



Nibley City
Planning Commission Meeting
Thursday, October 5, 2023
Nibley City Hall
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or via the Zoom meeting link provided at www.nibleycity.com.

1. **Public Hearing:** Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval
2. **Discussion and Consideration:** Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval
3. **Discussion and Consideration:** Conditional Use Permit for Citrus Pear, a 'Meal Preparation & Assembly' business at 2788 S Hwy 89-91 (Applicant: Mace Rockwood)
4. **Workshop:** Animal Land Use Ordinance
5. Staff Report and Action Items

*Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning
Commission
Agenda Item Report
October 5, 2023**

Agenda Item #1 & #2: Site plan review improvement requirements

Description

Public Hearing: Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Discussion and Consideration: Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Reviewed By

City Planner, City Engineer, City Manager, City Attorney

Background

Staff has identified a deficiency within our ordinance with regards to public improvements that are required commensurate with a commercial, industrial or institutional development, particularly those that occur outside of a subdivision. Although there is some language in our current ordinance that points to requiring such improvements, Staff has determined that this language should be clarified and strengthened to ensure the appropriate and commensurate improvements to roadways, trails and utilities are provided in conjunction with such developments. The proposed amendments to Nibley City Code aim to address these deficiencies. The purpose of this workshop is to review the draft changes in preparation for a public hearing and recommendation to City Council.

Agenda Item #3: Citrus Pear CUP

Description

Discussion and Consideration: Conditional Use Permit for Citrus Pear, a ‘Meal Preparation & Assembly’ business at 2788 S Hwy 89-91 (Applicant: Mace Rockwood)

Department

City Planning

Action Type

Administrative

Recommendation

Approval of the Conditional Use Permit for Conditional Use Permit for Citrus Pear, a ‘Meal Preparation & Assembly’ business at 2788 S Hwy 89-91 with the following conditions:

1. Must be inspected by County Fire Marshall certifying compliance with the fire code.
2. A building inspection must be conducted to ensure the building meets intended use and occupancy for the building.
3. Any building addition or substantial modifications to the site will require a site plan review in accordance with NCC 19.15.050

Reviewed By

City Planner

Background

Mace Rockwood has submitted a business license application for Citrus Pear to operate a 'Healthy Meal Prep' business, at 2788 S Hwy 89-91. The property is located within a commercial zone. NCC 19.20.020 lists 'Meal Preparation & Assembly' as a conditional use in the commercial zone. The applicant has provided further detail about the nature of the business as follows:

The assembly process is combining of raw ingredients into vacuum pouch bags and vac sealing them. They are then stored in fridges or freezers and delivered. No cooking takes place. Assembly is happening approximately 3 times / week. Some weeks do have 0 assembly happening. Typically we have 4-6 staff at most, working from 9:00 AM - 2:00 PM.

NCC 19.04 defines 'Meal Preparation & Assembly' as "A business which prepares and assembles individual meals to deliver to individuals and families, but not larger groups. This includes preparing, packaging and freezing such individual meals. This does not include large scale packaged food assembly." Staff has determined that the business meets this definition.

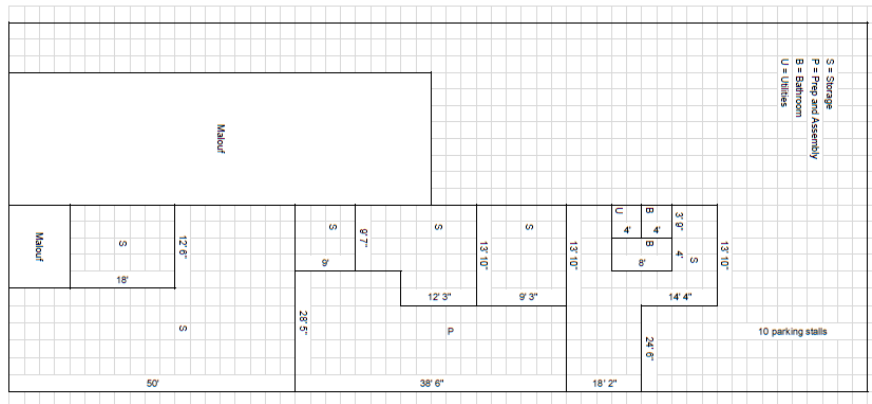
Site Context

The property is located along Hwy 89/91, adjacent to other commercially-zoned properties. Adjacent uses include agricultural to the north and east and commercial uses to the west and south.



The applicant has indicated that they are not proposing any modifications to the building, parking configuration, landscaping, signage or ingress/egress to the building. They are using a

3,700 sq ft of the existing building for the business and have provided a site plan/floor plan which shows the lay-out of the building on the site.



Basis for Issuance of Conditional Use Permit

NCC 19.28.050 states:

A conditional use permit shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied. Substantial mitigation shall not mean complete elimination of all detrimental effects.

