance with the Lot Standards Chart. Lot Standards Chart.

Lot Standards Chart					
Zone	Open Space Ratio ^{NOTE 1} (OSR)	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage ^{NOTE 2}
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2 and R-2A	$0.25 \leq \text{OSR} < 0.30$	1.20	$\geq 13,200 \text{ ft}^2$	$\geq 11,500 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.25	$\geq 12,200 \text{ ft}^2$	$\geq 10,500 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.30	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.35	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$
Notes: 1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land. 2. Frontage is determined at the front setback line.					

- 2) Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a Rural Preservation Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:
 - i) The subdivision must be in one of the approved zones as listed within the Rural Preservation Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance.
 - ii) Provide to the City the total area contained within the subdivision plat.
 - iii) Provide to the City the total area being dedicated to rights-of-way.
 - iv) Provide to the City the total acres of Constrained and Sensitive Land.
 - v) Provide the City the total Net Developable Land area as defined within this section.
 - vi) State the area of proposed Open Space Land.
 - vii) Calculate Open Space Ratio.
 - viii) Calculate the Base Number of Lots per zone:
 - (a) Base Number of Lots R-1 = Net Developable Land / 1 acre
 - (b) Base Number of Lots R-1A = Net Developable Land / .75 acres

- (c) Base Number of Lots R-2 and R-2A = Net Developable Land / 0.5 acres
- ix) Determine Incentive Multiplier
 - (a) Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.
- x) Calculate total allowed
 - (a) Total allowed lots = Base number of lots multiplied by the Incentive Multiplier
- F) Lot Area, Frontages, and Zoning Regulations:
 - 1) The subdivision, along with each lot within the subdivision, shall meet and comply with the minimum lot sizes, average lot sizes, and frontages shown on the Lot Standards Chart. Except for these requirements, the Zoning Regulations (NCC 19) for the underlying zone shall apply to Rural Preservation Subdivisions, unless otherwise noted within this section.
- G) Conservancy Lots:
 - 1) Open Space Land and Constrained and Sensitive Land may be included within individual residential lots when such areas can be properly protected and preserved in accordance with the intent and purpose of this section. Such lots shall be known and referred to as "conservancy lots". These lots must contain a minimum of 0.5 acres of Open Space Land, except for areas approved by Nibley City as defined Landscape Buffers, and that Open Space Land must meet the design standards and use standards within this section.
 - 2) Regulations: Open Space Land and Constrained and Sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection. Open Space Land must be developed and maintained within the first year of the date of issuance of a Notice to Proceed under NCC 21.
 - 3) The portion of each Conservancy Lot that is not Open Space Land must meet the minimum lot size on the applicable Lot Standards Chart and shall be the portion of the Conservancy Lot used to calculate the average and minimum lot size within the subdivision.
- H) Use Regulation: Use of the land in a Rural Preservation Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a Rural Preservation Subdivisions is subject to the following:
 - 1) Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:
 - i) Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
 - ii) Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.
 - iii) Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural

operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.

- iv) Conservation of open land in its natural state; e.g., meadows, tree stands, wetlands, forestland.
 - v) Waterways along with dedicated public access rights-of-way or easements along one or both sides.
 - vi) Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
 - vii) Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Rural Preservation Subdivision if maintained by a functional owners association.
 - viii) Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.
 - ix) Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
 - x) Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
 - xi) Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.
 - xii) Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
 - xiii) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
 - xiv) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation.
- 2) Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:

- i) Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.
 - ii) Firearm ranges, and other uses similar in character and potential impact are prohibited.
 - iii) Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.
 - iv) Any cutting of trees or vegetation, except as reasonably necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses or other uses allowed within this section.
 - v) Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted use.
 - vi) Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land
 - vii) Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
 - viii) Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
 - ix) Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
 - x) Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
 - xi) Hunting or trapping for any purpose other than predatory or problem animal control.
 - xii) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.
 - xiii) The division, subdivision or de facto subdivision of the property.
 - xiv) The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
 - xv) All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.
- 3) Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands.
- 4) Open Space Land Coordination: Open Space Land shall be coordinated and located to maximize the continued use of the space. To create larger areas of Open Space Land and to combine Open Space Land from a variety of developments, Open Space Land shall be coordinated either with existing adjacent Open Space Land or with planned future Open Space Land. If no adjacent parcels of land are planned for development, Open Space Land shall be planned to provide the greatest likelihood of adjoining future developments' Open Space Land.

- 5) Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within a rural preservation Subdivision shall be complied with as provided herein.
- I) Open Space Land Design Standards: Open Space Land shall be located and designed within the Rural Preservation Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within a Rural Preservation Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:
 - 1) Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
 - 2) Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.
 - 3) Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
 - 4) Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.
 - 5) Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
 - 6) Recreation Space: Open Space Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria

shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

- 7) Stormwater Basin: These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.

J) Permanent Protections of Open Space Land:

- 1) Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the rural preservation subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Rural preservation subdivision.
- 2) Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
 - i) Legal description of the easement;
 - ii) Description of the current use and condition of the property;
 - iii) Permanent duration of easement;
 - iv) Permitted and conditional uses;
 - v) Prohibited development and/or uses;
 - vi) Maintenance responsibilities and duties; and
 - vii) Enforcement rights and procedures.
- 3) Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.
- 4) Grantee: Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering Open Space Lands within a Rural Preservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.

K) Ownership of Open Space Land:

- 1) Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
 - 2) Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
 - 3) Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
 - 4) Owners' Association: Open Space Land may be held in common ownership by a Home Owners' or other acceptable Owners' Association, subject to all the provisions for Owners' Associations set forth in state law, the City Code, and the following:
 - i) A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
 - ii) The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;
 - iii) Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.
 - iv) The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
 - v) The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted; and
 - vi) Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of the Association and to the City no less than thirty (30) days prior to such event. vii. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.
 - vii) In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.
 - 5) Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.
- L) Maintenance of Open Space Lands:

- 1) Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
- 2) Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
 - i) The proposed Ownership of the Open Space Land;
 - ii) The party that will be responsible for maintenance of the Open Space Land;
 - iii) The proposed use of the Open Space Land and how each parcel of Open Space Land meets the
 - iv) standards listed within this section;
 - v) The size of each Open Space Land parcel; and
 - vi) The proposed concept plan for landscaping of the Open Space Land.
- 3) Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Rural Preservation Subdivision application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:
 - i) Ownership agreements for Open Space Land;
 - ii) A description of the use of the Open Space Land and how that use complies with this section;
 - iii) The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
 - iv) The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
 - v) The landscaping plans for parcels that will be owned by an owners association or by the City.
 - vi) Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
- 4) The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.
- 5) Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common

facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.

- 6) **Corrective Action:** The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.
- 7) **Implementation and Maintenance:** The developer of the subdivision shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
- 8) **Maintenance Access:** The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the Rural preservation subdivision.

21.10.030 Cluster Subdivisions

- A) **Purpose and Intent:** Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area.
- B) **General Regulations:**
 - 1) **Conditional Use:** A cluster subdivision shall be a conditional use in the A, R-E, R-1, R-1A, R-2 and R-2A zones, and the terms and requirements of those zones shall govern the subdivision except as such terms and requirements are modified by this section.
 - 2) **Minimum Subdivision Size:** A proposed cluster subdivision shall have a minimum of ten (10) dwelling units and sufficient land to meet the density requirements of the zone in which the development is located, as set forth below.
 - 3) **Reduction In Minimum Lot Area:** Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located may be recommended for approval by the planning

commission to the city council, provided the provisions of this chapter are met and further provided that the cluster subdivision receives subdivision approval.

C) Site Development Standards:

- 1) Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but the overall density of the cluster subdivision shall not exceed the density allowed in the zone in which the development is located.
- 2) Use And Height Regulations: Use and height regulations shall be the same as for the zone in which the cluster subdivision is located.
- 3) Yard Setbacks: The required yard setbacks of the zone shall be maintained on the perimeter of the cluster subdivision.
- 4) General Considerations: The cluster subdivision should be compatible with the surrounding land uses, building types and physical features of the site. The planning commission should consider the criteria used in NCC 19.28.
- 5) Basis For Issuance Of Conditional Use Permit: In addition, the planning commission should consider the following:
 - i) Fencing, screening and landscaping both inside and at the perimeter of the site;
 - ii) The quality, quantity and potential uses of the reserved or dedicated open space land; and
 - iii) Bulk and location of buildings on the site.

D) Open Space

- 1) Required: There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located.
- 2) Preservation And Maintenance: Recreation and/or open space areas to be permanently reserved shall be improved, landscaped and maintained in accordance with a plan approved by the planning commission. The developer shall specify how and by whom the reserved open space land will be maintained.

E) Procedure for Approval: A preliminary site plan of the cluster subdivision showing topography, proposed building sites and locations, proposed uses, areas within the subdivision to be permanently reserved for recreation and/or open space, improvements and method of maintenance of such areas shall be presented to the planning commission. The planning commission shall submit its recommendation for approval or denial, together with such modifications necessary to serve the public and ensure integration of the development into the neighborhood, to the city council. The site plan must be approved by the city council before the cluster subdivision proposal becomes a permitted use in the zone in which it is proposed.

21.12 Infrastructure Improvements

21.12.010 Compliance Required

- A) Prior to the release of the mylar, to the subdivider, for recordation and subsequent issuance of building permits by the City, the improvements described in this section shall be completed by the subdivider and approved by the Public Works Director. All improvements described

in this title shall meet the standards set forth in the Nibley City Design Standards and Specifications.

- B) In lieu of completion of the infrastructure requirements, surety may be provided as described in NCC 21.14.010.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.020 Water Supply

- A) All subdivisions shall be required to connect to the Nibley City culinary water system. Subdividers shall, at their own expense, install water mains, fire hydrants and service laterals to each lot within the subdivision in accordance with the Nibley City Design Standards and Specifications. The subdivider must also install the necessary pipeline from the subdivision to the nearest City water line. In addition, the following minimum standards shall apply:
- B) Subdividers shall be required, in all zones, to provide Nibley City with water shares sufficient to serve the culinary needs of the subdivision. The amount required shall be determined by the City Engineer as part of the preliminary plat review.
 - 1) In calculating the amount of water needed, the City shall follow Utah Administrative Code Rule R309-510: Facility Design Operation: Minimum Sizing Requirements, as may be amended.
- C) In areas where flood irrigation or pressurized irrigation is available, subdividers are encouraged to install a secondary water system, in addition to the required hook-on to the Nibley City culinary system. Subdividers shall notify Nibley City of their intent to install a secondary system at the time the preliminary plat is submitted and shall submit plans for the design and operation of the secondary system. Providing a secondary water system does not relieve subdividers of providing the City with water shares, as outlined in NCC 21.10.020(A). However, the City may sell to the owners of the secondary system secondary water as may be needed to support the secondary system. The subdivider shall provide the City with engineered calculations demonstrating the amount of water they require to support the secondary system. The cost of the water will be limited to actual costs associated with maintaining the shares, plus a reasonable administrative fee.

21.12.030 Sewage Disposal

- A) Public sanitary sewer facilities shall be provided for each lot in the subdivision. Where a public sanitary sewer is available within three hundred feet (300') of a subdivision property line, or any part or portion thereof, including the property lines for each individual parcel located within the subdivision, at the time of recording the final plat, the subdivider shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks.

21.12.040 Storm Drainage

- A) A storm drainage system shall be provided and must meet the approval of the City engineer. This system must be independent of any sanitary sewer system. No ditch or canal shall be

approved as suitable for use as storm drainage without the written permission of the appropriate ditch or canal company, and/or the affected water users. If permission is obtained, ditches and canals must be adequately improved to handle such water as might reasonably be expected to flow from normal irrigation and spring water, storm runoff water, and any other water expected to reach such ditch or canal.

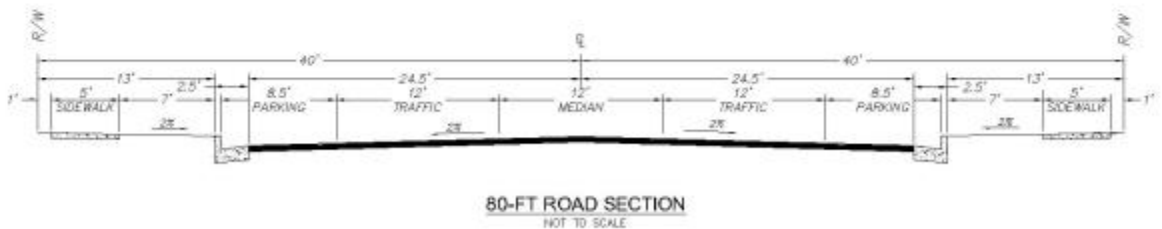
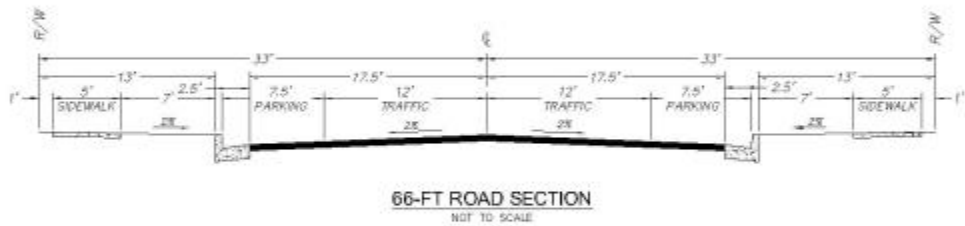
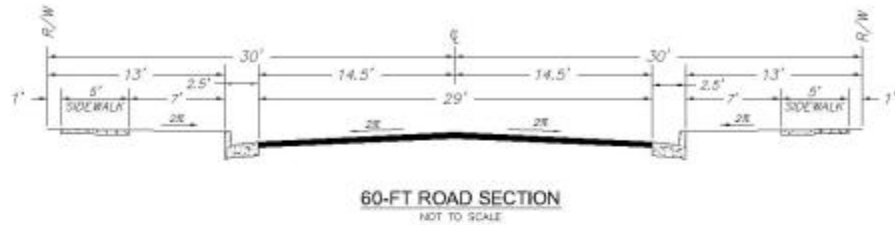
- B) Any use of the irrigation canal system owned by the Nibley Blacksmith Fork Irrigation Company (NBFI) for stormwater drainage shall be approved as provided in the Operating Agreement between the City and NBFI dated August 21, 2014, as may be amended.
 - 1) Prior to the approval of a preliminary plat by the Approval Authority, developer shall present to the NBFI, any and all plans related to the alteration of canals owned and operated by NBFI on the developer's property under consideration for subdivision. Such plans shall include, but not be limited to: relocation of canals on the property, proposed pipe size, location and design of proposed inlet and outlet structures, and calculations demonstrating how the proposed alterations will affect the discharge volume of canals on the property.
 - 2) At the time of presentation of plans to the NBFI, developer shall secure a signed and dated receipt showing the NBFI has received the plans.
 - 3) Within sixty (60) days of receipt of said plans, which shall be calculated from the date on the signed receipt, NBFI shall notify the developer and Nibley City in writing, of having accepted said plans or, by empirical data, demonstrated a sound reasoning for refusing said plans. Failure to contact developer and Nibley City within sixty (60) days shall constitute acceptance of said plans.
 - 4) Once Nibley City has received notification from NBFI, the preliminary plat may be approved by the Nibley City Council. Developer may, at their discretion, choose to seek NBFI approval prior to submittal of the preliminary plat to Nibley City.
 - 5) Nibley City storm drainage regulations are governed by the State of Utah Construction General Permit. (CGP) and the Nibley City Municipal Separate Storm Sewer System (MS4). All plans related to storm drainage, including but not limited to, a Stormwater Pollution Prevention Plan, shall be designed and constructed in accordance with the CGP, MS4, and the Nibley City Design Standards and Specifications.
- C) The City encourages developers to utilize Low Impact Development (LID) techniques in developing their plan(s) for storm drainage. Prior to approval of any LID techniques, the developer must be able to demonstrate how such techniques will satisfy the subdivision's storm drainage needs. Any LID technique must be approved by the City Engineer.
- D) At the time a subdivider intends to record a plat for a subdivision, or for a phase thereof, the subdivider shall submit for review and approval, a stormwater pollution prevention plan (SWPPP), which shall meet the standards and requirements of the State of Utah Construction General Permit, the Nibley City MS4, and such other federal, state and local regulations regarding stormwater as may be in effect at the time of such submittal.

21.12.050 Streets

- A) Street Design: Subdividers shall locate streets within the subdivision so that streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be efficiently subdivided.

Half streets (completed only to centerline) are allowed only when the City engineer has reviewed the proposed half street design and can attest that public safety issues have been satisfied. A minimum of twenty feet (20') of asphalt shall be required on all half streets.

