Nibley City
Planning Commission Meeting
Thursday, August 8, 2024
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 electronically via the meeting link provided at www.nibleycity.com .

1. **Public Hearing:** Ordinance 24-10: Development Agreement with Stokes Nature Center for the construction of an Outdoor Learning Space and Nature Park on parcel 03-004-0011, located at 99 W 2600 S, setting forth conditions and standards for its construction, including exceptions to requirements for the inclusion of public trails and the dedication of water shares or rights
2. **Discussion and Consideration:** Recommendation for Ordinance 24-10: Development Agreement with Stokes Nature Center for the construction of an Outdoor Learning Space and Nature Park on parcel 03-004-0011, located at 99 W 2600 S, setting forth conditions and standards for its construction, including exceptions to requirements for the inclusion of public trails and the dedication of water shares or rights
3. **Public Hearing:** Ordinance 24-08: Amending 19.12.040 Mixed Residential Zone R-M, including adjustments to maximum density, required open space and adding parcel 03-227-0003, located at 1301 W 2600 S to the R-M application map
4. **Public Hearing**: Ordinance 24-09: Rezone Parcel 03-227-0003, located at 1301 W 2600 S, from Residential (R-2) to Mixed Residential (R-M)
5. **Discussion and Consideration**: Recommendation for Ordinance 24-08: Amending 19.12.040 Mixed Residential Zone R-M, including adjustments to maximum density, required open space and adding parcel 03-227-0003, located at 1301 W 2600 S to the R-M application map
6. **Discussion and Consideration**: Recommendation for Ordinance 24-09: Rezone Parcel 03-227-0003, located at 1301 W 2600 S, from Residential (R-2) to Mixed Residential (R-M)
7. 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

August 8, 2024

Agenda Item #1 & #2: Stokes Nature Center Development Agreement

Description

Public Hearing: Ordinance 24-10: Development Agreement with Stokes Nature Center for the construction of an Outdoor Learning Space and Nature Park on parcel 03-004-0011, located at 99 W 2600 S, setting forth conditions and standards for its construction, including exceptions to requirements for the inclusion of public trails and the dedication of water shares or rights

Discussion and Consideration: Recommendation for Ordinance 24-10: Development Agreement with Stokes Nature Center for the construction of an Outdoor Learning Space and Nature Park on parcel 03-004-0011, located at 99 W 2600 S, setting forth conditions and standards for its construction, including exceptions to requirements for the inclusion of public trails and the dedication of water shares or rights

Department

Planning

Action Type

Legislative

Recommendation

Approval of Ordinance 24-10: Development Agreement with Stokes Nature Center for the construction of an Outdoor Learning Space and Nature Park on parcel 03-004-0011, located at 99 W 2600 S, setting forth conditions and standards for its construction, including exceptions to requirements for the inclusion of public trails and the dedication of water shares or rights

Reviewed By

City Planner, City Engineer, Public Works

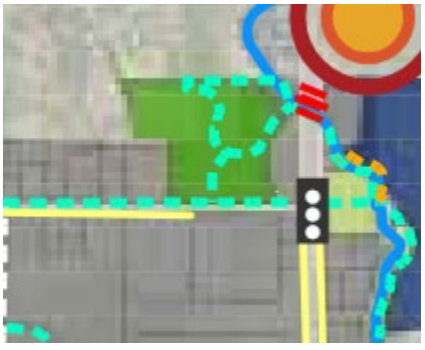
Background

On June 27, 2024, the Planning Commission approved a concept plan for a Stokes Nature Center Outdoor Classroom & Nature Park with the following conditions:

1. The applicant will be required to resolve all plan review comments of City Staff.
2. The applicant must complete and record a Post Construction Stormwater Agreement
3. A Development Agreement must be reviewed by Planning Commission and approved by City Council which provides an exception to Nibley City Code requirements for the provision of public trails and dedication of water rights or shares to support projected outdoor water use.
4. The applicant is required to dedicate additional Right-of-Way for 2600 S in accordance with Transportation Master Plan and dedicate a 10' public utility easement

The proposed agreement is in support of condition 3 noted above.

The adopted Trails Master Plan includes 10' wide major trails through the site. The applicant has expressed that due to the conservation easement restrictions on the property, which is held by Utah Department of Wildlife Resources (UDWR), public trails are not allowed on the property. The applicant would like to petition the City to consider a development agreement that would except them from this requirement, due to this restriction.



1Nibley Master Trails Plan exerpt

NCC 19.24.220(E) provides that water rights or shares must be provided with new development at a rate of 1 share of water stock per acre to be developed. In addition, developers are required in all zones, to provide Nibley City with water shares or rights sufficient to serve the culinary needs of the development in accordance with Utah R201-510. The applicant has proposed to retain existing shares to use for irrigation purposes across the site. Similar to the trail exception

noted above, this would require an exception within the development agreement. Staff recommends that, at a minimum, the applicant be required to provide water shares or rights sufficient to service to projected indoor culinary use.

Specifically, the proposed agreement provides the following provisions:

1. The Developer is required to provide its own irrigation water for the development and dedicate to the City sufficient shares to service the culinary needs of the development. No culinary water shall be used for irrigation purposes by the Nature Park.
2. Other than the 10 ft wide pathway on 2600 South, The City agrees to except this Development from the requirement to build or dedicate land for trails in accordance with the Nibley City Trails Master Plan and Nibley City Code 21.12.060(F)(1).
3. The Developer agrees to dedicate additional right of way for the construction of 40 ft of the width, measuring from the center line of 2600 South on the front of the Development and meet current arterial roadway standards. Stormwater curb cuts along 2600 S. will be designed to prevent excessive spread outside the gutter pan.
4. Developer shall complete and record a post construction Storm Water Maintenance Agreement.
5. Developer shall provide a new water meter outside of the swale for serving the Development.

Agenda Item #3 & #5: R-M Zone Changes

Description

Public Hearing: Ordinance 24-08: Amending 19.12.040 Mixed Residential Zone R-M, including adjustments to maximum density, required open space and adding parcel 03-227-0003, located at 1301 W 2600 S to the R-M application map

Discussion and Consideration: Recommendation for Ordinance 24-08: Amending 19.12.040 Mixed Residential Zone R-M, including adjustments to maximum density, required open space and adding parcel 03-227-0003, located at 1301 W 2600 S to the R-M application map

Department

Planning

Action Type

Legislative

Recommendation

Approval of Ordinance 24-08: Amending 19.12.040 Mixed Residential Zone R-M, including adjustments to maximum density, required open space and adding parcel 03-227-0003, located at 1301 W 2600 S to the R-M application map with the following conditions and findings below.

Reviewed By

City Planner, City Engineer, Public Works

Background

Al Bingham, authorized representative of Wesley Nelson Farms Inc, owner of parcel 03-227-0003, located at 1301 W 2600 S, has requested amendments to NCC 19.12.040. These amendments include the following:

1. Add parcel 03-227-0003 to the R-M application map as an eligible area.
2. Increase the allowable density from 10 units per net developable acre to 12 units per developable acre (removing 'net').
3. Reduce the required open space for multi-family or mix of single-family and multi-family from 35% of net developable acreage to 20% of net developable acreage.
4. A variance to the street design standards to not require 2500 South, which is a master-planned street between 1200 W and Heritage Drive.

In addition to these requests, the applicant has provided a concept plan to illustrate their current intentions for developing the property. It is important to note that approval of the code changes or rezone does not constitute approval of a specific development plan, but may be referenced to understand the applicant's intention for future development.

General Plan Guidance and Staff Analysis

Below is an analysis of each requested amendment:

Add parcel 03-227-0003 to the R-M application map as an eligible area.

The Future Land Use Map, an appendix to the general plan, designates this area as 'Commercial and Medium to High Density Residential'. The R-M zone, which allows a mix of uses and residential density up to 10 units per net developable acre would support this future land use designation.

Increase the allowable density from 10 units per net developable acre to 12 units per developable acre (removing 'net').

The requested increase in allowable density from 10 units per net developable acre to 12 units per developable acre would conflict with the adopted Transfer of Development Rights (TDR) ordinance. NCC 19.48.030(C)(5) provides that R-M eligible areas have a base density of 10 units per net developable acre with an allowable density increase to 20 units per net developable acre with transfer of development rights. These thresholds were recommended and adopted to incentivize the use of TDR, in order to preserve open space in designated sending areas.

In addition, the measure of net developable acre for the calculation of density is standard within Nibley City Code, specifically with the Residential- Planned Unit Development (R-PUD) ordinance and Open Space Subdivision ordinance. For consistency, Staff recommends retaining this measure. Calculating all developable or gross density would effectively increase the amount of allowable density by 20-30% since the area dedicated for rights-of-way and sensitive lands are no included for net developable acreage. If the City is supportive of increasing the amount of allowable base density in the R-M zone, Staff recommends retaining the net developable acreage measure for consistency.

Reduce the required open space for multi-family or mix of single-family and multi-family from 35% of net developable acreage to 20% of net developable acreage

The currently adopted R-M zoning standards were largely patterned after the R-PUD ordinance, which requires 35% of net developable acreage be dedicated as open space. This requirement has proven effective at preserving open space resources, providing an open design, with space for recreational amenities and uses, despite additional housing density compared to traditional neighborhoods in the community.

The Nibley City General Plan emphasizes the preservation of open space throughout the document as an important community value. The vision statement for Residential Development and Housing states the following:

> *While retaining the character and form of established neighborhoods, residential development in Nibley will emphasize the conservation of open space and, using that conservation process, will incorporate a variety of housing forms.*

In order to continue to effectively preserve open space as areas within the R-M zone are developed, Staff recommends retaining the current standard of 35% of net developable acreage.

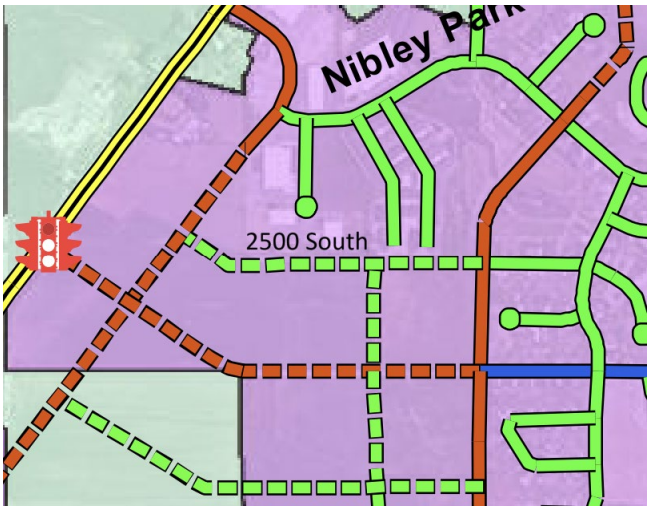
A variance to the street design standards to not require 2500 South, which is a master-planned street between 1200 W and Heritage Drive.

The currently adopted "Master Street Plan,' an appendix of the Transportation Master Plan, last updated shows a future local road connection between 1200 W and the planned Heritage Drive at 2500 S. As this area develops with the medium to high density residential and commercial uses planned, retaining street connectivity is important to disperse traffic, provide for direct connections for all street users (including pedestrians and bicyclists), improve emergency access and support effective street maintenance. NCC 19.12.040(K) emphasizes street connectivity with the following statement:

Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

The 2500 South connection will support these objectives. Therefore, Staff is not supportive of any exception or variance for the requirement to provide this connection.

Furthermore, if the City feels that the requirement for a 2500 South connection is not needed, the proper process for not requiring it would be to remove it from the Transportation Master Plan through the Master Plan amendment process, not as a special exception within City Code.



