

11-1: General Provisions and Administration

11-1-1: 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.

~~B-C.~~ The Nibley City Council adopts this title pursuant to the Utah Municipal Land Use, Development and Management Act, Title 10, Chapter 9-a, Utah Code Annotated, 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.

**Comment [S1]:** This was added in in order to show where the City gets authority to adopt a subdivision ordinance.

~~C-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.

**Comment [S2]:** We not have federal and state stormwater requirements so need to include that in here.

11-1-2Z: 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.

**Comment [S3]:** Sections A-C were moved from later on in the ordinance.

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 section 1-4-1 of this code.

C. 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.

D. 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.

**Comment [S4]:** Sections D-F were added in from the Cache County subdivision ordinance.

E. 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

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

A-F. 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.

#### 11-1-~~3~~2: PERMITS:

From the time of the effective date hereof, 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 therefor 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.

#### 11-1-4: GENERAL REQUIREMENTS

- A. The subdivider shall prepare ~~all~~ plats consistent with the standards contained herein and also as may be described in the Nibley City Design Standards & 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 & 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 ~~to~~ 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

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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.

A.H. ~~The~~ Nibley City Council has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

#### 11-1-5: SITE PREPARATION AND WORK PROHIBITED

No excavation, grading, regarding 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.

#### 11-1-6: COMPLETE SUBMITTAL REQUIRED

No application for a subdivision shall be reviewed by the City, Planning Commission or City Council, 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.

#### 11-1-7: 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. 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.

#### 11-1-8: PHASING

When developing a large tract of land, subdividers may choose to ~~phase in~~ 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 first phase for final approval.

The phasing shall be done in a manner that maximizes connectivity between portions of the subdivision and shall be presented as part of the preliminary plat approval.

Following approval of the final plat for the first phase of the subdivision by the City Council, subdividers shall have one year between phases for approval of the subsequent final plats. **Example:** If Phase 1 is given final approval on February 1, 2014, the subdivider would have until February 1, 2015 to present Phase 2 for final approval. Upon a subdivider's failure to receive approval within that one year period,

**Comment [S5]:** This should be done in close consultation with the City engineer. While the Council should retain the authority to decide that certain specs have to be followed, I believe that the specifics of those specs should be left to the City engineer.

**Comment [S6]:** This was added in order to keep people from beginning work until their plans have been approved. Another suggestion for this section is to have it state this work is prohibited until the engineer has reviewed and approved any construction drawings.

**Comment [S7]:** Time limits were added in so that we don't have people who get approval, wait 5+ years to record and then record under old ordinances when the standards for development have changed.

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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.

11-1-96: APPEAL:

In the event the layout or plat of a subdivision has been disapproved by the planning commission, the applicant for approval may petition the city council for a hearing upon said rejection. After a public hearing, the city council, upon a majority vote of its entire membership, may approve the subdivision or take other action consistent with the provisions of this title.

11-1-~~103~~: FEES:

A. Preliminary Plat Filing Fee: The subdivider shall pay a nonrefundable filing fee in such amount as established by resolution of the city council for each lot within the subdivision on or before the date the preliminary plat is submitted to the ~~P~~lanning ~~C~~ommission for approval.

B. Plan Check Fees: The subdivider shall pay a nonrefundable plan check fee in such amount as established by resolution of the city council for each lot within the subdivision. The fee shall be to be paid shall be assessed as part at the time of filing before approval of the final plat application for the phase of the subdivision-

**Comment [S8]:** It would be best if it were paid as part of the application.

~~B.C.~~ Final Plat Filing Fee: The subdivider shall pay a nonrefundable filing fee in such amount as established by resolution of the City Council for each lot within the subdivision on or before the date the final plat is submitted to the Planning Commission for approval.

**Comment [BLJ9]:** I prefer this approach (discussed in Comment 10). The City may determine that the fees should be set in a manner other than a per lot basis. This approach would allow the City Council to set the fees without amending the subdivision ordinance.

11-1-~~114~~: 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.

**Comment [S10]:** An alternate suggestion to itemizing the fees would be to lump them in to one simple thing such as "Subdividers shall pay any and all fees which may be established by resolution of the CC, including, but not limited to: preliminary filing fees, final filing fees, plan check fees, etc..."

11-1-~~125~~: 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. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the city engineer. 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.

