



NIBLEY CITY
APPLICATION FOR CONDITIONAL USE PERMIT
& BUSINESS LICENSE

Date: Nov 21, 2013

This form must be completed and returned to city staff prior to being scheduled to appear on the Planning Commission agenda. In addition, please bring a copy of this application with you when you meet with the Planning Commission to discuss the conditional use application.

Applicant: Joleene Kooyman
Address: 862 W Garden Cr.
Phone: 435 770-8130 (Home) 435 563-3364 (Work) _____ (Cell)

Lot Size: _____

Please describe the reason you are requesting a conditional use permit:

Home Office _____ Sales _____ Manufacturing _____ Day Care
_____ Other (please describe): _____

Proposed business name: Sew Red Glasses

Description of business: Selling products online

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: Online business -

Do you plan to employ persons not living at this address as part of the business? Y N

Will those employees be working in your home or at another location? Please describe: _____

Do you plan to conduct any of the business in an accessory building at this address? Y N

How many clients will visit this location weekly? 0

Describe how you will provide parking for client visits (if applicable): _____

Will you have business vehicles which will require parking accommodations? Y N

If so, please describe the vehicles and parking plans: _____

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped?

Use	A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
Ag implement sales and service	C	NP	NP	NP	NP	NP	PC	NP	PC
Agricultural production	P	P	P	P	P	P	CP	CP	CP
Amusement center	NP	NP	NP	NP	NP	NP	C	C	C
Animal crematorium	NP	NP	NP	NP	NP	NP	C	NP	PC
Arboretum/nature center	CP	CP	C	C	C	C	CP	CC	CP
Artisan shop	C	C	C	NP	NP	NP	CP	CP	CC
Assisted living facility	C	C	NP	NP	NP	NP	CP	CC	NP
Auditorium	NP	NP	NP	NP	NP	NP	PC	NP	PC
Bail bonds/pawnbroker	NP	NP	NP	NP	NP	NP	C	NP	CP
Bakery	NP	NP	NP	NP	NP	NP	CP	CP	CP
Banks/financial institutions ²	NP	NP	NP	NP	NP	NP	P	P	P
Banks/financial institutions ³	NP	NP	NP	NP	NP	NP	CP	CC	CP
Beauty salon/spa	NP	NP	NP	NP	NP	NP	CP	CC	CP
Bed and breakfast inn	CP	CP	CP	C	NP	NP	C	C	NP
Bowling alley/billiard hall	NP	NP	NP	NP	NP	NP	P	NP	P
Building moved from another site	C	C	C	C	C	C	C	C	C
Bus/transit terminal	NP	NP	NP	NP	NP	NP	CP	CC	CP
Business equipment sales and service	NP	NP	NP	NP	NP	NP	CP	CC	CP
Car wash	NP	NP	NP	NP	NP	NP	CP	CC	CP
Cemetery	PC	C	C	C	C	C	NP	NP	NP
Check cashing/credit services	NP	NP	NP	NP	NP	NP	C	NP	PC
Church/places of worship	C	C	C	C	C	C	C	C	C
Club/service organization/lodge	NP	NP	NP	NP	NP	NP	PC	NP	PC
College/university	CP	NP	NP	NP	NP	NP	PC	NP	PC
Commercial riding stables	P	C	NP	NP	NP	NP	NP	NP	C
Community recreation center	NP	NP	C	C	C	C	P	NP	P
Construction sales and service	NP	NP	NP	NP	NP	NP	C	NP	PC
Correctional facility	NP	NP	NP	NP	NP	NP	NP	NP	C

Comment [SP1]: This falls under the definition of Commercial Entertainment

Comment [SP2]: What is the need for having two different categories of the exact same use? If they are made conditional uses, there is no need.

Comment [SP3]: This also falls under the definition of Commercial Entertainment

Comment [SP4]: This also falls under the definition of Commercial Entertainment

Comment [SP5]: If it is a City facility, it falls under government services. If it is private, then it is considered Commercial Recreation

Comment [SP6]: Falls under government services.

Use	A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
Country club-	C	C	C	C	C	C	P	NP	P
Daycare, home occupation-	C	C	C	C	C	C	NP	NP	NP
Daycare/preschool, commercial	NP	NP	NP	NP	NP	NP	C-P	C-P	C-P
Equipment rental	NP	NP	NP	NP	NP	NP	PC	NP	P-C
Farmers' market	PC	C	C	NP	NP	NP	P-C	C	P-C
Florist/garden center (indoor)	PC	C	NP	NP	NP	NP	P-C	P	P-C
Freight terminal	NP	NP	NP	NP	NP	NP	C	NP	CP
Funeral home	NP	NP	NP	NP	NP	NP	C-P	C-P	C-P
Garden center/plant nursery (outdoor)-	P	C	NP	NP	NP	NP	P	C	P
Gasoline service station	NP	NP	NP	NP	NP	NP	PC	C	P-C
Gasoline, wholesale	NP	NP	CP						
General office²-	NP	NP	NP	NP	NP	NP	P	C	P
Golf course, driving range-	C	C	C						
Golf course, miniature golf-	NP	NP	NP	NP	NP	NP	C	C	C
Government services	C	NP	NP	NP	NP	NP	P-C	C	P-C
Group living facility ⁴									
HVAC	NP	NP	NP	NP	NP	NP	C	NP	CP
Health spa, exercise-	NP	NP	NP	NP	NP	NP	C	C	P
Home occupation -per city code	C	C	C	C	C	C	NP	NP	NP
Hospital	NP	NP	NP	NP	NP	NP	PC	NP	P-C
Hotel/motel	NP	NP	NP	NP	NP	NP	P-C	NP	C
Housing, multi-family - as part of a conservation residential subdivision	C	C	C	C	C	C	C	C	C
Housing, single-family	P	P	P	P	P	P	C	C	C
Housing, two-family	P	P	P	P	P	P	C	C	C
Ice cream/novelty shop-	NP	NP	NP	NP	NP	NP	P	P	NP
Junk/salvage yard	NP	NP	C						
Laundromat/laundry-Laundry service, commercial-	NP	NP	NP	NP	NP	NP	PC	C	P-C

Comment [SP7]: Falls under sports facilities

Comment [SP8]: Already covered by definition of home occupation.

Comment [SP9]: No need to have two separate garden center classifications

Comment [SP10]: No need for general office and professional office- professional should cover all office uses.

Comment [SP11]: Falls under sports facilities

Comment [SP12]: Falls under commercial recreation/entertainment

Comment [SP13]: Falls under beauty salon/spa and commercial recreation (it's a gym)

Comment [SP14]: Falls under Restaurant

Use	A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
Laundry/dry cleaning, limited	NP	NP	NP	NP	NP	NP	P	P	P
Liquor store	NP	NP	NP	NP	NP	NP	C	NP	C
Low power radio service/cell tower	NP	NP	NP	NP	NP	NP	C	NP	C
Lumberyard	NP	NP	NP	NP	NP	NP	P	NP	P
Manufacturing, heavy	NP	NP	NP	NP	NP	NP	C	NP	P
Manufacturing, industrial	NP	NP	NP	NP	NP	NP	C	NP	C
Manufacturing, light	NP	NP	NP	NP	NP	NP	P C	NP	P C
Media service	NP	NP	NP	NP	NP	NP	P	NP	P
Medical and dental lab	NP	NP	NP	NP	NP	NP	P	C	P
Medical/dental offices and clinic	NP	NP	NP	NP	NP	NP	C P	C P	C P
Medical sales and services	NP	NP	NP	NP	NP	NP	P C	C	P C
Military facility	NP	NP	NP	NP	NP	NP	C	NP	P C
Mineral extraction	NP	NP	C						
Mobile home park	NP	NP	C						
Motor vehicle parts sales	NP	NP	NP	NP	NP	NP	P	C	P
Motor vehicle sales and service	NP	NP	NP	NP	NP	NP	C	NP	C P
Movie theater	NP	NP	NP	NP	NP	NP	C	NP	C
Nature preserve/conservation area	P	C	C	C	C	C	C	C	C
Nursing home	C	C	C	C	C	C	C	C	NP
Parking areas	P	C	C	C	C	C	P	C	P
Parking, commercial	NP	NP	NP	NP	NP	NP	P C	NP	P C
Parking, commercial (no fee)	NP	NP	NP	NP	NP	NP	P	P	P
Personal instruction services	NP	NP	NP	NP	NP	NP	P C	C	P C
Pest control	NP	NP	C						
Plumbing services	NP	NP	NP	NP	NP	NP	P C	NP	P C
Printing/copying, commercial general	NP	NP	NP	NP	NP	NP	P C	NP	P C
Printing/copying, limited	NP	NP	NP	NP	NP	NP	P	C	P
Professional offices ²	NP	NP	NP	NP	NP	NP	C P	C P	C P

Comment [SP15]: No need to have two separate laundry facility definitions

Comment [SP16]: Falls under Retail

Comment [SP17]: Combined in with Medical Sales/Service

Comment [SP18]: Combined with MV Sales/Service.