2Nibley Master Transportation Plan exerpt

Previous Action on R-M Zone

On September 1, 2022, the Planning Commission recommended changes to the R-M zone, including the following:

- Add the subject property at 1301 W 2600 S to the map of eligible areas for the R-M zone.
- Lower the maximum density of the R-M zone from 20 units/gross acre to 13 units/net developable acre in keeping with the scale of development in the City. This density threshold was later changed to 10 units/net developable acre as part of the TDR ordinance, as described above.

1. Stronger guidelines to ensure that open space is more contiguous and integrated with adjacent open space, including raising the minimum park area from 0.25 acre to 0.5 acre and a requirement that 50% of the open space must be contiguous with 25% bordering a ROW, easement, park or trail. In addition, the Planning Commission recommends that areas within building front yard setbacks are not counted toward required open space, since these areas have minimal usable benefit and are already required by the setback standard. These standards will help ensure that open space is more usable and integrated.

- A requirement that the development must incorporate at least 2 housing types and that no more than 80% of the development be composed of only one housing type. This is

intended to ensure that developments within an R-M zone contribute to providing a variety of housing types in the City.

Upon hearing this recommendation and hearing concerns from the subject property owner, the City Council formulated an ad-hoc committee, which included the applicant to reconsider these amendments. The committee met a few times and reviewed some concepts, but the applicant did not recommend any specific code changes at that time. The City Council, ultimately, did not adopt the recommended code changes.

Included in this packet are the recommended code changes that Planning Commission recommended at that time. The Planning Commission may consider reviewing and incorporating these changes as part of this code amendment.

However, Staff's formal recommendation for the current application is to adopt the code amendment which adds the property to the map as an eligible R-M zone property and omit the remaining requested changes to the code.

Conditions

1. Limit requested amendments to NCC 19.12.040 to adding parcel 03-227-0003 to the R-M application map as an eligible area.
2. The approved amendment does not constitute approval of any development plan, including the concept plan provided with the rezone and code change application.

Findings

1. The R-M zone is compatible with the 'commercial and medium to high density residential' designation of the City's adopted future land use map.
2. The Nibley City General Plan emphasizes the preservation of open space.
3. The current density threshold for R-M zone is appropriate to accomplish the zone's purpose, while incentivizing open space preservation through transfer of development rights.
4. The Transportation Master Plan emphasizes improved street connectivity. The inclusion of 2500 South, as shown on the Master Streets Plan, is in support of this emphasis.

Agenda Item #4 & #6: 1301 W 2600 S Rezone- R-2 to R-M

Description

Public Hearing: Ordinance 24-09: Rezone Parcel 03-227-0003, located at 1301 W 2600 S, from Residential (R-2) to Mixed Residential (R-M)

Discussion and Consideration: Recommendation for Ordinance 24-09: Rezone Parcel 03-227-0003, located at 1301 W 2600 S, from Residential (R-2) to Mixed Residential (R-M)

Department

Planning

Action Type

Legislative

Recommendation

Approval of Ordinance 24-09: Rezone Parcel 03-227-0003, located at 1301 W 2600 S, from Residential (R-2) to Mixed Residential (R-M) with the condition and findings below.

Reviewed By

City Planner, City Engineer, Public Works

Background

Al Bingham, authorized representative of Wesley Nelson Farms Inc, owner of parcel 03-227-0003, located at 1301 W 2600 S, has requested a Rezone from Residential (R-2) to Mixed Residential (R-M).

Applicant Statement

What is the need for the proposed zone change?
Planned Unit Development (Townhomes)

What will the public benefit be if the zone change is granted?

Affordable housing at a lower starting point.

How does the proposal comply with the goals and policies of the Nibley City General Plan?

Provide affordable housing especially for first time homebuyers.

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

Commercial is to the west - residential on the east will be a bridge between the commercial and current residential

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

2600 South and Heritage Drive (soon to be with commercial development)

In addition to these requests, the applicant has provided a concept plan to illustrate their current intentions for developing the property. It is important to note that approval of the code changes or rezone does not constitute approval of a specific development plan but may be referenced to understand the applicant's intentions for future development.

Site Context

The vacant property, currently used for agriculture is 18.94 acres. To the north is Discovery Park (disc golf course), the Spring Creek Crossing townhomes and the Sierra Commercial Business Park, which includes a body care product retail store, a machine shop, and an assistive device manufacturing facility. To the west is a vacant, commercially zoned parcel, that recently received approval for the development of a shopping center. To the south is vacant, residentially-zoned property, including Heritage Parkway, which recently received preliminary plat approval. To the east is an existing single-family neighborhood. The property is serviced by two arterial roadways, 1200 West to the East and 2600 South to the South.

General Plan Guidance

The Future Land Use Map designates this property as "medium to high density residential". Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*
- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Residential Development and Housing Goal 1: Ensure that new residential development is compatible with existing development and protects Nibley's rural character and natural resources.*

In addition, Strategy 4 of the adopted Moderate-Income Housing Plan, an appendix to the General is "Rezone for densities necessary to facilitate the production of moderate-income housing," with a specific benchmark to consider additional areas in which the R-M zone could apply.

Based upon the context of the site and the guidance provided in the Future Land-Use Map and goals of the general plan, Staff has determined that this application is in support of the General Plan.

Conditions

1. The Rezone does not go into effect until and unless NCC 19.12.040(F) is amended to include Parcel 03-227-0003 as an eligible R-M area.
2. The Rezone does not constitute approval of any development plan, including the concept plan provided with the rezone and code change application.

Findings

1. The Future Land Use Map designates this property as “medium to high density residential”
2. Strategy 4 of the adopted Moderate-Income Housing Plan, an appendix to the General is “Rezone for densities necessary to facilitate the production of moderate-income housing”

ORDINANCE 24-10

DEVELOPMENT AGREEMENT WITH STOKES NATURE CENTER FOR THE CONSTRUCTION OF AN OUTDOOR LEARNING SPACE AND NATURE PARK ON PARCEL 03-004-0011, LOCATED AT 99 W 2600 S, SETTING FORTH CONDITIONS AND STANDARDS FOR ITS CONSTRUCTION, INCLUDING EXCEPTIONS TO REQUIREMENTS FOR THE INCLUSION OF PUBLIC TRAILS AND THE DEDICATION OF WATER SHARES OR RIGHTS

WHEREAS, UCA 10-9-532(2)(a)(iii) provides that the City may enter into a development agreement which includes provisions which the City Code would otherwise prohibit provided that the agreement is approved in accordance with the same procedures for enacting a land use regulation under UCA 10-9a-502 ; and

WHEREAS, The Planning Commission has conditionally approved a Site Plan for the construction of an outdoor learning space and nature park; and

WHEREAS, Stokes Nature Center has indicated that the provision of a public trail would be a violation of the conservation easement held by the Utah Division of Wildlife Resources; and

WHEREAS, Stokes Nature Center has demonstrated the ability to irrigate the property's intended outdoor use without culinary water use.

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

1. The attached NIBLEY CITY DEVELOPMENT AGREEMENT be approved.
2. The Agreement shall not take place until the Developer and City have signed the attached Agreement.
3. All ordinances, resolutions and polices 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 and law, order, resolution or ordinance or part thereof.

PASSED BY THE NIBLEY CITY COUNCIL THIS ___ DAY OF _____, 2024.

_____
Larry Jacobsen, Mayor

ATTEST:

_____
Cheryl Bodily, City Recorder

NIBLEY CITY DEVELOPMENT AGREEMENT WITH THE STOKES NATURE CENTER

This Development Agreement ("**Agreement**") is entered into by NIBLEY CITY ("**City**") and STOKES NATURE CENTER, a 501(c)(3) non-profit organization ("**Developer**"), and is effective as of the date that it is executed by all parties, as shown by the signatures contained herein.

Commented [U1]: Check if I addressed their company correctly

RECITALS

A. Developer owns or otherwise has the right to develop certain property located within the City and seeks to develop the same ("**Development**"), containing approximately 9.77 acres, which property is more particularly described as:

Parcel #03-004-0011

BEG 20 RDS N & 16 RDS E OF SW COR OF SE/4 OF SE/4 SEC 16 T 11N R 1E, TH N 3 RDS W 13 RDS N 13 RDS W 3 RDS N 89 FT E 670 FT SE'LY TO PT E OF BEG W TO BEG CONT 4.95 AC SUBJ TO PIPELINE EASEMENT 453/515 ALSO: BEG 683 FT N & 679 FT W FROM SE COR SEC 16 T 11N R 1E, TH E 132.5 FT SE'LY TO W LINE OF STATE ROAD, S'LY ALG SD W LINE TO ITS INTERSECT WITH S LINE OF SE/4 SD SEC 16 W 744 FT N 20 RDS E IN NIBLEY CORP LIMITS TO ITS CHANGE IN DIRECTION RUNNING NW'LY TH NW'LY TO BEG CONT 6.42 AC LESS 0.06 AC TO UDOT 485/881 LESS: BEG AT S/4 COR SEC 16 T 11N R 1E & TH S 89*56'07" E 2198.5 FT ALG SEC LN TH N 0*03'53" E 16.5 FT TO N LN OF 2600 S ST & TRUE POB TH S 89*56'07" E 122.02 FT ALG SD ST TO W LN OF HWY 165 TH ALG HWY IN 3 COURSES: N 34*54'26" E 14.95 FT TH N 1*17'40" W 402.77 FT TH N 2*55'10" W 62.39 FT TH LEAVING HWY N 40*46'48" W 33.75 FT TH S 37*16'04" W 251.25 FT TH S 10*27'39" E 307.83 FT TO TRUE POB CONT 1.54 AC M/B (0027) NET 4.82 AC CONT 9.77 AC M/L IN ALL A R/W OVER 1 RD IN WIDTH ON BOTH SIDES & RUNNING FULL LENGTH OF ALL QUARTER SEC LINES WITHIN SD SEC WHICH IS RESERVED & FOREVER DEDICATED TO THE PUBLIC USE AS HIGHWAYS

B. The Development is zoned under applicable City land use regulations as Park/School Zone ("**Zoning**").

C. Developer desires to create an outdoor learning space for preschool and elementary use that will also be used as a nature park and location for outdoor events ("**Nature Park**").

D. Developer has prepared a site plan and documents for the Development, which plans show the proposed uses and improvements for the Development ("**Site Plan"**), which Site Plan is attached and incorporated herein as Exhibit A.

E. City has, determined that the approval of this Agreement with Developer, and the establishment thereby of specific requirements, elements, and aspects of the Development,

some or all of which are not currently allowed under the Zoning, will result in benefits to the City and its residents that are not provided by the Zoning.

F. The Parties therefore desire to enter into this Agreement in order to provide specific requirements, elements, conditions, and standards that will govern the Development.

TERMS

1. **Compliance with Regulations.**

    a. The Development remains subject to all terms, conditions, and requirements of the Zoning and all other applicable federal, state, county, and City laws, ordinances, codes, standards, and land use regulations applicable to the Development and to any building, improvement, landscaping, excavation, or other work required or related to the Development, including but not limited to payment of fees and compliance with design, construction, and building and fire code standards. Developer shall be subject to all land use decision, including as detailed in the Record of Decision dated June 28, 2024 by the Nibley City Planning Commission attached here as Exhibit B. This Agreement does not grant any land use approval or land use permit, and Developer agrees to apply for all such required approvals and permits prior to commencing any work or construction.

    b. To the extent that the terms, conditions, and requirements of this Agreement and the Development Plans expressly modify or are in direct conflict with the Zoning or another City-adopted ordinance, standard, or land use regulation applicable to the Development, this Agreement shall control and take precedence, but only to the extent of the express modification or direct conflict.

    c. Nothing herein alters any current non-conforming status of the Development.

