

ORDINANCE 18-05

AN ORDINANCE REPEALING AND REPLACING THE CONSERVATION SUBDIVISION ORDINANCE WITH THE RURAL PRESERVATION SUBDIVISION ORDINANCE

WHEREAS, the Nibley General Plan states that, "Nibley will emphasize the conservation of open space and, using that conservation process, will incorporate a variety of housing forms"; and

WHEREAS, Nibley City wishes to conserve, protect and create unique spaces within the City that will be visually and physically accessible to the public; and

WHEREAS, the Conservation Residential Subdivision Ordinance is in need of clarification in order to enhance future land developments; and

WHEREAS, Nibley City wishes to clarify the requirements needed for developers and property owners to create a residential subdivision with open space; and

WHEREAS, Nibley City wants to maintain its rural character while allowing property owners to use their property to its highest and best use.

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

1. The attached ordinance is adopted, and Nibley City Code sections 10-18 Conservation Residential Subdivision and 10-20 Development Standards For Attached/multi-Family Housing In Conservation Subdivisions are repealed.

2. Title 11 Chapter 5 Subdivision Types shall be created, and all of the following chapters shall be renumbered. Nibley City Code 10-15 Cluster Subdivisions; Special Regulations shall be moved to 11-5-3 and renumbered accordingly.

3. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency.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.

4. 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.

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

PASSED BY THE NIBLEY CITY COUNCIL THIS 19 DAY OF July, 2018.

ATTEST:


David Zook, City Recorder




Shaun Dustin, Mayor