~~11-1-6: APPEAL:~~

~~In the event the layout or plat of a subdivision has been disapproved by the planning commission, the applicant for approval may petition the city council for a hearing upon said rejection. After a public~~

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~~hearing, the city council, upon a majority vote of its entire membership, may approve the subdivision or take other action consistent with the provisions of this title.~~

~~11-1-7: VIOLATION:~~

~~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.~~

~~11-1-8: PENALTY:~~

~~A. 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 section 1-4-1 of this code.~~

~~B. 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.~~

~~11-2: DEFINITIONS~~

~~11-2-1: DEFINITIONS:~~

~~As used herein the following words shall mean:~~

~~ALLEY: A public thoroughfare less than twenty six feet (26') wide and not intended for general traffic circulation.~~

~~BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the city council.~~

~~CITY COUNCIL: The governing body of the city of Nibley.~~

~~CITY ENGINEER: The person appointed by the city of Nibley to be the city engineer.~~

~~COLLECTOR STREET: See definition of Street, Collector.~~

~~CONSTRUCTION STANDARDS: The standards and specifications adopted by this title.~~

~~CUL-DE-SAC: See definition of Street, Cul-De-Sac.~~

~~EASEMENT: The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.~~

**Comment [S11]:** This entire section was taken out when the land use chart was updated so that all land use definitions can be found in the same place.

**FINAL PLAT:** A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

**HALF STREETS:** The portion of a street within a subdivision comprising one-half ( $\frac{1}{2}$ ) the minimum required right of way on which improvements are constructed and in accord with one-half ( $\frac{1}{2}$ ) of an approved typical street cross section<sup>4</sup>.

**IMPROVED LOT:** A lot which has all of the improvements required by this title.

**IMPROVEMENTS:** Includes roads, streets, curbs, gutters, gradings, landscaping, water and sewer systems, drainage systems and public facilities required by this title.

**LOT:** A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.

**MASTER STREET PLAN:** The major street plan of the city of Nibley.

**OFFICIAL MAP:** The official map or maps adopted by the city of Nibley pursuant to the zoning and planning enabling legislation.

**OWNER:** Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or any combination thereof.

**PARCEL OF LAND:** A contiguous area of land in the possession or ownership of one person.

**PERSON:** An individual, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership or association of individuals however styled or designated.

**PLANNING COMMISSION:** The planning commission of the city of Nibley.

**PRELIMINARY PLAT:** A map or plan of a proposed land division or subdivision.

**PROTECTION STRIP:** A strip of land of less than the minimum depth required by the zoning title for a building lot bordering the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision along the street.

**STREET:** A thoroughfare which has been dedicated and accepted by the city council, which the city has acquired by prescriptive right or which the city owns, or offered for dedication on an approved final plat, or a thoroughfare of at least twenty six feet (26') in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

**STREET, COLLECTOR:** A street, existing or proposed, which is the main means of access to the major street system.

~~STREET, CUL-DE-SAC: A minor terminal street provided with a turnaround.~~

~~STREET, MAJOR: A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.~~

~~STREET, MARGINAL ACCESS: A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.~~

~~STREET, MINOR: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.~~

~~STREET, PRIVATE: A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the city of Nibley and maintained by the subdivider or other private agency.~~

~~SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, 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.~~

~~UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, and other public uses as may be defined by the city of Nibley.~~

~~ZONING TITLE: The zoning title of the city of Nibley.~~

## 11-2: DEFINITIONS

For purposes specific to this title, all terms shall have the same definition as provided by §10-9a-103, Utah Code Annotated, 1953, as amended and also in Title 10-24 of the Nibley City Code.

## 11-3: APPROVAL PROCESS

### 11-3-1: COMPLIANCE REQUIRED:

Before dividing any tract of land into a "subdivision" as defined in section 11-2-1 of this title, a subdivider shall follow the procedure outlined in this chapter. Any exception to this must be approved by the Nibley City Planner.

### 11-3-2: 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.

### 11-3-3: CONCEPT PLAN REVIEW:

**Comment [BLJ12]:** We need to cross-reference all definitions in 10-9a-103, Title 10-2 and in Title 11-2. There are some definitions that are specific to this ordinance that need to be preserved, such as Protection Strip.

**Comment [BLJ13]:** If a minor subdivision is to be allowed, it would be best to state the provisions under which a minor subdivision will be allowed. State code allows minor for ten (10) or fewer lots and states the requirements usually imposed. This type of exception can't be left to the discretion of a person or commission.

