

**NIBLEY CITY
ORDINANCE 18-11**

TERRITORY ANNEXED TO THE CITY

WHEREAS, Nibley City has adopted a General Plan and Future Land Use Map to help guide the City in deciding future zoning and use for the land within the City boundaries and annexation area; and

WHEREAS, Zoning of land is a legislative decision given to cities by the Utah Land Use and Development Act; and

WHEREAS, the City would like to have the flexibility to achieve the goals and guidance listed in the General Plan for future zoning of areas that are annexed into the City.

NOW, THEREFORE, be it ordained by the City Council of Nibley City, in the State of Utah, that the proposed changes are hereby adopted:

SECTION 1: **AMENDMENT** "19.02.070 Territory Annexed To City" of the Nibley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

19.02.070 Territory Annexed To City

At the time of the annexation of new territory to the city, the city council shall classify such territory for zoning purposes as:

- A. Less than five (5) acres, may be zoned the same as the surrounding land already in the city.
- B. Greater than or equal to five (5) acres, shall be zoned either residential (R-1) or commercial or industrial.

AFTER AMENDMENT

19.02.070 Territory Annexed To City

At the time of the annexation of new territory to the city, the City Council, with a recommendation from the Planning Commission, shall classify such territory for zoning. The City shall consider the following when determining zoning for annexed territory.

- A. The General Plan, including the future land use map and Nibley City Master Plans,
- B. Surrounding land ,use
- C. The request of the applicant, and

D. Any applicable State law or regulation

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CLAUSE All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency.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

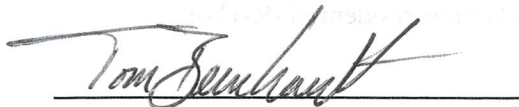
SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from after the required approval and publication according to law.

PASSED AND ADOPTED BY THE NIBLEY CITY COUNCIL
November 15, 2018.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Larry Jacobsen	<u>X</u>	_____	_____	_____
Councilmember Norman Larsen	<u>X</u>	_____	_____	_____
Councilmember Tom Bernhardt	<u>X</u>	_____	_____	_____
Councilmember Kathryn Beus	<u>X</u>	_____	_____	_____
Councilmember Tim Ramirez	_____	_____	<u>X</u>	_____

Presiding Officer


Tom Bernhardt, Mayor Pro-Tem,
Nibley City

Attest


David Zook, City Recorder, Nibley
City