- B) Streets To Conform To Transportation Master Plan: Arterial and collector streets shall conform to the Transportation Master plan. Whenever a subdivision is in an area for which a major or collector street plan has not been adopted, major or collector streets shall be provided as determined by staff and the City engineer.
- C) Minimum Street Widths: The minimum street widths shall be:
- 1) The neighborhood street may be used in areas that would not generally be considered a through street or a street that would carry significant amounts of traffic other than that generated on that street. A cul-de-sac may be a neighborhood street.
 - 2) All sidewalks shall be a minimum of five feet (5') in width. Planting strips shall be at least seven feet (7') in width.
 - 3) The design of road types shall be in accordance with the Nibley City Design Standards & Specifications, and as follows:



To view larger image, please click here:

<https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/nibley/ordinances/files/NibleyRoadSections.jpg>

- D) Curb, Gutter And Sidewalks: The subdivider shall be required to install curb and gutter on all new and existing streets within or adjoining the proposed subdivision.
- 1) Sidewalks are required in all areas of new development.
 - 2) The above requirements may be waived in rural estate and agricultural zones, if it is felt that curb, gutter and sidewalks would detract from the rural setting of the subdivision.
 - 3) The requirement for curb and gutter on existing streets may be waived only if future changes to the street are anticipated that would make the installation of curb and gutter unwise. In such cases, the Planning and Zoning Commission may require that the subdivider pay to the city a sum equal to the best estimate of the cost of the improvements not installed to allow sufficient funds to later complete the improvements. Any such proceeds shall be placed in the street capital improvement fund.
 - 4) Alternate curb and gutter cross sections may be proposed as part of Low Impact Development (LID) practices. Proposed alternates shall be in compliance with Nibley City Design Standards and include design drawings and engineering calculations showing the effectiveness of the proposed LID technique. Proposed alternates shall be reviewed and approved by the City Engineer and Public Works Director.
- E) Cul-De-Sacs: Cul-de-sacs shall not exceed one-eighth (1/8) mile in length, except in R-E zones where they shall not exceed one-fourth (1/4) mile in length. Each cul-de-sac must be terminated by a turnaround with a radius of at least sixty feet (60'). If surface water drainage runs into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end street. It shall remain and be available to the public so long as the dead end exists.
- 1) The subdivider shall provide a pedestrian ROW as outlined below linking the cul-de-sac to the nearest adjacent public ROW unless expressly prohibited by conflict with previously developed subdivisions or land uses.
 - 2) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.
 - 3) All pedestrian ROWs shall be designed for compliance with the Transportation Master plan to maximize non-motorized transportation network efficiency.
 - 4) The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.
- F) Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.

G) Street Width Requirements For Small Acreage Parcels On Cul-De-Sacs: The following shall serve as street width requirements for development of small acreage parcels using a cul-de-sac as the only access to the development:

- 1) Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City design standards and specifications and shall include five foot (5') sidewalks where required by City ordinance.
- 2) Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot (50') cross section as follows: twenty five feet (25') of asphalt, and the following on each side of the road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot (1') strip to property line. These roads shall be built to the standards of the Nibley City design standards and specifications.
- 3) All other developments shall have roadways that conform to this section.

H) Flag Lots

- 1) A lot meeting the minimum size requirement for the underlying zone but which lacks the required minimum frontage may be approved by the Planning Commission for a building permit, provided the following conditions are met:
 - i) A paved driving surface of not less than twenty feet (20') with six inches (6") minimum crushed gravel base and a three foot (3') drainage on one side.
 - (a) The driving surface shall be paved entirely from the point where the stem of the flag lot meets the publicly dedicated road to the point where the stem of the flag lot meets the flag portion of the lot, except in the case of the R-E zone, where the driving surface shall be paved for the first fifty feet (50') from point where the stem of the flag lot meets the publicly dedicated road.
 - ii) A turnaround per the international fire code standard.
 - (a) Prior to the Planning Commission's approval of the building permit, the applicant shall submit plans for the turnaround to the local fire protection agency and shall receive the agency's approval for the turnaround.
 - iii) A stormwater pollution prevention plan shall be submitted, demonstrating how any dust, erosion or sediment problems which may result will be eliminated.
 - iv) The flag lot shall not be created as part of a subdivision proposed under this ordinance.
 - v) The flag portion of the lot shall meet the size requirement of the underlying zone, regardless of the size of the flag stem portion of the lot.
 - vi) All other requirements of the underlying zone which may be outlined in Nibley City Code or in the Nibley City Design Standards & Specifications, including, but not limited to: maximum grade, building height, setback, etc., shall be observed.
 - (a) Setback shall be calculated from the point where the stem of the flag lot meets the flag portion of the lot.
 - vii) All accesses to flag lots, regardless of the underlying zone, shall be maintained as private accesses and the responsibility for maintenance of the same shall lie with those property owners who may utilize said access to access their respective properties.
 - viii) Owners of a flag lot shall grant to Nibley City a permanent, recorded easement along the full width of the access allowing for emergency vehicle access and also for City inspection.

- ix) All utilities running the length of the flag stem which service the home on the flag lot shall be owned and maintained by the owners of the flag lot.
- x) Approved flag lot accesses shall be for single lot access only.
- xi) The Planning Commission may impose such other conditions as they deem necessary and proper.

21.12.060 Blocks

- A) Blocks shall not be longer than one thousand six hundred feet (1,600'). Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.
- B) Road segments longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private street or cul-de-sac unless expressly prohibited by conflict with previously developed subdivisions or land uses.
- C) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.
- D) All pedestrian ROWs shall be designed for compliance with the Transportation Masterplan to maximize non-motorized transportation network efficiency.
- E) The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.

21.12.070 Lot Layout And Design

- A) Standards: All lots shown on the subdivision plan shall conform to the minimum requirements of the zoning title for the zone in which the subdivision is located, and to the minimum requirements of the Nibley City Design Standards and Specifications.
- B) Street Access: All lots shall abut a dedicated public street, a private street or a street which has become a public right of way or right of use. In the event a lot abuts a public right of way created by use, the subdivider is responsible for demonstrating and proving to the City's satisfaction that the right of way has been dedicated to public use and shall improve the right of way to the standards required by this title.
- C) Lot Arrangement: The lot arrangement and design shall be based on the following criteria: provide satisfactory and desirable sites for buildings, be properly related to topography, to the character of surrounding developments and to existing requirements.
- D) Lot Remnants: All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than be allowed to remain lot remnants.
- E) Undeveloped Lots: Undeveloped lots shall be kept free of trash, weeds, abandoned automobiles, machinery and other unsanitary, unsightly or unsafe material.
- F) Lot Ownership: Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more

lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

21.12.080 Railroad

- A) Where the proposed subdivision contains or is adjacent to a railroad right of way, provision shall be made for either:
 - 1) A street approximately parallel to and on each side of such right of way; or
 - 2) A buffer planting strip of trees and/or shrubs at least ten feet (10') in width.
 - 3) A six foot (6') fence running the length of the property adjacent to the railroad r-o-w.
- B) Any plan for improvement along the railroad right-of-way shall include a description of who will be responsible for maintenance of the improvements.

21.12.90 Ditches, Canals and Conveyance

- A) Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines or through permanently reserved open space. Subdividers may also be required to pipe any ditches and canals on the property. Subdividers shall coordinate any improvements to canals with the affected canal company, as stated herein.
- B) Each subdivision must comply with the provision of NCC 19.24.230 Preserving Safety And Maintenance of Conveyance

21.12.100 Safety Fences

- A) Subdividers may be required to install a six foot (6'), nonclimbable chain-link fence, or its equivalent, along railroad rights of way, ditches and canals or streets. All fences must comply with NCC 19.24.090.

21.12.110 Street Signs

- A) The subdivider shall be required to pay for the installation of all necessary street signs. Fees for such shall be assessed as part of the subdivision fee schedule.

21.12.120 Landscaping

- A) In compliance with the State of Utah Construction General Permit, subdividers shall provide ground cover where it is determined that soil erosion may be a problem, that surface water may flood portions of the City or damage City property, to prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger the public health and may specify the types of ground cover.

21.12.130 Monuments/Pins

- A) Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. All subdivision plats shall be tied to a corner or monument of record.
- B) Property lines outlining individual lots shall be established by setting pins in the curb, as detailed in the Nibley City Design Standards and Specifications.

21.12.140 Street Lighting

- A) Streetlights shall be required every five hundred feet (500') throughout the subdivision, at every street intersection and at the back of each cul-de-sac. Street lights shall comply with Nibley City standards.

21.12.150 Protection Strips

- A) A. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the City Council, retain a protection strip not less than one foot (1') in width between the street and adjacent property. The protection strip shall be subject to the following provisions:
 - 1) An agreement shall be made between the subdivider and the City whereby the subdivider shall deed the protection strip to the City at the end of six (6) years; said deed shall not be recorded until the end of the six (6) year period;
 - 2) The agreement will provide for the reimbursement to the subdivider for the fair cost of land in the protection strip and the street improvements and other infrastructure properly chargeable to the adjacent property owner;
 - 3) The subdivider shall agree to pay the costs associated with the agreement (engineering review, attorney fees, etc).
- B) Time for determining the six (6) year period shall be determined from the time the subdivider receives notice that the improvements of his property are substantially complete and usable.
- C) At the time that the adjacent property is proposed for development, as a condition of approval, the property owner shall pay to the City the full cost of the improvements initially installed by the first subdivider, which are chargeable to the owner of the adjacent property.
- D) Protection strips shall not be permitted at the end of streets.

21.12.160 Utilities

- A) All utilities shall be installed underground. In addition to infrastructure for utilities proposed as part of the subdivision, Developers shall install conduit for future utilities, as outlined in the Nibley City Standards and Specifications.

21.14 Inspection And Guarantee Of Work

21.14.010 Effect

- A) The provisions contained in this section shall apply to all subdivisions and, in the event that a developer chooses to phase their subdivision, to each phase of the subdivision.

21.14.020 Definitions

- A) The following definitions are used in this section relating to the guarantee of improvements in subdivisions.

- B) Acceptance Inspection: An inspection of the completed subdivision improvements conducted by the Public Works Director to determine completion status of all required improvements for a subdivision, or a specific phase thereof. Once the improvements are complete, the Public Works Director shall issue an Improvements Completion and Acceptance Report stating such and accepts the improvements on behalf of Nibley City.
- C) Cost Estimate of Improvements: The subdivider's estimate of the costs of all work to be done to complete subdivision improvements required in accordance with the subdivision's approved construction drawings. The cost estimate is used to determine the amounts of the Improvement Completion Assurance for the subdivision. The Cost Estimate of Improvements or actual cost of the improvements is used to establish the amount of the Warranty Bond.
- D) Final Inspection: An inspection of the completed subdivision improvements conducted by the Public Works Director after the one-year Guarantee Period for the subdivision improvements to determine if the improvements are free from material defects or workmanship for the Guarantee Period.
- E) Guaranty Period: The period (normally one year) following the completion and acceptance by the City of all subdivision improvements during which time the subdivider is responsible to ensure, by a Warranty Bond, that the improvements are free of material defect or workmanship.
- F) Improvement Completion Assurance: The legal/financial instrument by which the subdivider of the subdivision guarantees to the City, and to the purchasers of the various lots within the subdivision, that all of the subdivision improvements required in accordance with the subdivision's approved development plan are completed. Improvement Completion Assurance must comply with all aspect of this Title and State law.
- G) Improvements Completion and Acceptance Report: A report issued by the Public Works Director stating the findings of the Acceptance Inspection and acknowledging the City's acceptance of the subdivision improvements.
- H) Notice to Proceed: The written notification by the City (issued by the Public Works Director, after consultation with the City Planner), to the subdivider that work may commence on the subdivision improvements.
- I) Partial Acceptance Inspection: Periodic inspections by the Public Works Director throughout the construction of the subdivision improvements to determine if the work is being done properly. These inspections may be done during each of "Parts 1, 2 and 3", as defined herein, in order to release portions of the Improvement Completion Assurance to the subdivider.
- J) Parts 1, 2 and 3: A list and grouping of tasks within the total work requirements for a subdivision which divides and sequences the project. This is done in order to provide points at which inspections shall be done and partial releases made, thus ensuring work is completed in a logical manner. Each of the parts is as follows:
- 1) Part 1: Installation of underground utilities and stormwater structures.
 - 2) Part 2: Construction of open space amenities and roads, minus asphalt, to the point that they provide access to the individual building lots.
 - 3) Part 3: Asphaltting roads and construction of the sidewalks.
 - 4) Any exceptions to Parts 1, 2 and 3 must be approved by the City Engineer and the Public Works Director and shall be incorporated into the subdivision's Development Agreement. No certificates of occupancy for individual building lots shall be issued until the inspection and acceptance of Part 3.

- K) Pre-Construction Meeting: A meeting held prior to any construction being started for the subdivision, or each phase thereof, in which appropriate City staff members and the subdivider, his general contractor and any other associates of the subdivider directly related to the subdivision, meet together to discuss the project.
- L) Public Works Director: The Public Works Director for Nibley City, or his designated representative.
- M) Subdivision Development Agreement: An agreement between the subdivider and Nibley City relative to the specific subdivision subdivider is proposing whereby the subdivider agrees to construct all improvements in the subdivision in accordance with the Nibley City Design Standards and Specifications and an estimated schedule, and the City agrees to allow for building permits to be issued within the subdivision at an agreed upon point in the construction process, typically after the completion of Parts 1 and 2.
- N) Warranty Bond: The legal/financial instrument by which the subdivider warrants to the City, and to the purchasers of various lots within the subdivision, that all of the subdivision improvements are free of defective materials or workmanship for one-year following the City's issuance of the Improvements Completion and Acceptance Report. The amount of the warranty bond is equal to ten percent (10%) of the actual cost of making the subdivision improvements.

21.14.030 Inspections

- A) All construction work involving the installation of improvements in subdivisions shall be subject to inspection by Nibley City. The appropriate person or agencies of the City shall inspect or cause to be inspected in the course of construction, installation, or repair, any infrastructure outlined in approved construction drawings, including, but not limited to: roadways, curb, gutter, sidewalk, trails, landscaping, stormwater facilities and piping, sewer and water systems. Any underground utilities which may be publicly owned shall not be covered until such installations shall have been inspected by the Public Works Director or other authorized City inspector. Certain types of construction shall have continuous inspection, with no work being done except in the presence of the inspector or with the specific approval from the inspector allowing the work to continue in his absence. Partial Acceptance Inspections shall be made as needed in order to evaluate the completion of Parts 1, 2 or 3 and to allow for the partial release of the Improvement Completion Assurance.
 - 1) Continuous Inspection. Continuous inspection shall be required on the following types of work:
 - i) Laying of street surfacing
 - ii) Pouring of concrete for curb and gutter, sidewalks and other structures
 - iii) Installation of infrastructure related to sewer, stormwater and culinary water systems
 - iv) Acceptance testing
 - v) Direct connections to existing sewer, stormwater and culinary water systems.
 - 2) Periodic Inspection. Periodic inspection shall be required on the following:
 - i) Street grading and gravel base
 - ii) Excavations for curb, gutter and sidewalks
 - iii) Excavations for structures
 - iv) Forms for concrete for curb and gutter, sidewalks and structures
 - v) Required improvements to or reclamation of open spaces or any common areas.

- 3) Requests for Inspection. Requests for inspection shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made at least three (3) days prior to commencing the work. Requests for inspection on work requiring periodic inspection shall be made at least one (1) day prior to commencing the work.
- 4) Acceptance Inspection. Upon the request of the subdivider, an Acceptance Inspection shall be made by the Public Works Director or their designee after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of thirty (30) days of the date the Public Works Director or their designee issues an inspection report defining the faulty or defective work. Upon satisfactory completion of all improvements, allowing for minor "punch list" items, the Public Works Director shall issue to the subdivider an Improvements Completion and Acceptance Report. The warranty period shall begin once the Improvements Completion and Acceptance Report has been issued by the Public Works Director.
- 5) Whenever, in the judgment of the Public Works Director, the subdivision improvements cannot be seen, tested, or otherwise properly inspected, such as when the area is covered with snow, he may postpone and/or delay inspection of the subdivision improvements, including the Acceptance Inspection, until such time as the improvements requiring inspection can be appropriately seen/tested/inspected.

21.14.40 Building Permit Issuance

- A) No building permit for construction of any building on any lot within a subdivision shall be issued until after:
 - 1) All improvements required by Parts 1 and 2 are completed or the subdivider has executed a Subdivision Development Agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any building permit; and
 - 2) An Improvement Completion Assurance is in place, pursuant to this title.