2. **Construction of Nature Park.** Developer shall be entitled to construct, and maintain the Nature Park in a manner substantially similar to and in substantial compliance with the Site Plan, attached hereto, and the terms, conditions, and requirements set forth below. The express terms of this Agreement shall control and take precedence in the event of a conflict between the Site Plan and this Agreement.

    a. Improvements. Improvements including a pavilion, picnic tables, yurts, and other improvements shall be constructed in accordance with the site plan as shown in Exhibit A. Deviations or additions to the Site Plan shall receive direct approval from the City before they are initiated.

    b. Permits: Permits shall be obtained for all improvements as required under the Nibley City Code and shall conform to all design standards imposed by the Nibley City Code on like structures.

    c. Water Rights: The Developer shall be required to provide its own irrigation water for the Development. For irrigation, the Developer agrees to maintain _____ water shares that are sufficient for the needs of the Nature Park. Developer agrees to make

reasonable efforts to ensure that these water shares will always be available to maintain the Nature Park during its existence. The Developer shall dedicate to the City ____ shares of culinary water for use on the Development. No culinary water shall be used for irrigation purposes by the Nature Park.

d. Trail: Other than the 10 ft wide pathway on 2600 South, The City agrees to except this Development from the requirement to build or dedicate land for trails in accordance with the Nibley City ~~Master Transportation Plan~~Trails Master Plan and Nibley City Code 21.12.060(F)(1).

e. Road: The Developer agrees to dedicate additional right of way for the construction of 40 ft of the width, measuring from the center line of 2600 South on the front of the Development as depicted on the City's Master Transportation Plan as well as a 10 ft-wide public utility easement fronting 2600 S. The 40-ft represents half of the width 2600 S. The Developer shall provide for the construction or an improvement warranty for the construction of 2600 S. to the current arterial standards which include but are not limited to the following standards:

1. 6-inches of asphalt
2. 8-inches of base course
3. 12-inches of granular borrow
4. Provide striping for a bike lane
5. Provide for the construction of a sidewalk, curb and gutter
6. Provide a streetlight on 2600 S. in accordance with City standards.

f. Stormwater Maintenance Agreement: Developer shall complete and record a post construction Storm Water Maintenance Agreement.

g. Water Meter: Developer shall provide a new water meter outside of the swale for serving the Development in accordance with City standards, or shall provide for grading the ground around the existing water meter to prevent flooding, which grading must be approved by the City.

h. Storm ~~W~~ater: Storm water curb cuts along 2600 S. will be designed to prevent excessive spread outside the gutter pan as determined by Nibley City.

3. **Reserved Legislative Powers.** The execution of this Agreement and the establishment of the vested rights shall not prevent the City, pursuant to the exercise of its legislative authority and power, to amend, enact, or repeal any provision of the Zoning or any other ordinance, specification, standard, or code, provided that no such legislative action shall reduce or eliminate the Developer's vested rights under this Agreement unless facts and circumstances are present and specifically found by the governing body of the City that meet the compelling, countervailing public interest exception to the vested rights doctrine under Utah law. Any such proposed legislative action affecting the vested rights shall be of general application to all development activity in the City.

4. **Recordation.** This Agreement, including the Development Plans, shall be recorded against title to all real property that is included the Development prior to any further land use

application, permit, or approval being sought for the Development. Developer shall ensure that there are no holders of interest that are superior in title to this Agreement, and that all interests, including but not limited to liens, mortgages, deeds of trust, and other similar instruments, have been made subordinate to this Agreement. Developer shall provide such documentation as is necessary to establish the fact of the recordation and of the priority of this Agreement prior to receiving any further approval related to the Development.

5. **Assignment; Successors Bound.** This Agreement may be assigned and transferred by Developer. This Agreement shall run with the land and be binding on and inure to the benefit of the successors and assigns of Developer, such that any person who obtains any right, title, or interest to any portion of the Development shall be bound by the rights and obligations of this Agreement and shall be responsible for performance of Developer's obligations related to such portion in the same manner as Developer. All assignees, transferees, and successors in interest shall be bound by all terms of this Agreement applicable to Developer as though such party were named herein as Developer.

6. **Modifications to Development.**

    a. Developer shall develop, construct, improve, and maintain the Nature Park in a manner substantially similar to and in substantial compliance with the Site Plan and this Agreement, provided that Developer may adjust the final placement or location of the Site Plan and improvements within and upon the Development as approved by the City and through the City building permit review and approval processes.

7. **Term.** The term of this Agreement shall commence as of the Agreement's effective date and shall continue until it is terminated, rendering the Development subject to the general zoning regulations applicable to the affected property, as set forth herein:

    a. The Agreement may be terminated due to the uncured breach or default of one of the parties hereto, subject to the provisions set forth in Section 15.

    b. The Agreement may be terminated by the mutual agreement of the parties.

    c. The Agreement may be terminated by the City if Developer fails to begin construction on improvements with the Nature Park within twelve (12) months after the effective date of this Agreement, or fails to complete the construction of the Nature Park within twenty-four (24) months after the effective date of this Agreement.

    d. Developer may apply for an extension of the deadlines set forth in this Section from the governing body of the City, who may grant an extension, with such terms and conditions as the body finds expedient, upon a finding of good cause for the delay or extension.

8. **Default**.

    a. In the event of a breach or default of any term of this Agreement, the non-breaching party shall provide written notice to the breaching party. Such notice shall describe

the alleged breach, the applicable provisions of this Agreement, and the actions necessary to remedy and cure the breach.

b. Within 30 days after the date of such notice, the breaching party shall either:

i. cure the breach and notify the non-breaching party, in writing, of the actions taken to cure the breach; or

ii. notify the non-breaching party, in writing, why the breach cannot be cured within 30 days and establishing a reasonable time to cure such breach, with a description of the actions to be taken by the breaching party.

c. In the event the breaching party does not cure the breach or default within the specified timeframes, the non-breaching party may declare this Agreement to be terminated and send written notice of such declaration to the breaching party.

9. **Severability.** Each provision of this Agreement shall be separate, severable, and distinct from each other provision hereof, and the invalidity, unenforceability, or illegality of any such provisions shall not affect the enforceability of any other provision hereof.

10. **No Waiver.** Failure of a party to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise, at some future time, said right or any other right it may have hereunder, provided that this provision shall not operate to excuse Developer's non-compliance with the deadlines set forth in Section 14. No modification, waiver, or amendment to any right, term, condition, obligation, or provision of this Agreement shall be valid unless adopted through the process set forth in Section 13.

11. **Entire Agreement.**

a. This Agreement is the entire agreement between the Parties with respect to the Development and the special rights and obligations granted to and assumed by Developer related to the Development.

b. This Agreement shall supersede all prior agreements, conversations, understandings, contracts, and representations related to the Development or any term or provision of this Agreement. Neither party shall rely on or attempt to enforce any statement or representation, not contained herein, made by any person regarding the Development or Developer's rights and obligations thereto.

12. **Enforcement and Governing Law.** This Agreement may be enforced by any means available to the parties, subject to the notice and default provisions set forth in Section 15. This Agreement shall be governed by the laws of the State of Utah, and any court proceedings shall be brought in the First Judicial District Court of the State of Utah. Prior to initiating any such litigation, the parties shall first attempt to mediate or seek an advisory opinion regarding any dispute related to this Agreement through the Utah Property Rights Ombudsman's office or another qualified mediator that both parties agree upon. A party that prevails in any litigation following such mediation or opinion regarding this

Agreement shall be entitled to recover their reasonable court costs and attorney fees related to the litigation.

13. **Third Parties.** This Agreement is intended for the sole benefit of the named parties thereto. No third party, except for permitted assignees, transferees, and successors-in-interest, shall have any right to enforce any of the terms or obligations herein contained.

14. **Representations.** The persons signing this Agreement on behalf of the parties represent and warrant that they have the authority and authorization to execute the Agreement on behalf of the respective party such that the party will be bound by all rights, obligations, terms, and conditions herein, and that all steps, requirements, and processes necessary for a party to approve and execute the Agreement have each been completed.

For Nibley City:

By: _____

~~Mayor~~City Manager

Date: _____

Attested by:

_____

City Recorder

For Developer: STOKES NATURE CENTER

By: _____ Date: _____

Name: _____ Title: _____

STATE OF UTAH)
: ss
County of _____)

On the ____ day of _____, 20____, personally appeared before me, _____, the _____ of Developer, the signer of the foregoing instrument, who duly acknowledged to me that they executed the same.

_____
NOTARY PUBLIC

STATE OF UTAH)
: ss
County of _____)

On the ____ day of _____, 20____, personally appeared before me, _____, the _____ of Developer, the signer of the foregoing instrument, who duly acknowledged to me that they executed the same.

_____
NOTARY PUBLIC

FORSGREN Associates Inc.

Calculated By: Craig Rasmussen, S.E.
Date 31-Jul-24

Stokes Nature Center - Water Use Calculation

Proposed Site Use *	No. Facility Users	Usage Per Month	Partial Day Use	Equiv. Person Days/Month	Months Per Year	Annual Person Days
Outdoor Learning Space	10	16	0.5	80	5	400
Field Trips	28	2	0.3	16.8	6	100.8
Special Events - Pavilion	30	2	0.3	18	8	144
Amphitheater	60	2	0.25	30	6	180
Yurts (2)	50	5	0.5	125	8	1000
Nature Park Standard Use (avg)	65	12	0.3	234	5	1170
Nature Park Special Events	175	0.5	0.25	21.875	5	109.4
					Total	3104.175
					Use	3105
					gallons per day/person	20
					Average Yearly Demand (gallons)	62,100
					Acre-feet	0.191

Utah Code R309-510-7. Source Sizing
(2) Indoor Water Use. Table 510-1
Semi-Developed Camp 20 gpd/person
Peak Day Demad
Per Note 1. Average Yearly Demand shall be caluclated by multiplying the number of days the system in the operating period times the peak day demand.

* Proposed Site Use data is as noted in the 17 June 2024 Stokes Nature Center Site Plan Review Document

Table 510-1 Source Demand for Indoor Use		
Type of Connection	Peak Day Demand	Average Yearly Demand
Year-Round Use		
Residential	800 gpd/conn	146,000 gal./conn
Equivalent Residential Connection (ERC)	800 gpd/ERC	146,000 gal./ERC
Seasonal / Non-Residential Use		
Modern Recreation Camp	60 gpd/person	(See Note 1)
Semi-Developed Camp a. With pit privies b. With flush toilets	 5 gpd/person 20 gpd/person	 (See Note 1) (See Note 1)
Hotels, Motel & Resort	150 gpd/unit	(See Note 1)
Labor Camp	50 gpd/person	(See Note 1)
Recreational Vehicle Park	100 gpd/pad	(See Note 1)
Roadway Rest Stop	7 gpd/vehicle	(See Note 1)
Recreational Home Development (i.e., developments with limited water use) [See Note 2]	400 gpd/conn	(See Note 1)

NOTES FOR TABLE 510-1:

Note 1. Average yearly demand shall be calculated by multiplying the number of days in the designated water system operating period by the peak day demand unless a reduction has been granted in accordance with R309-510-5.

Note 2. To be considered a Recreational Home Development (i.e., developments with limited water use) as listed in Table 510-1, dwellings shall not have more than 8 plumbing fixture units, in accordance with the state-adopted plumbing code, and shall not be larger than 1,000 square feet. For a new not-yet-constructed development to be considered as a development with limited water use, it must have enforceable restrictions in place that are enforced by the water system or local authority and are accepted by the Director.

Guidance: The Division of Drinking Water is in the process of proposing a study to gather water use data from public water systems representing various sizes, types, and locations throughout the state. The residential source demand requirements in Table 510-1 will be re-evaluated based on the water use study data.