Comment [SP19]: Falls under Commercial Recreation/Entertainment

Comment [SP20]: Falls under Arboretum/Nature Center

Comment [SP21]: We already require parking with any land use so there's no need to have a separate definition/category for it

Comment [SP22]: Same as my last comment

Comment [SP23]: Falls under Retail

Use	A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
Protective services	NP	NP	NP	NP	NP	NP	PC	NP	PC
Public dance hall	NP	NP	NP	NP	NP	NP	C	NP	NP
Public park	P	P	P	P	P	P	P	P	P
Recreation/entertainment, commercial	NP	NP	NP	NP	NP	NP	C	C	C
Recycling collection facility	NP	NP	NP	NP	NP	NP	NP	NP	C
Repair service, general	NP	NP	NP	NP	NP	NP	PC	C	PC
Research and development	C	NP	NP	NP	NP	NP	PC	NP	PC
Research service	NP	NP	NP	NP	NP	NP	PC	NP	PC
Restaurant, fast food	NP	NP	NP	NP	NP	NP	CP	CP	CP
Restaurant, general	NP	NP	NP	NP	NP	NP	P	P	P
Retail	NP	NP	NP	NP	NP	NP	PC	C	PC
School, charter	P	P	P	P	P	P	P	P	P
School, K-12	CP	CP	CP	CP	CP	CP	CP	CP	CP
School, private/religious	C	C	C	C	C	C	C	C	C
School, vocational	NP	NP	NP	NP	NP	NP	NP	NP	P
Secondhand store	NP	NP	NP	NP	NP	NP	P	NP	P
Sexually oriented business	NP	NP	NP	NP	NP	NP	NP	NP	C
Sign shop	NP	NP	NP	NP	NP	NP	NP	NP	CP
Slaughterhouse	C	NP	NP	NP	NP	NP	NP	NP	C
Sports stadium/arena facilities	NP	NP	NP	NP	NP	NP	PC	NP	PC
Storage facility	NP	NP	NP	NP	NP	NP	NP	NP	C
Swimming pool, commercial	NP	NP	NP	NP	NP	NP	P	NP	P
Temporary office/model home	NP	C	C	C	C	C	PC	C	PC
Transportation services	NP	NP	NP	NP	NP	NP	PC	NP	PC
Truck transfer company	NP	NP	NP	NP	NP	NP	NP	NP	CP
Utility substation	C	C	C	C	C	C	C	C	C
Veterinary clinic, large animal	P	NP	NP	NP	NP	NP	C	NP	PC
Veterinary clinic, small animal	P	NP	NP	NP	NP	NP	C	C	CP

Comment [SP24]: Falls under Commercial Recreation/Entertainment

Comment [SP25]: No need for two different restaurant definitions.

Comment [SP26]: No need for 3 definitions of school- can be handled by one definition.

Comment [SP27]: No need for 3 definitions of school- can be handled by one definition.

Comment [SP28]: Already covered by college/university definition

Comment [SP29]: Falls under sports facilities

Use	A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
Video rental and sales-	NP	NP	NP	NP	NP	NP	P	P	C
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	P-C
Welding/machine shop	NP	NP	NP	NP	NP	NP	NP	NP	CP

Comment [SP30]: Falls under Retail

ACCESS STRIP: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

ACRE: A measurement of area equal to forty three thousand five hundred sixty (43,560) square feet.

AG IMPLEMENT SALES AND SERVICE: A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. This term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like.

AGRICULTURAL PRODUCTION: Commercial agriculture, animal husbandry or poultry husbandry, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or any combination of such husbandry or production. It also includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry or production.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

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

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~~AMUSEMENT CENTER: An entertainment establishment marketed toward children and teens, often resembling a small amusement park and having attractions such as playgrounds, ball pits, trains, laser tag, miniature golf, kiddie rides and roller coasters, and bumper cars; or featuring themed restaurants suitable for large group parties.~~

ANIMAL CREMATORIUM: An establishment intended for cremation and mortuary services for animals, both domestic and agricultural.

~~APARTMENT HOUSE: See definition of Dwelling, Multiple Family.~~

APARTMENT: A single-dwelling unit within a family dwelling unit and constituting a separate housing unit, including at least a bathroom, kitchen area and living and sleeping accommodations and is owned by one of the main dwelling unit occupants.

ARBORETUM/NATURE CENTER: A public or private establishment intended for use as a botanical garden containing living collections of primarily woody plants intended at least partly for scientific study and which is an organization with a visitor center designed to educate people about nature and the environment. Also, a public or private establishment set aside for the preservation of habitat for study of birds, plants or other species of animal or vegetation.

ARTISAN SHOP: A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.

ASSISTED LIVING FACILITY: Facilities that provide supervision or assistance with activities of daily living and coordination of services by outside healthcare providers for more than eight (8) unrelated persons.

AUDITORIUM: A performance space, outdoor or indoor, where the audience is located in areas surrounding a stage in order to hear and participate in a live performance.

BAIL BONDS: A business where any person or corporation acts as a surety and pledge money or property as bail for the appearance of a criminal defendant in court.

BAKERY: An establishment which produces and/or sells bread, pies, pastries, cakes, biscuits, cookies, etc., possibly serving coffee, tea or other nonalcoholic beverages to customers who wish to consume the freshly baked goods on the bakery's premises.

BANKS/FINANCIAL INSTITUTIONS: A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services. This term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. This term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

BARN: A structure whose primary use is for the housing, shelter or breeding of livestock, poultry or other fowl, or other large animals.

BASEMENT: A story partly underground and having at least one-half (1/2) its height above the average level of the adjoining ground. A basement shall be counted as a story, for purposes of height measurement.

BEAUTY SALON/SPA: A place where patrons go to get their hair cut, styled, highlighted or colored or is an establishment dealing with cosmetic facial and body treatments for men or women, including massages.

BED AND BREAKFAST INN: A single-family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner.

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.

~~**BOARDING HOUSE:** A building with not more than five (5) guest rooms where, for compensation, room and/or meals are provided for at least five (5) but not more than fifteen (15) persons.~~

~~**BOWLING ALLEY/BILLIARD HALL:** A place where people gather to bowl, play pool, shoot billiards or other similar type activities. Such places may also serve food and beverages, if all other food service establishment requirements are met.~~

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

BUILDING, AGRICULTURAL ACCESSORY: A building whose primary use is for the storage of agricultural implements, equipment, fodder, etc., but not used to house agricultural or domesticated animals.

~~**BUILDING, EXISTING:** A building erected prior to the effective date hereof or one for which a valid building permit has been issued prior to the effective date hereof.~~

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.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use of the lot.

BUILDING, PUBLIC: A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the state of Utah, or any of its subdivisions, or of the city of Nibley.

BUILDING, SETBACK LINE: A line designating the distance which a building is set back from a street line or lot line.

BUILDING: Any structure built or erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

BUS/TRANSIT TERMINAL: A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

BUSINESS EQUIPMENT SALES AND SERVICE: A place and/or building, or portion thereof, that is used or is intended for the sales and service of business equipment, such as personal computers, typewriters, copy machines, facsimile machines or other similar equipment.

CAR WASH: A place and/or building, or portion thereof, that is used or is intended to clean the exterior and in some cases, the interior of motor vehicles, whether self-service or automatic.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all the regulations prescribed for a garage.

CELLAR: A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

CEMETERY: A place and/or building, or portion thereof, that is used or is intended for burial purposes. Accessory uses include columbariums, ~~crematories,~~ and mausoleums, ~~and mortuaries~~ when operated in conjunction with and within the boundaries of such area.

CHECK CASHING/CREDIT SERVICES: A business whose primary function is to engage in small, short term loans that are intended to cover a borrower's expenses until his or her next payday.

CHURCH/PLACES OF WORSHIP: A place and/or building, or portion thereof, that may have tax exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. This term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other on site accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and daycare centers within the same structure. This term does not include community recreation facilities, dormitories, private educational facilities, emergency shelters, healthcare facilities, and the like.

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.

CLUB/SERVICE ORGANIZATION/LODGE: A place and/or building, or portion thereof, that is used or is intended for large gatherings of people, which is sponsored by a civic organization (i.e., Elks, Rotary, etc.), and where there are no sleeping facilities. If there are on site sleeping facilities, such lodge will fall under the "hotel/motel" regulations.

~~CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.~~

CLUSTER SUBDIVISION: A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot area and lot width requirements of the zone in which the subdivision is located and where equivalent common open space areas are provided to compensate for such lot reduction.

COLLECTOR STREET: See definition of Street, Collector.

COLLEGE/UNIVERSITY: Any place and/or building, or portion thereof, that offers or is intended to provide secondary education. This term includes colleges, universities, community colleges, and vocational schools.

~~COMMERCIAL RIDING STABLES: A school for instruction in equestrianism, or for hiring of horses for pleasure riding, or for the keeping of horses.~~

COMMON AREA: An area designed to serve two (2) or more dwelling units or separate uses with convenient access to the area.

COMMUNITY CENTER: A central social and recreational building as part of a housing development.

~~COMMUNITY RECREATION CENTER: A public location where members of a community may gather for physical exercise, group activities, social support, public information, and other purposes.~~

COMPREHENSIVE PLAN: The adopted Nibley, Utah comprehensive plan, 1977-2000 City General Plan.

CONDITIONAL USE: A use of land for which a conditional use permit is required pursuant to chapter 14 of this title.

CONSTRUCTION SALES AND SERVICE: A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like. This term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

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

~~CONVENIENCE ESTABLISHMENT: Establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin operated laundry and dry cleaning establishments, beauty shops, barber shops, or combination~~

~~thereof, but do not include repair garages, automobile sales yards, clothing stores or drive-ins where customers consume food on the premises outside of buildings.~~

CORRAL: A permanent fenced enclosure other than a building for the confinement of large animals on which the large animal density is greater than one large animal per ten thousand (10,000) square feet of corral area.

~~CORRECTIONAL FACILITY: A place in which individuals are physically confined and usually deprived of a range of personal freedoms as a result of conviction of a crime in a court of law.~~

~~COUNTRY CLUB: A private club which offers a variety of recreational sports facilities, usually located in city outskirts or rural areas.~~

COVERAGE LOT: The percentage of the lot area covered by the main and accessory buildings.

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

~~DAIRY: A commercial establishment for the manufacture, processing or sale of dairy products.~~

~~DAYCARE CENTER: Any building or structure, other than an occupied residence, furnishing care, supervision and guidance for three (3) or more children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day; or, an occupied residence which furnishes care, supervision and guidance for six (6) or more children unaccompanied by parent or guardian for periods of less than twenty four (24) hours per day. Occupied residence shall refer to being used as a residence by a family. The term "daycare center" is inclusive of kindergartens, preschools, nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.~~

~~DAYCARE, HOME OCCUPATION: A private residence in which daycare (meaning care is less than 24 hours per day) is provided on a regular basis for three (3) to eight (8) children at any one time and where the children do not live at the same location where the care is provided.~~

DAYCARE/PRESCHOOL, COMMERCIAL: A place and/or building, or portion thereof, that is used or is intended to provide daycare on a regular basis for more than eight (8) children at any one time and where the children do not live at the same location where the care is provided.