21.14.50 Guarantee Of Work

- A) The subdivider shall warrant and guarantee that the improvements provided for hereunder, and every part thereof, will be completed to the satisfaction of the City and thereafter remain in good condition by providing the assurances described hereunder, for the subdivision and for each phase thereof, as applicable.
- B) Financial Guaranty
 - 1) Improvements Improvement Completion Assurance. The subdivider shall provide an Improvement Completion Assurance stating that 100% of all agreed upon improvements shall be completed in accordance with the Subdivision Development Agreement and this ordinance. The work covered by this guaranty shall begin with the Notice to Proceed for the subdivision and shall end with the issuance of an Improvements Completion and Acceptance Report by the Public Works Director whereby the improvements are accepted by the City. No specific time period is associated with the Improvement Completion Assurance. It must remain in place until the issuance of the Improvements Completion and Acceptance Report by the PUBLIC WORKS DIRECTOR and the Warranty Bond has been provided.
 - 2) Warranty Bond. The Warranty Bond shall ensure that the improvements constructed are free from defective material or workmanship for a period of one year following the date of the Improvements Completion and Acceptance Report issued by the Public Works

Director (“Guaranty Period”). This Warranty Bond shall be filed with the Public Works Director and shall secure the subdivider’s agreement to make all repairs to and maintain the improvements and every part thereof in good condition during that time, with no cost to the City. The City reserves the right, as appropriate, to extend the Guaranty Period to a period of two (2) years following the date of the Improvements Completion and Acceptance Report issued by the Public Works Director, in accordance with the provisions of Utah Code § 10-9a-604.5, as amended.

3) Repair of Work

- i) The Public Works Director shall determine when repairs or maintenance are required for improvements which have not been accepted by the City, or for improvements which have been accepted by the City, based on the Improvements Completion and Acceptance Report, but which are not free of defective materials or workmanship for the one (1) year Guaranty Period. Unless unreasonable, arbitrary or capricious, the Public Works Director’s decision shall be binding on the subdivider. Required repairs or maintenance to improvements may extend to, but is not limited to, the street base, and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks and other accessories which are or may be affected by the construction operations.
- ii) Whenever, in the judgment of the Public Works Director, the work needs repair, maintenance or rebuilding, he shall cause a written notice to be served on the subdivider and thereupon, the subdivider shall undertake and complete such repairs, maintenance or rebuilding. If the subdivider fails to do so within thirty (30) days from the date of the service of such notice, the Public Works Director may have such repairs made and the costs of such repairs shall be charged to the subdivider with an additional twenty-five percent (25%) of the cost of the repairs levied for stipulated damages resulting from such failure on the part of the subdivider to make the repairs.

21.14.60 Guarantee Of Improvements

- A) Prior to the recording of the Final Plat, where after lots may be sold, and before the issuance of any building permit within the subdivision, the subdivider shall guarantee, by an Improvement Completion Assurance, the installation and construction of any payment for the required improvements. Prior to the City’s acceptance of the improvements and the final release of the Improvement Completion Assurance, the subdivider shall guarantee, by a Warranty Bond, that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for the Guaranty Period. The provisions of both such guarantees, regardless of form, shall be as approved by the Public Works Director as to the amount of the bond and as approved by the City Attorney as to the form of the guarantee and shall provide for the following:
- B) The Improvement Completion Assurance shall be in an amount equal to one hundred percent (100%) of the cost of all improvements as estimated by the subdivider and verified by the City Engineer. The estimated improvements costs shall include only those costs for which the subdivider is responsible including the installation and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances of each subdivision and set forth in an agreement between the City and subdivider. The estimated cost upon which the Improvements Security is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part

of the subdivision, or any improvements for which the subdivider has no responsibility such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.

- C) The subdivider shall have the right to partial release(s) against the Improvement Completion Assurance with the municipality providing however that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the municipality until after the issuance of an "Improvements Completion and Acceptance Report" by the City Engineer and the Warrantee Bond has been provided. The subdivider must show evidence of payment of all costs for the improvements and show that the lots and the improvements thereto are free from any liens before any release (partial or full) of funds from the Improvement Completion Assurance. The City Engineer may release a portion of this remaining part of the Improvement Completion Assurance (meaning the 10% above the estimated costs of all the improvements) if, in his opinion, there remains encumbered a sufficient amount of the Improvement Completion Assurance to ensure the completion of the required subdivision improvements. The Warrantee Bond provided to the City is to guarantee that improvements are correctly installed, constructed, and are maintained through the Guarantee Period and to secure the City as to the costs of any required corrections of defects of such improvements.
- D) During said Guarantee Period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required in this title and Nibley City Design Standards and Specifications, the City shall notify the subdivider in writing of the defects or any other problems and shall make demand on the subdivider that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the municipality may correct the defects and charge to the subdivider the costs of correcting the defects as provided above, including administrative costs. There shall be no draw(s) made by the subdivider against the Warrantee Bond. The cost of correcting any deficiencies must be borne by the subdivider without access to the Warrantee Bond.
- E) After eleven (11) months of the Guarantee Period have expired, the subdivider shall call for Final Inspection by the City Engineer. If the required improvements remain substantially free from defects, or other problems, and free from liens, the municipality shall certify such fact to the subdivider and the municipality shall discharge the subdivider of its obligation to the municipality within thirty (30) days from the time of Final Inspection by releasing the Warrantee Bond. Any items that need correcting following the Final Inspection must be corrected within thirty (30) days to have the Warrantee Bond released. Any items not completed at the end of these last thirty (30) days, or in other words one year from the date of initial acceptance of the improvements, shall require an additional, or extension of the, Warrantee Bond be established to ensure the completion of any corrections, and/or the City may obtain draw(s) against the Warrantee Bond for such purpose.

21.14.70 Form And Method Of Guarantee Of Improvements

- A) The form and method of the guarantee of improvements, for both the Improvement Completion Assurance and the Warrantee Bond shall be as approved by the City Engineer as to the amount of the bond, escrow, letter of credit or deposit with the municipality and as approved by the City Attorney as to the form of said guarantee documents. All guarantee

methods shall provide surety in accordance with this Title and may consist in the form of one or more of the following:

- B) Bond. The subdivider may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this ordinance. The bond agreement must include a provision that the bond may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of subsection (E), below.
- C) Escrow. The subdivider may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this ordinance. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of subsection (E), below.
- D) Irrevocable Letter of Credit. The subdivider may file with the municipality an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount as required by this ordinance. The letter of credit must include a provision that the guaranteed credit amount may only be reduced by an order executed by an authorized officer of the City, subject to the requirements of subsection (e), below.
- E) Any of the above Forms and Methods for Guarantee of Improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the subdivider, the municipality, and the entity providing the surety bond or holding the escrow, or the financial institution providing the letter of credit, or by the subdivider and municipality for a deposit with the municipality, as applicable. The Guarantee of Improvement may include provisions that allow for partial release or reduction of the funds by an authorized officer of the City for partial completion of work. The Guarantee of Improvements utilized must name the City as the payee or beneficiary, in the event of default or non-performance and shall provide for the City's access to all or any remaining funds, without the subdivider's approval, for both Improvement Completion Assurance and Warrantee Bond purposes, in the event of default or non-performance by the subdivider. In the case of both the Improvement Completion Assurance and Warrantee Bond, the provisions shall provide for use of all or any remaining funds by the City in accordance with subsection (4), above, in order to complete required improvements and/or make repairs not completed in a timely manner by the subdivider. The Guarantee of Improvements documents used shall also include provisions whereby the subdivider agrees to pay all administrative costs, legal fees, and other costs of enforcement incurred by the City pursuant to the agreement.

21.16 Notice To Proceed And Authorization To Begin Work On The Subdivision

21.16.010 Preconstruction

- A) The Public Works Director may require that all contractors participating in the construction meet for a pre-construction conference to discuss the project prior to beginning work.

21.16.20 Conditions Prior To Authorization

- B) Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:
 - 1) The final plat shall have been approved by the City. All required contract and construction documents shall be completed and filed with the City Engineer.

- 2) Fee simple title to all necessary off-site easements or dedications required for public facilities, not shown on the final plat or final site plan, must be conveyed separately to the City, or other agency approved by the City, with proper signatures affixed. The originals of each document, and filing fees as determined by the City shall be delivered to the City Engineer prior to approval and release of the construction documents.
- 3) The Improvement Completion Assurance and other documents required to be accomplished in accordance with this ordinance and the development plan, and any applicable ancillary agreements shall be completed and filed with the City Engineer.
- 4) The final plat and development agreement shall be filed with the County Recorder as required in this Title.

21.16.030 Authorizing Work To Begin An A Subdivision Without Improvement Completion Assurance

- A) The Public Works Director may authorize work to begin on a subdivision without an Improvement Completion Assurance if all other conditions in NCC 21.16.020 have been met. Until the City has signed the final plat, or if a minor subdivision the Approval Document, no plat shall be filed with the County Recorder and therefore no lots may be sold. The final plat or Approval Document shall be signed by the Mayor and filed with the County Recorder only after all subdivision improvements have been completed and the 10% Warrantee Bond has been established and filed with the City Engineer.
- 1) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer. These plans shall remain on the job site at all times.
 - 2) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
 - 3) All applicable fees must be paid to the City prior to issuance of the Notice to Proceed.

21.18 Acceptance Of The Completed Subdivision

21.18.10 plicant's Submittal Of Completed Subdivision

- A) Applicant's Submittal of Completed Subdivision. Subdivider may notify the City in writing of the completion of the subdivision and request Final Inspection when the subdivider believes that they have done the following:
- 1) Completed all infrastructure work in the subdivision or development, as prescribed in the Nibley City Design Standards and Specifications and per approved construction drawings.
 - 2) Provided to the City the required as-built drawings, and
 - 3) Otherwise complied with all conditions required by the City Council or this ordinance as preconditions to approval of the Development Agreement, Final Plat, and Construction Drawings.

21.18.20 -Built Drawings

- A) The subdivider shall provide to the City as-built drawings and specifications for all infrastructure improvements in the subdivision. Drawings and specifications shall include but

not necessarily be limited to roads, curb/gutter, sidewalks, drainage systems, irrigation systems, waterlines, and sewer lines. Standards for as-builts shall be the same as called for in construction drawings in the Nibley City Design Standards and Specifications. The drawings and specifications, certified by a registered engineer, shall be submitted to and approved by the City Engineer before final release of funds established by the subdivider to ensure improvement completion under any Improvement Completion Assurance provided.. One (1) reproducible mylar copy of drawings shall be provided to the City. In addition the subdivider shall provide either:

- 1) A Computer Assisted Design file of the subdivision (must be readable by AUTOCAD as updated) or ArcMap file of the subdivision; and
- 2) Electronic PDF copies of the as-built drawings

21.18.030 Public Works Director Review

- A) The Public Works Director shall conduct such review as he/she considers appropriate to determine whether the subdivision is complete and whether the Applicant has satisfied all applicable conditions. If the Public Works Director finds that the Applicant has completed the subdivision and has satisfied all applicable conditions, and that all other requirements of applicable law have been met, the Public Works Director shall approve the as-built drawings and shall forward to the City Recorder a copy of the Improvements Completion and Acceptance Report, and notify him that the Improvement Completion Assurance has been released.

21.18.040 Partial Release Of Improvement Completion Assurance

- B) The Public Works Director is authorized from time to time, at the request of the subdivider or his successors in interest, and with recommendation from the City Attorney to release all or a portion of a subdivider's Improvement Completion Assurance up to the amount of one hundred percent (100%) of the value of the improvements. The remaining percent (10%) may only be released in accordance with this Title.

21.18.050 Final Release Of Warrantee Bond

- C) Release Submittal and Approval. Following a review of the subdivider's request to have the subdivision's Warrantee Bond released, the Public Works Director shall forward to the City Council a recommendation for the release of the Warrantee Bond and the City Council shall release, in accordance with section 12D-501 (5), the subdivider's Warrantee Bond, with respect to the subdivision.

Agenda Item #17

Description	Discussion and Consideration of Ordinance 19-06: Amendments to Nibley City code, Title 21: Subdivision Regulations--Substantive Policy Changes (First Reading)
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Move to approve Ordinance 19-05: Amendments to Nibley City Code, Title 21: Subdivision Regulations--Substantive Policy Changes, for first reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, Nibley City Planning Commission

Background

The City Council recommended that the proposed changes to the Subdivision Ordinance be broken into two different ordinances, one to cover minor but important changes in wording and general clean up of the ordinance, and the other to cover major policy changes. This second ordinance covers the recommended policy changes

Process for Approval

The proposed ordinance changes the approval process for standard subdivisions.

Section 21. 06.060

Land Use Authority shows these changes by assigning different types of subdivisions different approval authority. The Approval Authority would be as follows:

A. The Land Use Authority shall be established according to the table below for Preliminary Plats, Final Plats, and Development Agreements.

<i>Subdivision Type</i>	<i>Approval Authority</i>	<i>Public Hearing Required</i>
<i>Standard Subdivision</i>	<i>Planning Commission</i>	<i>No</i>

<i>Minor Subdivision</i>	<i>Planning Commission</i>	<i>No</i>
<i>Rural Preservation Subdivision</i>	<i>City Council</i>	<i>Yes</i>
<i>Cluster</i>	<i>City Council</i>	<i>Yes</i>
<i>PUDs and Subdivisions in Overlay Zones</i>	<i>City Council</i>	<i>Yes</i>

This table outlines who would have the ability to approve a subdivision and what subdivision would require a public hearing. Below is more detail about the proposed approval process.

Phasing: 21.02.080

The proposed ordinance contains changes for how developments can be phased. It extends the phasing deadline from one year to ten. The reasons are to allow a large development to be able to effectively phase a project, which will hopefully eliminate most remainder parcels and allow large tracts of land to be developed by one developer.

Public Notice: 21.06.050

This section outlines the process for public notices and public hearings for subdivisions. All subdivisions, even if they are not required to hold a public hearing, must still give notice to adjacent property owners to allow them to submit any findings to Nibley City and also to allow for transparency. This sections also outlines that public hearings are for preliminary plats only.

Groundwater Report: 21.06.080

The Groundwater Report requirement has been altered to allow a developer to not do a groundwater report if they state on the plat, “that no finished floor shall be built at an elevation lower than six inches (6”) above finished curb or centerline of the street, whichever is higher unless an individual lot owner is able to provide a stamped report meeting the qualification as listed within NCC 21.06.070 (B) for their lot. This report must be reviewed and approved by the City Engineer.”

Amendment to a Plat: 21.08.030

The proposed ordinance now references state code if a developer wants to amend a plat.

Streets: 21.12.050

Nibley City recently updated its Transportation Master Plan and is currently updating its Design Standards. The Master Plan updated several street cross sections with several updates and suggestions. Sections C (3-6) are in the current code but have been moved from another section.

Connectivity, Blocks, and Trail Standards: 21.12.060

There have been several major changes and additions within this section of code. The first change is to provide a definition of Block Length and limiting blocks to 1,600 ft. This is aimed at providing breaks in streets and to increase connectivity throughout neighborhoods.

The Cul-de-sac standards have also been moved into this section. This section requires a trail to leave the cul-de-sac and to link to the nearest ROW. The trail pavement has increased to the width of 8', instead of 5' to comply with our Trails Master Plan and that fencing is required to be installed next to the trail by the developer.

The next big change within this section of code is the requirement of access roads. This code change highlights the need for the developer to provide two functioning accesses to a development with 30 or more units. The code also clarifies what an access road outside of the development should look like. An access road outside of development must be a minimum of 22' wide asphalt with a 5' sidewalk. These roads should be built to meet design standards of the future full road and have sufficient stormwater.

The new proposed code also addresses Traffic Calming measure that are suggested in the Transportation Master Plan. In developments that contain arterial or collector roadways, a developer must provide some form of traffic calming at each entrance and exit of the development.

The last major change in this section is Trails, Bicycles, and Pedestrian Connectivity standards. The City currently does not have any trail standards listed within Nibley City's code, except for those that must leave the back of a cul-de-sac. This states that trails must be added to all subdivision developments according to our Trail Master Plan and Transportation Master Plan. It also requires that there be a trail at an interval of every 660 ft for blocks longer than 660 ft.

ORDINANCE 19-06

**AMENDMENTS TO NIBLEY CITY CODE, TITLE 21: SUBDIVISION REGULATIONS--
SUBSTANTIVE POLICY CHANGES**

WHEREAS, State law gives Nibley City authority to create regulations and ordinances governing subdivision of land within the City's boundaries; and

WHEREAS, Nibley City has subdivision regulations and desires to update them; and

WHEREAS, Nibley City wants to provide higher standards for connectivity, trails, and infrastructure design; and

WHEREAS, Nibley City wants to simplify the process while still allowing public notice and proper review.

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

1. The attached changes to Title 21: Subdivision Regulations be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. 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.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2019.

ATTEST:

David Zook, City Recorder

Shaun Dustin, Mayor

21 Subdivision Regulations

21.02 General Provisions

21.02.010 Purposes

The purposes of this title are:

- A) To promote the health, safety and general welfare of the residents of the City.
- B) To promote the efficient and orderly growth of the City.
- C) The Nibley City Council adopts this title pursuant to the Utah Municipal Land Use, Development and Management Act, Utah Code 10-9a, 1953, as amended, for the purposes set forth therein. Maps referenced herein are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the Nibley City General Plan.
- D) To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within the City, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water, stormwater and sewer systems, design standards for public facilities and utilities, accesses to public rights of way, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision.

