

ORDINANCE 22-19

TRANSFER OF DEVELOPMENT RIGHTS (TDR) ORDINANCE AND ZONING SEVERAL PARCELS AS A TDR SENDING OVERLAY ZONE OR A TDR RECEIVING OVERLAY ZONE

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, Utah Code 10-9a-509.7 enables cities to adopt a transferable development rights ordinance and applicable sending and receiving overlay zones; and

WHEREAS, The adopted Nibley City Parks, Trails, Recreation and Open Space Master Plan recommends adopting a Transfer of Development Rights Ordinance as a means of preserving open space and funding potential park and trail improvements; and

WHEREAS, Nibley City is in support of Preserve open space, scenic views, agricultural, riparian and critical/sensitive lands and maintaining the rural heritage of the City; and

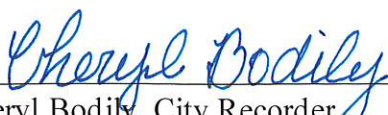
WHEREAS, a TDR Ordinance will provide a means for protecting and enhancing private property rights by enabling the transfer of potential development rights and establish a procedure enabling Nibley City and its landowners to voluntarily sever development rights from a sending property.

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

1. The attached Nibley City Code 19.48 be adopted and amendments to Nibley City Code 19.08 and 19.32 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS 9 DAY OF March, 2023.

ATTEST:


Cheryl Bodily, City Recorder




Larry Jacobsen, Mayor