**Comment [S14]:** In absence of a minor subdivision ordinance (less than 4 lots), there should be some room for combining preliminary and final into one approval- this could be left to staff to decide or it could be up to the Planning Commission- either is fine. State Code 10-9a-605 outlines plat exemption requirements. This tries to accomplish something similar.

**Comment [S15]:** This was added in from the County ordinance so that it is clear there are minimum lot sizes and standards.

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, initial application, including sketch plans.~~ 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.

11-3-~~43~~: SUBMISSION OF PRELIMINARY PLAT:

The subdivider shall submit 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.

The preliminary plat shall conform to the development standards outlined in §11-4-1 of this Title.

11-3-5: PUBLIC HEARING REQUIRED

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

11-3-65: NOTIFICATION OF ADJACENT PROPERTY OWNERS:

Unless waived by the planning commission and city council, ~~w~~ritten notice of the time, date and place where the planning commission will 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 section 10-1A-7 of this code. 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.

11-3-~~74~~: AUTHORIZATION TO PROCEED:

Upon approval of the preliminary plat by the planning commission and the city council, ~~copies one copy of the approved preliminary plat with written conditions attached and signed by the chairman of the planning commission and by the mayor shall be retained by the city council delivered to the City and to the subdivider. One copy as described above shall be given to the subdivider.~~ Receipt of ~~the signed copy by the subdivider same~~ shall be authorization for the subdivider to proceed with the preparation of 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

**Comment [BLJ16]:** State law has changed regarding the public hearing and notification to adjacent landowners. The hearing is no longer required, but can be by City ordinance and the notification to adjacent landowners is required only if and by City ordinance.

**Comment [S17]:** LUDMA only requires one public hearing on subdivisions. I believe that the Planning Commission should be doing the bulk of the work on the subdivision and so should be the body tasked with holding the public hearing. This also puts anyone reviewing this ordinance on notice that a hearing is required.

**Comment [S18]:** State law requires notification..

**Comment [S19]:** Providing the subdivider with the approved minutes containing the conditions is sufficient. A signature isn't required.



accordance with the requirements of city ordinances. ~~Construction of buildings shall not begin until after the final plat has been approved and filed with the county recorder.~~

Comment [S20]: Already said in 11-1-3

#### ~~11-3-5: NOTIFICATION OF ADJACENT PROPERTY OWNERS:~~

~~Unless waived by the planning commission and city council, written notice of the time, date and place where the planning commission will consider giving preliminary approval to the subdivision shall be given to adjacent property owners in accordance with section 10-1A-7 of this code. 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.~~

#### ~~11-3-6: APPROVAL FOR ONE YEAR:~~

Approval of the preliminary plat by the planning commission and city council shall be valid for twelve (12) months unless an extension is granted by the planning commission and city council. If the final plat has not been recorded within the twelve (12) month period, the preliminary plat shall again be submitted to the planning commission for reapproval; however, preliminary approval of a large tract shall not be voided if the first section of a final plat is submitted for final approval within one year.

Comment [S21]: This information has already been covered previously in this ordinance.

#### ~~11-3-7: FORM OF AGREEMENT:~~

~~Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with the city which shall be in substantially the following form:~~

Comment [S22]: This section is redundant. If they don't comply with the provisions of this ordinance, they won't get approval.

#### ~~AGREEMENT~~

~~—This agreement is made by and between (hereafter "subdivider") and Nibley City Corporation (hereinafter Nibley City).~~

~~—Subdivider hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance. Subdivider hereby acknowledges that he or she has read the Subdivision Ordinance (or that an agent of Subdivider has), and that he or she understands the provisions of the Subdivision Ordinance and that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.~~

~~—Dated this day of, 20-~~

~~Subdivider~~

~~The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation has the authority to execute the agreement for the corporation or partnership.~~

#### 11-3-8: SUBMISSION OF FINAL PLAT:

Within one year after receiving approval of the preliminary plat by the planning commission and city council, the subdivider shall submit the original and three (3) copies of a final plat of the subdivision

covering all or part of the approved preliminary plat to the planning commission for approval. When approved by the planning commission, the final plat will be forwarded to the city council for approval.

11-3-9: RECORDING FINAL PLAT:

The final plat shall conform to the development standards outlined in 11-4-2.