Specific considerations of applicable standards and conditions to mitigate potential detrimental impacts as defined by NCC 19.28.050, which may apply to this application include the following.

Parking

NCC 19.24.160(A) states the following:

General Requirements: Except as herein provided, no building or structure shall be erected, altered or converted for or to any use unless there shall be provided on the lot or parcel, off street vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained herein, except that an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.

NCC 19.24.160(B) provides that 'Other uses not listed' require 1.5 spaces per 2 employees working on highest employment shift. The applicant has indicated that up to 6 employees will be working at the building which will require 5 parking stalls. The existing 10 stalls on site are adequate to meet the parking requirement.

Signage

The applicant has indicated that there won't be any changes to existing signage.

Fire Safety

NCC 19.28.050©(2)(d) states:

All buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license and conditional use permit is given. New buildings shall be inspected by the Fire Marshal before Occupancy can be given and inspection must be passed annually thereafter.

The applicant will be required to complete this fire inspection prior to issuance of the business license.

Building

Although the applicant is not proposing any modifications to the building that would require a building permit, there is a change of use and Staff recommends that a building inspection be conducted to ensure that the building meets intended use and occupancy.

Agenda Item #5: Animal Land Use

Description

Workshop: Animal Land Use Ordinance

Department

City Planning

Action Type

Legislative

Recommendation

Discuss and provide input to proposed ordinance

Reviewed By

City Planner, City Manager, Animal Land Use Ordinance Committee members

Background

Recently, an Ad Hoc committee was created to review and, if necessary, provide recommendations to the Nibley City Animal Land-Use Ordinance. This committee was formed based upon direction of City Council, who identified that the ordinance should be further reviewed based upon citizen input. Members of the committee included the following:

Nathan Laursen, City Council
Erin Mann, City Council
Holly Fronk, Nibley Resident
Eldon Buchanon, Nibley Resident
Ross Jacobson, Nibley Resident
Roxie Christensen, Morgan Farm Manager
Mike Christensen, Morgan Farm Manager
Larry Jacobsen, Mayor
Clair Schenk, Planning Commission
Garrett Mansell, Planning Commission
Jamie Gonzalez, Assistant City Recorder
Levi Roberts, City Planner

The Committee met six times over the course of two months to discuss and provide input to address perceived deficiencies of the existing ordinance. Based upon these discussions, a draft amended ordinance is being recommended to the Planning Commission for consideration. Several changes are being recommended, including the following:

- Reformatting of tables and sections within ordinance for better clarity and continuity.
- The introduction of a point system for small animals on lots less than 0.75 acre. Currently, small animals on small lots are only regulated by a maximum number of animals per species, but points are not accumulated.
- An adjustment to several animal points and the addition of new species to the chart which were previously unaccounted for.
- A provision for adjacent lots that only contain one primary dwelling unit, which allows the accumulation of acreage for the purpose of counting animal points.
- A provision for vacant lots, which would be allowed an additional 25 large and small animal points.
- An added clarification that commercial or industrially-zoned properties are under the same restrictions as residential.
- A reference to state code for bee keeping.
- Minor adjustments to setback standards for barns and other structures.

The purpose of this workshop is to discuss these and any other pertinent changes in preparation for a public hearing and recommendation for City Council.

19.14.050 Site Plan Review

- A. Site Plan Review and Approval Process: Any proposed development of commercial, institutional or industrial uses, including new buildings, expansion of or addition to existing buildings, or change in type use of existing buildings, must meet the requirements of design standards for commercial and institutional uses, as applicable, and the provisions of this title and other applicable standards.

1. Approval Process: All proposed development described in this section are subject to the following site plan approval process. At each stage of the process, applicants shall be required to submit relevant application forms and pay applicable fees.

- a. Preapplication Conference: Prior to submitting a site plan application, developers shall meet with the City Planner to become acquainted with the development requirements, procedures and schedules, and to discuss potential issues with the project. At this time, developer shall present the city planner with a general site plan and inform the City Planner of plans for the development.
- b. Concept Presentation: Following determination of compliance at the preapplication conference, all proposals for development, redevelopment or additions to buildings greater than 10,000 sq ft shall be required to present and receive approval of a concept plan from the planning commission.

At this time, the planning commission may give preliminary input on the development concept. This input shall be based on the concept's compliance with the Nibley City general plan and all applicable state and local ordinances.

- c. Site Plan Review: For all commercial, institutional and industrial development, including new buildings, expansion of or addition to existing buildings, or change in the type of use of existing buildings, developer is required to receive approval from the following bodies, as set forth:
 - (1) For development, redevelopment, or additions to buildings which are below 500 sq ft, the City Planner shall be the site plan approval authority.
 - (2) For development, redevelopment, or additions to buildings which are greater than 500 sq ft and less than 10,000 sq ft, the Planning Commission shall be the site plan approval authority.
 - (3) For development, redevelopment, or additions to buildings which are greater than 10,000 sq ft, the City Council shall be the site plan approval authority. Such site plans shall only be presented to the City Council after a recommendation of the Planning Commission.