21.02.020 Violation

- A. No person shall subdivide any tract or parcel of land located wholly or in part in the City, except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.
- B. Whoever shall violate any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction of any such violation, shall be subject to penalty as provided in NCC 1.08.010.
- C. Any parcel of land created, purchased, sold or exchanged in violation of this title shall not be eligible for building permit or other development approval until full compliance with the provisions of this title is achieved.
- D. Any person or corporation that allows to continue any violation of any provision of this title shall be guilty of a misdemeanor for each and every day the violation continues, and each day shall be a separate violation.
- E. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit.
- F. Any owner or agent of the owner of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded in the office of the Cache County Recorder, consistent with

the requirements of this title, and applicable state and federal requirements, is guilty of a violation of this title, and of Utah Code § 10-9a, for each lot or parcel transferred or sold.

- G. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, Nibley City land use ordinances, or the laws of the State of Utah.

21.02.030 Permits

- A) The building inspector shall not grant a permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void. Approved development plans shall be filed with the Planning Commission and City Recorder.

21.02.040 General Requirements

- A) The subdivider shall prepare all plats consistent with the standards contained herein and the Nibley City Design Standards and Specifications and shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein.
- B) All improvements shall be constructed in accordance with the International Building Code, the Nibley City Design Standards and Specifications and other applicable federal, state and local regulations.
- C) The City shall review the plats for design, for conformity to the Nibley City General Plan and to the land use ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- D) Proposed subdivisions shall be referred by the City to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The City is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivision.
- E) The City engineer shall make comments as to engineering requirements for plans submitted for construction, including, but not limited to, street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Nibley City Transportation Master Plan.
- F) The Planning Commission shall act as an advisory agency to the City Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Nibley City General Plan and land use ordinances, and other

pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary and final plats to the City Council.

- G) The City, in conjunction with the City engineer and City attorney, shall approve the form of the final plat, that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- H) The Nibley City Council has final jurisdiction in the approval of subdivision plats unless otherwise designated within this title; the establishment of requirements for the Nibley City Design Standards and Specifications; and the acceptance of lands and public improvements that may be proposed for dedication.
 - 1) The amendment and alteration of the Nibley City Design Standards and Specifications may, by resolution, be delegated to the Public Works Director and the City Engineer.

21.02.050 Site Preparation And Work Prohibited

- A) No excavation, grading, regrading or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Nibley City Council and a Notice to Proceed has been issued.

21.02.060 Complete Submittal Required

- A) No application for a subdivision shall be reviewed by the City Planning Commission or City Council or be entitled to substantive review and approval until the applicant has submitted all documents required by this Chapter. The City shall inform applicants of the information needed to provide a complete application. Once a complete application has been received, the application shall be reviewed/approved as outlined in this Chapter.

21.02.070 Effect Of Approval

- A) Any approval granted under this title, whether it be for a preliminary plat or for a final plat for all or part of a subdivision shall be effective for a period of one year from the date of approval by the Approval Authority. If the applicant has not recorded the final plat or, in the case of the preliminary plat, presented a final plat for a phase of the subdivision for approval, within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the applicant fails to cure the default within said thirty (30) day period. Applicants shall then be required to submit a new application for review and approval, subject to local, state and federal laws and ordinances in effect at the time of the new submittal.

21.02.080 Phasing

- A) When developing a large tract of land, subdividers may choose to construct the subdivision in phases rather than develop the entire property at once. A subdivider must submit a preliminary plat that contains the complete development, proposed phasing and complies with all preliminary plat requirements. Subdividers opting to phase the subdivision shall have ten years one year from the date of preliminary approval to present each phase of the subdivision, inclusive of all phases, for final approval. The final plat

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for each phase must conform with the approved preliminary plat for density and connectivity. Any phase that does not meet the ten year application deadline will be required to gain preliminary approval again. The subdivider must apply for final approval for the first phase within one year; if not, the preliminary approval for the development shall be expired.

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B) Phasing shall be done in a manner that maximizes connectivity between phases of the subdivision and shall be presented as part of the preliminary plat approval. Specific attention shall be paid to ensure that the roads in each phase connect to the roads in earlier phases.

C) Developers may choose to construct infrastructure improvements within the proposed subdivision, which may include, but are not limited to: utilities, parks, open space, stormwater facilities, trails, etc. When such improvements are approved as part of the subdivision approval, they shall be phased in proportion, based on percentage of the total value of the amenities in the subdivision, to the total number of lots in the subdivision, per phase. Example: If a phase contains 25% of the lots for the subdivision, then 25% of the total value of the subdivision's amenities are required to be constructed along with that phase.

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D) Choosing to phase the subdivision does not relieve developers of the requirement to present the entire subdivision, in its phases, for final approval by the City Planning Commission and City Council- within ten years of receiving approval of the preliminary plat by the City City Council, as outlined in NCC 21.06.080.

E) Each phase must comply with Nibley City access and connectivity standards as listed within this title.

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21.02.090 Fees

A) Subdividers shall pay non-refundable filing fees for each of the preliminary plat(s), final plat(s) and plat amendments, in such amounts as may be established by resolution of the City Council, to cover costs including, but not limited to, staff review, legal review and engineering review. Fees shall be paid prior to the subdivision receiving either preliminary or final plat approval.

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21.02.100 Appeal

A) Any person adversely affected by an action or decision of the Planning Commission or City Council interpreting or applying Utah Code or Nibley City Code in the review, denial, or approval of a land use application may appeal by following the procedures for appeal outlined in NCC 19.06 "Appeals".

B) An applicant who wishes to challenge the completeness or timeliness of an application shall follow the procedures set forth in Utah Code § 10-9a-509.5.

21.02.110 Enforcement

- A) The Planning Commission, the City engineer and such other departments and agencies of the City as are specified under the provisions of this title are hereby designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions or waive the City's right to pursue such remedies in the future.

21.02.120 Inspection

- A) Appropriate agencies and departments of the City shall inspect or cause to be inspected all public improvements in the course of construction, installation or repair as required in this title. Excavations for any publicly owned infrastructure shall not be covered or backfilled until such installation shall have been approved by the Public Works Director. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector, and at the responsible person's cost and expense.

21.02.130 Prohibition On Subdivision

- A) It is unlawful for any person to subdivide any tract or parcel of land located wholly or in part in the Nibley City limits, and no application for any subdivision for any tract or parcel of land may be approved, if any of the following apply;
- 1) The applicant or subdivider is a member of the City Council;
 - 2) The applicant or subdivider is a spouse of a City Council member;
 - 3) A member of the City Council owns an interest of any kind in the applicant or subdivider;
- B) As set forth in NCC 1.10.030, the Mayor is a member of the City Council for the purpose of this Section.
- C) A violation of this section is a Class B Misdemeanor.

21.04 Definitions

21.04.010 Definitions

- A) For purposes specific to this title, all terms shall have the same definition as provided by Utah Code § 10-9a-103, 1953, as amended and also in NCC 19.04, except as such definitions are modified herein.
- B) "Appeal Authority" as used in Utah Code § 10-9a-103 means that body or person designated by NCC 19.06 "Appeals".
- C) "Land Use Authority" as used in Utah Code § 10-9a-103 means that body or person designated as the Approval Authority by Nibley Code 21.06.060 Land Use Authority.

D) "Nibley City Design Standards and Specifications" means those technical standards, specifications, measurements, and requirements adopted by the City Council or its designee that govern the design and construction of public and private infrastructure and facilities.

21.06 Approval Process

21.06.010 Compliance Required

A) Before dividing any tract of land into a "subdivision" as defined in NCC 21.04, a subdivider shall follow the procedures specifically provided for that type of development or zoning under Nibley City Code. If no more specific procedures are provided, a subdivider shall follow the procedures outlined in this chapter, except as may be provided for in Utah Code § 10-9a-605, 1953, as amended.

21.06.020 Standards And Lot Size

A) All subdivisions must meet the minimum lot and development standards as outlined in each zone of the Nibley City land use ordinance and within this Title.

21.06.030 Concept Plan Review and Development Review Committee

A) Prior ~~to submitting a preliminary plat~~, a subdivider shall ~~may submit an initial~~ written "concept plan" to the ~~Development Committee~~ Planning Commission. The concept plan shall include a sketch plan of the proposed subdivision in which the proposed subdivision is sufficiently described to enable the Development Committee ~~Planning Commission to determine whether the proposed subdivision complies with zoning title, master plans, street plans and services.~~ The Development Committee ~~Planning Commission~~ shall advise the subdivider of possible problems with the proposed subdivision within thirty (30) days after it receives the concept plan. DRC advise on the ~~Approval of the~~ concept plan shall not constitute preliminary or final approval of a particular subdivision plan or of the preliminary plat. ~~This section is not mandatory and a subdivider may submit a preliminary plat plan in lieu of the concept plan.~~

B) The Development Committee shall be composed of the City Engineer, the Public Works Director, the City Planner who shall chair the committee and other members as appointed by the City Planner.

C) The Development Committee does not have authority for approval of applications, but is a review body to be established to help subdivision application comply with Nibley City Master Plans, Code, and Design Standards and Specifications.

Commented [SN6]: Mayor's Comment: Mostly want staff to handle it. Council and Commissioners may

Commented [SN7]: Do we want City Council and Planning Commissioners on committee. Does the whole committee have to meet, or can it just be a email or ditgal meeting?

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21.06.040 Submission Of Preliminary Plat

- A) The subdivider shall submit three (3) paper copies and one (1) electronic copy, in a format that is readable, of the proposed preliminary plat to the Planning Commission at least fourteen (14) days prior to the date of the Planning Commission meeting at which the preliminary subdivision plan is to be reviewed. The Planning Commission shall circulate copies of the proposed preliminary plat to all affected departments and to any districts which may be providing special services for comment and review.
- B) The preliminary plat shall conform to the development standards outlined in NCC 21.08.010.

21.06.50 ~~21.06.050~~ Public Notice and Hearing Required

A) Subdivider shall post a sign on the property for the purpose of notifying the public of the proposed subdivision. The sign shall meet the following standards:

- 1) The sign shall be posted on the property in a location visible and within 10' of an adjacent right-of-way.
- 2) The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface and the bottom of the sign shall be at least three feet (3') above the ground.
 - (a) Centered at the top of the four foot by four foot (4' x 4') signboard(s) in six inch (6") letters shall be the words "City Of Nibley Public Notice". In addition, each sign will inform the public of the nature of the notice, the date, time and address of the location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and, if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black.

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City of Nibley Public Notice

Preliminary Subdivision Plat For This
Property

(Date and time)

(Meeting Address)

(City Hall Phone Number)

(Applicant Name)

- B) Notice of the proposed subdivision shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue at least ten (10) days prior to the meeting. The letter shall give state the phone number of Nibley City hall to residents can call to ask questions or voice concerns.

C) If a public hearing is required, notice of the public hearing shall be added onto the sign and included with letters sent to property owners within 300 ft. Other public hearing notices shall be followed as outlined in NCC 19.02.120

A) Upon receipt of a subdivision application, the City Council and Planning Commission shall hold public hearings on all preliminary plats, to hear public comment and concern regarding the proposed development.

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21.06.060 Notification Of Adjacent Property Owners

A) Written notice of the time, date and place where the Planning Commission and City Council will hold public hearings and consider giving preliminary approval to the subdivision shall be given to adjacent property owners within three hundred (300') feet of the proposed subdivision in accordance with NCC 19.02.120(G). The written notice shall also advise the property owner that he or she has the right to be present and to comment on the proposed subdivision. The applicant shall provide the Planning Commission with the names of all persons to whom the notice was mailed.

21.06.060 Land Use Authority

A. The Land Use Authority shall be established according to the table below for Preliminary Plats, Final Plats, and Development Agreements.

<u>Subdivision Type</u>	<u>Approval Authority</u>	<u>Public Hearing Required</u>
<u>Standard Subdivision</u>	<u>Planning Commission</u>	<u>No</u>
<u>Minor Subdivision</u>	<u>Planning Commission</u>	<u>No</u>
<u>Rural Preservation Subdivision</u>	<u>City Council</u>	<u>Yes</u>
<u>Cluster</u>	<u>City Council</u>	<u>Yes</u>
<u>PUDs</u>	<u>City Council</u>	<u>Yes</u>

Commented [SN8]: David: Remove table and add something like they would be able to submit written comments to the approval authority instead of the public hearing.

Commented [SN9]: Planning Commission

B. The Approval Authority shall have approval authority of the Preliminary Plat, Final Plat, and Development Agreement as required in Nibley City Code.

1. The City Council shall approve any development agreement and Final Plat if said development agreement would obligate the City to build infrastructure over \$25,000.

2. If the City Council is the Approval Authority, they shall not approve, approve with conditions, or deny a Preliminary or Final Plat until they receive a recommendation from the Planning Commission.

C. Construction Drawing, Engineering Reports and Design Compliance shall be approved by the Nibley City Engineer, who shall consult with the City Planning Department and Public Works Departments before approval.

D. Subdivision, other than Standard Subdivisions, shall followed the established processed within the section of Nibley City Code that outlines that subdivision.

21.06.070 Authorization To Proceed

- A) Upon approval of the preliminary plat ~~by the City Council~~, copies of the approved preliminary plat with written conditions attached shall be delivered to the City Planner and to the subdivider. Receipt of same shall be authorization for the subdivider to proceed with the preparation of the final plat and plans and specifications for the improvements required in the final plat.
- B) Prior to the construction of any improvements required by this title, the subdivider shall provide the City engineer with all plans, information and data necessary to install and construct the improvements. This information shall be examined by the City engineer and shall be approved if he determines them to be in accordance with the requirements of City ordinances.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.06.080 Final Plat Approval

- ~~A) Within one year of receiving approval of the preliminary plat by the City-City Council, developers shall present the entire subdivision or first phase or phases for final approval by the specified Land Use Authority Planning Commission and the City Council. Planning Commission shall make a recommendation to the City Council for the final subdivision approval, approval with conditions, or disapproval.~~
- ~~A)B) one year of receiving approval of the preliminary plat by the City Council, developers shall present the entire subdivision for final approval by the Planning Commission and the City Council. Planning Commission shall make a recommendation to the City Council for the final subdivision approval, approval with conditions, or disapproval.~~
- B)C) The application for final approval shall consist of the following:
 - 1) Final plats for the entire subdivision or for the proposed phases, prepared according to this ordinance and to the Nibley City Design Standards and Specifications;
 - 2) A stamped report, prepared by a Utah Licensed Professional Engineer or Professional geologist, establishing the ordinary high groundwater elevation and finished floor elevations for the subdivision.
 - i) No finished floor elevations, including basement floor elevations, shall be permitted below the aforementioned groundwater elevation.
 - ii) The groundwater elevation and finished floor elevation limitations shall be recorded as a boxed note (min 14 pt font) on the recorded mylar
 - iii) The report shall be attached to the Development Agreement.
 - iv) An applicant is not required to submit a groundwater report or finish floor elevations of any permitted building if the applicant records on the final plat that no finished floor shall be built at an elevation lower than six inches (6") above finish curb or center line of the street, whichever is higher unless an indivial lot owner is able to provide a stamped report meeting the qualification as listed within NCC 21.06.070 (B) for their lot. This report must be reviewed and approved by the City Engineer
 - 3) Construction drawings for the subdivision, prepared by licensed professionals according to this ordinance and to the Nibley City Design Standards and Specifications;

- 4) Three (3) hard copies of the final plats and construction drawings and one (1) electronic copy of the same; and
- 5) A draft Development Agreement, prepared by Nibley City, outlining the roles and responsibilities of both the subdivider and Nibley City. The Development Agreement shall be approved by the City ~~Council~~ as part of the final approval.

~~D~~D Upon a subdividers failure to receive approval within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the Applicant fails to cure the default within said thirty (30) day period. Applicants shall then be required to submit a new application for review and approval, subject to local, state and federal laws and ordinances in effect at the time of the new submittal.

~~D~~E Developers are not required to record all phases of the subdivision, once final approval has been given. They are required only to receive final approval for the entire subdivision and then they may construct the subdivision in phases.

~~E~~F Final approval shall be valid for three (3) years. If a subdivision, or phase thereof, has not been constructed within three (3) years of the date of final approval by the City Council, the Public Works Director shall suspend the Notice to Proceed and the developer shall be required to resubmit the final plats and construction drawings for review and compliance with City standards and specifications in effect at that time.

~~F~~G At the time final approval is requested, the City and the developer shall enter into a development agreement outlining the roles and responsibilities of each respective to the development. Regardless of how the developer chooses to phase the subdivision, the development agreement shall encompass the entirety of the project and shall be recorded with the first recorded phase of the subdivision.