Once approved, the final plat, bearing all official approvals as required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider. No lot included in a subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot until the plat is so approved and recorded. (Ord., 6-1992)

Chapter CHAPTER

11-4: STANDARDS OF APPROVAL

11-4-1: PRELIMINARY PLAT:

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

1. 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. 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.

**Comment [BLJ23]:** Excellent idea. Should also be updated before the final plat is recorded.

A-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 accurately the property shown on the plat.
3. A legal description of the property.
- 3-4. The names and addresses of the owner, subdivider if other than owner, and the engineer or surveyor of the subdivision.
- 4-5. Date of preparation.
- 5-6. Scale.

**Comment [S24]:** 2 and 3 are required by our standards and specifications.

B-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 though if only a portion is being subdivided.
3. The location, width and names of all existing streets within three hundred feet (300') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights of way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within and adjacent to the tract.
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

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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.
  - a. Prior to approval of the preliminary plat, the subdivider shall provide the City with 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.
- ~~6-7.~~ 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.
- ~~7-8.~~ 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%).
- ~~8-10.~~ A plan outlining how the subdivider intends to phase construction of the project, if phasing is intended.

**Comment [S25]:** This gives the canal company an opportunity to review the proposal but doesn't give them the ability to hold the project up for no reason.

**Comment [S26]:** We need to know sensitive lands at the outset of the project.

~~C.D.~~ Proposed Development Plan: ~~In addition to the above-listed items, the The~~ preliminary plat shall show:

- ~~1-~~ The boundary of the proposed subdivision and the acreage included.
- ~~2-1.~~ The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
- ~~3-2.~~ The layout, numbers and typical dimensions of lots.
- ~~4-3.~~ Parcels of land Open space intended to be dedicated, ~~temporarily reserved~~ for public use or set aside for the private use of property owners in the subdivision.
- ~~5-4.~~ Building setback lines, including dimensions: of said lines where required by the planning commission.
- ~~6-5.~~ Easements, including dimensions, for water, sewers, drainage, utility lines and other purposes, ~~if as~~ required by the planning commission or by City law.
- ~~7-6.~~ A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision for the subdivision's groundwater, fire hydrant, sewer and stormwater drainage facilities.
- ~~8-~~ Proposed off-site and on-site water facilities, sanitary sewers, storm drainage facilities and fire hydrants.
- ~~9-7.~~ Where the plan submitted covers only a part of the subdivider's tract, the preliminary plan plat shall include a sketch of the prospective future street system which of the unplanned parts. The street system of the part submitted shall be considered in the light of adjustments and connections with of the future street system of the larger area.

~~D.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 all ordinances of the city including, but not limited to, the zoning title, this title, major street plan, the master plan and the building codes~~this title, Title 10 of the Nibley City Code and all other applicable City ordinances.~~

2. Soil Controls: The planning commission shall determine from the concept plan review or the preliminary plat the possible need for environmental impact analysis, ~~which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earth moving operations in construction of structures or roads in the proposed development,~~ The planning commission shall may require the applicant to provide soil erosion and sedimentation control plans and specifications prepared by a registered civil engineer, if the Commission determines that such are warranted.

**Comment [S27]:** The changes didn't take out any of the requirements- it just left more room for what an EIS can look at.

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 ~~(30 days if concept plan was filed before the preliminary plat)~~, approve the preliminary subdivision plan if it finds that the subdivision complies with the requirements of the cCity ordinances. The planning commission may conditionally approve a preliminary subdivision plat imposing such conditions as it may require required in order to bring the subdivision plat into compliance with the requirements of the City ordinances ~~of the city~~. In the event the planning commission disapproves the preliminary plat, it shall do so within forty five (45) days ~~(30 days if concept plan was filed)~~ after the date the subdivider made application for approval and ~~it~~ 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.

**Comment [S28]:** Because we don't have specific standards for a concept plan, I prefer just to leave it at 45 days after prelim plan.

4. Approval Or Disapproval By City Council: The city council shall, within ~~fifteen (15)~~ thirty (30) days 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.

**Comment [S29]:** There are sometimes more than 15 days between Council meetings.

**Comment [S30]:** The PC had wanted to take this out, but the Mayor asked that it be put back in because he'd like P&Z to take a more active role.

4.5. 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.