2. Site Plan Specifications: The site plan shall be prepared, submitted and reviewed in accordance with the Nibley City Code and Standards, as applicable, including Design Standards for Commercial and Institutional Development.
 - a. At the time of site plan application, developer shall be required to submit the following plans, drawn to a scale not to exceed one inch equals three hundred feet (1" = 300'):
 - (1) Overall site plan, including location of buildings, open space, parking, landscaping and pedestrian and traffic circulation, all existing residences, buildings, existing streets and proposed streets within three hundred feet (300') of the site in all directions.
 - (A) Architectural renderings and elevations, demonstrating building materials and colors.
 - (B) General drainage and utility layout with topography, showing all topographic features.
 - (2) As part of the site plan application, or subdivision plat application if a plat is required, the developer shall be required to submit construction drawings that are compliant with the Nibley City Design Standards and Specifications.
 - (3) As part of the site plan application, or subdivision plat application if a plat is required, the developer shall describe the source, layout, and availability of utilities and utility connections. In particular, the developer shall describe the anticipated water requirements of the proposed development and the developer's plan for supplying water to the site.
 - ~~(3)~~(4) As part of the site plan application, or subdivision plat application if a plat is required, the developer shall describe the road, sidewalk, stormwater, and other public improvements to be provided by the developer in accordance with NCC 21.12.
 - b. Site Plan Modifications and Amendments: Except as may be provided for elsewhere in this chapter, no element of an approved site plan shall be changed or modified substantially without first obtaining approval of the proposed amendment with the same procedure of the original site plan approval. Substantial modification shall include the change in use of a structure, as defined in 19.20.020, or any modification that changes at least five percent (5%) of the total area in the approved site plan.
 - c. Time Limitations: Developer shall have one year from the date of final site plan submittal to obtain final plan approval. Extensions of time may be granted by the planning commission and/or city council for a period of not longer than one year upon submittal of a request for extension of time, and showing of good

cause prior to the expiration of the initial approval or an approved extension of time. A second time extension may be requested, and if granted, the extension can be no longer than six (6) months. No other time extensions shall be granted. Developer shall have to start the design review process over. Self-imposed and economic hardships shall not be a basis for granting an extension.

3. Applicants which require a Conditional Use Permit may submit a site plan at the time they submit a conditional use permit and need not submit a separate application.
4. Applicants for commercial or industrial development of a lot shall provide, construct, install, and assure all improvements required by NCC 21.12, as if the development were a subdivision, to the extent the improvements are necessitated by and roughly proportionate to the impact of the proposed development.
- ~~3.5.~~ Applicants for commercial or industrial development of an unsubdivided parcel shall prepare and receive approval of a subdivision plat for the parcel and shall also provide, construct, install, and assure all required improvements, in accordance with NCC Title 21, as if the development were a subdivision and regardless of whether the parcel is proposed to be divided into two or more lots. Improvements required by NCC 21.12 shall be provided to the extent the improvements are necessitated by and roughly proportionate to the impact of the proposed development. A conditional use permit, if required, and site plan may be submitted and processed concurrently with the subdivision plat.

19.14.060 Commercial Zone Requirements

A. Use Permit

1. Each Commercial Development and Use shall obtain a business license from Nibley City. Commercial Uses as listed in NCC 19.20 as a conditional use shall also obtain a Conditional Use Permit before construction of new developments or operation of a business for existing commercial developments and buildings.

B. Traffic and Connectivity

1. Roadways and intersections shall maintain a Level of Service (LOS)
2. Commercial applicants ~~may shall be required to~~ make any road updates, extensions, or expansions necessary, proportional to the impact of the development, ~~in order~~ to ensure the adjacent roadways will maintain LOS C, ~~2 and comply with Nibley City Design Standards~~. Site plans must comply with the Transportation and Trails Master Plan.
3. Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons
 - a. There is only one vehicle access road to the site
 - b. Allow for greater emergency access to the site

- c. Provide for better connectivity and enhance the safety of surrounding roadways and intersections.
- d. Construction access to minimize impact to existing homes and infrastructure