21.08 Standards of Approval

21.08.010 Preliminary Plat

- A) As part of the submittal of the preliminary plat, subdividers shall provide Nibley City with the following information:
 - 1) A title report, provided by a title company, for the property proposed to be subdivided, dated within thirty (30) days of the submittal of the preliminary plat.
- B) Description: The preliminary plat shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100') on standard twenty four inch by thirty six inch (24" x 36") paper and shall include the following information in the title block:
 - 1) The proposed name of the subdivision.
 - 2) The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project..
 - 3) A legal description of the property.
 - 4) The names and addresses of the owner, subdivider if other than owner, and the engineer or surveyor of the subdivision.
 - 5) Date of preparation.
 - 6) Scale.
- C) Existing Conditions: The plat shall show:
 - 1) The location of the nearest benchmark and property monuments.

- 2) All property contiguous to the proposed subdivision under the control of the subdivider, even if only a portion is being subdivided.
 - 3) The location, width and names of all existing streets, railroads, open spaces, sewers, water mains, culverts or other utility lines and rights-of-way, and permanent buildings and structures located within the tract and within three hundred feet (300') of the outermost boundary of the subdivision.
 - 4) The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract.
 - 5) Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.
 - 6) Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
 - i) Except as outlined in NCC 21.10.040, prior to approval of the preliminary plat, the subdivider shall provide the City with signed documentation that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.
 - 7) Identification of known natural features including, but not limited to, wetlands as identified by the US Army Corps of Engineers, areas which would be covered in the event of a 100-year storm event, all water bodies, floodways and drainageways, slopes exceeding twenty percent (20%) and any other natural features as may be required by the Planning Commission or City Council for the subdivision, including the acreage in each required feature.
 - 8) Boundary lines of adjacent tracts of land, showing ownership where possible.
 - 9) Contour map at vertical intervals of not more than five feet (5') where the slope is greater than ten percent (10%) and not more than two feet (2') where the slope is less than ten percent (10%).
 - 10) A plan outlining how the subdivider intends to phase construction of the project, if phasing is intended.
- D) Proposed Development: In addition to the above-listed items, the preliminary plat shall show:
- 1) The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
 - 2) The layout, numbers and typical dimensions of lots.
 - 3) Open space intended to be dedicated for public use or set aside for the private use of property owners in the subdivision.
 - 4) Building setback lines, including dimensions of said lines.
 - 5) Easements, including dimensions, for water, sewer, drainage, utility lines and other purposes as required by the Planning Commission or by City law.
 - 6) A tentative plan or method for the subdivision's groundwater, fire hydrant, sewer and stormwater drainage facilities.
 - 7) Where the plan submitted covers only part of the subdivider's tract, the preliminary plat shall include a sketch of the prospective future street system which shall be considered in light of the future street system of the larger area.
- E) Approval Of Preliminary Plat:

1) Conditions Of Approval: ~~The Approval Authority Planning Commission shall approve only those preliminary plats that satisfy which it finds have been developed in accordance with the standards and criteria specified in this title, Zoning Title 19.10 of the Nibley City Code and all other applicable City ordinances.~~

2) ~~The Planning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this title, Title 10 of the Nibley City Code and all other applicable City ordinances.~~

3) Environmental Impact Analysis: The Planning Commission shall determine from the preliminary plat the possible need for environmental impact analysis.

4) Approval Or Disapproval By ~~the Approval Authority Planning Commission~~: The ~~Approval Authority Planning Commission~~ shall, ~~within forty five (45) days after the preliminary plat is filed with the Planning Commission,~~ approve the preliminary subdivision plan if it finds that the subdivision complies with City ordinances. The ~~Approval Authority Planning Commission~~ may conditionally approve a preliminary subdivision plat imposing such conditions as required in order to bring the subdivision plat into compliance with the requirements of City ordinances. In the event the ~~Approval Planning Commission~~ disapproves the preliminary plat, ~~it shall do so within forty five (45) days after the date the subdivider made application for approval~~ and shall state in writing each reason for the disapproval. ~~All comments and recommendations shall be forwarded to the City Council within the prescribed time limit.~~

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21.08.020 Final Plat

A) Description: The final plat shall be drawn to scale on standard twenty four inch by thirty six inch (24"x36") paper and shall include the following information:

- 1) The proposed name of the subdivision.
- 2) The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project.
- 3) A legal description of the property.
- 4) The names and addresses of the owner, subdivider, if other than owner, and the engineer or surveyor of the subdivision.
- 5) Date of preparation.
- 6) Scale
- 7) The base heading of true north.

B) The plat shall contain the following information:

- 1) Accurate dimensions for each lot, street, alley, easement, areas to be dedicated as open space and other important features. Dimensions shall be shown in feet and hundredths. Lot sizes shall be expressed in acreage.
- 2) The street address for each lot. Lots on the north and west sides of the street shall have odd numbers. Lots on the south and east sides of the street shall have even numbers.
- 3) A description and delineation of other angles, distances, points, monuments, markers, boundaries and other geometries as described in the Nibley City Design Standards and Specifications.
- 4) Standard signature forms, the wording of which is found in the Nibley City Design Standards and Specifications, for the following:
 - i) Registered land surveyor's certificate of survey, as applicable under Utah law;

- ii) Owner's signature of dedication;
- iii) Notary public acknowledgement;
- iv) City engineer's certificate of approval;
- v) Utility companies' approval;
- vi) Planning Commission approval;
- vii) City approval, signed by the Mayor and City Recorder if City Council is required to approve the plat;
- viii) City attorney approval;
- ix) A block for use by the County Recorder containing the required recording information.
 - (a)
- x) The following note regarding groundwater:
 - (a) Areas in Nibley have groundwater problems due to the varying depth of a water table. The City's approval of a final plat, building permit or construction plans does not constitute a representation by the City that building at any specified elevation or location would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building site, remain solely with the building permit application, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for such concerns including, but not limited to, building location and/or elevation, site grading and drainage.
- C) Additionally, construction plans shall be submitted with the final plat. These plans shall detail the size, design, type and location of all infrastructure improvements proposed for construction as part of the phase, including, but not limited to, streets, sidewalks, curbs, utility pipes and other infrastructure. Construction plans shall be prepared in accordance with the Nibley City Design Standards and Specifications.

21.08.030 Lot Line Adjustments and Amendments to a Subdivision Plat

- A) An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:
 - 1) No new lot results from the lot line adjustment.
 - 2) No previously existing lot is eliminated as a result of the adjustment.
 - 3) If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.
 - 4) No lot is made undevelopable without a variance or other special consideration.
 - 5) All property owners directly affected by the lot line adjustment give their consent.
 - 6) The lot line adjustment does not result in a remnant piece of land that did not exist previously.
 - 7) The lot line adjustment does not result in the violation of any applicable zoning ordinance.
 - 8) The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.

- 9) Provided the above conditions are met, no municipal land use authority approval is required.
- B) An amendment to a subdivision plat shall follow the process and standards within Utah State Code 10-9a-6 as amended, and any applicable Nibley City ordinances.

21.08.040 Minor Subdivision Process

- A) Purpose: In an effort to reduce the expense of developing relatively small residential subdivisions that meet certain conditions, residential subdivisions of five (5) lots or less may be considered and approved under this section. A subdivision approved under this section shall be known as a "Minor Subdivision." Minor subdivisions, when approved, are exempt from platting requirements for preliminary and/or final plats and may also be exempt from the requirements for some engineering reports and construction drawings as determined by the Nibley City Engineer and as provided in this section.
- B) Minor Subdivision Requirements: To be considered for approval as a Minor Subdivision, the proposed subdivision must meet all the following requirements:
 - 1) Notice is provided as required by ordinance;
 - 2) The proposed parcel is not traversed by the mapped lines of a proposed street or trail as shown in the General Plan, Master Transportation Plan, and/or Trail Master Plan;
 - 3) The proposed subdivision does not require the dedication of any land for street or other public purposes;
 - 4) The proposed subdivision has been approved by the culinary water authority and the sanitary sewer authority;
 - 5) The proposed subdivision is located in a residential zoned area;
 - 6) The proposed subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;
 - 7) The proposed subdivision contains five (5) lots or less total;
 - 8) The parcel being divided has not had other lots separated from it within the past five years, provided that if another lot or lots have been separated from the parcel that is the subject of the request for Minor Subdivision within the past five years, then the previously separated lots and the subject parcel will all be counted towards the five (5) lot limit for the purposes of the application for a Minor Subdivision under this section;
 - 9) The proposed subdivision does not require or contemplate the creation or dedication of open space land for the purpose of receiving higher density and/or smaller lot size; and
 - 10) The proposed subdivision complies with all other applicable requirements under Nibley City Code for a subdivision, including zoning, infrastructure improvements and bonding thereof, providing for drainage needs, providing required utility easements, and protecting sensitive land issues, etc..
- C) Minor Residential Subdivision Application Procedure: The application procedure for a minor subdivision shall be as follows:
 - 1) Pre-Application Meeting- The applicant must meet with Nibley City Staff to determine if the proposed subdivision meets the requirements of a Minor Subdivision. The staff shall provide a copy or access of this section of Nibley City code and inform the applicant of their options. The staff shall review with the applicant any requirements for construction drawings that may be needed and required for approval.

- 2) Minor Subdivision Plat- Minor Subdivisions shall be exempt from preliminary plat application and shall file a final plat in compliance with all NCC 21 and standards on the plat as unless noted in this section and the applicant may only submit a final Minor Subdivision plat after a Pre-Application Meeting with Nibley City staff and a determination from City staff that the proposed subdivision meets the requirements for a Minor Subdivision. Nibley City staff shall write and proposed a development agreement to be considered with the minor subdivision application.
 - 3) The Planning Commission shall act as the land use authority for a Minor Subdivision and shall grant or deny an application for a Minor Subdivision within 60 days of its receipt of a complete application. The Planning Commission shall approve an application for a Minor Subdivision if the plat and development agreement meet all of Nibley City's ordinances as listed in NCC 19 and NCC 21, Public Work's design standards, general plan, master plans and all requirements for a final plat.
- D) Recording of the final plat: Final approval shall be valid for three (3) years. If an applicant fails to record the final plat within that time, the approval of the plat is void.
- E) Notice to proceed and process after final approval: All Minor Subdivisions shall follow the Nibley City subdivision code and process as outlined after final approval.
- F) Minor Subdivision standards: All Minor Subdivision shall comply with Nibley City Ordinances, as listed in Nibley Code, and engineering and public work design standards, unless otherwise listed in this section.
- 1) Finished floor elevation recorded on the final plat:
 - i) An applicant shall include all groundwater reports as required Nibley City code with the final plat. An applicant is not required to submit a groundwater report or finish floor elevations of any permitted building if the applicant records on the final plat that no finished floor shall be built at an elevation lower then six inches (6") above finish curb or center line of the street, whichever is higher.
 - 2) Construction Drawings and Engineering Reports:
 - i) The applicant shall submit all report as required by Nibley City code unless otherwise exempted by the Planning Commission.
 - ii) Applicants shall submit detailed stormwater plans at the request of the Nibley City Engineer.

21.10 Subdivision Options

21.10.010 Type Of Subdivisions

- A) A developer may subdivide under one of the following subdivisions:

Type of Subdivision	Applicable Zones	Density	Open Space Requirements	Lot Size
Standard Subdivision	All zones	Density must comply with zoning	Open space is not required	Lot size must comply with zoning
Rural Preservation Subdivision	R-1, R-1A, R-2, and R-2A	Bonus density	Open space is required	Smaller lots are allowed

Cluster Subdivision	A, R-E, R-1, R-1A, R-2, and R-2A	Density must comply with zoning	Open space is required	Smaller lots are allowed
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1. Standard Subdivision must follow all zoning and subdivision code contained within Nibley City code and design standards, including lot sizes, frontages, setbacks, etc.
2. Rural Preservation Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified within the Rural Preservation Subdivision requirements stated within Nibley City Code.
3. Cluster Subdivision must follow all zoning and subdivision code contained within Nibley City Code unless specified with the Cluster Subdivision requirements stated within Nibley City Code.
4. Each subdivision must follow State law and the Utah Land Use Development Management Act.

21.10.020 Rural Preservation Subdivision

- A) Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:
- 1) Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
 - 2) Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
 - 3) Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
 - 4) Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
 - 5) Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
 - 6) Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
 - 7) Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
 - 8) Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
 - 9) Creates neighborhoods with direct visual and/or physical access to Open Space Land;
 - 10) Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.
- B) Definitions: For purpose of this section, the following words shall have the meanings set forth herein:
- 1) OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment

of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.

- 2) **CONSTRAINED AND SENSITIVE LAND:** Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.
- 3) **WATERWAY:** Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
- 4) **TREE STAND:** A group or cluster of trees within a geographic location that are occurring naturally or artificially.
- 5) **MEADOWS:** Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
- 6) **PASTURE:** A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.
- 7) **NET DEVELOPABLE LAND:** Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
 - 8) Public access rights-of-way
 - 9) Land required to be dedicated along waterways
 - 10) Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
 - 11) Constrained and Sensitive Land as defined herein
 - 12) Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.
- 13) Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the proposed final plat.

C) Applicability:

- 1) The election to develop the property as a Rural Preservation Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and the rural preservation subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. Rural Preservation Subdivisions may be developed within applicable residential zones of the City. Rural Preservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.
 - 2) In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.
 - 3) Development Options: In R-1, R-1A, and R-2 zones in Nibley City, developers may elect to develop a Rural Preservation Subdivision. R-2A zones may also be developed under the terms of this ordinance; in such cases, the R-2A zoned property shall be treated as R-2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance. If the zone is not listed above, it does not qualify for a Rural Preservation Subdivision.
 - 4) Developers desiring to develop the property as Rural Preservation Subdivision are subject to the development standards, conditions procedures and regulations of this section.
- D) Application Process:
- 1) Applications for a Rural Preservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
 - 2) Pre-application Meeting: Applicants for a Rural Preservation Subdivision shall have a pre-application meeting with the Development Committee as established in NCC 21.06.030 ~~Nibley City staff~~ to review the application and answer questions provided by the applicant. Prior to this meeting, the developer shall submit the draft plan of the proposed subdivision and shall include the following:
 - i) Zoning and parcel location
 - ii) Total gross acres
 - iii) Estimated right-of-way dedication
 - iv) Estimated Constrained and Sensitive Land
 - v) Estimated Net Developable Land
 - vi) Estimated Open Space Dedication and proposed uses.
 - vii) Total number of lots based on density bonus
 - viii) Estimated lot sizes and subdivision layout.
 - 3) Sensitive Area Designation Plan Map: All applications for a Rural Preservation Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features,

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meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet (400') of the developments property boundaries as noted in City, County, State, and Federal records.

- 4) Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E) Dimensional Standards:

- 1) The lot standards within a Rural Preservation Subdivision shall be determined in accordance with the Lot Standards Chart. Lot Standards Chart.

Lot Standards Chart					
Zone	Open Space Ratio ^{NOTE 1} (OSR)	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage ^{NOTE 2}
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2 and R-2A	$0.25 \leq \text{OSR} < 0.30$	1.20	$\geq 13,200 \text{ ft}^2$	$\geq 11,500 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.25	$\geq 12,200 \text{ ft}^2$	$\geq 10,500 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.30	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.35	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$
Notes:					
1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land.					
2. Frontage is determined at the front setback line.					

- 2) Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a Rural Preservation Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:

- i) The subdivision must be in one of the approved zones as listed within the Rural Preservation Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance.
 - ii) Provide to the City the total area contained within the subdivision plat.
 - iii) Provide to the City the total area being dedicated to rights-of-way.
 - iv) Provide to the City the total acres of Constrained and Sensitive Land.
 - v) Provide the City the total Net Developable Land area as defined within this section.
 - vi) State the area of proposed Open Space Land.
 - vii) Calculate Open Space Ratio.
 - viii) Calculate the Base Number of Lots per zone:
 - (a) Base Number of Lots R-1 = Net Developable Land / 1 acre
 - (b) Base Number of Lots R-1A = Net Developable Land / .75 acres
 - (c) Base Number of Lots R-2 and R-2A = Net Developable Land / 0.5 acres
 - ix) Determine Incentive Multiplier
 - (a) Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.
 - x) Calculate total allowed
 - (a) Total allowed lots = Base number of lots multiplied by the Incentive Multiplier
- F) Lot Area, Frontages, and Zoning Regulations:
- 1) The subdivision, along with each lot within the subdivision, shall meet and comply with the minimum lot sizes, average lot sizes, and frontages shown on the Lot Standards Chart. Except for these requirements, the Zoning Regulations (NCC 19) for the underlying zone shall apply to Rural Preservation Subdivisions, unless otherwise noted within this section.
- G) Conservancy Lots:
- 1) Open Space Land and Constrained and Sensitive Land may be included within individual residential lots when such areas can be properly protected and preserved in accordance with the intent and purpose of this section. Such lots shall be known and referred to as "conservancy lots". These lots must contain a minimum of 0.5 acres of Open Space Land, except for areas approved by Nibley City as defined Landscape Buffers, and that Open Space Land must meet the design standards and use standards within this section.
 - 2) Regulations: Open Space Land and Constrained and Sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection. Open Space Land must be developed and maintained within the first year of the date of issuance of a Notice to Proceed under NCC 21.
 - 3) The portion of each Conservancy Lot that is not Open Space Land must meet the minimum lot size on the applicable Lot Standards Chart and shall be the portion of the Conservancy Lot used to calculate the average and minimum lot size within the subdivision.
- H) Use Regulation: Use of the land in a Rural Preservation Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a Rural Preservation Subdivisions is subject to the following:

- 1) Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:
- i) Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
 - ii) Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.
 - iii) Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
 - iv) Conservation of open land in its natural state; e.g., meadows, tree stands, wetlands, forestland.
 - v) Waterways along with dedicated public access rights-of-way or easements along one or both sides.
 - vi) Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
 - vii) Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Rural Preservation Subdivision if maintained by a functional owners association.
 - viii) Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.
 - ix) Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
 - x) Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
 - xi) Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.