**Comment [S31]:** This relieves some of the pressure on the City to approve/deny right away.

#### 11-4-2: FINAL PLAT:

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 on 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
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:
  - a. Registered land surveyor's certificate of survey, as applicable under Utah law;
  - b. Owner's signature of dedication;
  - c. Notary public acknowledgement;
  - d. City engineer's certificate of approval;
  - e. Utility companies' approval;
  - f. Planning Commission approval;
  - g. City approval, signed by the Mayor and City Recorder;
  - h. City attorney approval;
  - i. County recorder's signature/stamp of ~~approval~~recording;
  - j. The following note regarding agricultural uses of property:
    - i. 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.
  - k. The following note regarding groundwater:
    - i. Areas in Nibley have groundwater problems due to the varying depth of a 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 site, remains 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.

**Comment [BLJ32]:** Or, "A block for use by the County Recorder containing the required recording information"

- 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.

**Comment [S33]:** Right now, there is no mention of construction drawings in our subdivision ordinance.

~~The final plat must be prepared by a licensed engineer or land surveyor on a sheet of approved tracing linen or other approved permanent, reproducible drawing material with waterproof black India ink. The top of the plat shall be either north or east, whichever accommodates the drawing best. The plat shall contain all information required on the preliminary plat except contours and shall comply with the following:~~

**Comment [S34]:** This section should match the requirements of our standards/specifications.

~~A.—Description And Delineation: The final plat shall show:~~

- ~~1.—The name of the subdivision, which name must be approved by the planning commission.~~
- ~~2.—A north point, scale of the drawing and the date of preparation.~~
- ~~3.—Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.~~
- ~~4.—The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system. All proposed streets shall be numbered in accordance with and in conformity with the adopted street numbering system. With planning commission approval, streets may be named rather than numbered. The names of such streets shall be approved by the planning commission. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.~~
- ~~5.—The area of each lot expressed in acres if one acre or more or in square feet if under one acre and the total acreage of the subdivision.~~

~~B.—Standard Forms For The Following:~~

- ~~1.—A licensed land surveyor's certificate of survey.~~
- ~~2.—The owner's certificate of dedication.~~
- ~~3.—A notary public's acknowledgement.~~
- ~~4.—The planning commission's certificate of approval.~~
- ~~5.—The board of health's certificate of approval.~~
- ~~6.—The city engineer's certificate of approval.~~
- ~~7.—The city attorney's certificate of approval.~~
- ~~8.—The city council's certificate of approval.~~
- ~~9.—One and one half inch by five inch (1<sup>1</sup>/<sub>2</sub>" x 5") space in the lower right hand corner of the drawing for the county recorder's use.~~

~~C.—Approval of final plat:~~

- ~~1.—The final plat shall be submitted to the planning commission for final approval. The planning commission shall circulate copies of the final plat to all affected departments and special service districts for comment and review. The city engineer shall approve or disapprove the plat within thirty (30) days after the plat is submitted to the planning commission. If he disapproves, he shall state to the planning commission the reasons for the disapproval. The planning commission shall have forty five (45) days after the plat is submitted to approve or disapprove the plat. If no action is taken within forty five (45) days, the plat shall be deemed to have been approved by the planning commission, except that such approval shall not operate to waive any requirement of this or any other ordinance of the city. At the time of submission of the final~~

**Comment [S35]:** The plat approval procedure is already covered earlier in the ordinance.

Draft Date: 9/9/14

~~plat, the subdivider shall furnish a complete set of construction plans and profiles, prepared by a licensed professional engineer, of all existing and proposed streets within the subdivision to the city engineer with the final plat.~~

- ~~2. If the planning commission disapproves the final plat, it shall so notify the subdivider in writing stating that the plat has been disapproved and the reasons therefor based on the ordinances of the city or the laws of the state. The written notice shall be personally delivered or mailed to the subdivider within ten (10) days after the action by the planning commission.~~
- ~~3. The planning commission may approve a final plat subject to written conditions; provided, that the subdivider agrees in writing to the conditions.~~
- ~~4. Following approval by the planning commission and the city engineer, the subdivider shall secure the approval of the city attorney. The final plat shall be taken before the city council which shall approve the plat if it finds that the plat fully complies with the ordinances of the city and the laws of the state or that the plat, together with the conditions to which the subdivider has agreed, fully complies.~~
- ~~5.1 No plats shall be recorded in the office of the county recorder and no lots included in such plat shall be sold or exchanged unless and until the plat is so approved, signed and accepted.~~

#### 11-4-3: LOT LINE ADJUSTMENTS

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:

- A. No new lot results from the lot line adjustment.
- B. No previously existing lot is eliminated as a result of the adjustment.
- C. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and Title 10 of the Nibley City code.
- D. No lot is made undevelopable without a variance or other special consideration.
- E. All property owners directly affected by the lot line adjustment give their consent.
- F. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
- G. The lot line adjustment does not result in the violation of any applicable zoning ordinance.
- H. 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.