C. Utilities

- 1. Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
 - 2. A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The applicant shall be required to supply necessary water rights or shares in accordance with NCC 21.12.020.
 - 3. Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs. a. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or install the needed infrastructure before a business license or conditional use permit may be granted.
- D. Each Commercial building shall be built to the standards in Nibley City Design Standards for Commercial and Institutional Uses except for Remodeled Residential Units as stated within this chapter.
- E. All commercial buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license or conditional use permit is granted. New commercial buildings shall also be inspected by the Fire Marshal before a certificate of occupancy can be given. All commercial buildings shall be subject to an annual inspection by the Fire Marshal, and any license, permit, or certificate issued for a building or use may be revoked for failure to comply with fire code.
- F. All site plans shall be approved by the City's Engineer and Public Works departments. All site plans shall comply with Nibley City Design Standards and all projects located in Commercial and Neighborhood Commercial Zone shall comply with Nibley City Design Standards for Commercial and Institutional Use.
- G. Residential Units Remodeled for Commercial Use:
- 1. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use. Such homes may be referred to as "Remodeled Residential Units."
 - 2. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements, inspections, site plan approvals, utility, roadway, and other required public improvements, -and all other standards and requirements described within this title.

3. Any business taking place in a remodeled residential unit is considered a conditional use and shall obtain a conditional use permit prior to beginning operations, regardless of the use within the building. Any change in the business or use of the Remodeled Residential Unit shall require a new conditional use permit.
 4. The Commercial Use shall be the primary use of the building.
 5. The exceptions for Remodeled Residential Units shall only apply to buildings on lots which front collector or arterial streets, as defined by the Nibley City Master Streets Plan.
- H. The City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas.
- I. In Commercial Zones, warehousing and storage may be allowed as part of business if it is attached to offices, retail, or other permitted or conditional use allowed within a Commercial Zone.

J. All Commercial developments shall comply with landscaping code within NCC 19.24.170.

J.K. All Commercial developments shall provide all improvements required by NCC 21.12 and this chapter.

HISTORY

Adopted by Ord. [21-03](#) on 2/25/2021

19.14.070 Neighborhood Commercial Zone C-N Requirements Published

A. Purpose

1. The neighborhood commercial zone C-N is established to provide areas in which the primary use of land is for commercial and service uses to:
 - a. Serve the daily convenience needs of the adjacent residential neighborhoods.
 - b. Provide economic stability.
 - c. Enhance property values.
 - d. Establish strategies for achieving good community design.
 - e. Stabilize areas/zones.
 - f. Reduce traffic congestion and promote walkable communities.
 - g. Promote the policies of the general plan.
2. This C-N zone shall be located in areas deemed appropriate and approved by the city council for services to the residents of the city. The zone will create a minimum of detriment, hazard, noise or inconvenience to surrounding residential development.
3. The C-N zone shall be characterized by harmonious grouping and architectural offset of building mass of commercial stores and shops which will be architecturally designed for,

and will function as, an integrated unit. Clean parking lots and attractive well maintained shops with appropriate landscaping will also be characteristic of this zone.

4. Lighting will be of low intensity, low profile and fully shielded to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment.
 5. Heavy commercial uses within this zone have been excluded and are not permitted.
- B. Permitted Uses: See NCC 19.20.
- C. Conditional Uses:
1. Regular Conditional Uses: See NCC 19.20.
 2. Temporary Accessory Uses: Temporary accessory uses and structures are permitted in the C-N zone, provided they are incidental to, and do not substantially alter the character of, the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following: Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further that such shall be permitted only during construction period and thirty (30) days thereafter.
 3. Use Limitations: All other uses not listed are not permitted.
 4. Residential Units Remodeled for Commercial Use:
 - a. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use. Such homes may be referred to as "Remodeled Residential Units."
 - b. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements, inspections, site plan approvals, utility, roadway, and other required public improvements, and all other standards and requirements described within this title.
 - c. Any business taking place in a remodeled residential unit is considered a conditional use and shall obtain a conditional use permit prior to beginning operations, regardless of the use within the building. Any change in the business or use of the Remodeled Residential Unit shall require a new conditional use permit.
- D. Lot Coverage: No building, structure, or group of buildings with their accessory buildings shall cover more than seventy percent (70%) of the lot or parcel.
- E. Parking: Where possible, parking areas shall be located to the side or rear of building, On corner lots, parking shall be avoided on side yards contiguous to the street.

F. Building Size: The maximum size building footprint allowed shall not exceed a total of fifteen thousand (15,000) square feet.

G. Commercial Condominiums

1. Commercial Condominiums, shall be a permitted use in the Neighborhood Commercial zone, as set forth herein.
2. All shared or common properties, landscaping, parking lots, roadways, and other nonpublic amenities or improvements that serve the commercial condominium shall be maintained by an owners association, pursuant to duly adopted and recorded agreements.
3. If a development chooses to build condominiums, they must provide sufficient parking and landscaping for each unit, consistent with current City Commercial standards at the time of the rezone application.
4. Front, rear, and side setbacks shall be measured from the foundation walls of the building.
5. There shall be a maximum of five commercial condominium units per acre.