- xii) Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
 - xiii) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
 - xiv) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation.
- 2) Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:
- i) Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.
 - ii) Firearm ranges, and other uses similar in character and potential impact are prohibited.
 - iii) Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.
 - iv) Any cutting of trees or vegetation, except as reasonably necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses or other uses allowed within this section.
 - v) Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted use.
 - vi) Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land
 - vii) Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
 - viii) Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
 - ix) Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
 - x) Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
 - xi) Hunting or trapping for any purpose other than predatory or problem animal control.
 - xii) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.
 - xiii) The division, subdivision or de facto subdivision of the property.

- xiv) The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
 - xv) All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.
- 3) Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands.
 - 4) Open Space Land Coordination: Open Space Land shall be coordinated and located to maximize the continued use of the space. To create larger areas of Open Space Land and to combine Open Space Land from a variety of developments, Open Space Land shall be coordinated either with existing adjacent Open Space Land or with planned future Open Space Land. If no adjacent parcels of land are planned for development, Open Space Land shall be planned to provide the greatest likelihood of adjoining future developments' Open Space Land.
 - 5) Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within a rural preservation Subdivision shall be complied with as provided herein.
- I) Open Space Land Design Standards: Open Space Land shall be located and designed within the Rural Preservation Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within a Rural Preservation Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:
- 1) Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
 - 2) Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.
 - 3) Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
 - 4) Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley

City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.

- 5) Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
 - 6) Recreation Space: Open Space Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
 - 7) Stormwater Basin: These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.
- J) Permanent Protections of Open Space Land:
- 1) Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the rural preservation subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Rural preservation subdivision.
 - 2) Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
 - i) Legal description of the easement;
 - ii) Description of the current use and condition of the property;
 - iii) Permanent duration of easement;
 - iv) Permitted and conditional uses;
 - v) Prohibited development and/or uses;
 - vi) Maintenance responsibilities and duties; and
 - vii) Enforcement rights and procedures.
 - 3) Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument

provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.

- 4) Grantee: Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering Open Space Lands within a Rural Preservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.

K) Ownership of Open Space Land:

- 1) Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
- 2) Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
- 3) Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
- 4) Owners' Association: Open Space Land may be held in common ownership by a Home Owners' or other acceptable Owners' Association, subject to all the provisions for Owners' Associations set forth in state law, the City Code, and the following:
 - i) A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
 - ii) The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;
 - iii) Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.
 - iv) The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
 - v) The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted; and
 - vi) Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of

the Association and to the City no less than thirty (30) days prior to such event. vii. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.

vii) In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.

5) Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.

L) Maintenance of Open Space Lands:

1) Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.

2) Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:

- i) The proposed Ownership of the Open Space Land;
- ii) The party that will be responsible for maintenance of the Open Space Land;
- iii) The proposed use of the Open Space Land and how each parcel of Open Space Land meets the
- iv) standards listed within this section;
- v) The size of each Open Space Land parcel; and
- vi) The proposed concept plan for landscaping of the Open Space Land.

3) Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Rural Preservation Subdivision application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:

- i) Ownership agreements for Open Space Land;
- ii) A description of the use of the Open Space Land and how that use complies with this section;
- iii) The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
- iv) The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
- v) The landscaping plans for parcels that will be owned by an owners association or by the City.

- vi) Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
- 4) The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.
- 5) Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.
- 6) Corrective Action: The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.
- 7) Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
- 8) Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the Rural preservation subdivision.

21.10.030 Cluster Subdivisions

- A) Purpose and Intent: Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of

subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area.

B) General Regulations:

- 1) Conditional Use: A cluster subdivision shall be a conditional use in the A, R-E, R-1, R-1A, R-2 and R-2A zones, and the terms and requirements of those zones shall govern the subdivision except as such terms and requirements are modified by this section.
- 2) Minimum Subdivision Size: A proposed cluster subdivision shall have a minimum of ten (10) dwelling units and sufficient land to meet the density requirements of the zone in which the development is located, as set forth below.
- 3) Reduction In Minimum Lot Area: Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located may be recommended for approval by the planning commission to the city council, provided the provisions of this chapter are met and further provided that the cluster subdivision receives subdivision approval.

C) Site Development Standards:

- 1) Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but the overall density of the cluster subdivision shall not exceed the density allowed in the zone in which the development is located.
- 2) Use And Height Regulations: Use and height regulations shall be the same as for the zone in which the cluster subdivision is located.
- 3) Yard Setbacks: The required yard setbacks of the zone shall be maintained on the perimeter of the cluster subdivision.
- 4) General Considerations: The cluster subdivision should be compatible with the surrounding land uses, building types and physical features of the site. The planning commission should consider the criteria used in NCC 19.28.
- 5) Basis For Issuance Of Conditional Use Permit: In addition, the planning commission should consider the following:
 - i) Fencing, screening and landscaping both inside and at the perimeter of the site;
 - ii) The quality, quantity and potential uses of the reserved or dedicated open space land; and
 - iii) Bulk and location of buildings on the site.

D) Open Space

- 1) Required: There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located.
- 2) Preservation And Maintenance: Recreation and/or open space areas to be permanently reserved shall be improved, landscaped and maintained in accordance with a plan approved by the planning commission. The developer shall specify how and by whom the reserved open space land will be maintained.

E) Procedure for Approval: A preliminary site plan of the cluster subdivision showing topography, proposed building sites and locations, proposed uses, areas within the subdivision to be permanently reserved for recreation and/or open space, improvements and

method of maintenance of such areas shall be presented to the planning commission. The planning commission shall submit its recommendation for approval or denial, together with such modifications necessary to serve the public and ensure integration of the development into the neighborhood, to the city council. The site plan must be approved by the city council before the cluster subdivision proposal becomes a permitted use in the zone in which it is proposed.

21.12 Infrastructure Improvements

21.12.010 Compliance Required

- A) Prior to the release of the mylar, to the subdivider, for recordation and subsequent issuance of building permits by the City, the improvements described in this section shall be completed by the subdivider and approved by the Public Works Director. All improvements described in this title shall meet the standards set forth in the Nibley City Design Standards and Specifications.
- B) In lieu of completion of the infrastructure requirements, surety may be provided as described in NCC 21.14.010.

HISTORY

Adopted by Ord. No Source on 6/1/1992

21.12.020 Water Supply

- A) All subdivisions shall be required to connect to the Nibley City culinary water system. Subdividers shall, at their own expense, install water mains, fire hydrants and service laterals to each lot within the subdivision in accordance with the Nibley City Design Standards and Specifications. The subdivider must also install the necessary pipeline from the subdivision to the nearest City water line. In addition, the following minimum standards shall apply:
- B) Subdividers shall be required, in all zones, to provide Nibley City with water shares sufficient to serve the culinary needs of the subdivision. The amount required shall be determined by the City Engineer as part of the preliminary plat review.
 - 1) In calculating the amount of water needed, the City shall follow Utah Administrative Code Rule R309-510: Facility Design Operation: Minimum Sizing Requirements, as may be amended.
- C) In areas where flood irrigation or pressurized irrigation is available, subdividers are encouraged to install a secondary water system, in addition to the required hook-on to the Nibley City culinary system. Subdividers shall notify Nibley City of their intent to install a secondary system at the time the preliminary plat is submitted and shall submit plans for the design and operation of the secondary system. Providing a secondary water system does not relieve subdividers of providing the City with water shares, as outlined in NCC 21.10.020(A). However, the City may sell to the owners of the secondary system secondary water as may be needed to support the secondary system. The subdivider shall provide the City with engineered calculations demonstrating the amount of water they require to support the secondary system. The cost of the water will be limited to actual costs associated with maintaining the shares, plus a reasonable administrative fee.

21.12.030 Sewage Disposal

- A) Public sanitary sewer facilities shall be provided for each lot in the subdivision. Where a public sanitary sewer is available within three hundred feet (300') of a subdivision property line, or any part or portion thereof, including the property lines for each individual parcel located within the subdivision, at the time of recording the final plat, the subdivider shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks.

21.12.040 Storm Drainage

- A) A storm drainage system shall be provided and must meet the approval of the City engineer. This system must be independent of any sanitary sewer system. No ditch or canal shall be approved as suitable for use as storm drainage without the written permission of the appropriate ditch or canal company, and/or the affected water users. If permission is obtained, ditches and canals must be adequately improved to handle such water as might reasonably be expected to flow from normal irrigation and spring water, storm runoff water, and any other water expected to reach such ditch or canal.
- B) Any use of the irrigation canal system owned by the Nibley Blacksmith Fork Irrigation Company (NBFI) for stormwater drainage shall be approved as provided in the Operating Agreement between the City and NBFI dated August 21, 2014, as may be amended.
- 1) Prior to the approval of a preliminary plat by the Approval Authority, developer shall present to the NBFI, any and all plans related to the alteration of canals owned and operated by NBFI on the developer's property under consideration for subdivision. Such plans shall include, but not be limited to: relocation of canals on the property, proposed pipe size, location and design of proposed inlet and outlet structures, and calculations demonstrating how the proposed alterations will affect the discharge volume of canals on the property.
 - 2) At the time of presentation of plans to the NBFI, developer shall secure a signed and dated receipt showing the NBFI has received the plans.
 - 3) Within sixty (60) days of receipt of said plans, which shall be calculated from the date on the signed receipt, NBFI shall notify the developer and Nibley City in writing, of having accepted said plans or, by empirical data, demonstrated a sound reasoning for refusing said plans. Failure to contact developer and Nibley City within sixty (60) days shall constitute acceptance of said plans.
 - 4) Once Nibley City has received notification from NBFI, the preliminary plat may be approved by the Nibley City Council. Developer may, at their discretion, choose to seek NBFI approval prior to submittal of the preliminary plat to Nibley City.
 - 5) Nibley City storm drainage regulations are governed by the State of Utah Construction General Permit. (CGP) and the Nibley City Municipal Separate Storm Sewer System (MS4). All plans related to storm drainage, including but not limited to, a Stormwater Pollution Prevention Plan, shall be designed and constructed in accordance with the CGP, MS4, and the Nibley City Design Standards and Specifications.
- C) The City encourages developers to utilize Low Impact Development (LID) techniques in developing their plan(s) for storm drainage. Prior to approval of any LID techniques, the

developer must be able to demonstrate how such techniques will satisfy the subdivision's storm drainage needs. Any LID technique must be approved by the City Engineer.

- D) At the time a subdivider intends to record a plat for a subdivision, or for a phase thereof, the subdivider shall submit for review and approval, a stormwater pollution prevention plan (SWPPP), which shall meet the standards and requirements of the State of Utah Construction General Permit, the Nibley City MS4, and such other federal, state and local regulations regarding stormwater as may be in effect at the time of such submittal.

21.12.050 Streets

- A) Street Design: Subdividers shall locate streets within the subdivision so that streets will connect with existing streets. Streets shall be located and designed so that the adjoining land shall not be diminished in value. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be efficiently subdivided.

Half streets (completed only to centerline) are allowed only when the City engineer has reviewed the proposed half street design and can attest that public safety issues have been satisfied. A minimum of twenty feet (20') of asphalt shall be required on all half streets.

- B) Streets To Conform To Transportation Master Plan: Subdividers shall provide all Arterial and collector streets as described in, shall conform to the Transportation Master plan, including providing temporary dead-end streets as necessary. Whenever a subdivision is in an area for which a major or collector street plan has not been adopted, major or collector streets shall be provided as determined by staff and the City engineer.
- C) Minimum Street Widths:

- 1) The neighborhood street may be used in areas that would not generally be considered a through street or a street that would carry significant amounts of traffic other than that generated on that street. A cul-de-sac may be a neighborhood street.

2) All sidewalks shall be a minimum of five feet (5') in width. Planting strips shall be at least seven feet (7') in width.

- 2) The design of road types shall be in accordance with the Nibley City Design Standards & Specifications, and as follows:

3) Street Width Requirements For Small Acreage Parcels On Cul-De-Sacs: The following shall serve as street width requirements for development of small acreage parcels using a cul-de-sac as the only access to the development:

- 4) Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City Design Standards and Specifications and shall include five foot (5') sidewalks where required by City ordinance.

5) Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot (50') cross section as follows: twenty five feet (25') of asphalt, and the following on each side of the road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot (1') strip to property line. These roads shall be built to the standards of the Nibley City Design Standards and Specifications.

- 6) All other developments shall have roadways that conform to this section.

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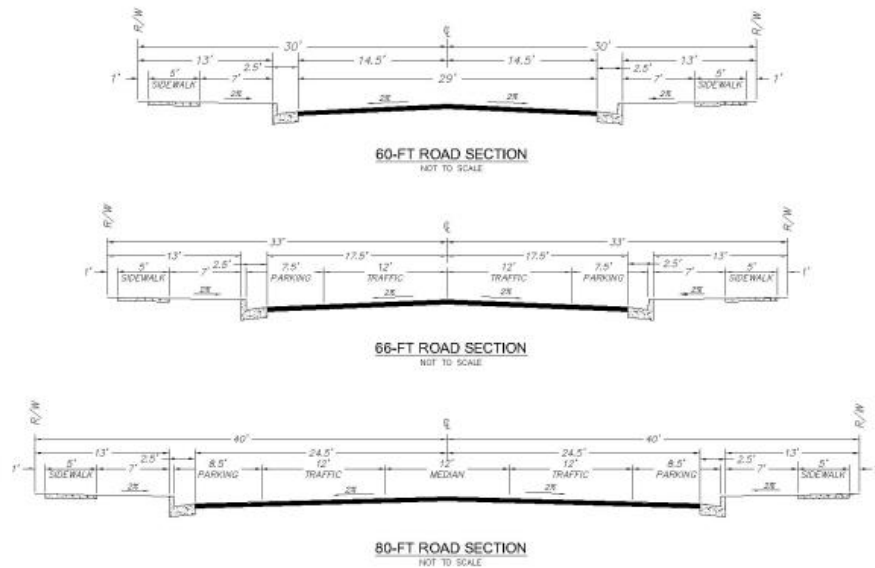
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- D) Curb, Gutter And Sidewalks: The subdivider shall be required to install curb and gutter on all new and existing streets within or adjoining the proposed subdivision.
- 1) Sidewalks are required in all areas of new development.
 - 2) The above requirements may be waived in rural estate and agricultural zones, if it is felt that curb, gutter and sidewalks would detract from the rural setting of the subdivision.
 - 3) The requirement for curb and gutter on existing streets may be waived only if future changes to the street are anticipated that would make the installation of curb and gutter unwise. In such cases, the Planning and Zoning Commission may require that the subdivider pay to the city a sum equal to the best estimate of the cost of the improvements not installed to allow sufficient funds to later complete the improvements. Any such proceeds shall be placed in the street capital improvement fund.
 - 4) Alternate curb and gutter cross sections may be proposed as part of Low Impact Development (LID) practices. Proposed alternates shall be in compliance with Nibley City Design Standards and include design drawings and engineering calculations showing

the effectiveness of the proposed LID technique. Proposed alternates shall be reviewed and approved by the City Engineer and Public Works Director.