~~DRIVE-IN: Any form of merchandising, serving or dispensing of goods in which the customer is serviced while in his automobile.~~

DUPLEX: See definition of Dwelling Housing, Two-Family.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping and/or eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit or their nonpaying guests. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.

~~DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by three (3) or more families and the structure being owned by a family unit.~~

~~DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit and the structure being owned by a family unit.~~

~~DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units and the structure being owned by a family unit.~~

DWELLING: Any building or portion thereof which is designed for use for residential purposes, except hotels, apartment hotels, boarding houses, lodging houses, tourist courts and apartment courts.

~~EASEMENT: An easement is nonpossessory interest in real property which gives the holder of such interest the right to use some part, or all, of the real property of another.~~

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.

ENVIRONMENTAL IMPACT STATEMENT: A statement prepared by an engineer, geologist or other person qualified by training or experience, as determined by the planning commission, which indicates or describes the impact that the development will likely have on the natural features of the immediate area, and which describes the measures that will be taken to lessen the occurrence of adverse conditions with respect to:

- A. ~~A.~~ Control of erosion within the area to be developed.
- B. ~~B.~~ Reseeding of cuts and fills.
- C. ~~C.~~ Provision for potable water.
- D. ~~D.~~ Disposition of any geologic hazards or soil conditions which may cause injury to persons or injury or damage to improvements which may be constructed in the development, such as buildings, water and sewer lines, and streets.
- E. ~~E.~~ Provisions for the proper disposal of solid and liquid wastes that will likely come from the occupants of the development when it is fully developed.
- F. ~~F.~~ Prevention of the destruction of vegetation or else the establishing of new vegetation.
- G. ~~G.~~ Prevention of the accumulation of weeds and debris. H. Disposal of surface water and disposition of flood hazards.

EQUIPMENT RENTAL: A place and/or building, or portion thereof, that is used or is intended for renting large equipment that is normally stored out of doors. Typical items would include trucks, vertical lifts, forklifts, backhoes, other types of heavy equipment, and modular buildings. It is also a place and/or building, or portion thereof, that is used or is intended for renting small equipment and supplies that typically are stored indoors. Typical rentals include hand tools, party equipment, lawn care and yard equipment.

~~FAMILY FOOD PRODUCTION: The keeping of domestic animals and fowl for the production of food for the use of the family occupying the premises as provided for in the applicable zone.~~

FAMILY: One or more persons related by blood, marriage or adoption, plus domestic servants employed for service on the premises, or a group of bachelor and/or bachelorettes of not more than four (4) persons who need not be so related, living together as a single nonprofit housekeeping unit.

~~FARM, RANCH OR ORCHARD: An area of five (5) or more acres which is used for the commercial production of crops or the keeping of the usual farm poultry and animals and normal accessory uses for these purposes.~~

FARMERS' MARKET: A market, usually held out of doors, in a public space, where local merchants can sell locally grown, fresh produce and small handcrafted items to the public.

~~FEEDLOT: An area where domesticated livestock are grouped together for intensive feeding purposes prior to their sale for slaughter and less than four hundred (400) square feet per animal is allocated.~~

FENCE: A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls.

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.

~~FLOOD PLAIN: Land adjacent or near to a body of water which has been or may be hereafter covered by designated as flood water as delineated plain by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency or another federal agency.~~

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use.

FLOOR-LOT AREA RATIO: The total floor area of a building divided by the area of the lot on which it is located.

~~FLORIST/GARDEN CENTER (INDOOR):: A retail firm that sells flowers and plants and products related to gardens as its primary business. It is open to the public, with facilities to care for and display plants, all of which are located indoors.~~

FRACTIONAL NUMBERS OR MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit; where the fraction is less than one-half (1/2), said fraction shall not be included in determining requirements. ~~Exception: In computations for large animal units based upon lot area, whenever a computation results in a fractional large animal unit, that fraction shall be considered an integer, e.g., 1.1 large animal units would round up to two (2) large animal units.~~

FREIGHT TERMINAL: A place and/or building, or portion thereof, that is used or is intended for unloading, loading, or storage of freight for routing or reshipment.

FRONT LOT LINE: The property line of the lot toward which the front line of a main building faces or may face, and which abuts a public dedicated street or a right of way approved by the city council.

FRONTAGE, MINIMUM: Every building lot must have frontage on a public highway, street, public right of way, or alley or private lane.

FRONTAGE: All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, end of dead-end street, or political subdivision boundary, measured along

the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

FUNERAL HOME: A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial. This term includes funeral homes and, mortuaries and crematoriums.

GARAGE, PRIVATE: An enclosed space or accessory building for the storage of one or more motor vehicles; provided, that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, ~~or are connected structurally by a physical connection such as a wall, trellis or solid fence.~~

~~**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.~~

~~**GARDEN CENTER/PLANT NURSERY (OUTDOOR):** A retail firm that sells flowers and plants and products related to gardens as its primary business. It is open to the public, with facilities to care for and display plants, with some or all of the sales/display area located out of doors.~~

GASOLINE SERVICE STATION: A facility which sells fuel and lubricants for motor vehicles and which also may house a small scale store for the sale of a limited amount of convenience items (snacks, beer, soda, cigarettes, etc.).

GASOLINE, WHOLESALE: A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage and sales of petroleum products or any other fuel.

~~**GENERAL OFFICE:** A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category.~~

~~**GOLF COURSE, DRIVING RANGE:** A place, whether organized for profit or not, that is used or is intended for playing golf.~~

~~**GOLF COURSE, MINIATURE GOLF:** A place and/or building, or portion thereof, that is used or is intended for playing miniature golf.~~

GOVERNMENT SERVICES: A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. This term includes post offices, City office buildings, public community recreation centers, courthouses, correctional facilities and the like.

GRADE: A. The elevation of the sidewalk or center line of the nearest fronting street to the primary building, whichever is higher, at right angles to the midpoint of the fronting wall of the primary building on the lot. B. For buildings having no wall fronting the street, the average level of the sidewalk or center line of the nearest street, whichever is higher.

HALF STREETS: The portion of a street within a subdivision comprising one-half (1/2) the minimum required right of way on which improvements are constructed and in accord with one-half (1/2) of an approved typical street cross section¹.

~~HEALTH SPA, EXERCISE: A business establishment which people visit for professionally administered personal care treatments such as personal fitness instruction.~~

~~HOME OCCUPATION: The use of a portion of a dwelling as an office, studio or workroom for occupations which are customarily conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: a) the occupation is limited to members of the family who reside on the premises; b) that such occupation shall not require interior or exterior alterations; c) that the occupation shall not include the display or sale of commodities which are not produced on the premises; and d) that the occupation shall not use any accessory building, yard or any space outside of the main building not normally associated with residential use. It shall include child daycare of not more than six (6) children. More than six (6) children will require a conditional use permit.~~

HOME OCCUPATION: The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; 3) such occupation shall not require interior or exterior alterations; and 4) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as ~~daycare~~, a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

~~HOSPITAL: A place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals. This term does not include offices of private physicians or dentists. This term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult daycare centers as defined in state law.~~

HOTEL/MOTEL: A building that is used, intended, kept, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests (as defined in state law) with or without meals, excluding a bed and breakfast, as defined herein.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a "kennel" as defined in this section.

HOUSING, MULTI-FAMILY: A single building situated on one lot and that contains three (3) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium. Multi-family units may only be developed as part of a conservation residential subdivision.

HOUSING, SINGLE-FAMILY: A single building that is situated on one lot, contains one dwelling unit, and is not attached to any other dwelling unit. This term includes factory built homes, manufactured homes, and stick built homes, but excludes mobile homes.

HOUSING, TWO-FAMILY: A single building that is situated on one lot and that contains two (2) dwelling units. The main unit shall be owner occupied.

HVAC: A business whose function is the operation and maintenance of heating, ventilating and air conditioning systems. Includes sales and service.

~~ICE CREAM/NOVELTY SHOP:~~ Places that sell a variety of ice cream and other frozen treats to consumers such as cones, cakes, sundaes, milkshakes, etc.

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

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

JUNK/SALVAGE YARD: A place and/or building, or portion thereof, that is used or is intended for collecting, selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials, or for the dismantling, demolition or abandonment of motor vehicles or machinery or parts thereof.

~~JUNKYARD:~~ The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

KENNEL: The land or buildings used in the keeping of three (3) or more dogs over the age of six (6) months.

LANDSCAPING: Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not qualify as landscaping.

~~LANES, PRIVATE:~~ Private lanes will be permitted only when terrain or other geographical conditions do not permit any other standard street development. All private lanes shall be negotiated with the city. Private lanes shall be governed by a signed agreement of the homeowners residing on the private lane, which agreement the city shall have power to enforce. The city, however, shall have no responsibility or liability in maintenance, snow removal or garbage pickup on lanes. In order to accommodate all properties equitably, and to serve and maintain utilities, lanes shall not be obstructed. Sidewalks, curbs and gutters and roads shall conform to the standards set in the ordinance specified herein. Road improvements shall also conform to the following: A. For one or two (2) houses, the right of way shall be twenty feet (20') in width. No sidewalk or curb and gutter shall be required. B. A T-shaped turnaround shall be provided sufficient for a fire truck to maneuver with a minimal amount of backing.

~~LARGE ANIMAL UNIT:~~ Any large animal one year of age or older is counted as a large animal unit.

~~LAUNDROMAT/LAUNDRY SERVICE, COMMERCIAL:~~ A business intended for laundering items for restaurants, hotels, conference centers or other similar commercial scale enterprises or for small-scale personal use of laundry or dry cleaning facilities.