TABLE 510-2 Source Demand for Indoor Use - Individual Establishments (Note 1)	
Type of Establishment	Peak Day Demand (gpd) (Notes 2 & 3)
Airports	3

ORDINANCE 24-08

AMENDING 19.12.040 MIXED RESIDENTIAL ZONE R-M, INCLUDING ADJUSTMENTS TO MAXIMUM DENSITY, REQUIRED OPEN SPACE AND ADDING PARCEL 03-227-0003, LOCATED AT 1301 W 2600 S TO THE R-M APPLICATION MAP

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

WHEREAS, The Mixed Residential (R-M) zone is compatible with the 'commercial and medium to high density residential' designation of the City's adopted future land use map; and

WHEREAS, The Nibley City General Plan emphasizes the preservation of open space; and

WHEREAS, The current density threshold for R-M zone is appropriate to accomplish the zone's purpose, while incentivizing open space preservation through transfer of development rights; and

WHEREAS, The Transportation Master Plan emphasizes improved street connectivity. The inclusion of 2500 South, as shown on the Master Streets Plan, is in support of this emphasis.

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

1. The attached amendments to Nibley City Code 19.12.040 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 ___ DAY OF _____ 2024.

_____

Larry Jacobsen, Mayor

ATTEST: _____

Cheryl Bodily, City Recorder

TRW REVISES 7-19-2024

19.12.040 Mixed Residential Zone R-M

A. Purpose: The purpose of the Mixed Residential Zone is to provide a variety of housing types to accommodate the diverse housing preferences of the community's existing and future residents that are supported by an appropriate provision of jobs, retail, services, open space and amenities.

B. Definitions: Refer to NCC 19.04 and 19.32.020

C. Use Regulations: See NCC 19.20. Allowed uses in this zone may be provided either separately from or within the same building or lot as other allowed uses, if approved pursuant to an authorized site plan.

D. Space Requirements:

	Single-Family Home	Multi-Family Housing
Minimum Lot Size (sq. ft.)	4,500	-
Maximum Height	40'	50'
Minimum Footage	50'	-
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Yard Porches, Deck Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	

IN HERE TWICE

Accessory-Use Setbacks	Single-Family Home	Multi-Family Housing

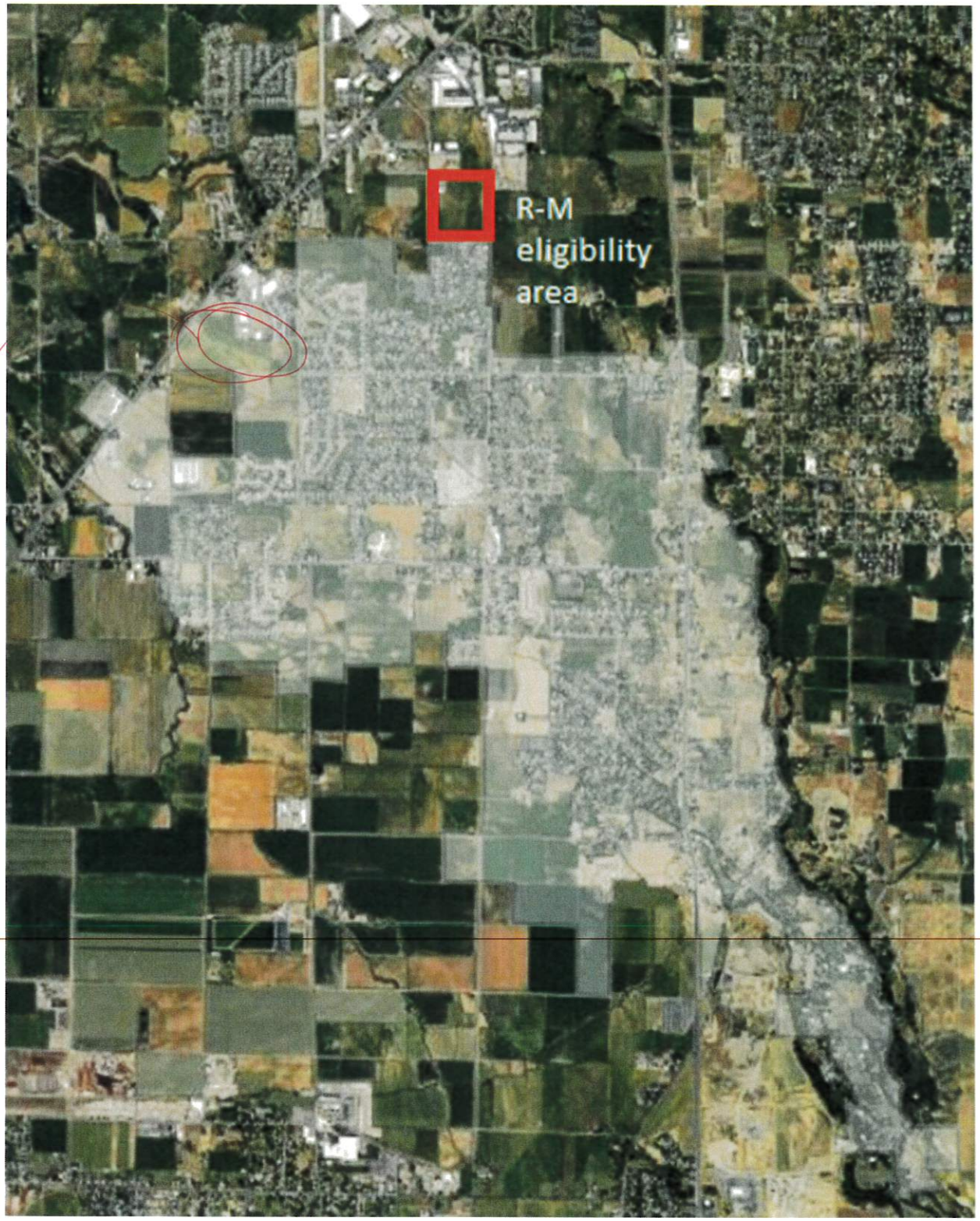
Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

1. Setback and frontage requirements shall apply to each building, and not each dwelling unit

E. Animal And Fowl Unit Regulations: See NCC 19.34.

F. R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-001-0013 and 03-001-0010, as of April 15, 2021.



G. Density Regulation

1. The maximum density of a residential development within the R-M zone shall be ~~10~~ 12 units per net developable acre.
2. A proposed Multi-family housing development adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
3. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall be considered 'multi-family housing' and shall assume the associated open space requirements of such.

H. Open Space Amenities

1. Each residential development within an R-M zone shall provide the following types and amounts of open space and amenities:

Minimum Open	
Dwelling Type	Percentage of Net Developable Required to be Used for Amenit and Open Space
Single-Family	20%
Multi-Family or Mix of Single Family and Multi-Family	35% 20%

2.

Minimum Amenity						
Number of Units	Park Area	Public Restroom	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splashpad
Less Than 100	1.5 Acres	-	-	-	1	-

100-150	2.5 Acres	-	-	1	1	-
151-200	3.5 Acres	-	-	1	2	-
201-250	4.5 Acres	1	1	1	2	-
251-300	5.5 Acres	1	1	1	2	1 of the above op
301-400	6.5 Acres	1	2	2	3	2 of the above op (At least one pool
401-500	7.5 Acres	2	2	2	3	2 of the above op (At least one pool
501+	*	*	*	*	*	*

a. This chart does not include all potential amenities. The applicant may apply for other amenities that would benefit the development and are in support of Nibley City's Parks and Recreation goals. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the required amenity. The burden shall be on the developer to provide justification and is subject to review and acceptance by staff prior to Council consideration. An applicant may include additional amenities beyond the requirements of this section.

b. Development over 500 units must supply adequate and proportional amenities based on the table above.

c. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public, Common or Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be

specified in the Development Agreement. An applicant may also provide an escrow or bond for improvements according to Nibley City Standards. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.Density Regulations

d. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.

e. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-M development shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.

f. All amenities shall meet any federal, state, city, or other standards that apply.

g. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.

h. Picnic Area: Two or more picnic tables for use by 10 or more persons.

i. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.

j. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.

k. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels,

climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.

l. Pool: A recreation facility designed and intended for water contact activities. No pool shall be less than 800 sq. ft.

m. Public Restroom: a room or small building with toilets and sinks that is available for use by the general public. One (1) public restroom shall contain at minimum 2 individual rooms with toilets and sinks (male/female or unisex). Larger restroom facilities may be required depending on the amount of activity projected at a particular open space/park area. All restroom facilities shall be built in compliance with the Americans with Disabilities Act (ADA).

n. Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

3. Maintenance of Amenities

a. All R-M developments must establish and maintain in perpetuity by the property owner or an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed.

b. Costs: Unless otherwise agreed to by the City, at the City's discretion and on such terms and conditions as the City may agree to, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property or Owners Association.

c. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat or concept site plan for proposed maintenance of amenities within the development. This plan shall outline the following:

1) The proposed ownership and responsibility for maintenance of the amenities;

2) The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;

3) The size of each amenities parcel; and

4) The proposed concept plan for landscaping of the amenities.

d. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-M application for the subdivision or development. The developer shall provide a final maintenance plan with the final plat or site plan and the plan shall contain the following:

1) Documents and plans as listed in for the Preliminary Maintenance Plan.

2) A description of the use of the amenities and how that use complies with this Chapter;

3) The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.) and any private streets and other accesses;

4) The estimated staffing needs, insurance requirements, and associated costs.

5) The landscaping plans for parcels that will be owned by an Owners Association or by the City.

e. Approval: The Final Maintenance Plan must be approved by the Administrative Land Use Authority for a Subdivision application or the specified approval authority for a site plan review application, prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the Administrative Land Use Authority for a Subdivision application or the specified approval authority for a site plan review application. .

f. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements as set forth in NCC 21.14.

g. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-M development in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.

h. Corrective Action: The City may enter onto any amenity provided as part of an R-M development and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.

i. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.

j. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-M DEVELOPMENT to allow the owner of the property to have sufficient access.

I. Multifamily Housing Architectural Design Standards

1. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.

2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.

3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, vinyl siding with a minimum of 40-year warranty, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.

4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods

5. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.

6. Variation. Multi-family housing shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width,

depending on the size of the building. The following architectural features shall be incorporated into the design of the building:

a. Change in building materials;

b. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;

c. Awnings and lighting, or another architectural variation as approved on a case-by- case basis that creates visual interest.

7. Garages. Multi-family housing shall be designed oriented toward exterior public roads with rear loading garages or parking accessed by a paved parking area or alleyway, except along Highway 165 and 89/91, as approved. Rear loading garages are highly encouraged for buildings located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for buildings that do not have any portion of the building adjacent to a current or planned public road or street outside of the development.

J. Site Design Standards.

1. Natural features. R-M developments shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features or constrained and sensitive land. The City may require the developer to identify, delineate, and describe how the development will appropriately address and obtain any required authorizations related to such features.

2. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.

K. Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

* VARIANCE FOR 2500 SOUTH

1. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient

circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.

2. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.

3. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.

4. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.

    a. Private drives shall be a minimum width of 20 ft.

    b. All private drives shall be perpendicular, within 10 degrees, to the street they connect to.

    c. Driveways that access a single dwelling unit are not considered private drives or an alleyway

    d. The maintenance of all private drives, including snow clearing, shall be addressed as part of the maintenance plan

5. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') trail or sidewalks on public streets that meet Nibley City standards.

6. No dwelling units in an R-M development shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Multi-family housing units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.

L. Pedestrian circulation. R-M development shall provide a circulation map and show the following improvements to for pedestrian circulation and safety.

1. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
2. Walkways shall be hard surfaced with concrete.
3. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
    a. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.

M. Parking: Multi-family housing shall provide 2 primary parking spaces for each unit with 2 or bedrooms and 1.5 spaces for 1 bedroom or studio units. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-M development shall provide one guest parking spot for every three units. Guest parking may be provided in parking courts or lots maintained by the property owner or owner association.