H. Off Street Parking, Loading, And Access:

1. The requirements of design standards for commercial and institutional uses and NCC 19.24.160, "Parking Requirements", shall apply.
2. The site shall be developed to provide for shared access.
3. The developer/owner of a neighborhood commercial development located along a state owned highway will cause the required traffic impact study to be performed in conformance with the requirements of the Utah Department of Transportation and provide to the city a valid copy of the UDOT letter of approval.
4. Applicants shall make any road updates, extensions, or expansions necessary to maintain adjacent roadways' LOS and to comply with Nibley City Design Standards. Site plans must comply with the Transportation and Trails Master Plan.

I. Signs: The requirements of design standards for commercial and institutional uses shall apply to this zone. Only monument signage will be allowed, and only in the twenty foot (20') front yard setback.

J. Fencing and Screening: Fencing and screening shall meet the requirements of design standards for commercial and institutional uses; NCC 19.22.010(E), "Fences and walls maximum height"; NCC 19.24.090, "Fence Regulations"; and NCC 19.24.170(C), "Commercial And Industrial Zones" (landscape requirements), shall be required of all fences and landscape screening in this zone.

K. Storage; Displays: All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user, not able to be stored within the commercial structure shall be stored in a completely enclosed building.

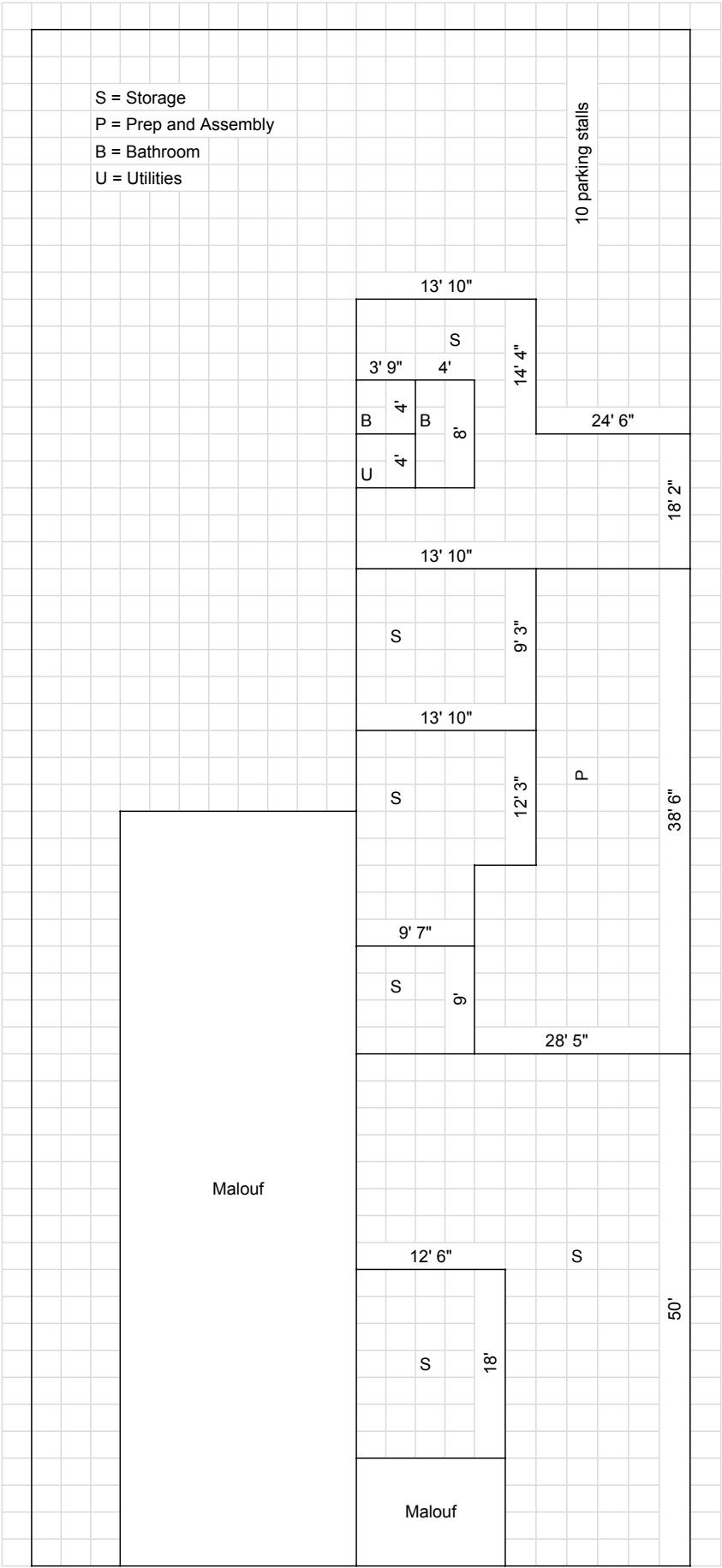
L. Storage; Trash:

1. No trash, garbage, used materials or wrecked, inoperable or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept in an enclosed building(s) or structure.
2. All structures built to accommodate the storage shall be constructed using a design compatible with the primary structure and meeting all the architectural design standards outlined in the design standards for commercial and institutional uses. Within a development of multiple structures, a common structure shall be constructed suitable for use by all tenants or businesses.