~~LAUNDRY/DRY-CLEANING, LIMITED: A business intended for small scale personal use of laundry or dry cleaning facilities, limited to private customers.~~

LIQUOR STORE: A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off site consumption. This term includes package liquor stores.

LOT AREA: For purposes of computation of lot area, all contiguous land shall be included, regardless of whether or not a portion of the land is outside the city limits.

LOT DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title as indicated in section 10-1-2 of this title.

~~LOT OF RECORD: A lot designated on a subdivision plat or deed, duly recorded, pursuant to statute, in the county recorder's office.~~

LOT, CORNER: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

~~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.~~

LOT: The contiguous land in the same ownership, as recorded in the County Recorder's office, which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway, street, public right of way or alley. Any land severed from another lot. If that severance makes the latter lot or structures on said latter lot nonconforming, such lot shall or may be occupied by a main building or group of buildings (main and accessory) together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a street or public right of way or private lane. Except for two-family dwellings and multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

LOW POWER RADIO SERVICE/CELL TOWER: A site where antennas and electronic communications equipment are placed to create a cell in a mobile phone or radio network.

LUMBERYARD: A retail location for lumber and wood related products used in construction and/or home improvement projects; may also provide services such as the use of a planer and other large machines. This does not include sawmills.

MANUFACTURING, HEAVY: A place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. This term includes furniture production, apparel manufacturing, printing, publishing, and the like.

MANUFACTURING, INDUSTRIAL: A place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

MANUFACTURING, LIGHT: A place and/or building, or portion thereof, that is used or is intended for manufacturing and/or assembly of goods where no air contaminants or potentially offensive odors are emitted outside of the building or area of manufacture/assembly; no radioactive materials or hazardous substances or hazardous wastes or regulated substances are handled or produced. Such uses do not produce offensive noises outside of the building or area of manufacturing/assembly. Such uses typically have relatively small volumes of products shipped in and out, so as to not adversely impact neighboring uses (such as residential, office or commercial in mixed use zones). Typical uses include assembly of computers; testing, producing and/or packaging software; packaging of premade goods, etc.

MASTER STREET PLAN: The major street plan of the city of Nibley City transportation master plan.

~~**MEDIA SERVICE:** A business whose primary function is to engage in the creation or replication of various media formats, such as print media, CD duplication, DVD duplication, CD manufacturing, DVD manufacturing, CD replication, graphic design services, etc.~~

~~**MEDICAL AND DENTAL LAB:** A laboratory where tests are done on clinical specimens in order to get information about the health of a patient or where medical supplies and devices, dentures, crowns, bridges, and dental implants are made and/or repaired.~~

MEDICAL SALES AND SERVICES: A place and/or building, or portion thereof, that is used or intended to provide for the sale of healthcare products and services. This term includes pharmacies, vision care facilities, hearing aid facilities, prosthetic facilities, etc. It also includes facilities where tests are done on clinical specimens in order to get information about the health of a patient or where medical and/or dental supplies and devices are made and/or repaired

MEDICAL/DENTAL OFFICE AND CLINIC: A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation. This term includes dental clinics, doctors' offices, and sports medicine facilities. This term does not include those uses as classified as a hospital.

MILITARY FACILITY: A place and/or building, or portion thereof, which serves as a military depot used for the storage of weapons and ammunition or which serves as the building from which a national guard or reserve component trains during peacetime.

MINERAL EXTRACTION: A business whose primary function is the extraction of valuable minerals or other geological materials from the earth, usually (but not always) from an ore body, vein or seam.

~~**MOBILE HOME PARK:** A parcel of land which has been planned and improved for the placement of mobile homes for residential use.~~

MOBILE HOME PARK: A place providing two (2) or more mobile home lots for lease or rent to the general public.

MOBILE HOME: A movable living unit designed to be transportable, after fabrication, on its own wheels, attached wheels or low boy, suitable for year-round occupancy. Presectionalized, modular or prefab housing not placed on a permanent foundation shall be regarded as a mobile home whether or not such units meet the city's building and housing codes. Presectionalized, modular or prefab housing which meets the city's applicable building and housing codes and which is placed on a permanent foundation is controlled by this title and other applicable ordinances the same as dwelling units constructed in the conventional manner.

~~**MOTOR VEHICLE PARTS SALES:** A business whose primary function is to sell components of automobiles or other motorized vehicles.~~

~~**MOTOR VEHICLE SALES AND SERVICE:** A place and/or building, or portion thereof, that is used or is intended for sales, maintenance, service, and/or repair of vehicles. Typical repair services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities. Typical nonrepair services include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, /or similar activities. their components.~~

~~**MOVIE THEATER:** A commercial venue, usually a building, for viewing motion pictures.~~

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the building inspector and in which areas no buildings shall be constructed.

~~**NATURE PRESERVE/CONSERVATION AREA:** A protected area of importance for wildlife, flora, fauna or features of geological or other special interest, which is reserved and managed for conservation and to provide special opportunities for study, research or public enjoyment.~~

NONCONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time any applicable zoning regulation or regulations become effective, the design, erection, use, height, area and yard dimensions of which do not conform to the provisions of such regulation or regulations.

NONCONFORMING LOT: A parcel of land in separate ownership at the time of the adoption of this title and which did not then meet the lot area or lot width requirements and whose size or shape has not been diminished or changed by sale or lease since the time of the adoption of this title.

NONCONFORMING USE: The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.

~~**NURSERY FOR CHILDREN:** See definition of Daycare Center.~~

NURSING HOME: A place that provides twenty four (24) hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

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

OPEN GREEN SPACE: An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open green space may be traversed by necessary sidewalks.

~~**OPEN SPACE EASEMENTS:** An easement granted to Nibley by the owner-developer on and over land in that development which provides and guarantees that the designated common open space and recreation land is permanently reserved for and can be used only for open space and recreation purposes in accordance with plans and specifications approved by the planning commission and city council at the time of approval of the development.~~

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.

~~**PARKING AREAS:** A type of private road for local access to one or a small group of structures, owned and maintained by an individual or group, and which is intended for access to trailheads, picnic areas and/or scenic lookouts.~~

PARKING LOT: An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers, designed so that access to the parking spaces in the lot is, where possible, by means of private interior roadways or alleys and not by direct access from a public street.

~~**PARKING SPACE:** Space within a building, lot or parking lot for parking or storage of one automobile of at least one hundred eighty (180) square feet in area and at least twenty feet (20') in length and nine feet (9') in width.~~

~~**PARKING, COMMERCIAL (NO FEE):** Off street parking intended to temporarily store vehicles, not accessory to any principal use, and for which ~~no~~ a fee is may be charged.~~

~~**PARKING, COMMERCIAL:** Off street parking intended to temporarily store vehicles, not accessory to any principal use, and for which a fee is charged.~~

PAWNBROKER: A business which lends money for a fee or at a high interest rate and holds some of the borrower's personal goods as collateral, to be sold to the public (in a pawnshop) in the event of default.

~~**PAYING GUEST:** Any person hiring a room in a dwelling unit for living, eating or sleeping purposes.~~

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

PERSONAL INSTRUCTION SERVICES: Those services intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

PEST CONTROL: A business whose primary function is the regulation or management of a species commonly known as a pest (fleas, mosquitoes, boll weevil, etc.).

~~PLANNED UNIT DEVELOPMENT: A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.~~

PLANNING COMMISSION APPOINTMENT, CHAIRPERSON AND TERM OF OFFICE: A. Members of the planning commission are appointed by the mayor with the consent of the city council for a term of five (5) years. The terms of office should be arranged so that one new member is appointed each year. B. The chairperson is elected by the members of the planning commission for a term of one year.

PLANNING COMMISSION: The planning commission of Nibley, Utah.

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

PLUMBING SERVICES: A business whose primary function is working with pipes, tubing and plumbing fixtures for drinking water systems and the drainage of waste, both residential and commercial, and which includes the sale of related parts and supplies.

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

PRINTING/COPYING, GENERAL, COMMERCIAL: A store that provides printing, copying, and binding services for commercial, industrial and other large-scale businesses.

~~PRINTING/COPYING, LIMITED: A store that provides printing, copying, and binding services, which may also provide video conferencing facilities, and whose primary clientele consists of small business and home office clients.~~

PROFESSIONAL OFFICES: A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis. This term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

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.

PROTECTIVE SERVICES: Any place and/or building, or portion thereof, which is used or is intended for housing private protective services. This term includes private investigators, private security, social work, etc.

~~PUBLIC DANCE HALL: A place open to the public upon the payment of an admittance fee, wherein music is provided and people are allowed to dance.~~

PUBLIC FACILITIES: Structures for the use and benefit of the community, including, but not limited to, schools, hospitals, churches, parks or cultural buildings.

~~PUBLIC PARK: A place and/or building, or portion thereof, that is publicly owned and is used or is intended for recreational activities by the general public. This term includes developed and undeveloped areas and neighborhood recreation centers.~~

PUBLIC PARKING LOT: See definition of Parking Lot.

RECREATION/ ENTERTAINMENT, COMMERCIAL: A place and/or building, or portion thereof, that is used or is intended for fee based, ~~member only~~, indoor or outdoor recreation of all types. This term includes, but is not limited to, bowling alleys, skating rinks, billiard and pool halls, dance hall, amusement center, movie theaters, arcades, athletic clubs, equestrian facilities, indoor tennis/racquetball courts, miniature golf courses, athletic training centers, gyms, and the like.

~~RECREATIONAL COACH OR VEHICLE~~: A vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, travel trailer, camp trailer, folding tent trailer, truck camper or motor home.

RECYCLING COLLECTION FACILITY: A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. This term shall not include a junkyard.

REPAIR SERVICE, GENERAL: A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, musical equipment, and the like. This term does not include repair of vehicles or industrial equipment.

RESEARCH AND DEVELOPMENT: A business whose primary function is to engage in the development of new products and services for commercial clients.

RESEARCH SERVICE: Businesses whose primary function is to engage in direct marketing in which a salesperson solicits to prospective customers to buy products or services, to service already existing accounts or to engage in responding to survey questions.