1. Individual parking courts or lots shall include landscaping with grass, trees or xeriscape plants separating parking areas of no more than 20 parking spaces Each parking area of 20 or less spaces shall be physically and visually separated by a landscape area a minimum of 10 feet in width.
2. Parking courts or lots shall be located in the interior of the development and located between or in the rear of buildings for multi-family developments.
3. Parking Courts or lots shall be paved and built to Nibley City parking lot standards.
4. Interior parking structures or garages are encouraged and shall meet Nibley City Design Standards

N. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.

1. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and

other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer should plant street trees of an approved species and size along all streets. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.

2. Buffering: R-M developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-M development that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-M development. Buffering shall meet the standards within this ordinance.

3. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.

O. Fences:

1. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-M development for the purpose to mark property lines of individual dwelling units.

2. Fencing to mark the boundary of the development or amenities must meet the following standards:

    a. Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.

    b. Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link fences are prohibited and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.

P. Approval Process

1. Subdivisions within the R-M zone must complete the approval process of NCC 21.06 to ensure compliance with this section. All multifamily development that does not require a subdivision must complete the Site Plan Review Process of NCC 19.14.050.

19.12.040 Mixed Residential Zone R-M

A. Purpose: The purpose of the Mixed Residential Zone is to provide a variety of housing types to accommodate the diverse housing preferences of the community's existing and future residents that are supported by an appropriate provision of jobs, retail, services, open space and amenities.

B. Definitions: Refer to NCC 19.04 and 19.32.020

C. Use Regulations: See NCC 19.20. Allowed uses in this zone may be provided either separately from or within the same building or lot as other allowed uses, if approved pursuant to an authorized site plan.

D. Space Requirements:

	Single-Family Home	Multi-Family Housing
Minimum Lot Size (sq. ft.)	4,500	-
Maximum Height	40'	50'
Minimum Footage	50'	-
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Yard Porches, Deck Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	

Accessory-Use Setbacks	Single-Family Home	Multi-Family Housing

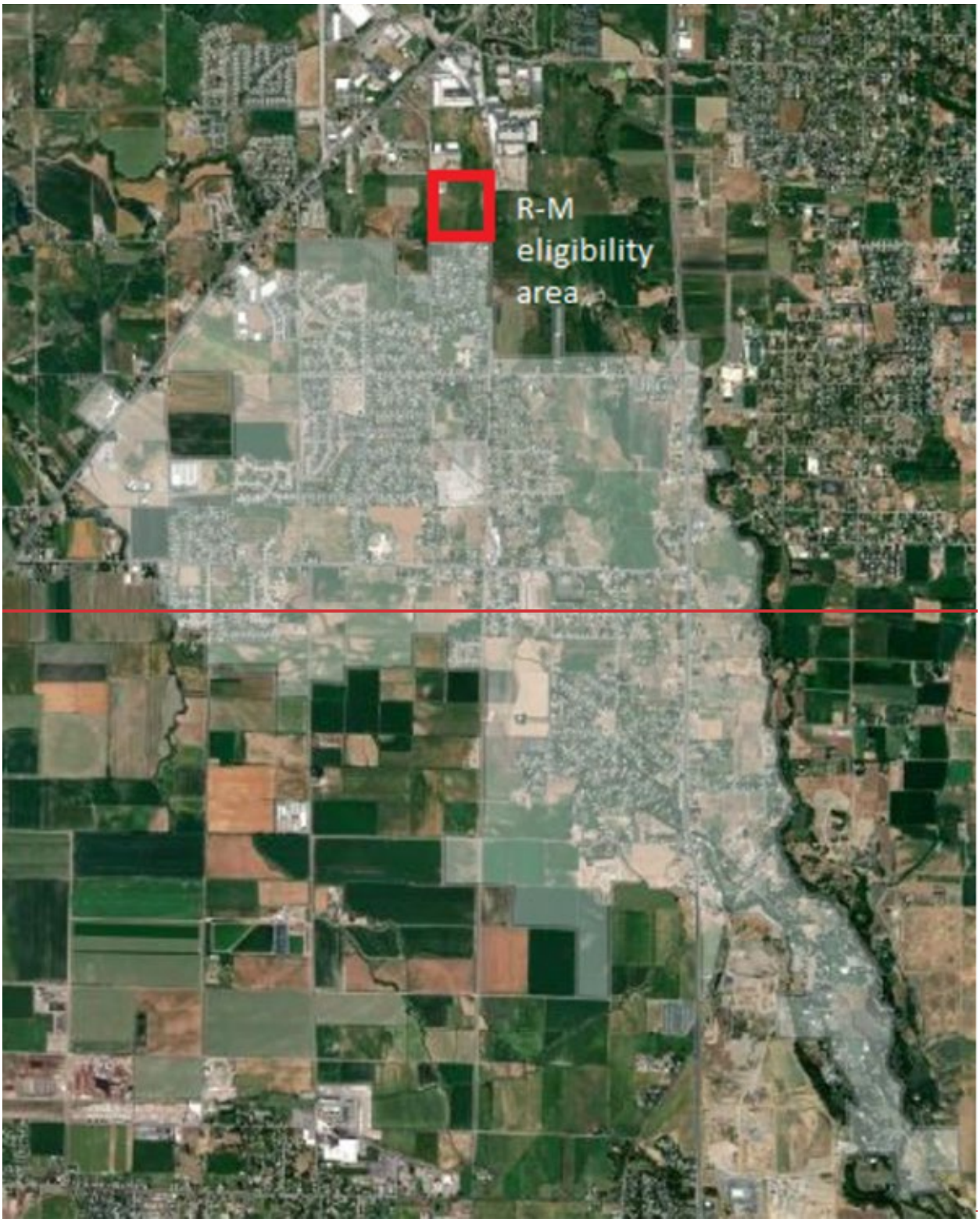
Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

1. Setback and frontage requirements shall apply to each building, and not each dwelling unit

E. Animal And Fowl Unit Regulations: See NCC 19.34.

F. R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-227-0003, 03-001-0013 and 03-001-0010, as of ~~April 15~~August 1, 202~~4~~1.


R-M
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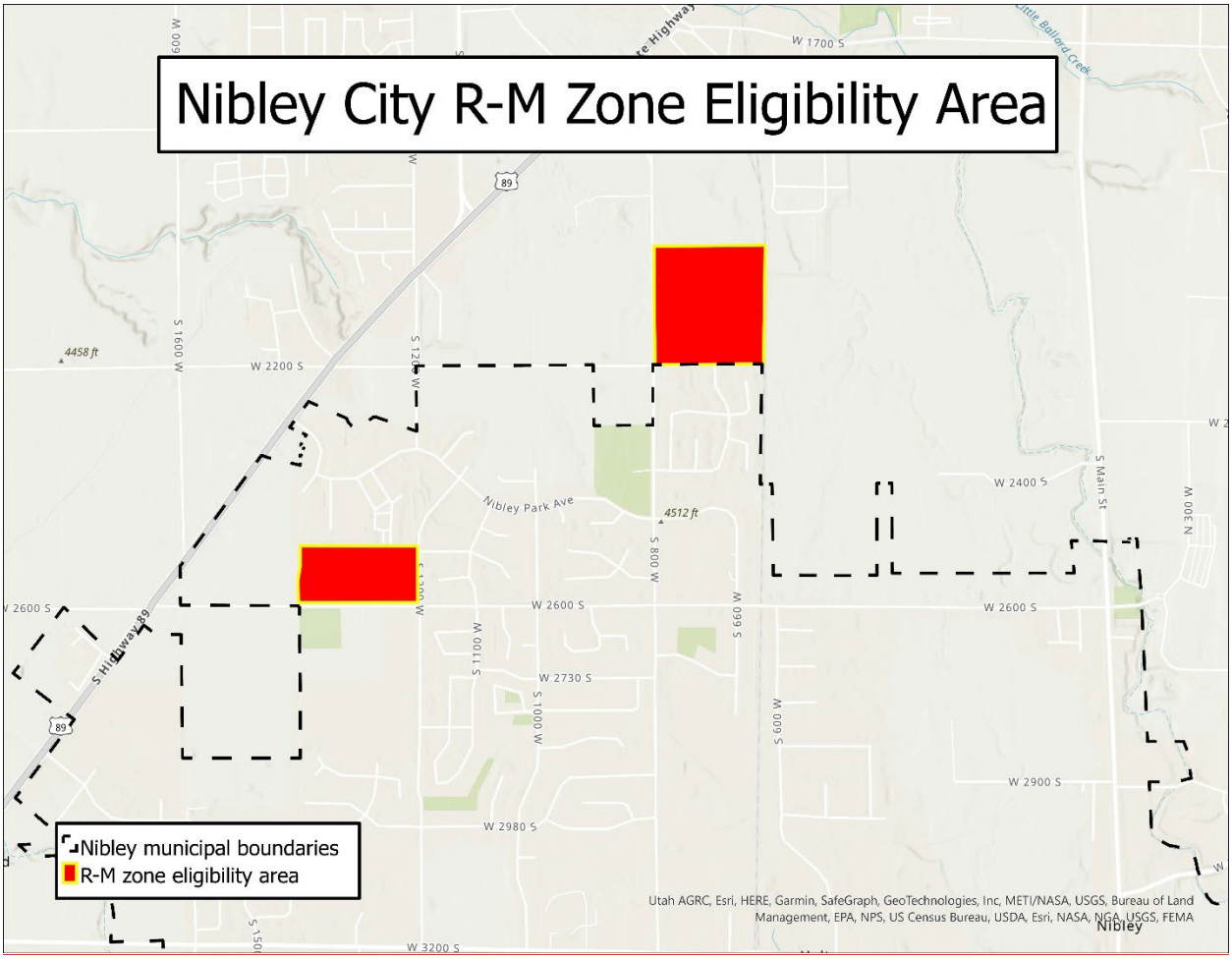


G. Density Regulation

1. The maximum density of a residential development within the R-M zone shall be 10 units per net developable acre.
2. A proposed Multi-family housing development adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
3. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall be considered ‘multi-family housing’ and shall assume the associated open space requirements of such.

H. Open Space Amenities

1. Each residential development within an R-M zone shall provide the following types and amounts of open space and amenities:

Minimum Open	
Dwelling Type	Percentage of Net Developable A Required to be Used for Amenitie and Open Space
Single-Family	20%
Multi-Family or Mix of Single Family and Multi-Family	35%

2.

Minimum Amenity						
Number of Units	Park Area	Public Restroom	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splashpad
Less Than 100	1.5 Acres	-	-	-	1	-
100-150	2.5 Acres	-	-	1	1	-
151-200	3.5 Acres	-	-	1	2	-
201-250	4.5 Acres	1	1	1	2	-
251-300	5.5 Acres	1	1	1	2	1 of the above optic
301-400	6.5 Acres	1	2	2	3	2 of the above optic (At least one pool o
401-500	7.5 Acres	2	2	2	3	2 of the above optic (At least one pool o

501+	*	*	*	*	*	*

a. This chart does not include all potential amenities. The applicant may apply for other amenities that would benefit the development and are in support of Nibley City's Parks and Recreation goals. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the required amenity. The burden shall be on the developer to provide justification and is subject to review and acceptance by staff prior to Council consideration. An applicant may include additional amenities beyond the requirements of this section.

b. Development over 500 units must supply adequate and proportional amenities based on the table above.

c. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public, Common or Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. An applicant may also provide an escrow or bond for improvements according to Nibley City Standards. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.Density Regulations

d. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.

e. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-M development shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.

f. All amenities shall meet any federal, state, city, or other standards that apply.

g. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.

h. Picnic Area: Two or more picnic tables for use by 10 or more persons.

i. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.

j. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.

k. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.

l. Pool: A recreation facility designed and intended for water contact activities. No pool shall be less than 800 sq. ft.

m. Public Restroom: a room or small building with toilets and sinks that is available for use by the general public. One (1) public restroom shall

contain at minimum 2 individual rooms with toilets and sinks (male/female or unisex). Larger restroom facilities may be required depending on the amount of activity projected at a particular open space/park area. All restroom facilities shall be built in compliance with the Americans with Disabilities Act (ADA).

n. Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

3. Maintenance of Amenities

   a. All R-M developments must establish and maintain in perpetuity by the property owner or an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed.

   b. Costs: Unless otherwise agreed to by the City, at the City's discretion and on such terms and conditions as the City may agree to, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property or Owners Association.

   c. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat or concept site plan for proposed maintenance of amenities within the development. This plan shall outline the following:

      1) The proposed ownership and responsibility for maintenance of the amenities;

      2) The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;

      3) The size of each amenities parcel; and

      4) The proposed concept plan for landscaping of the amenities.

   d. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-M application for the subdivision or

development. The developer shall provide a final maintenance plan with the final plat or site plan and the plan shall contain the following:

1) Documents and plans as listed in for the Preliminary Maintenance Plan.