M. Development Standards and Improvements: The development standards of the C-N zone shall conform to design standards for commercial and institutional uses, including the completion of required off-site improvements as required by NCC 21.12 and this chapter.

N. Utilities

1. Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
2. A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The applicant shall be required to supply necessary water rights or shares in accordance with NCC 21.12.020.
3. Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs.
 - a. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or install the needed infrastructure before a business license or conditional use permit may be granted.



19.34.010 Intent

The intent of these regulations is to protect and preserve Nibley City's rural heritage while allowing multiple land uses, including agricultural and residential, within city boundaries.

19.34.020 Household Pets

A. Dogs and cats are permitted, according to the following table.

<u>Dogs and Cats</u>					
<u>Animals</u>	<u>Accessory and Secondary Dwellings</u>	<u>Residential Lots Less than .25 acre or multifamily units</u>	<u>Residential Lots Greater than or Equal to .25 and Less than .75 Acre</u>	<u>Residential Lots Greater than or Equal to .75 Acre</u>	<u>Agricultural Lots Greater than or Equal to 5.0 Acres</u>
<u>Dogs</u>	1	2	2	2 (3) ¹	2
<u>Cat</u>	1	2	3	4	4

1. A kennel license which meets the requirements of 9.02.050, may be approved by designated Nibley City Staff for a third dog for lots greater than or equal to .75 acre.
2. The maximum number of dogs for a two dwelling lot is 3.
3. Animals of the same species less than six (6) months old of permitted household pets that are parented on premises shall not be counted or regulated.
4. Service animals are not subject to the above restrictions.
5. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within the primary dwelling unit.
6. All other animals not specifically permitted are prohibited.

19.34.030 Small Animals

A. The following animals are permitted at a maximum rate of one hundred (100) small animal points per acre. Small animal points are assigned according to the following table;

<u>Small Animal Points</u>				
<u>Animals</u>	<u>Residential Lots Greater than .10 acre and Less than .25 acre</u>	<u>Residential Lots Greater than or Equal to .25 acre and Less than .75 Acre</u>	<u>Residential Lots Greater than or Equal to .75 Acre</u>	<u>Agricultural Lots Greater than Equal to 5.0 Acres</u>

19.34.060 Vacant Parcel Allowance for Animal Occupancy

A. A vacant parcel, with no dwelling unit, is allowed an additional 25 small animal points and an additional 25 large animal points. For the purposes of regulating animals based upon lot size within this section, a vacant parcel that is 0.5 acre or larger shall be counted and regulated with an additional 0.25 acre to the subject parcel. For example, a vacant parcel that is 0.6 acre shall be regulated the same as a 0.85 acre parcel that contains a dwelling unit for the purposes of this section.

19.34.070 Commercial and Industrial Parcels

Parcels which are zoned Commercial (C), Neighborhood Commercial (C-N) or Industrial (I), are subject to the same animal land use restrictions as a residential parcel.

19.34.080 Keeping of Bees

The keeping of bees is allowed under the guidelines listed in Utah Agricultural Code, Title 4 Chapter 11, Utah Bee Inspection Act and all other applicable State and Federal Regulations.

19.34.020 Accessory Dwelling Units And Secondary Dwellings

Accessory dwelling units and secondary dwellings of two family housing units, regardless of the size of the lot shall be permitted the following animals. Animals allowed on a primary dwelling unit and associated lot shall be governed based upon the lot size, as provided in this chapter, which allowance shall not be limited or reduced based on the presence of an accessory or secondary dwelling unit on the lot, except for the limits on the number of additional dogs and cats included in this section:

1. Animals kept as household pets are permitted and are subject to each of the following limitations:
 1. The maximum number of dogs for an accessory dwelling or secondary dwelling is one (1) dog. The maximum number of dogs for a two dwelling lot is three (3) dogs.
 2. The maximum number of cats per household is one (1) cat.
 3. The combination of dogs and cats for an accessory dwelling or secondary dwelling shall not exceed two (2) animals.
 4. Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.
 5. Service animals are not considered household pets and are not subject to the above restrictions.
 6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within a dwelling unit. All other animals not specifically permitted are prohibited.

19.34.030 Residential Lots Less Than Twelve Thousand Square Feet

Single family housing units that are on lots that are less than twelve thousand (12,000) square feet are permitted the following animals. These limits shall also apply to multi-family housing units;

Commented [3]: New proposal. Discussed in the committee.