~~RESTAURANT, FAST FOOD~~: A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and nonalcoholic beverages for consumption on or off site. This term does not include a grocery or convenience store with a food service section. Such establishments may include a drive-through window, and may or may not include on-site seating.

~~RESTAURANT, GENERAL~~: A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for consumption on or off site, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. This term does not include a grocery or convenience store with a food service section. Such establishments ~~do not~~ may include a drive-through window, and may or may not include on site seating.

RETAIL: A place and/or building, or portion thereof, which is used or is intended for retail sale of a diverse product line. This term includes full scale grocery stores, warehouse retail outlets, comparison shopping stores, full line department stores, and the like. It also includes retail uses such as secondhand stores, copying/printing stores, services and video rental.

RIGHT OF WAY: A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks and other public utilities or service areas.

ROD: A measurement of length equal to sixteen feet six inches (16'6").

~~SCHOOL, CHARTER: An elementary or secondary school that receives public money but has been freed from some of the rules, regulations, and statutes that apply to other public schools in exchange for some type of accountability for producing certain results, which must be set forth in each school's charter.~~

SCHOOL, K-12: A place and/or building, or portion thereof, which is used or is intended for use as a preschool, elementary, middle school, junior high, or high school. This includes charter schools and private/parochial schools.

~~SCHOOL, PRIVATE/RELIGIOUS: A privately owned school that may engage in religious education in addition to conventional education as part of the scheduled curriculum.~~

~~SCHOOL, VOCATIONAL: A school operated to teach its students the job specific skills needed to perform a certain job or career.~~

~~SECONDHAND STORE: A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time. This term includes secondhand stores, thrift stores, consignment shops, and the like.~~

SETBACK LINE: A line running parallel to the front of the principal structure on the lot, at the setback distance.

SETBACK: The shortest distance between the property line and the foundation, wall or main frame of the building.

SEXUALLY ORIENTED BUSINESS: Includes the following types of uses: adult arcades, adult bookstores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters. Must conform to Nibley City's ordinance regulating this type of business.

~~SIGN AREA: The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background material whether painted or applied. Where a sign consists of individual letters, symbols or designs attached to or painted on a building, or wall or window, the area of the sign shall be considered to be that of the smallest rectangle, triangle or circle which encompasses all the letters, symbols or designs.~~

SIGN SHOP: A business whose primary function is to engage in the commercial production and installation of custom signs, sign letters, metal plaques, wooden signs, custom decals, banners and vinyl lettering.

~~SIGN, ANIMATED: A sign which involves motion or rotation of any part created by artificial means or displays flashing or intermittent lights.~~

~~SIGN, BUSINESS: A sign which directs attention to a use conducted, a commodity sold or service performed on the premises.~~

~~SIGN, CONSTRUCTION: A temporary sign identifying a construction project.~~

~~SIGN, DIRECTIONAL: On premises incidental signs designated to guide or direct pedestrians or vehicular traffic.~~

~~SIGN, FREESTANDING: A sign which is supported by one or more columns, uprights or braces in or upon the ground.~~

~~SIGN, IDENTIFICATION AND INFORMATION: A sign displayed to indicate the name or nature of a building or use.~~

~~SIGN, NAMEPLATE: A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises or indicating a home occupation legally existing on the premises.~~

~~SIGN, PROJECTING: Any attached sign extending in whole or in part more than eighteen inches (18") beyond the building line.~~

~~SIGN, SERVICE: A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of rest rooms, sale of agricultural products produced upon the premises or other such pertinent facts.~~

~~SIGN, TEMPORARY: A sign which is intended to advertise community or civic projects, construction projects or real estate for sale or lease on a temporary basis.~~

~~SIGN, WALL: A sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen inches (18") from the building or structure wall and which does not extend more than four feet (4') above the parapet, eaves or building facade of the building on which it is located.~~

~~SIGN: Any device used for visual communication to the general public and displayed out of doors.~~

~~SITE DEVELOPMENT STANDARDS: See definition of Lot Development Standards. All signs are regulated by Nibley City Code 10-12-15, Permitted Signs.~~

~~SLAUGHTERHOUSE: A building used for the killing, butchering and/or processing of animals for human consumption, except that the killing and butchering of animals for family food production is not considered a slaughterhouse.~~

~~SPORTS STADIUM/ARENA FACILITIES: A place, or venue, for sports, concerts or other events, consisting of a field, courts, fields or stages and which are partly or completely surrounded by a structure designed to allow spectators to stand or sit and view the event. Examples include, but are not limited to: swimming pools, golf courses, a country club, basketball arenas and baseball stadiums.~~

~~STABLE, PUBLIC: A detached, accessory building for the keeping of horses for remuneration, hire or sale.~~

~~STABLE: A detached, accessory building for the keeping of horses.~~

~~STORAGE FACILITY: A place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. This term includes a tract of land used to store vehicles that are not for sale or trade.~~

~~STORY, HALF: A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.~~

~~STORY: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.~~

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 public thoroughfare, dedicated, abandoned or condemned for public use which serves as an arterial road or as a primary collector road as designated in the comprehensive plan, and the right of way of said street is no less than eighty feet (80') wide.~~

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 public thoroughfare, dedicated, abandoned or condemned for public use, which affords the principal means of public access to abutting property, and the right of way of said street is no less than fifty feet (50') wide.~~

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.

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.

~~STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.~~

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

~~SUBDIVISION, MINOR: A subdivision of not less than three (3) lots nor more than ten (10) lots. See subdivision title.~~

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.

~~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.~~

~~SWIMMING POOL, COMMERCIAL: A privately held, for profit, enclosed body of water intended for swimming or water based recreation.~~

TEMPORARY OFFICE/MODEL HOME: A building placed on a construction site that is used by the contractor as a field office and removed when construction is complete or a residential dwelling in a residential development that is temporarily used as a sales office for other on site residential dwellings.

TRANSPORTATION SERVICES: A business whose primary function is to engage in for profit transportation of air freight (i.e., UPS, FedEx, DHL, etc.).

TRUCK TRANSFER COMPANY: A business where the primary use is storage, loading, unloading or transfer of cargo from tractor trailers and/or rail stock. Includes intermodal transfer.

~~USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.~~

USE, CONDITIONAL: A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit and subject to the limitations and conditions specified therein, as provided in chapter 14 of this title, intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

USE, EXISTING: Any use legally existing at the time of adoption of this title.

USE, PERMITTED: Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

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.

UTILITY SUBSTATION: Any aboveground device of a culinary water, irrigation, sewer, natural gas, electrical, telecommunications (excluding low power radio service/cell tower), cable television, or other public or private utility system. Excluded from this definition are: 1. Conventional utility poles, features or equipment to be placed on such a pole, light poles; and 2. Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located.

~~VACATION TRAILER: A vehicle with or without motive power or wheels being used for temporary (less than 90 days) human habitation.~~

VETERINARY CLINIC, LARGE ANIMAL: A veterinary clinic that specializes in the care and treatment of large animals and livestock. May include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian.

VETERINARY CLINIC, SMALL ANIMAL: A veterinary clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semidomesticated animals. May include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian.

~~VIDEO RENTAL AND SALES: A business that allows a consumer to temporarily obtain a motion picture or video game for a specified period of time in exchange for payment, or which may offer these same items for purchase.~~

~~WAREHOUSING: A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. This term includes moving and storage facilities. This term does not include fuel tank farms.~~

WELDING/MACHINE SHOP: A room, company or building where power driven machine tools are used with a sharp cutting tool to mechanically cut or shape the material to achieve the desired geometry or where materials are welded together by melting the separate pieces and joining them together by pressure or heat, including metal fabrication.

WIDTH OF LOT: The distance between the side lot lines measured along the front yard setback line.

YARD, FRONT: An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. ~~The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. On a corner lot, the front yard may be applied to either street.~~

YARD, REAR: An open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot. In the case of a corner lot where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.

YARD, SIDE: An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings or structures, except as otherwise provided herein.

ZONE: The geographical area of the city within which the zoning regulations are uniform.

~~ZONING TITLE: The zoning title of the city of Nibley. (Ord., 6-1992; amd. 2002 Code)~~

~~ZONING TITLE: The zoning title of the code of the city of Nibley, Utah. (Ord., 6-3-1993; amd. 2002 Code)~~
Nibley City.

1 11-1: General Provisions and Administration

2

3 11-1-1: PURPOSES:

4

5 The purposes of this title are:

6

7 A. To promote the health, safety and general welfare of the residents of the city.

8

9 B. To promote the efficient and orderly growth of the city.

10

11 C. The Nibley City Council adopts this title pursuant to the Utah Municipal Land Use Development
12 Management Act, Title 10, Chapter 9-a, Utah Code Annotated, 1953, as amended, for the purposes set
13 forth therein. Maps referenced herein are a part hereof. The intent of this title is to provide a means
14 of ensuring predictability and consistency in the use of land and individual properties and to implement
15 the goals and policies of the Nibley City General Plan.

16

17 D. To provide standards for the physical development of subdivisions of land, construction of buildings and
18 improvements within the city, including, but not limited to, the construction and installation of roads,
19 streets, curbs, gutters, drainage systems, water, stormwater and sewer systems, design standards for
20 public facilities and utilities, accesses to public rights of way, dedication of land and streets, granting
21 easements or rights of way and to establish fees and other charges for the authorizing of a subdivision.

22

23 11-1-2: VIOLATION:

24

25 A. No person shall subdivide any tract or parcel of land located wholly or in part in the city, except in
26 compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of
27 land which is any part of a subdivision or a proposed subdivision submitted to the planning commission,
28 nor offer for recording in the office of the county recorder any deed conveying such parcel of land or
29 any fee interest therein, unless such subdivision has been created pursuant to and in accordance with
30 the provisions of this title.

31

32 B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by
33 this title is deemed to be void, for the purposes of development or the issuance of a building permit.