2) A description of the use of the amenities and how that use complies with this Chapter;

3) The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.) and any private streets and other accesses;

4) The estimated staffing needs, insurance requirements, and associated costs.

5) The landscaping plans for parcels that will be owned by an Owners Association or by the City.

e. Approval: The Final Maintenance Plan must be approved by the Administrative Land Use Authority for a Subdivision application or the specified approval authority for a site plan review application, prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the Administrative Land Use Authority for a Subdivision application or the specified approval authority for a site plan review application. .

f. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements as set forth in NCC 21.14.

g. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-M development in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any

other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.

h. Corrective Action: The City may enter onto any amenity provided as part of an R-M development and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.

i. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.

j. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-M

DEVELOPMENT to allow the owner of the property to have sufficient access.

I. Multifamily Housing Architectural Design Standards

1. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.

2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.

3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, vinyl siding with a minimum of 40-year warranty, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.

4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods

5. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.

6. Variation. Multi-family housing shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the building. The following architectural features shall be incorporated into the design of the building:

a. Change in building materials;

b. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;

c. Awnings and lighting, or another architectural variation as approved on a case-by- case basis that creates visual interest.

7. Garages. Multi-family housing shall be designed oriented toward exterior public roads with rear loading garages or parking accessed by a paved parking area or alleyway, except along Highway 165 and 89/91, as approved. Rear loading garages are highly encouraged for buildings located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for buildings that do not have any portion of the building adjacent to a current or planned public road or street outside of the development.

J. Site Design Standards.

1. Natural features. R-M developments shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features or constrained and sensitive land. The City may require the developer to identify, delineate, and describe how the development will appropriately address and obtain any required authorizations related to such features.

2. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.

K. Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

1. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access

points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.

2. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
3. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
4. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
    a. Private drives shall be a minimum width of 20 ft.
    b. All private drives shall be perpendicular, within 10 degrees, to the street they connect to.
    c. Driveways that access a single dwelling unit are not considered private drives or an alleyway
    d. The maintenance of all private drives, including snow clearing, shall be addressed as part of the maintenance plan
5. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') trail or sidewalks on public streets that meet Nibley City standards.
6. No dwelling units in an R-M development shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Multi-family housing units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.

L. Pedestrian circulation. R-M development shall provide a circulation map and show the following improvements to for pedestrian circulation and safety.

    1. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.

    2. Walkways shall be hard surfaced with concrete.

    3. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.

        a. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.

M. Parking: Multi-family housing shall provide 2 primary parking spaces for each unit with 2 or bedrooms and 1.5 spaces for 1 bedroom or studio units. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-M development shall provide one guest parking spot for every three units. Guest parking may be provided in parking courts or lots maintained by the property owner or owner association.

    1. Individual parking courts or lots shall include landscaping with grass, trees or xeriscape plants separating parking areas of no more than 20 parking spaces Each parking area of 20 or less spaces shall be physically and visually separated by a landscape area a minimum of 10 feet in width.

    2. Parking courts or lots shall be located in the interior of the development and located between or in the rear of buildings for multi-family developments.

    3. Parking Courts or lots shall be paved and built to Nibley City parking lot standards.

    4. Interior parking structures or garages are encouraged and shall meet Nibley City Design Standards

N. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.

1. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer should plant street trees of an approved species and size along all streets. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.
2. Buffering: R-M developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-M development that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-M development. Buffering shall meet the standards within this ordinance.
3. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.

O. Fences:

1. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-M development for the purpose to mark property lines of individual dwelling units.
2. Fencing to mark the boundary of the development or amenities must meet the following standards:
    a. Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.
    b. Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link fences are prohibited and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.

P. Approval Process

1. Subdivisions within the R-M zone must complete the approval process of NCC 21.06 to ensure compliance with this section. All multifamily development that does not require a subdivision must complete the Site Plan Review Process of NCC 19.14.050.

19.04.010 Definitions

HOUSING, MULTI-FAMILY: A single building ~~situated on one lot and~~ that contains ~~three~~ two (2~~3~~) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium For buildings with two or more dwelling units, the limitations related to owner occupation and that such buildings must be situated on one lot do not apply. Buildings containing two or more dwelling units on more than one lot and buildings containing two or more dwelling units that are not owner-occupied shall be considered multi-family housing.~~.~~

Commented [LR1]: Changing the definition to be inclusive of townhomes and condos which have separate lots

Commented [LR2]: Added to be inclusive of twin homes, which are not currently considered two-family housing.

19.12.040 Mixed Residential Zone R-M

1. Purpose: The purpose of the Mixed Residential Zone is to provide a variety of housing types to accommodate the diverse housing preferences of the community's existing and future residents that are supported by an appropriate provision of jobs, retail, services, open space and amenities.
2. Definitions: Refer to NCC 19.04 and 19.32.020
3. Use Regulations: See NCC 19.20. Allowed uses in this zone may be provided either separately from or within the same building or lot as other allowed uses, if approved pursuant to an authorized site plan.
4. Space Requirements:

	Single-Family Housing~~me~~	Multi-Family Housing
Minimum Lot Size (sq. ft.)	4,500	-
Maximum Height	40'	50'
Minimum Frontage	50'	-
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Year Porches, Deck Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
~~Maximum Height~~	~~40'~~	

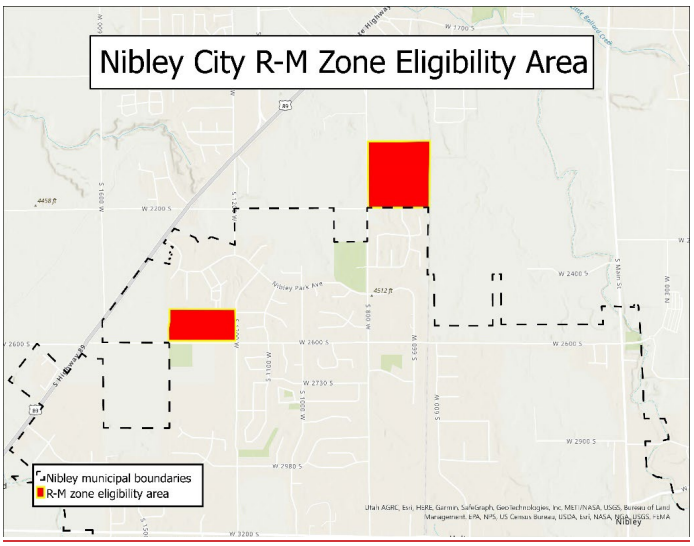
Commented [LR3]: Modified back to 50' based upon P&Z recommendation

Accessory-Use Setbacks	Single-Family Housing~~me~~	Multi-Family Housing
Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

a. Setback and frontage requirements shall apply to each building, and not each dwelling unit

5. Animal And Fowl Unit Regulations: See NCC 19.34.
6. R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-001-0013 and 03-001-0010, as of April 15, 2021 and 03-007-0031 as of August 22, 2022.



~~6.~~

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7. Density & Unit Type Regulations
    a. The maximum density of a residential development within the R-M zone shall be ~~20~~ 13 units per ~~gross acre~~net developable acre.
    b. A proposed Multi-family housing development adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
    c. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall be considered 'multi-family housing' and shall assume the associated open space requirements of such.
    ~~c.~~d. Developments within the R-M shall include a minimum of two housing types, including single-family housing, two-family housing, townhome, condominium/apartment. No more than 80% of units within a development may be one housing type.
8. Open Space and Amenities
    a. At least 50% of Open Space Land must be contiguous within the development and must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land.
    b. Areas in front of buildings within the minimum front yard setback area for all housing shall not be counted toward open space land.
    ~~a.~~c. Each residential development within an R-M zone shall provide the following types and amounts of open space and amenities:

Commented [LR4]: Modified per P&Z recommendation

Commented [LR5]: Added based upon P&Z recommendation.

Minimum Open Space Requirement	
Dwelling Type	Percentage of Net Developable Acres Required to be Used for Amenities and Open Space
Single Family	20%
Multi Family or mix of Single Family and Multifamily	35%

~~b.~~d.

Minimum Amenity							
Number of Units	Park Area	Public Restroom	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splashpad	Sport Court/Fields

Less Than 100	1.5 Acres	–	–	–	1	–	–
100-150	2.5 Acres	–	–	1	1	–	–
151-200	3.5 Acres	–	–	1	2	–	1
201-250	4.5 Acres	1	1	1	2	–	1
251-300	5.5 Acres	1	1	1	2	1 of the above options	1
301-400	6.5 Acres	1	2	2	3	2 of the above options (At least one pool or Splashpad)	2
401-500	7.5 Acres	2	2	2	3	2 of the above options (At least one pool or Splashpad)	2
501+	*	*	*	*	*	*	*

i. This chart does not include all potential amenities. The applicant may apply for other amenities that would benefit the development and are in support of Nibley City's Parks and Recreation goals. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the required amenity. The burden shall be on the developer to provide justification and is subject to review and acceptance by staff prior to Council consideration. An applicant may include additional amenities beyond the requirements of this section.

ii. Development over 500 units must supply adequate and proportional amenities based on the table above.
iii. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public, Common or Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. An applicant may also provide an escrow or bond for improvements according to Nibley City Standards. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
iv. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.
v. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of 0.5 ~~.25~~ acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-M development shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.
vi. All amenities shall meet any federal, state, city, or other standards that apply.
vii. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.
viii. Picnic Area: Two or more picnic tables for use by 10 or more persons.
ix. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
x. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.
xi. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.
xii. Pool: A recreation facility designed and intended for water contact activities. No pool shall be less than 800 sq. ft.
xiii. Public Restroom: a room or small building with toilets and sinks that is available for use by the general public. One (1) public restroom shall contain at minimum 2 individual rooms with toilets and sinks (male/female or unisex). Larger restroom facilities may be required depending on the amount of activity projected

at a particular open space/park area. All restroom facilities shall be built in compliance with the Americans with Disabilities Act (ADA).

xiv. Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

~~c.~~e. Maintenance of Amenities

i. All R-M developments must establish and maintain in perpetuity by the property owner or an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed.

ii. Costs: Unless otherwise agreed to by the City, at the City's discretion and on such terms and conditions as the City may agree to, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property or Owners Association.

iii. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat or concept site plan for proposed maintenance of amenities within the development. This plan shall outline the following:

1. The proposed ownership and responsibility for maintenance of the amenities;
2. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
3. The size of each amenities parcel; and
4. The proposed concept plan for landscaping of the amenities.

iv. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-M application for the subdivision or development. The developer shall provide a final maintenance plan with the final plat or site plan and the plan shall contain the following:

1. Documents and plans as listed in for the Preliminary Maintenance Plan.
2. A description of the use of the amenities and how that use complies with this Chapter;
3. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.) and any private streets and other accesses;
4. The estimated staffing needs, insurance requirements, and associated costs.
5. The landscaping plans for parcels that will be owned by an Owners Association or by the City.

v. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.

vi. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements as set forth in NCC 21.14.

vii. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-M development in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.

viii. Corrective Action: The City may enter onto any amenity provided as part of an R-M development and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.

ix. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.

x. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-M DEVELOPMENT to allow the owner of the property to have sufficient access.