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Commented [LR4]: This section added based upon discussion during committee meeting.

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Commented [5]: New documentation in ordinance. Utah Bee Inspection Act is found <https://le.utah.gov/xcode/Title4/Chapter11/4-11.html> Discussed in the committee.

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~~1. Animals kept as household pets are permitted and are subject to each of the following limitations:~~

- ~~1. The maximum number of dogs for a single dwelling lot is two (2) dogs. The maximum number of dogs for a two dwelling lot is three (3) dogs.~~
- ~~2. The maximum number of cats per household is two (2) cats.~~
- ~~3. The combination of dogs and cats per household shall not exceed two (2) animals for single dwelling lots. The combination of dogs and cats per household shall not exceed three (3) animals for two dwelling lots.~~
- ~~4. Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.~~
- ~~5. Service animals are not considered household pets and are not subject to the above restrictions.~~
- ~~6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within a dwelling unit. All other animals not specifically permitted are prohibited.~~

19.34.040 Residential Lots Greater Than Or Equal To Twelve Thousand Square Feet And Less Than 0.75 Acre

Single family residential lots that are greater than or equal to twelve thousand (12,000) square feet and less than 0.75 acre are permitted the following animals:

~~1. Animals kept as household pets are permitted and are subject to each of the following limitations:~~

- ~~1. The maximum number of dogs per household is two (2) dogs.~~
- ~~2. The maximum number of cats per household is four (4) cats.~~
- ~~3. The combination of dogs and cats per household shall not exceed four (4) animals.~~
- ~~4. Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.~~
- ~~5. Service animals are not considered household pets and are not subject to the above restrictions.~~
- ~~6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within the primary dwelling unit. All other animals not specifically permitted are prohibited.~~

~~2. The following animals are permitted with the following maximum number of animals per lot:~~

- ~~1. Two (2) female or wether pygmy goats.~~
- ~~2. Two (2) lambs less than eight (8) months old.~~
- ~~3. Two (2) turkeys.~~
- ~~4. Six (6) rabbits.~~
- ~~5. Six (6) hen chickens.~~
- ~~6. Eight (8) pigeons.~~
- ~~7. Six (6) ducks.~~
- ~~8. Eight (8) game birds such as quail or pheasants.~~

~~3. A minimum lot size of eighteen thousand (18,000) square feet is required for subsections (B)(1), (B)(2), and (B)(3) of this section. Offspring less than six (6) months old of animals listed above shall not be counted or~~

~~regulated. A combination of the animals listed in subsection B of this section is permitted on each lot with the following provisions:~~

- ~~1. For lots greater than or equal to twelve thousand (12,000) square feet and less than or equal to 0.5 acre, two (2) different species are permitted at any one time.~~
- ~~2. For lots greater than 0.5 acre and less than 0.75 acre, three (3) different species are permitted at any one time. The animals permitted by subsection B of this section are independent of, and in addition to, the household pets permitted by subsection A of this section.~~

19.34.050 Residential Lots Greater Than Or Equal To 0.75 Acre

~~Single family residential lots that are greater than or equal to 0.75 acre are permitted the following animals:~~

- ~~1. Animals kept as household pets are permitted and are subject to each of the following limitations:
 - ~~1. The maximum number of dogs per household is two (2) dogs. A kennel license which meets the requirements of 9.02.050, may be approved by designated Nibley City Staff for a third dog.~~
 - ~~2. The maximum number of cats per household is four (4) cats.~~
 - ~~3. The combination of dogs and cats per household shall not exceed six (6) animals.~~
 - ~~4. Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.~~
 - ~~5. Service animals are not considered household pets and are not subject to the above restrictions.~~
 - ~~6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within the primary dwelling unit. All other animals not specifically permitted are prohibited.~~~~
- ~~2. The following animals are permitted at a maximum rate of one hundred (100) large animal points per acre. Large animal points are assigned based on the following table: Offspring less than eight (8) months old of a permitted large animal shall not be counted or regulated.~~
- ~~3. The following animals are permitted at a maximum rate of one hundred (100) small animal points per acre. Small animal points are assigned based on the following table:~~

Animal	Small Animal Points
Rabbit	10
Turkey	10
Duck	10
Goose	10

Hen Chicken	2
Game bird such as a quail or pheasant	2
Pigeon	2

4. ~~Offspring less than six (6) months old of a permitted small animal shall not be counted or regulated.~~

Animal	Large Animal Points
Horse, mule or donkey	75
Cattle: cow, heifer, or steer	50
Pig	50
Ostrich	50
Llama or alpaca	25
Emu	25
Miniature horse or donkey	25
Sheep	15
Goat: female or wether	15