34

35 C. Any owner or agent of the owner of any land located in a subdivision, as defined herein, who transfers
36 or sells any land located within the subdivision before the subdivision has been approved and recorded,
37 in the office of the Cache County recorder, consistent with the requirements of this title, and applicable
38 state and federal requirements is guilty of a violation of this title, and of §10-9a, Utah Code Annotated,
39 for each lot or parcel transferred or sold.

40

41 D. The description by metes and bounds in the instrument of transfer or other documents used in the
42 process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the
43 purpose, whether immediate or future, for offer, sale, lease, or development either on the installment
44 plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the

1 requirements of this title and such action from the penalties or remedies provided by this title, Nibley
2 City land use ordinance, or the laws of the State of Utah.

3
4 **11-1-3: PERMITS:**

5
6 From the time of the effective date hereof, the building inspector shall not grant a permit for the use of any
7 land or the construction or alteration of any building or structure on a lot which would be in violation of any
8 provisions of this title until a subdivision plat therefor has been recorded or approved as herein required.
9 Any license or permit issued in conflict with such provisions shall be void. Approved development plans
10 shall be filed with the planning commission and city recorder.

11
12 **11-1-4: GENERAL REQUIREMENTS:**

- 13
14 A. The subdivider shall prepare a plat consistent with the standards contained herein and also as may be
15 described in the Nibley City Design Standards & Specifications and shall pay for the design and
16 inspection of the public improvements required. The City shall process said plats in accordance with the
17 regulations set forth herein.
- 18
19 B. All improvements shall be constructed in accordance with the International Building Code, the Nibley
20 City Design Standards & Specifications and other applicable federal, state and local regulations.
- 21
22 C. The City shall review the plats for design; for conformity to the Nibley City general plan and to the land
23 use ordinance; for the environmental quality of the subdivision design; and shall process the subdivision
24 plats and reports as provided for in this title.
- 25
26 D. Proposed subdivisions shall be referred by the City to such City departments and special districts,
27 governmental boards, bureaus, utility companies, and other agencies which will provide public and
28 private facilities and services to the subdivision for their information and comment. The City is
29 responsible for coordinating the comments received from all public and private entities and shall decide
30 to which agencies to refer the proposed subdivisions.
- 31
32 E. The City engineer shall make comments as to engineering requirements for plans submitted for
33 construction, including, but not limited to, street widths, grades, alignments and flood control, whether
34 the proposed public improvements are consistent with this title and other applicable ordinances and
35 for the inspection and approval of all construction of public improvements. Street layout and overall
36 circulation shall be coordinated with the Nibley City transportation master plan.
- 37
38 F. The planning commission shall act as an advisory agency to the City council. It is charged with making
39 investigations, reports and recommendations on proposed subdivisions as to their conformance to the
40 Nibley City general plan and land use ordinance, and other pertinent documents. The planning
41 commission shall recommend approval, approval with conditions, or denial of the preliminary and final
42 plats to the City Council.
- 43

1 G. The City, in conjunction with the City engineer and City attorney, shall approve the form of the final
2 plat, that the subdivider dedicating land for use of the public is the owner of record, and that the land is
3 free and clear of unacceptable encumbrances according to the title report.
4

5 H. The Nibley City Council has final jurisdiction in the approval of subdivision plats; the establishment of
6 requirements for and design standards of public improvements; and the acceptance of lands and public
7 improvements that may be proposed for dedication.
8

9 **11-1-5: SITE PREPARATION AND WORK PROHIBITED**

10
11 No excavation, grading or regarding, or removal of vegetation for a proposed subdivision shall take place
12 and no building permits shall be issued until a proposed subdivision has received approval from the Nibley
13 City Council.
14

15 **11-1-6: COMPLETE SUBMITTAL REQUIRED**

16
17 No application for a subdivision shall be reviewed by the City, Planning Commission or City Council, until
18 the applicant has submitted all documents required by this Chapter. The City shall inform applicants of the
19 information needed to provide a complete application. Once a complete application has been received, the
20 application shall be reviewed/approved as outlined in this chapter.
21

22 **11-1-7: EFFECT OF APPROVAL**

23
24 Any approval granted under this title, whether it be for a preliminary plat or for a final plat for all or part of
25 a subdivision shall be effective for a period of one year from the date of approval by the City Council, or
26 their designee. If the applicant has not recorded the plat or, in the case of the preliminary plat, a final plat
27 for a phase of the subdivision, within that one year period, the City shall provide thirty (30) days' notice to
28 the applicant and thereafter, the approval shall be void. Applicants shall then be required to submit a new
29 application for review and approval, subject to local, state and federal laws and ordinances in effect at the
30 time of the new submittal.
31

32 **11-1-8: PHASING**

33
34 When developing a large tract of land, subdividers may choose to phase in the subdivision rather than
35 develop the entire property at once. Subdividers opting to phase in the subdivision shall have one year
36 from the date of preliminary approval to present the first phase for final approval.
37

38 Following the approval of the final plat for the first phase of the subdivisions, subdividers shall have a year
39 between phases for approval of the subsequent final plats. Example: If Phase 1 is given final approval on
40 February 1, 2014, the subdivider would have until February 1, 2015 to present Phase 2 for approval. Upon
41 a subdivider's failure to receive approval within that one year period, the City shall provide thirty (30) days'
42 notice to the applicant and thereafter, the approval shall be void. Applicants shall then be required to
43 submit a new application for review and approval, subject to local, state and federal laws and ordinances in
44 effect at the time of the new submittal.
45
46

1 11-1-9: APPEAL:

2
3
4
5
6
7

In the event the plat of a subdivision has been denied 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.

8 11-1-10: FEES:

9

- 10 A. Preliminary Plat Filing Fee: The subdivider shall pay a nonrefundable filing fee in such amount as
- 11 established by resolution of the city council for each lot within the subdivision on or before the date the
- 12 preliminary plat is submitted to the planning commission for approval.
- 13
- 14 B. Plan Check Fees: The subdivider shall pay a nonrefundable plan check fee in such amount as established
- 15 by resolution of the city council for each lot within the subdivision. The fee shall be assessed as part of
- 16 the final plat application for the phase of the subdivision.
- 17
- 18 C. Final Plat Filing Fee: The subdivider shall pay a nonrefundable filing fee in such amount as established
- 19 by resolution of the city council for each lot within the subdivision on or before the date the final plat is
- 20 submitted to the planning commission for approval.
- 21

22 11-1-11: ENFORCEMENT:

23

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.

30 11-1-12: INSPECTION:

31

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, City public works director, or their designee. 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.

39 11-2: DEFINITIONS:

40

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 10-1 of the Nibley City Code, Land Use.

44 11-3: APPROVAL PROCESS

45

46 11-3-1: COMPLIANCE REQUIRED:

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

4
5 **11-3-2: STANDARDS AND LOT SIZE**

6
7 All subdivisions must meet the minimum lot and development standards as outlined in each zone of the
8 Nibley City land use ordinance and within this title.

9
10 **11-3-3: CONCEPT PLAN REVIEW:**

11
12 Prior to submitting a preliminary plat, a subdivider may submit an initial written concept plan to the
13 planning commission. The concept plan shall include a sketch plan of the proposed subdivision in which the
14 proposed subdivision is sufficiently described to enable the planning commission to determine whether the
15 proposed subdivision complies with zoning title, master plans, street plans and services.

16
17 The planning commission shall advise the subdivider of possible problems with the proposed subdivision
18 within thirty (30) days after it receives the concept plan. Approval of the concept plan shall not constitute
19 approval of the preliminary plat.

20
21 This section is not mandatory and a subdivider may submit a preliminary plat plan in lieu of the concept
22 plan.

23
24 **11-3-4: SUBMISSION OF PRELIMINARY PLAT:**

25
26 The subdivider shall submit five (5) paper copies and one (1) electronic copy, in a format that is readable, of
27 the proposed preliminary plat to the planning commission at least fourteen (14) days prior to the date of
28 the planning commission meeting at which the preliminary subdivision plan is to be reviewed. The planning
29 commission shall circulate copies of the proposed preliminary plat to all affected departments and to any
30 districts which may be providing special services for comment and review.

31
32 The preliminary plat shall conform to the development standards outlined in §11-4-1 of this title.

33
34 **11-3-5: PUBLIC HEARING REQUIRED:**

35
36 Upon receipt of a subdivision application, the Planning Commission shall hold a public hearing on all
37 preliminary plats, to hear public comment and concern regarding the proposed development.

38
39 **11-3-6: NOTIFICATION OF ADJACENT PROPERTY OWNERS:**

40
41 Written notice of the time, date and place of the public hearing where the planning commission will receive
42 public comment and consider giving preliminary approval to the subdivision shall be given to adjacent
43 property owners in accordance with section 10-1A-7 of this code. The written notice shall also advise the
44 property owner that he or she has the right to be present and to comment on the proposed subdivision.
45 The City shall notify the adjacent property owners and then invoice the applicant for any associated costs.