~~E) Cul De Sacs: Cul de sacs shall not exceed one eighth (1/8) mile in length, except in R-E zones where they shall not exceed one fourth (1/4) mile in length. Each cul de sac must be terminated by a turnaround with a radius of at least sixty feet (60'). If surface water drainage runs into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end street. It shall remain and be available to the public so long as the dead end exists.~~

- ~~1) The subdivider shall provide a pedestrian ROW as outlined below linking the cul de sac to the nearest adjacent public ROW unless expressly prohibited by conflict with previously developed subdivisions or land uses.~~
- ~~2) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.~~
- ~~3) All pedestrian ROWs shall be designed for compliance with the Transportation Master plan to maximize non motorized transportation network efficiency.~~
- ~~4) The right of way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.~~

~~F) Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.~~

~~G) Street Width Requirements For Small Acreage Parcels On Cul De Sacs: The following shall serve as street width requirements for development of small acreage parcels using a cul de sac as the only access to the development:~~

- ~~1) Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City design standards and specifications and shall include five foot (5') sidewalks where required by City ordinance.~~
- ~~2) Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot (50') cross section as follows: twenty five feet (25') of asphalt, and the following on each side of the road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot (1') strip to property line. These roads shall be built to the standards of the Nibley City design standards and specifications.~~
- ~~3) All other developments shall have roadways that conform to this section.~~

~~H) Flag Lots~~

- ~~1) A lot meeting the minimum size requirement for the underlying zone but which lacks the required minimum frontage may be approved by the Planning Commission for a building permit, provided the following conditions are met:
 - ~~i) A paved driving surface of not less than twenty feet (20') with six inches (6") minimum crushed gravel base and a three foot (3') drainage on one side.~~~~

- (a) The driving surface shall be paved entirely from the point where the stem of the flag lot meets the publicly dedicated road to the point where the stem of the flag lot meets the flag portion of the lot, except in the case of the R-E zone, where the driving surface shall be paved for the first fifty feet (50') from point where the stem of the flag lot meets the publicly dedicated road.
- ii) ~~A turnaround per the international fire code standard.~~
- (a) ~~Prior to the Planning Commission's approval of the building permit, the applicant shall submit plans for the turnaround to the local fire protection agency and shall receive the agency's approval for the turnaround.~~
- iii) ~~A stormwater pollution prevention plan shall be submitted, demonstrating how any dust, erosion or sediment problems which may result will be eliminated.~~
- iv) ~~The flag lot shall not be created as part of a subdivision proposed under this ordinance.~~
- v) ~~The flag portion of the lot shall meet the size requirement of the underlying zone, regardless of the size of the flag stem portion of the lot.~~
- vi) ~~All other requirements of the underlying zone which may be outlined in Nibley City Code or in the Nibley City Design Standards & Specifications, including, but not limited to: maximum grade, building height, setback, etc., shall be observed.~~
- (a) ~~Setback shall be calculated from the point where the stem of the flag lot meets the flag portion of the lot.~~
- vii) ~~All accesses to flag lots, regardless of the underlying zone, shall be maintained as private accesses and the responsibility for maintenance of the same shall lie with those property owners who may utilize said access to access their respective properties.~~
- viii) ~~Owners of a flag lot shall grant to Nibley City a permanent, recorded easement along the full width of the access allowing for emergency vehicle access and also for City inspection.~~
- ix) ~~All utilities running the length of the flag stem which service the home on the flag lot shall be owned and maintained by the owners of the flag lot.~~
- x) ~~Approved flag lot accesses shall be for single lot access only.~~
- xi) ~~The Planning Commission may impose such other conditions as they deem necessary and proper.~~

21.12.060 Blocks

A) Block Length is defined as the distance along any given road frontage between two intersections with three or more connecting links. Links that connect into a cul-de-sac shall not be considered the termination point of a block length.

A)1) Blocks shall not be longer than one thousand six hundred feet (1,600'). Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.

B) Cul-de-sac: Cul-de-sacs shall not exceed one-eighth (1/8) mile in length, except in R-E zones where they shall not exceed one-fourth (1/4) mile in length. If surface water drainage runs into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end street. It shall remain and be available to the public so long as the dead end exists.

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1) The subdivider shall provide a pedestrian ROW as outlined below linking the cul-de-sac to the nearest adjacent public ROW, park, or school unless expressly prohibited by conflict with previously developed subdivisions or land uses.

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2) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.

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3) All pedestrian ROWs shall be designed for compliance with the Transportation Master Plan to maximize non-motorized transportation network efficiency.

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4) The right-of-way shall consist of a minimum 8' sidewalk. The Developer shall install fencing that complies with Nibley City fencing code on each side of the right-of-way. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.

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C) Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.

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D) Access Roads

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1) Subdividers shall provide sufficient access to the development from an established public road or street. Subdivision of 30 lots or more shall provide two functioning access roads that comply with Nibley City street standards

2) Access Roads outside of development: If a developer cannot provide sufficient access to a development with adjacent roads, the developer shall construct access road(s) from an improved public road. Access roads shall be a minimum of 22' asphalt and provide a sidewalk built to City Standards. Sidewalks and roads shall be built to Nibley City Design Standards and Specifications and shall be placed as close to where full roadway shall be built in the future. Sufficient stormwater drainage shall be provided for each access road.

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E) Traffic Calming

1) In developments that contain arterial or collector roadways, developer must provide traffic calming features, as described in Nibley City's Transportation Master Plan, at each entrance/exit of the development along the arterial or collector road. Each traffic calming feature shall be designed to meet projected traffic levels and speeds. Traffic calming features must be approved by the City Engineer.

F) Trails, Bicycles, and Pedestrian Connectivity

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1) Trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Approval Authority. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, future and existing city trails and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed with the accompanying phase and development, unless the Approval Authority determines otherwise.

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2) Bicycle lanes and facilities shall be added to roads and trails according to Nibley Design Standards, Transportation Master Plan and Trails Master Plan.

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3) Blocks longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private

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street, cul-de-sac, park, school, or City trail unless expressly prohibited by conflict with previously developed subdivisions or land uses.

i) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street. The right-of-way shall consist of a minimum 8' sidewalk. The Developer shall install fencing that complies with Nibley City fencing code on each side of the right-of-way.

ii) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.

iii) The Approval Authority may make an exception to the requirements if the block street makes a 90 degree connecting turn towards an exciting ROWs.

4) All pedestrian ROWs shall be designed for compliance with the Transportation Masterplan and Trails Master Plan to maximize non-motorized transportation network efficiency.

B)

C) Road segments longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private street or cul-de-sac unless expressly prohibited by conflict with previously developed subdivisions or land uses.

D) In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.

E) All pedestrian ROWs shall be designed for compliance with the Transportation Masterplan to maximize non-motorized transportation network efficiency.

F) The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.

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21.12.070 Lot Layout And Design

- A) Standards: All lots shown on the subdivision plan shall conform to the minimum requirements of the zoning title for the zone in which the subdivision is located, and to the minimum requirements of the Nibley City Design Standards and Specifications.
- B) Street Access: All lots shall abut a dedicated public street, a private street or a street which has become a public right of way or right of use. In the event a lot abuts a public right of way created by use, the subdivider is responsible for demonstrating and proving to the City's

satisfaction that the right of way has been dedicated to public use and shall improve the right of way to the standards required by this title.

- C) Lot Arrangement: The lot arrangement and design shall be based on the following criteria: provide satisfactory and desirable sites for buildings, be properly related to topography, to the character of surrounding developments and to existing requirements.
- D) Lot Remnants: All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than be allowed to remain lot remnants.
- E) Undeveloped Lots: Undeveloped lots shall be kept free of trash, weeds, abandoned automobiles, machinery and other unsanitary, unsightly or unsafe material.
- F) Lot Ownership: Where the land in a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

21.12.080 Railroad

- A) Where the proposed subdivision contains or is adjacent to a railroad right of way, provision shall be made for either:
 - 1) A street approximately parallel to and on each side of such right of way; or
 - 2) A buffer planting strip of trees and/or shrubs at least ten feet (10') in width.
 - 3) A six foot (6') fence running the length of the property adjacent to the railroad r-o-w.
- B) Any plan for improvement along the railroad right-of-way shall include a description of who will be responsible for maintenance of the improvements.

21.12.90 Ditches, Canals and Conveyance

- A) Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines or through permanently reserved open space. Subdividers may also be required to pipe any ditches and canals on the property. Subdividers shall coordinate any improvements to canals with the affected canal company, as stated herein.
- B) Each subdivision must comply with the provision of NCC 19.24.230 Preserving Safety And Maintenance of Conveyance

21.12.100 Safety Fences

- A) Subdividers may be required to install a six foot (6'), nonclimbable chain-link fence, or its equivalent, along railroad rights of way, ditches and canals or streets. All fences must comply with NCC 19.24.090.

21.12.110 Street Signs

- A) The subdivider shall be required to pay for the installation of all necessary street signs. Fees for such shall be assessed as part of the subdivision fee schedule.

21.12.120 Landscaping

- A) In compliance with the State of Utah Construction General Permit, subdividers shall provide ground cover where it is determined that soil erosion may be a problem, that surface water may flood portions of the City or damage City property, to prevent the

growth of noxious weeds which may become a nuisance or fire hazard or endanger the public health and may specify the types of ground cover.

21.12.130 Monuments/Pins

- A) Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. All subdivision plats shall be tied to a corner or monument of record.
- B) Property lines outlining individual lots shall be established by setting pins in the curb, as detailed in the Nibley City Design Standards and Specifications.

21.12.140 Street Lighting

- A) Streetlights shall be required every five hundred feet (500') throughout the subdivision, at every street intersection and at the back of each cul-de-sac. Street lights shall comply with Nibley City standards.

21.12.150 Protection Strips

- A) A. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the City Council, retain a protection strip not less than one foot (1') in width between the street and adjacent property. The protection strip shall be subject to the following provisions:
 - 1) An agreement shall be made between the subdivider and the City whereby the subdivider shall deed the protection strip to the City at the end of six (6) years; said deed shall not be recorded until the end of the six (6) year period;
 - 2) The agreement will provide for the reimbursement to the subdivider for the fair cost of land in the protection strip and the street improvements and other infrastructure properly chargeable to the adjacent property owner;
 - 3) The subdivider shall agree to pay the costs associated with the agreement (engineering review, attorney fees, etc).
- B) Time for determining the six (6) year period shall be determined from the time the subdivider receives notice that the improvements of his property are substantially complete and usable.
- C) At the time that the adjacent property is proposed for development, as a condition of approval, the property owner shall pay to the City the full cost of the improvements initially installed by the first subdivider, which are chargeable to the owner of the adjacent property.
- D) Protection strips shall not be permitted at the end of streets.

21.12.160 Utilities

- A) All utilities shall be installed underground. In addition to infrastructure for utilities proposed as part of the subdivision, Developers shall install conduit for future utilities, as outlined in the Nibley City Standards and Specifications.

21.14 Inspection And Guarantee Of Work

21.14.010 Effect

- A) The provisions contained in this section shall apply to all subdivisions and, in the event that a developer chooses to phase their subdivision, to each phase of the subdivision.

21.14.020 Definitions

- A) The following definitions are used in this section relating to the guarantee of improvements in subdivisions.
- B) Acceptance Inspection: An inspection of the completed subdivision improvements conducted by the Public Works Director to determine completion status of all required improvements for a subdivision, or a specific phase thereof. Once the improvements are complete, the Public Works Director shall issue an Improvements Completion and Acceptance Report stating such and accepts the improvements on behalf of Nibley City.
- C) Cost Estimate of Improvements: The subdivider's estimate of the costs of all work to be done to complete subdivision improvements required in accordance with the subdivision's approved construction drawings. The cost estimate is used to determine the amounts of the Improvement Completion Assurance for the subdivision. The Cost Estimate of Improvements or actual cost of the improvements is used to establish the amount of the Warranty Bond.
- D) Final Inspection: An inspection of the completed subdivision improvements conducted by the Public Works Director after the one-year Guarantee Period for the subdivision improvements to determine if the improvements are free from material defects or workmanship for the Guarantee Period.
- E) Guaranty Period: The period (normally one year) following the completion and acceptance by the City of all subdivision improvements during which time the subdivider is responsible to ensure, by a Warranty Bond, that the improvements are free of material defect or workmanship.
- F) Improvement Completion Assurance: The legal/financial instrument by which the subdivider of the subdivision guarantees to the City, and to the purchasers of the various lots within the subdivision, that all of the subdivision improvements required in accordance with the subdivision's approved development plan are completed. Improvement Completion Assurance must comply with all aspect of this Title and State law.
- G) Improvements Completion and Acceptance Report: A report issued by the Public Works Director stating the findings of the Acceptance Inspection and acknowledging the City's acceptance of the subdivision improvements.
- H) Notice to Proceed: The written notification by the City (issued by the Public Works Director, after consultation with the City Planner), to the subdivider that work may commence on the subdivision improvements.
- I) Partial Acceptance Inspection: Periodic inspections by the Public Works Director throughout the construction of the subdivision improvements to determine if the work is being done properly. These inspections may be done during each of "Parts 1, 2 and 3", as defined herein, in order to release portions of the Improvement Completion Assurance to the subdivider.

- J) Parts 1, 2 and 3: A list and grouping of tasks within the total work requirements for a subdivision which divides and sequences the project. This is done in order to provide points at which inspections shall be done and partial releases made, thus ensuring work is completed in a logical manner. Each of the parts is as follows:
- 1) Part 1: Installation of underground utilities and stormwater structures.
 - 2) Part 2: Construction of open space amenities and roads, minus asphalt, to the point that they provide access to the individual building lots.
 - 3) Part 3: Asphalt roads and construction of the sidewalks.
 - 4) Any exceptions to Parts 1, 2 and 3 must be approved by the City Engineer and the Public Works Director and shall be incorporated into the subdivision's Development Agreement. No certificates of occupancy for individual building lots shall be issued until the inspection and acceptance of Part 3.
- K) Pre-Construction Meeting: A meeting held prior to any construction being started for the subdivision, or each phase thereof, in which appropriate City staff members and the subdivider, his general contractor and any other associates of the subdivider directly related to the subdivision, meet together to discuss the project.
- L) Public Works Director: The Public Works Director for Nibley City, or his designated representative.
- M) Subdivision Development Agreement: An agreement between the subdivider and Nibley City relative to the specific subdivision subdivider is proposing whereby the subdivider agrees to construct all improvements in the subdivision in accordance with the Nibley City Design Standards and Specifications and an estimated schedule, and the City agrees to allow for building permits to be issued within the subdivision at an agreed upon point in the construction process, typically after the completion of Parts 1 and 2.
- N) Warranty Bond: The legal/financial instrument by which the subdivider warrants to the City, and to the purchasers of various lots within the subdivision, that all of the subdivision improvements are free of defective materials or workmanship for one-year following the City's issuance of the Improvements Completion and Acceptance Report. The amount of the warranty bond is equal to ten percent (10%) of the actual cost of making the subdivision improvements.

21.14.030 Inspections

- A) All construction work involving the installation of improvements in subdivisions shall be subject to inspection by Nibley City. The appropriate person or agencies of the City shall inspect or cause to be inspected in the course of construction, installation, or repair, any infrastructure outlined in approved construction drawings, including, but not limited to: roadways, curb, gutter, sidewalk, trails, landscaping, stormwater facilities and piping, sewer and water systems. Any underground utilities which may be publicly owned shall not be covered until such installations shall have been inspected by the Public Works Director or other authorized City inspector. Certain types of construction shall have continuous inspection, with no work being done except in the presence of the inspector or with the specific approval from the inspector allowing the work to continue in his absence. Partial Acceptance Inspections shall be made as needed in order to evaluate the completion of Parts 1, 2 or 3 and to allow for the partial release of the Improvement Completion Assurance.

- 1) Continuous Inspection. Continuous inspection shall be required on the following types of work:
 - i) Laying of street surfacing
 - ii) Pouring of concrete for curb and gutter, sidewalks and other structures
 - iii) Installation of infrastructure related to sewer, stormwater and culinary water systems
 - iv) Acceptance testing
 - v) Direct connections to existing sewer, stormwater and culinary water systems.
- 2) Periodic Inspection. Periodic inspection shall be required on the following:
 - i) Street grading and gravel base
 - ii) Excavations for curb, gutter and sidewalks
 - iii) Excavations for structures
 - iv) Forms for concrete for curb and gutter, sidewalks and structures
 - v) Required improvements to or reclamation of open spaces or any common areas.
- 3) Requests for Inspection. Requests for inspection shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made at least three (3) days prior to commencing the work. Requests for inspection on work requiring periodic inspection shall be made at least one (1) day prior to commencing the work.
- 4) Acceptance Inspection. Upon the request of the subdivider, an Acceptance Inspection shall be made by the Public Works Director or their designee after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of thirty (30) days of the date the Public Works Director or their designee issues an inspection report defining the faulty or defective work. Upon satisfactory completion of all improvements, allowing for minor "punch list" items, the Public Works Director shall issue to the subdivider an Improvements Completion and Acceptance Report. The warranty period shall begin once the Improvements Completion and Acceptance Report has been issued by the Public Works Director.
- 5) Whenever, in the judgment of the Public Works Director, the subdivision improvements cannot be seen, tested, or otherwise properly inspected, such as when the area is covered with snow, he may postpone and/or delay inspection of the subdivision improvements, including the Acceptance Inspection, until such time as the improvements requiring inspection can be appropriately seen/tested/inspected.

21.14.40 Building Permit Issuance

- A) No building permit for construction of any building on any lot within a subdivision shall be issued until after:
- 1) All improvements required by Parts 1 and 2 are completed or the subdivider has executed a Subdivision Development Agreement with the City setting forth a schedule to complete all required improvements prior to the issuance of any building permit; and
 - 2) An Improvement Completion Assurance is in place, pursuant to this title.