9. Multifamily Housing Architectural Design Standards
    a. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
    b. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
    c. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, vinyl siding with a minimum of 40-year warranty, or other durable building material as approved by the City Council. EIFS or untreated concrete

block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.

d. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods
e. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
f. Variation. Multi-family housing shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the building. The following architectural features shall be incorporated into the design of the building:
    i. Change in building materials;
    ii. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;
    iii. Awnings and lighting, or another architectural variation as approved on a case-by- case basis that creates visual interest.
g. Garages. Multi-family housing shall be designed oriented toward exterior public roads with rear loading garages or parking accessed by a paved parking area or alleyway, except along Highway 165 and 89/91, as approved. Rear loading garages are highly encouraged for buildings located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for buildings that do not have any portion of the building adjacent to a current or planned public road or street outside of the development.

10. Site Design Standards.
    a. Natural features. R-M developments shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features or constrained and sensitive land. The City may require the developer to identify, delineate, and describe how the development will appropriately address and obtain any required authorizations related to such features.
    b. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.
11. Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
    a. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.
    b. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included

islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.

c. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
d. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
    i. Private drives shall be a minimum width of 20 ft.
    ii. All private drives shall be perpendicular, within 10 degrees, to the street they connect to.
    iii. Driveways that access a single dwelling unit are not considered private drives or an alleyway
    iv. The maintenance of all private drives, including snow clearing, shall be addressed as part of the maintenance plan
e. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') trail or sidewalks on public streets that meet Nibley City standards.
f. No dwelling units in an R-M development shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Multi-family housing units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.

12. Pedestrian circulation. R-M development shall provide a circulation map and show the following improvements to for pedestrian circulation and safety.
    a. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
    b. Walkways shall be hard surfaced with concrete.
    c. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
        i. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.
13. Parking: Multi-family housing shall provide 2 primary parking spaces for each unit with 2 or bedrooms and 1.5 spaces for 1 bedroom or studio units. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-M development shall provide one guest parking spot for every three units. Guest parking may be provided in parking courts or lots maintained by the property owner or owner association.
    a. Individual parking courts or lots shall include landscaping with grass, trees or xeriscape plants separating parking areas of no more than 20 parking spaces Each parking area of 20 or less spaces shall be physically and visually separated by a landscape area a minimum of 10 feet in width.
    b. Parking courts or lots shall be located in the interior of the development and located between or in the rear of buildings for multi-family developments.
    c. Parking Courts or lots shall be paved and built to Nibley City parking lot standards.

d. Interior parking structures or garages are encouraged and shall meet Nibley City Design Standards

14. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.
    a. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer should plant street trees of an approved species and size along all streets. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.
    b. Buffering: R-M developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-M development that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-M development. Buffering shall meet the standards within this ordinance.
    c. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.
15. Fences:
    a. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-M development for the purpose to mark property lines of individual dwelling units.
    b. Fencing to mark the boundary of the development or amenities must meet the following standards:
        i. Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.
        ii. Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link fences are prohibited and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.
16. Approval Process:

Subdivisions within the R-M zone must complete the approval process of NCC 21.06 to ensure compliance with this section. All multifamily development that does not require a subdivision must complete the Site Plan Review Process of NCC 19.14.050.

ORDINANCE 24-09

REZONE PARCEL 03-227-0003, LOCATED AT 1301 W 2600 S, FROM RESIDENTIAL (R-2) TO MIXED RESIDENTIAL (R-M)

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

Parcel 03-227-0003, more particularly described below, is hereby rezoned from Residential (R-2) to Mixed Residential (R-M).

Parcel 03-227-0003:

ALL OF LOT 3 WESLEY NELSON FARMS SUBDIVISION

CONT 18.94 AC

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2023.

_____
Larry Jacobsen, Mayor

ATTEST:_____
Cheryl Bodily, City Recorder

Nibley

Printed: 08/02/2024

2352 South Highway 89 / 91

07/11/2024 - 07/10/2124

Rezone, Code Change, or Master Plan Change Application

Plan Check

Application Status

New

Permit/License #

1882816

Reference Number

31cb5400-3fc9-11ef-8e3f-97ba30d8e90d

Status

Active

Application Review Status

Final-Review	Not Reviewed	Date Submitted 07/11/2024

Fees

Plan Check	$500.00
Subtotal	**$500.00**
Processing Fee	**$16.00**
Total	**$516.00**
Amount Paid	**$516.00**
Total Due	**$0.00**

Payments

07/11/2024	Online	$500.00
Total Paid		**$516.00**

Application Form Data

(Empty fields are not included)

First Name

Allen

Last Name

Bingham

Address Street

3334 West 775 North

City

Layton

State

Utah

Zip Code
84041

Phone
8012437800

Email
abingham@momentumloans.com

Is the property owner representative different from the listed property owner
no

Request Type:
Code Change

Project Address Street
2352 South Highway 89 / 91

Tax I.D. Number(s)
03-227-0003

Project Size (Acres)
18.16

Current Zoning (check all that apply)
R-2- Residential

Proposed Zoning (check all that apply)
R-M- Mixed Residential

Site Plan and Map (please attach)
2024-07-10 Wesley Nelson Farms - PRELIMINARY CIVIL PLANS.pdf

What is the need for the proposed zone change?
Planned Unit Development (Townhomes)

What will the public benefit be if the zone change is granted?
Afforadable housing at a lower starting point.

How does the proposal comply with the goals and policies of the Nibley City General Plan?
Provide affordable housing especially for first time homebuyers.

Is there any annexation of property necessary?
No

Please explain how the anticipated use is appropriate for the surrounding area.
Commercial is to the west - residential on the east will be a bridge between the commercial and current residential

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

2600 South and Heritage Drive (soon to be wirh commercial development)

Please attach a statement from the County treasurer showing the current tax status of the property.

CORE - Parcel #03-227-0003 in 2024.pdf

Signature

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me concerning this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I understand that any cost of engineering, legal, fire, or other review incurred by the City shall be my responsibility to pay. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed

Al Bingham - 07/11/2024 3:04 pm

811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

ELEV = 4485.35'

NORTH

HORIZONTAL GRAPHIC SCALE

60 0 30 60 120

(IN FEET)

HORZ: 1 inch = 60 ft.

UNIT BREAKDOWN		
DESCRIPTION	REQUIRED	ACTUAL
6-PLEX (14)		14
5-PLEX (4)		4
4-PLEX (8)		8
3-PLEX (4)		4
TOTAL RESIDENTIAL UNITS		30
TOWN HOME PERCENTAGE	60% MAX	100%

TOWNHOME PARKING BREAKDOWN		
DESCRPTION	REQUIRED	ACTUAL
PARKING REQUIRED		2 PER UNIT = 360
VISITOR STALLS		24

LAND USE TABLE		
DESCRIPTION	REQUIRED	ACTUAL
TOTAL RESIDENTIAL AREA		2.28 ACRES
ROW		4.400 ACRES
TOTAL OPEN SPACE		138,425 3.18 ACRES
PERCENT OPEN SPACE (RESIDENTIAL AREA)	35%	36%
UNITS PER ACRE	12 MAX	13.16
TOTAL PROJECT AREA		512,172 sq.ft. 11.76 ACRES
AVERAGE LOT SIZE	4,632 SF	

A 60' ROW

SCALE: NONE

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. ASPHALT PAVEMENT PER GEOTECHNICAL REPORT.
2. CONCRETE PAVEMENT PER GEOTECHNICAL REPORT.
3. DETENTION POND
4. 4" THICK CONCRETE SIDEWALK PER APWA STANDARD PLAN NO. 231.
5. CURB AND GUTTER
6. ADA COMPLIANT RAMP PER APWA STANDARD PLAN NO. 235.1.
7. 10' ASPHALT BIKE PATH
8. PIPE DRAINAGE DITCH THROUGH NEW ROW

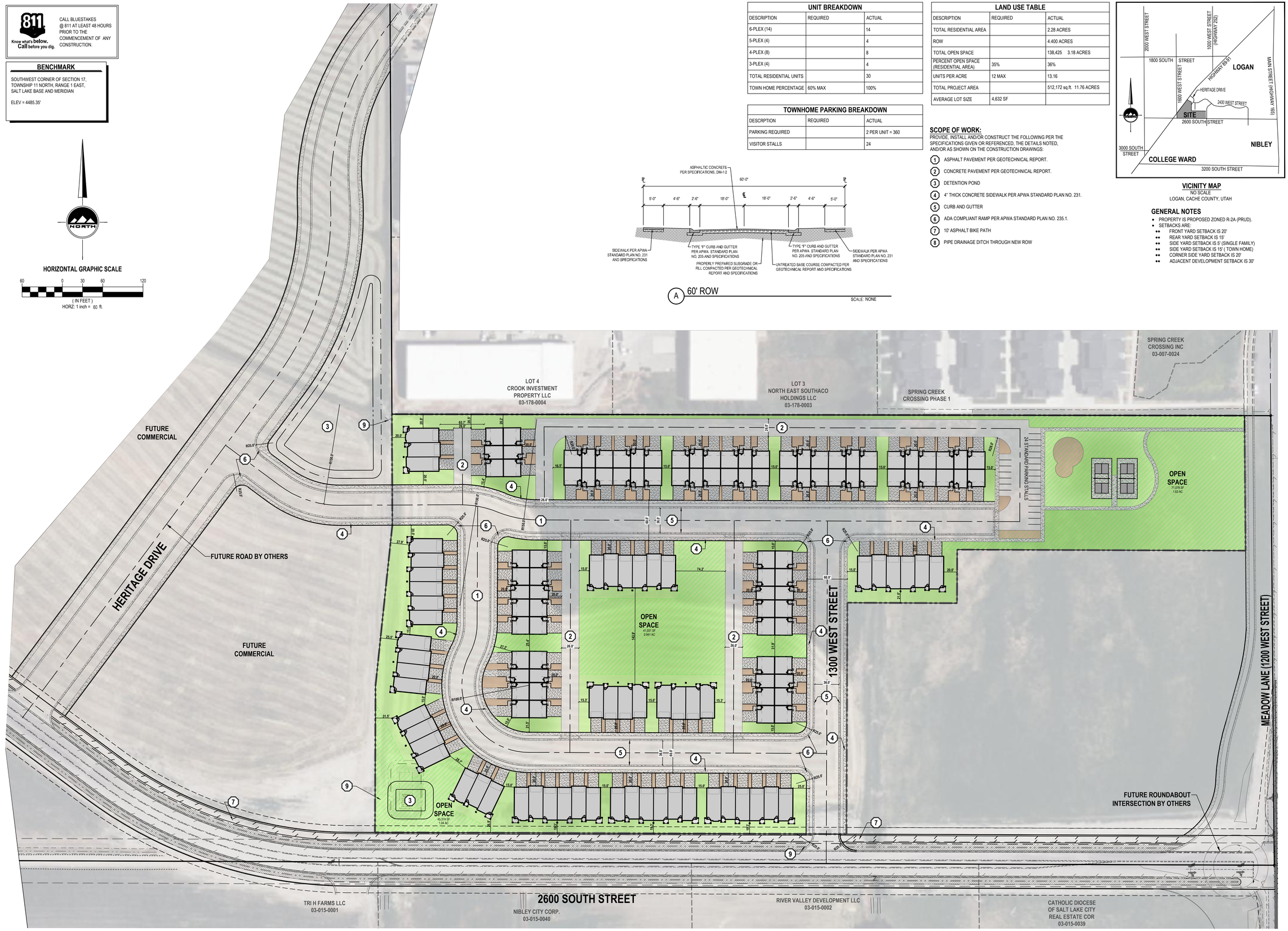
VICINITY MAP

NO SCALE

LOGAN, CACHE COUNTY, UTAH

GENERAL NOTES

- PROPERTY IS PROPOSED ZONED R-2A (PRUD).
- SETBACKS ARE:
  - FRONT YARD SETBACK IS 20'
  - REAR YARD SETBACK IS 15'
  - SIDE YARD SETBACK IS 5' (SINGLE FAMILY)
  - SIDE YARD SETBACK IS 15' (TOWN HOME)
  - CORNER SIDE YARD SETBACK IS 20'
  - ADJACENT DEVELOPMENT SETBACK IS 30'