46

1 11-3-7: AUTHORIZATION TO PROCEED:
2

3 Upon approval of the preliminary plat by the planning commission and the city council, copies of the
4 approved preliminary plat with written conditions attached shall be delivered to the City and the
5 subdivider. Receipt of the same shall be authorization for the subdivider to proceed with the preparation
6 of plans and specifications for the improvements required in the final plat.
7

8 Prior to the construction of any improvements required by this title, the subdivider shall provide the city
9 engineer with all plans, information and data necessary to install and construct the improvements. This
10 information shall be examined by the city engineer and shall be approved if he determines them to be in
11 accordance with the requirements of city ordinances.
12

13 11-3-8: FINAL PLAT:
14

15 Within one year after receiving approval of the preliminary plat by the planning commission and city
16 council, the subdivider shall submit the original and three (3) copies of a final plat of the subdivision
17 covering all or part of the approved preliminary plat to the planning commission for approval. When
18 approved by the planning commission, the final plat will be forwarded to the city council for approval.
19

20 The final plat shall conform to the development standards outlined in 11-4-2.
21

22 Once approved, the final plat, bearing all official approvals as required, shall be deposited in the office of
23 the county recorder for recording at the expense of the subdivider. No lot included in a subdivision shall be
24 sold or exchanged and no offer shall be made to sell or exchange any such lot until the plat is so approved
25 and recorded.
26

27 11-4: STANDARDS OF APPROVAL
28

29 11-4-1: PRELIMINARY PLAT:
30

31 A. As part of the submittal of the preliminary plat, subdividers shall provide Nibley City with the following
32 information:
33

34 1. A list containing the names and mailing addresses of person(s) or other entities who are the owners
35 of record of property located within three-hundred feet (300') of any portion of the property
36 proposed for development.
37

38 2. A title report, provided by a title company, for the property proposed to be subdivided, dated
39 within thirty (30) days of the submittal of the preliminary plat.
40

41 B. Description: The preliminary plat shall be drawn to a scale not smaller than one hundred feet to the
42 inch (1" = 100') on standard twenty four inch by thirty six inch (24" x 36") paper and shall include the
43 following information in the title block:
44

45 1. The proposed name of the subdivision.
46

- 1 2. The boundaries of the proposed subdivision, including sufficient information to locate the project,
2 and the total acreage of the project.
- 3
- 4 3. A legal description of the property.
- 5
- 6 4. The names and addresses of the owner, subdivider, if other than owner, and the engineer or
7 surveyor of the subdivision.
- 8
- 9 5. Date of preparation.
- 10
- 11 6. Scale.
- 12

13 C. Existing Conditions: The plat shall show:

- 14 1. The location of the nearest benchmark and property monuments.
- 15
- 16 2. All property contiguous to the proposed subdivision under the control of the subdivider, even if
17 only a portion is being subdivided.
- 18
- 19 3. The location, width and names of all existing streets, railroads, open space, sewers, water mains,
20 culverts or other underground facilities, utility lines and rights-of-way and permanent
21 buildings/structures within three hundred feet (300') of the outermost boundary of the subdivision.
- 22
- 23 4. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract.
- 24
- 25 5. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
26
27
 - 28 i. Prior to approval of the preliminary plat, the subdivider shall provide the City with
29 documentation that any affected canal company has had the chance to review plans relative
30 to the alteration of affected canals and, further, that the canal company understands they
31 have thirty (30) days from the date of notification to bring any concerns to the City.
 - 32
- 33 6. Identification of known natural features including, but not limited to, wetlands as identified by the
34 U.S. Army Corps of Engineers, areas which would be covered in the event of a 100-year storm
35 event, all water bodies, floodways and drainageways, slopes exceeding twenty percent (20%) and
36 any other natural features as may be required by the Planning Commission or City Council for the
37 subdivision, including the acreage in each required feature.
- 38
- 39 7. Boundary lines of adjacent tracts of land, showing ownership where possible.
- 40
- 41 8. Contour map at vertical intervals of not more than five feet (5') where the slope is greater than ten
42 percent (10%) and not more than two feet (2') where the slope is less than ten percent (10%).
- 43
- 44 9. A plan outlining how the subdivider intends to phase construction of the project.
- 45

- 1 D. Proposed Development: In addition to the above listed items, the preliminary plat shall show:
2
3 1. The layout of streets, showing location, widths and other dimensions of proposed streets,
4 crosswalks, alleys and easements.
5
6 2. The layout, numbers and typical dimensions of lots.
7
8 3. Open space intended to be dedicated for public use or set aside for the private use of property
9 owners in the subdivision.
10
11 4. Building setback lines, including dimension of said lines.
12
13 5. Easement lines, including their dimensions, for water, sewer, drainage and utilities.
14
15 6. A tentative plan or method for the subdivision's groundwater and stormwater drainage.
16
17 7. Where the plan submitted covers only part of the subdivider's tract, the preliminary plat shall
18 include a sketch of the prospective future street system, which shall be considered along with the
19 future street system of the larger area.
20
- 21 E. Approval Of Preliminary Plat:
22
- 23 1. Conditions Of Approval: The planning commission shall approve only those preliminary plats which
24 it finds have been developed in accordance with the standards and criteria specified in this title,
25 title 10 of this City code and all other applicable City ordinances.
26
- 27 2. Soil Controls: The planning commission shall determine from the preliminary plat the possible need
28 for environmental impact analysis. The planning commission may require the applicant to provide
29 soil erosion and sedimentation control plans and specifications prepared by a registered civil
30 engineer, if the commission determines such are warranted.
31
- 32 3. Approval Or Disapproval By Planning Commission: The planning commission shall, within forty five
33 (45) days after the preliminary plat is filed with the planning commission approve the preliminary
34 subdivision plan if it finds that the subdivision complies with City ordinances. The planning
35 commission may conditionally approve a preliminary subdivision plat imposing such conditions as
36 required in order to bring the subdivision plat into compliance with the requirements of City
37 ordinances. If the planning commission disapproves the preliminary plat, it shall do so within forty
38 five (45) days after the date the subdivider made application for approval and shall state in writing
39 reasons for disapproval. All comments and recommendations shall be forwarded to the city council
40 within the prescribed time limit.
41
- 42 4. Approval Or Disapproval By City Council: The city council shall, within thirty (30) days after receiving
43 the preliminary plan with recommendations from the planning commission, approve or disapprove

1 the preliminary plan. The final conditions of approval or reasons for disapproval shall be stated in
2 writing to the subdivider.

3
4 5. Plats not acted upon within the above time frames shall be deemed to have been approved. A plat
5 shall be deemed to be acted upon if it is approved, denied, approved with conditions, continued for
6 further review or tabled.

7
8 **11-4-2: FINAL PLAT**

9
10 A. Description: The final plat shall be drawn to a scale not smaller than one hundred feet to the inch
11 (1" = 100') on standard twenty four inch by thirty six inch (24" x 36") paper and shall include the
12 following information in the title block:

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

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30 B. The plat shall contain the following information:

- 31 1. Accurate dimensions for each lot, street, alley, easement, areas to be dedicated as open space and
32 other important features. Dimensions shall be shown in feet and hundredths.
- 33 2. The street address for each lot. Lots on the north and west sides of the street shall have odd
34 numbers. Lots on the south and east sides of the street shall have even numbers.
- 35 3. A description and delineation of other angles, distances, points, monuments, markers boundaries
36 and other geometries as described in the Nibley City Design Standards & Specifications.
- 37 4. Standard signature forms, the wording of which is found in the Nibley City Design Standards &
38 Specifications, for the following:
 - 39 i. Registered land surveyor's certificate of survey, as applicable under Utah law;

- 1 ii. Owner's signature of dedication;
- 2 iii. Notary public acknowledgement;
- 3 iv. City engineer's certificate of approval;
- 4 v. Utility companies' approval;
- 5 vi. Planning & Zoning Commission approval;
- 6 vii. City approval, signed by the mayor;
- 7 viii. City attorney approval;
- 8 ix. County recorder's signature/stamp of approval;
- 9 x. The following note regarding agricultural uses of surrounding properties:

10
11 This property is located in the vicinity of property that is used for agricultural purposes. It
12 may be anticipated that such uses and activities may or may not in the future be conducted in
13 this area and that such uses are previously existing uses. Agricultural uses and situations must
14 be sound agricultural practices and not bear a direct threat to the public health and safety.

- 15
- 16 xi. The following note regarding groundwater:

17
18 Areas in Nibley have groundwater problems due to the varying depths of a water table. The
19 City's approval of a building permit or construction plans does not constitute a representation
20 by the City that building at any specified elevation or location would solve subsurface or
21 groundwater problems. In addition, concerns for building elevation and/or grading and
22 drainage are unique to each building site, remains solely with the building permit applicant,
23 property owner and/or contractor. Nibley City is not responsible for any subsurface or
24 groundwater problems which may occur, nor for such concerns including, but not limited to,
25 building location and/or elevation, site grading, and drainage.

- 26
- 27 C. Additionally, construction plans shall be submitted with the final plat. These plans shall detail the size,
28 type and location of all infrastructure improvements proposed for construction as part of the phase,
29 including, but not limited to, streets, sidewalks, curbs, utility pipes and other infrastructure.
30 Construction plans shall be prepared in accordance with the Nibley City Design Standards &
31 Specifications.

32

33 11-4-3: LOT LINE ADJUSTMENTS

34
35 An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided
36 parcels of land, may be executed by the owners of record of said properties and recorded upon execution,
37 if the following conditions are met:

- 38
- 39 A. No new lot results from the lot line adjustment.
- 40
- 41 B. No previously existing lot is eliminated as a result of the adjustment.
- 42
- 43 C. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are
44 consistent with this title and title 10 of the Nibley City code;
- 45
- 46 D. No lot is made undevelopable without a variance or other special consideration;

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- 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: INFRASTRUCTURE IMPROVEMENTS

11-5-1: COMPLIANCE REQUIRED:

Prior to the release of the mylar, to the subdivider, for recordation and subsequent issuance of building permits by the City, the following improvements 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 engineering design standards & specifications.

11-5-2: WATER RIGHTS AND SUPPLY:

All subdivisions shall be required to connect to the Nibley City 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 existing 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 eight inches (8"). If greater than an 8" main water line is required, the City will pay the difference in cost between an 8" line and the needed size.
- B. **Fire Hydrant Placement:** Fire hydrants shall be placed such that no lot is more than four hundred feet (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.
- 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 such a time as the preliminary plat is submitted and shall submit plans 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 will be required to provide.

1 11-5-3: SEWAGE DISPOSAL:

2

3 Public sanitary sewer facilities shall be provided for each lot in the subdivision. Where a public sanitary
4 sewer is available within three hundred feet (300') of the subdivision at the time of recording the final plat,
5 the subdivider shall connect with such sanitary sewer and provide sewer mains and extend laterals from
6 the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs,
7 gutters and sidewalks. All sewer mains and laterals must be inspected by the city engineer or city building
8 inspector before backfilling.