5. —

6. ~~The animals permitted by subsections B and C of this section are independent of, and in addition to, the household pets permitted by subsection A of this section. In addition, residents are permitted to have any combination of permitted large and small animals as long as the combination does not exceed one hundred (100) large animal points per acre plus one hundred (100) small animal points per acre.~~

Examples for a 2.0-acre lot:

Maximum number of large animal points permitted = $100 \times 2.0 = 200$

Maximum number of small animal points permitted = $100 \times 2.0 = 200$

~~Two horses, two llamas ($2*75 + 2*25 = 200$ large animal points), plus one hundred hen chickens ($100*2 = 200$ small animal points) are permitted on a residential 2.0 acre lot~~

~~Two horses and three llamas ($2*75 + 3*25 = 225$ large animal points) are not permitted on a residential 2.0 acre lot.~~

~~Twenty-five hen chickens, twelve rabbits, and four turkeys ($25*2 + 12*10 + 4*10 = 210$ small animal points) are not permitted on a residential 2.0 acre lot~~

~~These examples are not all inclusive of the possible mix of animals.~~

HISTORY

Adopted by Ord. 09-12 on 9/3/2009

Amended by Ord. 21-16 on 9/23/2021

19.34.060 Agricultural Lots Greater Than Or Equal To 5.0 Acres

~~Lots in the agricultural zone that are greater than or equal to five (5.0) acres are permitted the following animals:~~

- ~~1. Animals kept as household pets are permitted and are subject to each of the following limitations:~~

- ~~1. The maximum number of dogs per household is three (2) dogs.~~
- ~~2. The maximum number of cats per household is four (4) cats.~~

~~Offspring less than six (6) months old of permitted household pets shall not be counted _____ or _____ regulated.~~

~~Applicants may be granted a conditional use permit that waives the above limitations for a service animal, such as a guide dog, or an animal that is being trained to provide such assistance.~~

- ~~2. The following animals are permitted at a maximum rate of one hundred (100) large animal points per acre. Large animal points are assigned based on the following table:~~

Animal	Large Animal Points
Horse, donkey, or mule	50
Cattle: cow, heifer, steer, or bull	50
Pig	50
Goat: billy	50

Ostrich	50
Llama or alpaca	25
Emu	25
Miniature horse or donkey	25
Sheep	15
Goat: female or wether	15

- 3.—
Offspring less than twelve (12) months old of a permitted small animal shall not be counted or regulated.
- 4.—
The following animals are permitted at a maximum rate of one hundred (100) small animal points per acre. Small animal points are assigned based on the following table:

Animal	Small Animal Points
Rooster Chicken	5
Rabbit	5
Turkey	5
Duck	5
Goose	5
Hen chicken	1
Game bird such as quail or pheasant	1
Pigeon	1

- 5.—
Offspring less than six (6) months old of a permitted small animal shall not be counted or regulated.

~~6. The animals permitted by subsections B and C of this section are independent of, and in addition to, the household pets permitted by subsection A of this section. In addition, residents are permitted to have any combination of permitted large and small animals as long as the combination does not exceed one hundred (100) large animal points per acre plus one hundred (100) small animal points per acre.~~

19.34.0970 Required Setbacks For Animal Land Uses

	Street Line, Public/Private	Dwelling Unit; Same Lot	Dwelling Unit; Adjacent Lot	Lot Line
Barns, stables, coops, beehives, and other accommodations for non-household pets (over more than 50 square feet)	50 75 feet	35 20 feet	50 feet	20 feet
Barns, stables, coops, beehives, and other accommodations for non-household pets (under less than 50 square feet)	50 feet	10 feet	35 feet	10 feet
Manure piles, manure pits	150 feet	100 feet	100 feet	20 feet

19.34.10080 Surface Drainage

Surface drainage from barns, corrals, stables, coops and other similar buildings shall not be permitted to drain into a waterway that drains into a natural stream or canal.

19.34.11090 Restraint Of Livestock And Pets

All livestock and pets shall be so restrained that they shall not damage or destroy adjacent property and must comply with the Nibley City animal control, nuisance and noise regulations, including those listed in NCC 9.02, "Animal Control".

19.34.1200 Creation And Continuation Of Nonconforming Uses

- A.** Established animal land uses that are impacted by an ordinance change, including rezoning, to a more restrictive animal land use regulation shall be allowed to continue as a legally nonconforming land use (sometimes known as a "grandfathered" land use), with these additional provisions:
- B.** The established animal land use must have been a legal land use that conformed to the previous, less restrictive regulations.
- C.** The burden of proving the established animal land use rests on the landowner.
- D.** The legally nonconforming animal land use will be lost if it is interrupted for more than twelve (12) continuous months. A legally nonconforming use is associated with the property on which it is established.
- E.** An increased intensity of non-animal land uses, including subdivision of property and new building construction, on lots with legally nonconforming animal land uses shall not be allowed.
- F.** Agricultural areas are established to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the city.

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