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

#### 11:5 STANDARDS AND INFRASTRUCTURE IMPROVEMENTS

##### 11-5-1: COMPLIANCE REQUIRED:

~~Prior to the approval of the final plat, the following improvements shall be completed and approved by the city engineer. In lieu of actual completion, surety of completion may be provided by one of the means described in section 11-5-20 of this chapter.~~

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

**Comment [BLJ36]:** Utah Code 10-9a-523 and 524 further reduce the City's role in boundary line adjustment.

**Comment [S37]:** The 2013 legislative session passed HB0130501 making these provisions.

In lieu of completion of the infrastructure requirements, surety may be provided as described herein.

11-5-2: WATER SUPPLY:

~~It shall be the responsibility of the subdivider to install, at his own expense, water mains, fire hydrants and service laterals to each lot within the subdivision. The subdivider must also install the necessary additional pipeline from the subdivision to the nearest existing city water line in accordance with plans and specifications approved by the city. The water supply system shall meet the specifications given in standards for design and construction for Nibley, Utah. In addition, the following minimum standards shall apply:~~

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. 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:

A. Line Diameter: The minimum diameter of all main water lines serving fire hydrants shall be six inches (6") and the minimum diameter of all other branch or submains shall be two inches (2") or as specified by the city engineer shall be eight inches (8"). If greater than an 8" main water line is required, the City will pay the cost difference between an 8" line and the needed size.

**Comment [S38]:** A-B: This is the size/distance now required by the Int'l. Building Code

B. Fire Hydrant Placement: Fire hydrants shall be placed such that no lot is more than ~~three hundred fifty-four hundred~~ feet (350') (400') from a fire hydrant or as specified by the city engineer.

C. 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.

**Comment [BLJ39]:** According to 10-9a-508(3), the City's ability to require water shares is subject to regulations based on established calculations and also on water supply already on hand.

~~B-D. In areas where flood irrigation or pressurized irrigation is available, subdividers may choose 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. The City Engineer shall take the secondary system into account when determining the amount of water shares the subdivider is required to provide.~~

**Comment [S40]:** We historically have required one share per acre. There may be some areas where this is enough, others it may be too much or even not enough.

**Comment [S41]:** We have no current language on secondary systems but do allow them.

11-5-3: SEWAGE DISPOSAL:

~~Individual sewer disposal systems or public 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 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. All sewer mains and laterals must meet existing specifications and be inspected by the city engineer or city building inspector before backfilling. Prior to the approval of the final plat, the subdivider shall obtain a certificate of approval from the state board of health on the proposed sewage facilities and shall submit said certificate to the planning commission.~~

**Comment [BLJ42]:** Regulations can and should be more strict- i.e. 300' of the property line for each parcel.

**Comment [S43]:** This is a left over sentence from when we were on septic.

11-5-4: STORM DRAINAGE:



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.

**Comment [BLJ44]:** This section needs to reference the Operating Agreement with canal companies.

11-5-5: 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.

**Comment [S45]:** This may be a good place to decide if we want it specified that streets have to be numbered. Another place for it may be in the preliminary plat specs.

Half streets<sup>1</sup> (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.

**Comment [S46]:** 20' is what Bill suggested. That gets it over the crown of the road.

B. **Streets To Conform To Major Street Plan:** Major and collector streets shall conform to the major street 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 required by the planning commission determined by staff and the City engineer.

C. **Minimum Street Widths:** The minimum street widths shall be:

Road Type	Right Of Way Width	Pavement Width
Arterial	99 feet	66 feet
Collector	80 feet	49 feet
Residential	66 feet	35 feet
Neighborhood	60 feet	29 feet

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.

All sidewalks shall be a minimum of five feet (5') in width. Planting strips shall be at least seven feet (7').