9

10 11-5-4: STORM DRAINAGE:

11

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

18

19 11-5-5: STREETS:

20

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

25

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

29

30 B. Streets To Conform To Major Street Plan: Major and collector streets shall conform to the
31 transportation master plan. Whenever a subdivision is in an area for which a major or collector street
32 plan has not been adopted, major or collector streets shall be provided as determined by staff and the
33 city engineer.

34

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

36

Road Type	R-O-W Width	Pavement Width
Arterial	99 feet	66 feet
Collector	80 feet	49 feet
Residential	66 feet	35 feet
Neighborhood	60 feet	29 feet
Private (See 11-5-5-H)	50 feet	20 feet

37

1 The neighborhood street may be used in areas that would not generally be considered a through street or a
2 street that would carry significant amounts of traffic other than that generated on that street. A cul-de-sac
3 may be a neighborhood street.

4
5 All sidewalks shall be a minimum of five feet (5') in width. Planting strips shall be at least seven feet (7').
6

7 D. Curb, Gutter And Sidewalks: The subdivider shall be required to install curb and gutter on all new and
8 existing streets within or adjoining the proposed subdivision.

9
10 1. Sidewalks may be required by the planning commission, if deemed necessary for public safety.

11
12 2. The above requirements may be waived in rural estate and agricultural zones, if it is felt that curb,
13 gutter and sidewalks would detract from the rural setting of the subdivision.

14
15 3. The requirement for curb and gutter on existing streets may be waived only if future changes to the
16 street are anticipated that would make the installation of curb and gutter unwise. In such cases, the
17 planning commission may require that the subdivider pay to the city a sum equal to the cost of the
18 improvements not installed to allow sufficient funds to later complete the improvements. Any such
19 proceeds shall be placed in the street capital improvement fund.
20

21 E. Cul-De-Sacs: Cul-de-sacs shall not exceed one-eighth (1/8) mile in length, except in R-E zones where
22 they shall not exceed one-fourth (1/4) mile in length. Each cul-de-sac must be terminated by a
23 turnaround with a radius of at least sixty feet (60'). If surface water drainage runs into the turnaround
24 due to the grade of the street, necessary catch basins and drainage easements shall be provided.
25 Where a street is designed to remain only temporarily as a dead end street, an adequate temporary
26 turning area shall be provided at the dead end street. It shall remain and be available to the public so
27 long as the dead end exists.
28

29 F. Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks
30 except under unusual conditions where such alleys are considered necessary by the planning
31 commission.
32

33 G. Street Width Requirements For Small Acreage Parcels On Cul-De-Sacs: The following shall serve as
34 street width requirements for development of small acreage parcels using a cul-de-sac as the only
35 access to the development:
36

37 1. Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall
38 include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet
39 (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City
40 design standards and specifications and shall include five foot (5') sidewalks where required by city
41 ordinance.
42

43 2. Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot
44 (50') cross section as follows: twenty five feet (25') of asphalt, and the following on each side of the
45 road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot

1 (1') strip to property line. These roads shall be built to the standards of the Nibley City design
2 standards and specifications.

3
4 3. All other developments shall have roadways that conform to Title 11.

5
6 H. Gravel Private Roads/Driveway:

7
8 A gravel private road or driveway may be approved for a single lot access, provided that the following
9 conditions are met by the subdivider:

- 10
11 1. Demonstrate how the gravel private road/driveway is an important consideration in the area's
12 streetscape or in the overall project design.
- 13
14 2. Demonstrate that the gravel private road/driveway will not cause extensive dust, erosion or
15 sediment problems or provide a stormwater pollution prevention plan documenting how those
16 problems will be eliminated.
- 17
18 3. All driveways approved for gravel shall have a driving surface of twenty feet (20') with six inch (6")
19 minimum thickness of crushed gravel base course material and a three foot (3') drainageway on one
20 side.
- 21
22 4. Provide a turnaround as per the international fire code standards.
- 23
24 5. Those driveways accessing off of any public road shall be paved for the first fifty feet (50') off said
25 road, or to the house, whichever is less. In areas where the gravel private road accesses the
26 property by crossing an adjoining property, the planning commission and city council may require
27 that the entire portion of the driveway crossing the adjoining property be paved.
- 28
29 6. Those lots using a gravel private road to access their lot shall be exempted from the standard
30 frontage requirement.
- 31
32 7. Gravel private roads shall be permitted only for infill development in the R-E zone and lots legally
33 subdivided prior to current zoning/frontage requirements.

34
35 11-5-6: BLOCKS:

36
37 Blocks shall not be longer than one thousand six hundred feet (1,600'). Blocks intended for business or
38 industrial use shall be designed specifically for such purposes with adequate space set aside for off street
39 parking and delivery facilities.

40
41 11-5-7: LOT LAYOUT AND DESIGN:

42
43 A. Standards: All lots shown on the subdivision plan shall conform to the minimum requirements of the
44 zoning title for the zone in which the subdivision is located, and to the minimum requirements of the
45 Nibley City design standards and specifications.

- 1 B. Street Access: All lots shall abut a dedicated street, a public street, a private street or a street which has
2 become a public right of way or right of use. In the event a lot abuts a public right of way created by
3 use, the subdivider shall improve the right of way to the standards required by this title.
4
- 5 C. Lot Arrangement: The lot arrangement and design shall be based on the following criteria: provide
6 satisfactory and desirable sites for buildings, be properly related to topography, to the character of
7 surrounding developments and to existing requirements.
8
- 9 D. Lot Remnants: All remnants of lots less than minimum size left over after subdividing a larger tract shall
10 be added to adjacent lots rather than be allowed to remain lot remnants.
11
- 12 E. Undeveloped Lots: Undeveloped lots shall be kept free of trash, abandoned automobiles, machinery
13 and other unsanitary, unsightly or unsafe material.
14
- 15 F. Lot Ownership: Where the land in a subdivision includes two (2) or more parcels in separate ownership
16 and the lot arrangement is such that a property ownership line divides one or more lots, the land in
17 each lot so divided shall be held in either single or joint ownership before approval of the final plan and
18 such ownership shall be recorded in the office of the county recorder.
19

20 **11-5-8: RAILROAD:**
21

22 Where the proposed subdivision contains or is adjacent to a railroad right of way, provision shall be made
23 for either:
24

- 25 A. A street approximately parallel to and on each side of such right of way; or
26
27 B. A buffer planting strip of trees and/or shrubs at least ten feet (10') in width; or.
28
29 C. A six foot (6') fence running the length of the property that is adjacent to the railroad right of way.
30

31 Any plan for improvements along the railroad right of way shall include a description of who will be
32 responsible for maintenance of the improvements.
33

34 **11-5-9: DITCHES AND CANALS:**
35

36 Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines or
37 through permanently reserved open space. Subdividers may also be required to pipe any ditches and
38 canals on the property.
39

40 **11-5-10: SAFETY FENCES:**
41

42 Subdividers may be required to install a six foot (6'), nonclimbable chainlink fence, or its equivalent, along
43 railroad rights of way, ditches and canals or streets.
44

45 **11-5-11: STREET SIGNS:**

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2 The subdivider shall furnish and install all necessary street signs. Street signs shall meet the approval of the
3 planning commission.
4

5 11-5-12: LANDSCAPING:
6

7 The planning commission may require subdividers to provide ground cover where it determines that soil
8 erosion may be a problem, that surface water may flood portions of the city or damage city property, to
9 prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger the public
10 health and may specify the types of ground cover.
11

12 11-5-13: MONUMENTS:
13

14 Permanent monuments shall be accurately set and established at such points as are necessary to definitely
15 establish all lines of the plat except those outlining individual lots. All subdivision plats shall be tied to a
16 corner or monument of record.
17

18 11-5-14: STREET LIGHTING:
19

20 Streetlights shall be required every five hundred feet (500') throughout the subdivision, at every street
21 intersection and at the back of all cul de sacs.
22

23 11-5-15: PROTECTION STRIPS:
24

- 25 A. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon
26 approval of the city council, retain a protection strip not less than one foot (1') in width between the
27 street and adjacent property. The protection strip shall be subject to the following provisions:
28
- 29 1. An agreement shall be made between the subdivider and the city whereby the subdivider shall
30 deed the protection strip to the city at the end of six (6) years; said deed shall not be recorded until
31 the end of the six (6) year period;
32
 - 33 2. The agreement will provide for the reimbursement to the subdivider for the fair cost of land in the
34 protection strip and the street improvements and other infrastructure properly chargeable to the
35 adjacent property owner;
36
 - 37 3. The subdivider shall agree to pay the costs associated with the agreement (engineering review,
38 attorney fees, etc).
39
- 40 B. Time for determining the six (6) year period shall be determined from the time the subdivider receives
41 notice that the improvements of his property are substantially complete and usable.
42
- 43 C. At the time that the adjacent property is proposed for development, as a condition of approval, the
44 property owner shall pay to the city the full cost of the improvements initially installed by the first
45 subdivider.

1
2 D. Protection strips shall not be permitted at the end of streets.

3
4 11-5-16: UTILITIES:

5
6 All utilities shall be installed underground.

7
8 11-5-17: PERFORMANCE SURETY, BOND:

9
10 As stated in this ordinance, a subdivider shall not be permitted to record the final plat until such
11 infrastructure improvements as may be required are completed. Upon inspection and satisfactory
12 completion of the improvements referenced herein or which may be required as part of the approval of the
13 subdivision, the subdivider shall provide the City with evidence of financial security sufficient to cover ten
14 percent (10%) of the estimated costs of the infrastructure improvements for a period of one (1) year after
15 said improvements have been approved and accepted by the City. Amounts greater than ten percent (10%)
16 may be required, if such amounts are deemed necessary by the City Manager.

17
18 11-5-18: WARRANTY ON IMPROVEMENTS:

19
20 The subdivider shall warrant the improvements of the subdivision against failure due to defects in materials
21 or workmanship for a period of one (1) year from the date of acceptance of the improvements by the city.



