

**APPLE VALLEY
ORDINANCE O-2023-11**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1:**AMENDMENT** “10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements

The installation of curb, gutter, sidewalk, and road improvements of a type approved by the town, may be required on any existing street where such improvements are not already existing, and where upon the recommendation of the public works department, the planning commission, and approval of town council determines that such installation is in the best interest of the town. Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, sidewalk, and road improvements are not possible at this time, a letter of non-opposition to the creation of a future special assessment area to install such missing improvements shall be required. A special assessment area is typically created to install improvements that benefits only the residents within such assessment area, and the residents located in this area will be required to pay for their proportional share of the cost to install such improvements, typically over a 10-year period of time.

AFTER AMENDMENT

10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements

The installation of curb, gutter, sidewalk, and road improvements of a type approved by the town, ~~shall~~ **may** be required on any existing street where such improvements are not already existing, ~~and where upon the recommendation of the public works department, the planning commission, and approval of town council determines that such installation is in the best interest of the town.~~ Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, sidewalk, and road improvements are not possible at this time, **an Improvement Delay Agreement, or** a letter of non-opposition, to the creation of a future special assessment area to install such missing improvements shall be required. A special assessment area is typically created to install improvements that benefits only the residents within such assessment area, and the residents located in this area will be required to pay for their proportional share of the cost to install such improvements, typically over a 10-year period of time.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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.

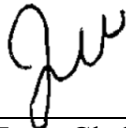
SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL JANUARY 18, 2023.

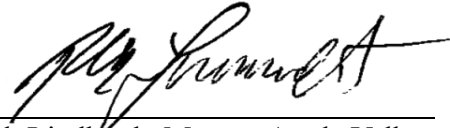
	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Andy McGinnis	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Barratt Nielson	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Council Member Kevin Sair	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Council Member Robin Whitmore	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Jenna Vizcardo, Town Clerk, Apple Valley



Frank Lindhardt, Mayor,, Apple Valley