In exceptional cases the city council may approve different street cross sections.

**Comment [S47]:** This was a deletion approved by P&Z. After thinking about it though, because of a plat that is before them right now, I think it should stay in.

D. ~~Street Standards: All streets shall meet the construction standards for their respective classification as presented in the city standards for design and construction.~~

Comment [S48]: We've already said that all infrastructure has to apply.

E. Curb, Gutter And Sidewalks: The subdivider shall be required to install curb and gutter ~~of the types and to the standards shown in the city standards for design and construction~~ on all new and existing streets within or adjoining the proposed subdivision.

1. Sidewalks may be required by the planning commission, if deemed necessary for public safety.
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 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. ~~(Ord., 6-1992)~~

F. Cul-De-Sacs: Cul-de-sacs ~~(dead end streets designed to be permanently closed to through traffic)~~ shall not exceed one-eighth ( $\frac{1}{8}$ ) mile in length, except in R-E zones where they shall not exceed one-fourth ( $\frac{1}{4}$ ) 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.

Comment [S49]: Already defined in Title 10

G. 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.

H. 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. ~~Private roads in planned unit developments are exempt from this subsection.~~
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.

Comment [S50]: We no longer allow PUDs.

I. Gravel Private Roads/Driveways:

1. A gravel private road or driveway may be approved for a single lot access, provided that the following conditions are met by the ~~developer~~subdivider:

- a. Demonstrate how the gravel private road/[driveway](#) is an important consideration in the area's streetscape or in the overall project design.
- b. Demonstrate that the gravel private road/[driveway](#) will not cause extensive dust, erosion or sediment problems or ~~demonstrate how those problems will be eliminated.~~ Provide a stormwater pollution prevention plan ~~that will be followed to eliminate these problems~~ [documenting how those problems will be eliminated.](#)
- ~~c. Maximum slope gradients shall not exceed those set forth in the Nibley City engineering design standards and specifications.~~
- d. All driveways approved for gravel shall have a driving surface of twenty feet (20') with six inch (6") minimum thickness of crushed gravel base course material and a three foot (3') drainageway on one side.
- e. Provide a turnaround as per the international fire code standards.
- f. Those driveways accessing off of any public road shall be paved for the first fifty feet (50') off said road, or to the house, whichever is less. In areas where the gravel private road accesses the property by crossing an adjoining property, the planning commission and city council may require that the entire portion of the driveway crossing the adjoining property be paved.
- g. Those lots using a gravel private road to access their lot shall be exempted from the standard frontage requirement.
- h. Gravel private roads shall be permitted only for infill development in the R-E zone and ~~not in new subdivisions~~ [in lots legally subdivided prior to current zoning/frontage requirements.](#)

**Comment [S51]:** Already say all infrastructure improvements have to fall within standards/specs

11-5-6: 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. (Ord., 6-1992)

11-5-7: 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 ~~city engineer and state board of health for sewage disposal~~ [Nibley City Design Standards & Specifications.](#)
- B. Street Access: All lots shall abut a dedicated street, a 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 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, ~~and allow orientation for adequate solar access in the interest of energy conservation.~~
- ~~D. Side Lines: To promote good solar access, side lot lines shall run in a north-south direction where local site conditions and street alignment allow.~~

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

11-5-8: RAILROAD:

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

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

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

**Comment [S52]:** We have this in Ashbury Estates. It needs clearly stated who is going to take care of the fence, weeds, etc. around the railroad.

11-5-9: DITCHES AND CANALS:

Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines or through permanently reserved open space. ~~Existing ditches and canals have primary rights of way. No changes in the courses, nor coverings, nor other changes may be made without written approval from canal and ditch companies, or the affected users.~~ 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.

11-5-10: SAFETY FENCES:

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. ~~They may also be required to install pipe in irrigation ditches and canals.~~

**Comment [S53]:** Just stated in previous section.

~~11-5-11: NAMES:~~

~~The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the names of any other subdivision or street. Street names shall be in accordance with the master street plan.~~

**Comment [S54]:** Already stated on specs for prelim and final plats

11-5-~~11~~2: STREET SIGNS:

The subdivider shall furnish and install all necessary street signs. Street signs shall meet the approval of the planning commission.

11-5-123: LANDSCAPING:

The planning commission may require subdividers to provide ground cover where it determines 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.