21.14.50 Guarantee Of Work

- A) The subdivider shall warrant and guarantee that the improvements provided for hereunder, and every part thereof, will be completed to the satisfaction of the City and thereafter remain in good condition by providing the assurances described hereunder, for the subdivision and for each phase thereof, as applicable.
- B) Financial Guaranty

- 1) **Improvements Improvement Completion Assurance.** The subdivider shall provide an Improvement Completion Assurance stating that 100% of all agreed upon improvements shall be completed in accordance with the Subdivision Development Agreement and this ordinance. The work covered by this guaranty shall begin with the Notice to Proceed for the subdivision and shall end with the issuance of an Improvements Completion and Acceptance Report by the Public Works Director whereby the improvements are accepted by the City. No specific time period is associated with the Improvement Completion Assurance. It must remain in place until the issuance of the Improvements Completion and Acceptance Report by the PUBLIC WORKS DIRECTOR and the Warranty Bond has been provided.
- 2) **Warranty Bond.** The Warranty Bond shall ensure that the improvements constructed are free from defective material or workmanship for a period of one year following the date of the Improvements Completion and Acceptance Report issued by the Public Works Director ("Guaranty Period"). This Warranty Bond shall be filed with the Public Works Director and shall secure the subdivider's agreement to make all repairs to and maintain the improvements and every part thereof in good condition during that time, with no cost to the City. The City reserves the right, as appropriate, to extend the Guaranty Period to a period of two (2) years following the date of the Improvements Completion and Acceptance Report issued by the Public Works Director, in accordance with the provisions of Utah Code § 10-9a-604.5, as amended.
- 3) **Repair of Work**
 - i) The Public Works Director shall determine when repairs or maintenance are required for improvements which have not been accepted by the City, or for improvements which have been accepted by the City, based on the Improvements Completion and Acceptance Report, but which are not free of defective materials or workmanship for the one (1) year Guaranty Period. Unless unreasonable, arbitrary or capricious, the Public Works Director's decision shall be binding on the subdivider. Required repairs or maintenance to improvements may extend to, but is not limited to, the street base, and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks and other accessories which are or may be affected by the construction operations.
 - ii) Whenever, in the judgment of the Public Works Director, the work needs repair, maintenance or rebuilding, he shall cause a written notice to be served on the subdivider and thereupon, the subdivider shall undertake and complete such repairs, maintenance or rebuilding. If the subdivider fails to do so within thirty (30) days from the date of the service of such notice, the Public Works Director may have such repairs made and the costs of such repairs shall be charged to the subdivider with an additional twenty-five percent (25%) of the cost of the repairs levied for stipulated damages resulting from such failure on the part of the subdivider to make the repairs.

21.14.60 Guarantee Of Improvements

- A) Prior to the recording of the Final Plat, where after lots may be sold, and before the issuance of any building permit within the subdivision, the subdivider shall guarantee, by an Improvement Completion Assurance, the installation and construction of any payment for the required improvements. Prior to the City's acceptance of the improvements and the final release of the Improvement Completion Assurance, the subdivider shall guarantee, by a

Warranty Bond, that the improvements shall be maintained in a state of good repair, free from defective material or workmanship for the Guaranty Period. The provisions of both such guarantees, regardless of form, shall be as approved by the Public Works Director as to the amount of the bond and as approved by the City Attorney as to the form of the guarantee and shall provide for the following:

- B) The Improvement Completion Assurance shall be in an amount equal to one hundred percent (100%) of the cost of all improvements as estimated by the subdivider and verified by the City Engineer. The estimated improvements costs shall include only those costs for which the subdivider is responsible including the installation and construction of, and payment for such improvements within the time period required by the City, and based on the circumstances of each subdivision and set forth in an agreement between the City and subdivider. The estimated cost upon which the Improvements Security is based shall not include the subdivision processing fees, the fee for the initial seal coat application for roads built as part of the subdivision, or any improvements for which the subdivider has no responsibility such as those improvements to be done at another time, those to be done by the City or other entity, or as otherwise agreed upon in the process of approving the subdivision.
- C) The subdivider shall have the right to partial release(s) against the Improvement Completion Assurance with the municipality providing however that a sum equal to ten percent (10%) of the estimated costs of all improvements installed in the subdivision shall remain with the municipality until after the issuance of an "Improvements Completion and Acceptance Report" by the City Engineer and the Warrantee Bond has been provided. The subdivider must show evidence of payment of all costs for the improvements and show that the lots and the improvements thereto are free from any liens before any release (partial or full) of funds from the Improvement Completion Assurance. The City Engineer may release a portion of this remaining part of the Improvement Completion Assurance (meaning the 10% above the estimated costs of all the improvements) if, in his opinion, there remains encumbered a sufficient amount of the Improvement Completion Assurance to ensure the completion of the required subdivision improvements. The Warrantee Bond provided to the City is to guarantee that improvements are correctly installed, constructed, and are maintained through the Guarantee Period and to secure the City as to the costs of any required corrections of defects of such improvements.
- D) During said Guarantee Period, if all or any part of the required improvements are found not to be correctly installed, constructed and maintained, and paid for according to the standards required in this title and Nibley City Design Standards and Specifications, the City shall notify the subdivider in writing of the defects or any other problems and shall make demand on the subdivider that defects/problems be corrected and paid for. If the defects are not corrected and paid for within thirty (30) days the municipality may correct the defects and charge to the subdivider the costs of correcting the defects as provided above, including administrative costs. There shall be no draw(s) made by the subdivider against the Warrantee Bond. The cost of correcting any deficiencies must be borne by the subdivider without access to the Warrantee Bond.
- E) After eleven (11) months of the Guarantee Period have expired, the subdivider shall call for Final Inspection by the City Engineer. If the required improvements remain substantially free from defects, or other problems, and free from liens, the municipality shall certify such fact to the subdivider and the municipality shall discharge the subdivider of its obligation to the municipality within thirty (30) days from the time of Final Inspection by releasing the

Warranty Bond. Any items that need correcting following the Final Inspection must be corrected within thirty (30) days to have the Warranty Bond released. Any items not completed at the end of these last thirty (30) days, or in other words one year from the date of initial acceptance of the improvements, shall require an additional, or extension of the, Warranty Bond be established to ensure the completion of any corrections, and/or the City may obtain draw(s) against the Warranty Bond for such purpose.

21.14.70 Form And Method Of Guarantee Of Improvements

- A) The form and method of the guarantee of improvements, for both the Improvement Completion Assurance and the Warranty Bond shall be as approved by the City Engineer as to the amount of the bond, escrow, letter of credit or deposit with the municipality and as approved by the City Attorney as to the form of said guarantee documents. All guarantee methods shall provide surety in accordance with this Title and may consist in the form of one or more of the following:
- B) Bond. The subdivider may furnish and file with the City Recorder a bond issued by a licensed, reputable corporate surety in an amount as required by this ordinance. The bond agreement must include a provision that the bond may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of subsection (E), below.
- C) Escrow. The subdivider may deposit with a licensed, reputable and/or duly chartered insurance company, bank, title company or savings and loan institution in an escrow account an amount as required by this ordinance. The escrow agreement must include a provision that the funds in escrow may only be released, in whole or in part, by an order executed by an authorized officer of the City, subject to the requirements of subsection (E), below.
- D) Irrevocable Letter of Credit. The subdivider may file with the municipality an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount as required by this ordinance. The letter of credit must include a provision that the guaranteed credit amount may only be reduced by an order executed by an authorized officer of the City, subject to the requirements of subsection (e), below.
- E) Any of the above Forms and Methods for Guarantee of Improvements shall be subject to approval by the City Attorney, as to form and content of the documents used, and shall be signed by the subdivider, the municipality, and the entity providing the surety bond or holding the escrow, or the financial institution providing the letter of credit, or by the subdivider and municipality for a deposit with the municipality, as applicable. The Guarantee of Improvement may include provisions that allow for partial release or reduction of the funds by an authorized officer of the City for partial completion of work. The Guarantee of Improvements utilized must name the City as the payee or beneficiary, in the event of default or non-performance and shall provide for the City's access to all or any remaining funds, without the subdivider's approval, for both Improvement Completion Assurance and Warranty Bond purposes, in the event of default or non-performance by the subdivider. In the case of both the Improvement Completion Assurance and Warranty Bond, the provisions shall provide for use of all or any remaining funds by the City in accordance with subsection (4), above, in order to complete required improvements and/or make repairs not completed in a timely manner by the subdivider. The Guarantee of Improvements documents used shall also include provisions whereby the subdivider agrees to pay all administrative costs, legal fees, and other costs of enforcement incurred by the City pursuant to the agreement.

21.16 Notice To Proceed And Authorization To Begin Work On The Subdivision

21.16.010 Preconstruction

- A) The Public Works Director may require that all contractors participating in the construction meet for a pre-construction conference to discuss the project prior to beginning work.

21.16.20 Conditions Prior To Authorization

- B) Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:
- 1) The final plat shall have been approved by the City. All required contract and construction documents shall be completed and filed with the City Engineer.
 - 2) Fee simple title to all necessary off-site easements or dedications required for public facilities, not shown on the final plat or final site plan, must be conveyed separately to the City, or other agency approved by the City, with proper signatures affixed. The originals of each document, and filing fees as determined by the City shall be delivered to the City Engineer prior to approval and release of the construction documents.
 - 3) The Improvement Completion Assurance and other documents required to be accomplished in accordance with this ordinance and the development plan, and any applicable ancillary agreements shall be completed and filed with the City Engineer.
 - 4) The final plat and development agreement shall be filed with the County Recorder as required in this Title.

21.16.030 Authorizing Work To Begin An A Subdivision Without Improvement Completion Assurance

- A) The Public Works Director may authorize work to begin on a subdivision without an Improvement Completion Assurance if all other conditions in NCC 21.16.020 have been met. Until the City has signed the final plat, or if a minor subdivision the Approval Document, no plat shall be filed with the County Recorder and therefore no lots may be sold. The final plat or Approval Document shall be signed by the Mayor and filed with the County Recorder only after all subdivision improvements have been completed and the 10% Warrantee Bond has been established and filed with the City Engineer.
- 1) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer. These plans shall remain on the job site at all times.
 - 2) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
 - 3) All applicable fees must be paid to the City prior to issuance of the Notice to Proceed.

21.18 Acceptance Of The Completed Subdivision

21.18.10 Applicant's Submittal Of Completed Subdivision

- A) Applicant's Submittal of Completed Subdivision. Subdivider may notify the City in writing of the completion of the subdivision and request Final Inspection when the subdivider believes that they have done the following:
- 1) Completed all infrastructure work in the subdivision or development, as prescribed in the Nibley City Design Standards and Specifications and per approved construction drawings.
 - 2) Provided to the City the required as-built drawings, and
 - 3) Otherwise complied with all conditions required by the City Council or this ordinance as preconditions to approval of the Development Agreement, Final Plat, and Construction Drawings.

21.18.20 -Built Drawings

- A) The subdivider shall provide to the City as-built drawings and specifications for all infrastructure improvements in the subdivision. Drawings and specifications shall include but not necessarily be limited to roads, curb/gutter, sidewalks, drainage systems, irrigation systems, waterlines, and sewer lines. Standards for as-builts shall be the same as called for in construction drawings in the Nibley City Design Standards and Specifications. The drawings and specifications, certified by a registered engineer, shall be submitted to and approved by the City Engineer before final release of funds established by the subdivider to ensure improvement completion under any Improvement Completion Assurance provided.. One (1) reproducible mylar copy of drawings shall be provided to the City. In addition the subdivider shall provide either:
- 1) A Computer Assisted Design file of the subdivision (must be readable by AUTOCAD as updated) or ArcMap file of the subdivision; and
 - 2) Electronic PDF copies of the as-built drawings

21.18.030 Public Works Director Review

- A) The Public Works Director shall conduct such review as he/she considers appropriate to determine whether the subdivision is complete and whether the Applicant has satisfied all applicable conditions. If the Public Works Director finds that the Applicant has completed the subdivision and has satisfied all applicable conditions, and that all other requirements of applicable law have been met, the Public Works Director shall approve the as-built drawings and shall forward to the City Recorder a copy of the Improvements Completion and Acceptance Report, and notify him that the Improvement Completion Assurance has been released.

21.18.040 Partial Release Of Improvement Completion Assurance

- B) The Public Works Director is authorized from time to time, at the request of the subdivider or his successors in interest, and with recommendation from the City Attorney to release all or a portion of a subdivider's Improvement Completion Assurance up to the amount of one hundred percent (100%) of the value of the improvements. The remaining percent (10%) may only be released in accordance with this Title.

21.18.050 Final Release Of Warrantee Bond

C) Release Submittal and Approval. Following a review of the subdivider's request to have the subdivision's Warrantee Bond released, the Public Works Director shall forward to the City Council a recommendation for the release of the Warrantee Bond and the City Council shall release, in accordance with section 12D-501 (5), the subdivider's Warrantee Bond, with respect to the subdivision.

DRAFT

Agenda Item #18

Description	Discussion and Consideration of Resolution 19-10: Establishing the Polling Place, Appointing Poll Workers and Setting the Rate of Pay for Their Service (First Reading)
Department	City Recorder
Presenter	David Zook, City Recorder
Recommendation	Move to approve Resolution 19-10: Establishing the Polling Place, Appointing Poll Workers and Setting the Rate of Pay for Their Service, for first reading.
Reviewed By	City Recorder, Deputy City Recorder

Background

With a City Council election this year, the Council must adopt a resolution to establish the polling place, which has historically been at City Hall, to appoint poll workers, and to set their rate of pay.

RESOLUTION 19-10

A RESOLUTION ESTABLISHING THE POLLING PLACE, APPOINTING POLL WORKERS AND SETTING THE RATE OF PAY FOR THEIR SERVICE

BE IT RESOLVED BY THE NIBLEY CITY COUNCIL THAT:

1. The polling place for the 2019 Municipal Primary and General Elections shall be Nibley City Hall, located at 455 West 3200 South in Nibley.
2. The following persons are appointed as poll workers for the August 13, 2019 Municipal Primary Election and November 5, 2019 Municipal General Election:

Cheryl Bodily	Lisa Ward
Brittany Hawkes	Corynn Falslev
Holly Fronk	Nancee Jabbs
Stephen Nelson	Hannah Smith

3. Poll workers shall be paid \$10.00 per hour.
4. Attendance at training meetings shall be compensated at a rate of \$10.00 per hour or a portion thereof.

This resolution shall take effect immediately upon passage.

Dated this _____ day of _____, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook City Recorder

Agenda Item #1MBA

Description	Discussion and Consideration of Resolution MBA 19-01: A Resolution Setting the Officers of the Nibley City Municipal Building Authority and Adopting the Fiscal Year 2019-2020 Budget
Department	Administration
Presenter	David Zook, City Manager and MBA Secretary
Recommendation	Make a motion to approve the minutes from the last meeting, and to approve the resolution establishing the officers of the MBA and approving the annual budget.
Reviewed By	City Manager, Deputy City Recorder

Background

The Nibley City Council established a Municipal Building Authority as a separate legal entity as the financing body through which bonds were issued to pay for the construction of Nibley City Hall. The MBA is the legal entity that owns City Hall and Nibley City pays lease payments to the MBA. The MBA is required to have an annual meeting during which it updates its list of officers and adopts its annual budget. The minutes to be ratify are those from the 8-2-18 MBA meeting. The officers of the MBA are as follows:

Shaun Dustin Chair

Larry Jacobsen	Board Member
Tom Bernhardt	Board Member
Kathryn Beus	Board Member
Tim Ramirez	Board Member
Norman Larsen	Board Member
David Zook	Secretary

The annual budget for the MBA is included in the Nibley City Budget document. The budget essentially only includes the lease payment from the City, which is then paid against the bond for City Hall.

RESOLUTION MBA19-01

A RESOLUTION SETTING THE OFFICERS OF THE NIBLEY CITY MUNICIPAL BUILDING AUTHORITY AND ADOPTING THE FISCAL YEAR 2019-2020 BUDGET

WHEREAS, Nibley City has created a Municipal Building Authority of Nibley City, Utah pursuant to provisions of the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended; and

WHEREAS, the Municipal Building Authority is a component unit of Nibley City, that was established to finance the construction of Nibley City Hall in 2011; and

WHEREAS, the Municipal Building Authority of Nibley City is the legal body that financed the debt for construction of Nibley City Hall; and

WHEREAS, it is necessary to update the board and officers of the Nibley City Building Authority and adopt the budget for fiscal year 2019-2020.

NOW, THEREFORE, BE IT RESOLVED, by the Nibley Municipal Building Authority that the board and officers of the Nibley City Building Authority for fiscal year 2019-2020 are set forth as follows:

Shaun Dustin	Chair
Larry Jacobsen	Board Member
Tom Bernhardt	Board Member
Kathryn Beus	Board Member
Tim Ramirez	Board Member
Norman Larsen	Board Member
David Zook	Secretary

This resolution shall take effect immediately upon passage.

Dated this _____ day of _____, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook City Recorder