ENSIGN
THE STANDARD IN ENGINEERING

LAYTON
919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SANDY
Phone: 801.255.0529

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
WESLEY NELSON FARMS
2352 SOUTH HIGHWAY 89-91
LOGAN, UTAH 84321

CONTACT:
AL BINGHAM, PRESIDENT
PHONE: 801-243-7800

WESLEY NELSON FARMS TOWNHOMES

2352 SOUTH HIGHWAY 89-91
NIBLEY, UTAH

OVERALL
PRELIMINARY PLAT

PROJECT NUMBER	PRINT DATE
9196	2024-07-10
PROJECT MANAGER	DESIGNED BY
T.WILLIAMS	K.SIMMONS

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SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

ELEV = 4485.35'

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. INSTALL SSMH
2. INSTALL 8" CULINARY WATER MAIN
3. INSTALL CULINARY WATER SERVICE LINE (TYP)
4. INSTALL SEWER SERVICE LINE (TYP)
5. INSTALL 8" SANITARY SEWER MAIN (TYP)
6. INSTALL FIRE HYDRANT
7. EXISTING SSMH
8. EXISTING SDCO
9. EXISTING IRRIGATION STRUCTURE
10. EXISTING WATER LINE
11. CONNECT TO EXISTING WATER
12. INSTALL IRRIGATION LINE FOR CANAL REROUTE.
13. INSTALL IRRIGATION BOX.
14. CONNECT TO EXISTING IRRIGATION SYSTEM.

GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
3. ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER NIBLEY CITY STANDARD PLANS AND SPECIFICATIONS.
4. ALL WATER INFRASTRUCTURE TO BE INSTALLED PER NIBLEY CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
6. DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
7. PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
8. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
9. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
10. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
11. SECONDARY WATER LINE AND LATERALS ARE SHOWN BUT IS UNCLEAR IF THERE IS A SERVICE IN THIS AREA.

NORTH

HORIZONTAL GRAPHIC SCALE

60 0 30 60 120

(IN FEET)

HORZ: 1 inch = 60 ft.

LOT 4
CROOK INVESTMENT PROPERTY LLC
03-178-0004

LOT 3
NORTH EAST SOUTHACO HOLDINGS LLC
03-178-0003

SPRING CREEK CROSSING PHASE 1

SPRING CREEK CROSSING INC
03-007-0024

HERITAGE DRIVE

FUTURE ROAD BY OTHERS

OPEN SPACE
71,678 SF
1.63 AC

OPEN SPACE
41,031 SF
0.941 AC

OPEN SPACE
45,374 SF
1.04 AC

1300 WEST STREET

MEADOW LANE (1200 WEST STREET)

FUTURE ROUNDABOUT INTERSECTION BY OTHERS

2600 SOUTH STREET

TRI H FARMS LLC
03-015-0001

NIBLEY CITY CORP.
03-015-0040

RIVER VALLEY DEVELOPMENT LLC
03-015-0002

CATHOLIC DIOCESE OF SALT LAKE CITY REAL ESTATE COR
03-015-0039

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WESLEY NELSON FARMS TOWNHOMES

2352 SOUTH HIGHWAY 89-91
NIBLEY, UTAH

PRELIMINARY
UTILITY PLAN

PROJECT NUMBER	PRINT DATE
9196	2024-07-10
PROJECT MANAGER	DESIGNED BY
T.WILLIAMS	K.SIMMONS

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ELEV = 4485.35'

SCOPE OF WORK:

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1. INSTALL SDCO
2. INSTALL SDCB
3. INSTALL SD LINE
4. INSTALL SDCO COMBO BOX
5. CONNECT TO PROPOSED IRRIGATION BOX
6. INSTALL POND CONTROL STRUCTURE
7. EXIST CONTROL STRUCTURE
8. EXIST FLARED END STRUCTURE
9. EXIST DETENTION POND
10. INSTALL IRR LINE
11. INSTALL FLARED END STRUCTURE

Detention Calculations (100-year storm)

Basin Tributary Area 478,171 SF
Runoff coefficient C: 0.660
Release Rate 0.20 cfs/acre
Peak Release 2.195 cfs

Time (min)	i(in/hr)	Cumulative Runoff to Basin (c.f.)	Net Allowed Basin** Discharge (c.f.)	Required Storage (c.f.)
5	5.53	12,012	659	11,354
10	4.21	18,290	1,317	16,973
15	3.48	22,678	1,976	20,702
30	2.34	30,498	3,952	26,546
60	1.45	37,797	7,904	**29,893**
120	0.82	42,958	15,807	27,150
180	0.58	45,512	23,711	21,801
360	0.35	54,114	47,422	6,692
720	0.21	66,313	94,844	(28,530)
1440	0.13	80,702	189,688	(108,985)
2880	0.07	92,589	379,375	(286,787)
		Required Detention:		29,893
		Provided Detention:		-

Detention Calculations (100-year storm)

Basin Tributary Area 131,704 SF
Runoff coefficient C: 0.493
Release Rate NA cfs/acre
Peak Release NA cfs

Time (min)	i(in/hr)	Cumulative Runoff to Basin (c.f.)	Net Allowed Basin** Discharge	Required Storage (c.f.)
5	5.53	2,474	2,474	-
10	4.21	3,767	3,767	-
15	3.48	4,671	4,671	-
30	2.34	6,281	6,281	-
60	1.45	7,785	7,785	-
120	0.82	8,848	8,848	-
180	0.58	9,374	9,374	-
360	0.35	11,146	11,146	-
720	0.21	13,658	13,658	-
1440	0.13	16,622	16,622	-
2880	0.07	19,070	19,070	-
		Required Detention:		-

GENERAL NOTES

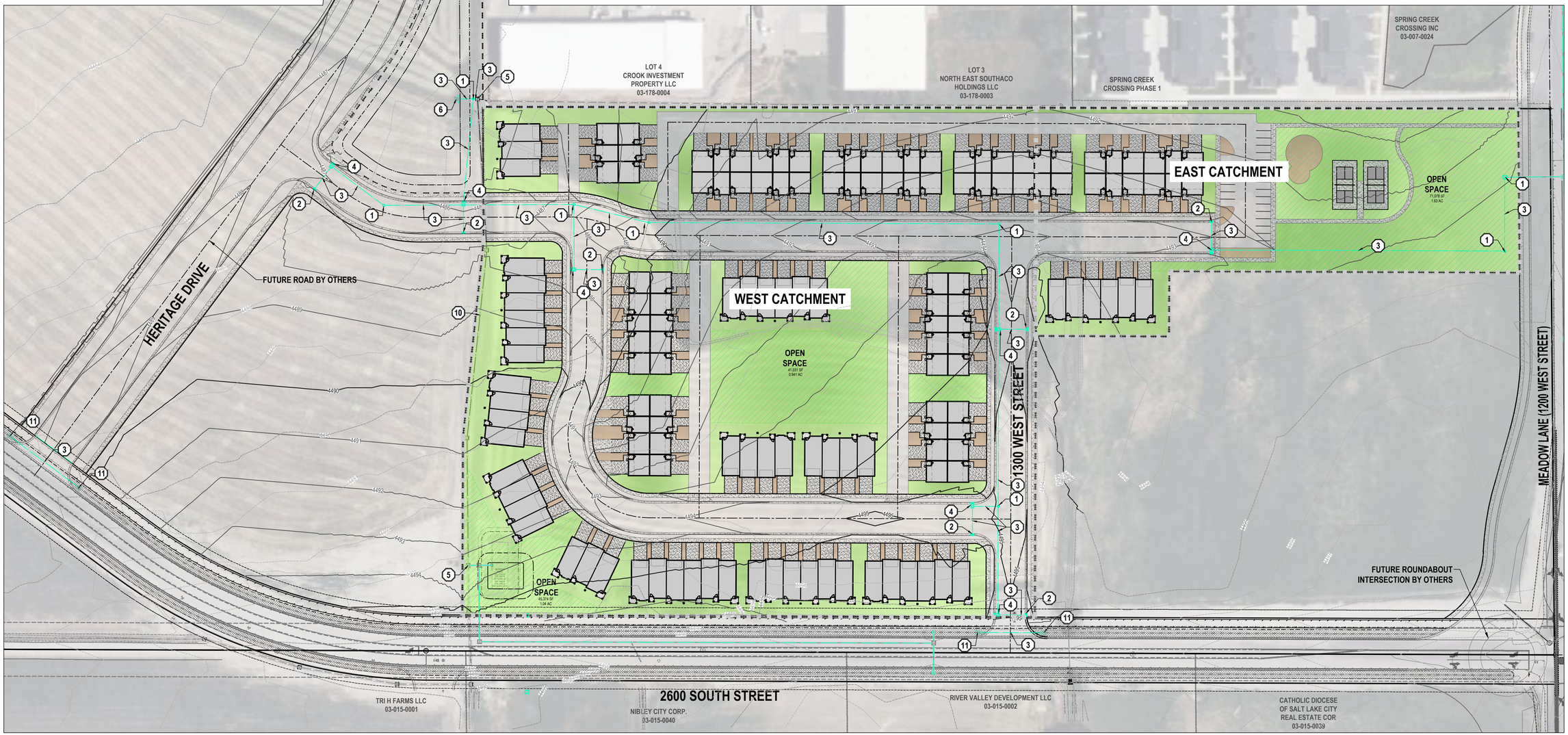
1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. ALL WORK SHALL COMPLY WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER POSSIBLY INCLUDING, BUT NOT LIMITED TO, REMOVAL OF UNCONSOLIDATED FILL, ORGANICS, AND DEBRIS, PLACEMENT OF SUBSURFACE DRAIN LINES AND GEOTEXTILE, AND OVEREXCAVATION OF UNSUITABLE BEARING MATERIALS AND PLACEMENT OF ACCEPTABLE FILL MATERIAL.
4. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SOIL CONDITIONS.
5. LANDSCAPED AREAS REQUIRE SUBGRADE TO BE MAINTAINED AT A SPECIFIC ELEVATION BELOW FINISHED GRADE AND REQUIRE SUBGRADE TO BE PROPERLY PREPARED AND SCARIFIED. SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.
6. SLOPE ALL LANDSCAPED AREAS AWAY FROM BUILDING FOUNDATIONS TOWARD CURB AND GUTTER OR STORM DRAIN INLETS.
7. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
8. ALL STORM DRAIN INFRASTRUCTURE TO BE INSTALLED PER NIBLEY CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
9. ENSURE MINIMUM COVER OVER ALL STORM DRAIN PIPES PER MANUFACTURER'S RECOMMENDATIONS. NOTIFY ENGINEER IF MINIMUM COVER CANNOT BE ATTAINED.
10. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
11. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE, ASPHALT, OR STORM DRAIN STRUCTURES OR PIPES.
12. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
13. EAST BASIN OUTFALLS TO CITY INFRASTRUCTURE TO 1200 WEST STREET.

NORTH

HORIZONTAL GRAPHIC SCALE

60 0 30 60 120

(IN FEET)
HORZ: 1 inch = 60 ft.



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PRELIMINARY
GRADING PLAN

PROJECT NUMBER	PRINT DATE
9196	2024-07-10
PROJECT MANAGER	DESIGNED BY
T.WILLIAMS	K.SIMMONS