11-5-134: MONUMENTS:

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. ~~Monuments shall be of a type approved by the city engineer.~~ All subdivision plats shall be tied to a corner or monument of record, ~~or established land office survey corner.~~

**Comment [S55]:** Already covered by the standards/specs

11-5-15: STREET LIGHTING:

~~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. If it is deemed necessary for the safety and welfare of the residents of the subdivision, the planning commission may require that the subdivider install street lighting.~~

**Comment [S56]:** Int'l Building Code requirement

11-5-16: PROTECTION STRIPS:

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

**Comment [BLJ57]:** I'd like to rework this and will need to be more specific about reimbursement time periods and total amount of reimbursement allowed.

~~11-5-17: NATURAL DRAINAGE AND OTHER EASEMENTS:~~

~~The planning commission shall, unless waived for good and sufficient cause, require that easements for drainage through a subdivision and adjoining property be provided by the subdivider and easements of~~

**Comment [S58]:** Moved to plat specs

not less than fifteen feet (15') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision.

11-5-168: UTILITIES:

All utilities shall be installed underground.

11-5-19: ENGINEERING AND CONSTRUCTION STANDARDS:

The subdivider is responsible to assure that all improvements of the subdivision shall meet the engineering and construction standards set forth in the standards for design and construction of Nibley, Utah, as approved and adopted by the city engineer and public works director.

11-5-20: PERFORMANCE SURETY OR BOND OR DEED RECORDING:

A. Authority: As outlined in section 11-5-1 of this chapter, the subdivider may in lieu of the actual completion of the improvements listed here, file with the city recorder a surety or cash bond or a deed to property in an amount at least one hundred fifty percent (150%) of the amount of the value of the proposed improvements within the subdivision as may be acceptable to the city council, or a contract entered into between the subdivider and the city, which contract must be approved by action of the city council to assure that adequate guarantees or arrangements have been made to guarantee the installation of the proposed subdivision improvements, and in case of a surety or cash bond in an amount specified by the city council to assure the actual construction of such improvements within a period of two (2) years in a satisfactory manner.

B. Inspection: Upon completion of the improvements for which a surety, cash bond or deed has been filed, the subdivider shall call for inspection by the city engineer. Inspections shall be made within seven (7) days from the date of the request. If inspection shows that city standards have been met in the completion of such improvements, the surety, bond or deed shall be released within seven (7) days from the time of inspection. If the surety, bond or deed is not released, refusal to release and the reasons therefor shall be given the subdivider in writing within seven (7) days from the time of inspection.

Subdivider shall provide City with surety in the form of a letter of credit in the amount of one hundred ten percent (110%) of the estimated cost of improvements. As portions of the infrastructure improvements are completed and pass inspection, the City shall release portions of the assured funds to the subdivider in an amount equal to the value of the completed/inspected improvements.

However, the subdivider shall not be permitted to record the final plat until the required infrastructure improvements are completed. Upon inspection and satisfactory completion of the improvements referenced herein or which may be required as part of the approval of the subdivision, the City shall retain financial security sufficient to cover ten percent (10%) of the estimated costs of the infrastructure improvements for a period of one (1) year after said improvements have been approved and accepted by the City. Amounts greater than ten percent (10%) may be required, if such amounts are deemed necessary by the City Manager.

11-5-21: WARRANTY ON IMPROVEMENTS:

Comment [S59]: Moved to earlier in the ordinance.0

Comment [BLJ60]: Consider- if a plat isn't going to be recorded but initial improvements are in and no lots will be sold - it may not need security. Security only if the sale of lots is being allowed before all improvements are completed.

Comment [S61]: I believe this creates a balance between concerns expressed over not wanting to financially cripple developers but having some way to ensure that infrastructure improvements are completed prior to allowing building to go forward.

Developers would still give the City letters of credit and we would still do releases, but not allow them to record the mylar/sell lots until the improvements are in. It puts the burden on them to see the improvements are done in a timely manner.

The subdivider shall warrant the improvements of the subdivision against failure due to defects in materials or workmanship for a period of ~~two (2) years~~ one (1) year from the date of acceptance of the improvements by the city. ~~The City shall retain at least ten percent (10%) of the surety bond for the period of the warranty. Amounts more than ten percent (10%) may be required by the City Manager if it is deemed appropriate and necessary.~~