



## NIBLEY CITY PLANNING AND ZONING COMMISSION AGENDA

THURSDAY, NOVEMBER 13, 2025 – 6:30 PM

*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 W 3200 S NIBLEY UT 84321-6337. The public may also view the meeting live via the YouTube link provided at [www.nibleycity.gov](http://www.nibleycity.gov). Public comment should be submitted to [talonb@nibleycity.gov](mailto:talonb@nibleycity.gov) no later than 5:00 PM on the Wednesday prior to the meeting to allow adequate time for review and consideration. If applicants or interested parties would like to make comment after this time, please submit your comments during the public hearing at the meeting.*

1. **Call to Order and Roll Call**
2. **Discussion and Consideration:** Approval of October 23, 2025, Meeting Minutes and the Current Agenda
3. **Workshop:** General Plan Update
4. **Public Hearing:** Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone
5. **Discussion and Consideration:** Recommendation for Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone
6. **Public Hearing:** Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation
7. **Discussion and Consideration:** Recommendation for Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation
8. **Public Hearing:** Recommendation for Zone Assignment to the Nibley City Council: Rural Estates (R-E) Zone for Parcels 01-003-0010, 01-003-0011, 01-003-0028, and 01-003-0029 at Approximately 5325 Hollow Road, in Conjunction with an Annexation Petition
9. **Discussion and Consideration:** Recommendation for Zone Assignment to the Nibley City Council: Rural Estates (R-E) Zone for Parcels 01-003-0010, 01-003-0011, 01-003-0028, and 01-003-0029 at Approximately 5325 Hollow Road, in Conjunction with an Annexation Petition
10. **Public Hearing:** Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements
11. **Discussion and Consideration:** Recommendation for Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements
12. **Discussion and Consideration:** Adoption of the 2026 Nibley City Planning and Zoning Meeting Schedule
13. **Workshop:** Fee In-Lieu of Open Space Requirements
14. **Staff Report and Action Items**

Adjourn

*Nibley City Planning and Zoning Commission agenda items may be continued if either A) additional information is needed in order to take action on the item, or B) the 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 PM 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.*

*Nibley City's next scheduled City Council meeting will be on Thursday, December 4, 2025, at 6:30 PM.*

*Nibley City's next scheduled Planning and Zoning Commission meeting will be on Thursday, December 11, 2025, at 6:30 PM.*

*In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.*

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**Nibley City Planning and  
Zoning Commission  
Agenda Item Report  
November 13, 2025**

## **Agenda Item #3: General Plan Update**

### **Description**

**Workshop:** General Plan Update

### **Background**

Nibley City is currently in the process of updating the General Plan. The purpose of this workshop is to discuss the process and findings of the Plan, including obtaining any input from the Planning and Zoning Commission. This will be an introduction to the Draft Plan which will be shared with the Planning and Zoning Commission for review in the coming weeks in preparation for the consideration to adopt the Plan.

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## Agenda Items #4 & #5: Sign Code Amendment - EMD Signs

### Description

**Public Hearing:** Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone

**Discussion and Consideration:** Recommendation for Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EDM) Signs in the Neighborhood Commercial (C-N) Zone

### Department

Planning

### Action Type

Legislative

### Recommendation

Recommend Approval for Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone

### Reviewed By

City Planner, City Engineer, Public Works

### Background

Kimberly Neilson of Yesco, representative of Maverik has submitted an application to amend NCC 19.24.150 to allow Electronic Message Display (EMD) signage within the Neighborhood Commercial (C-N) Zone.

The purpose of this amendment is to allow the Maverik convenience store located at 3090 South State Highway 165 to install and utilize an Electronic Message Display (EMD) on its freestanding sign for the purpose of digitally displaying fuel prices and payment type label (i.e. CASH/CREDIT/NITRO).

## **Applicant Justification**

The applicant has provided a letter justifying this request, which is included in the packet. The applicant has also provided the following statements within the application:

What will the public benefit be if the zone change, code change or master plan change is granted?

*This would benefit the public by improving communication, supporting local commerce, ensuring consistent & updated sign standards.*

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

*By allowing EMDs in the C-N zone aligns with several goals & policies of the Nibley City General Plan by promoting economic vitality, enhancing community identity, & encouraging compatible commercial development.*

In addition, the letter cites the following benefits in support of the General Plan:

- *Promoting local business development and modern commercial communication methods.*
- *Ensuring clarity and consistency within the City's sign regulations.*
- *Encouraging uniform design standards and technological flexibility.*
- *Preserving community character through regulated brightness and display standards already established in the code.*

## **Staff Analysis**

The Highway 165 Corridor between 2600 S and 3200 S is envisioned to be a commercial corridor, supporting the City's vision for a Town Center in this area. Allowing EMDs in this area would support economic vitality in the area, in support of the General Plan.

NCC 19.24.150(L) includes very detailed regulations for Electronic Message Displays (EMDs). These include restrictions on dwell time, brightness, no off-premise advertising, and frame affects among other standards. In addition, the Neighborhood Commercial (C-N) zone only allows small monument signage, so any EMD would be limited to an area that is no more than 5' tall and 20 ft<sup>2</sup>. These restrictions limit the potentially negative impacts for signage, which would require a conditional use permit for approval.

Given the context of the area, the alignment with General Plan principles and mitigating measures in place, Staff is in support of this request.

#### **19.24.150 Permitted Signs**

A. Applicability: The signs described in this section shall be allowed as indicated in the city. Any sign not specifically permitted by this section is prohibited.

B. Definitions:

**AWNING SIGN:** A roofed structure, constructed of fabric, metal or other appropriate materials placed so as to extend outward from the building, providing a protective shield for doors, windows and other openings in the building, with supports extending back to the building, supported entirely by the building.

**BILLBOARD/OFF PREMISES SIGN:** An advertising sign on premises other than that occupied by the business referred to in the sign.

**BILLBOARD/ON PREMISES SIGN:** An advertising sign located on the premises occupied by the business referred to in the sign.

**BUSINESS SIGN:** A sign identifying a commercial or industrial business on the same premises as the sign by name and/or logo. Business sign types are ground, monument, nameplate, projecting, roof, wall and billboard/on-premises signs. Business signs must be removed when a company goes out of business.

**ELECTRONIC MESSAGE DISPLAY (EMD):** A sign or portion thereof capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. See subsection L of this section for further EMD regulations.

**FLAT SIGN:** A sign erected parallel to and attached to the outside of a building and extending not more than twenty four inches (24") from such wall with messages or copy on the face side only. Sign proportion and design should be aesthetically pleasing. Signs flat against buildings or other structures will be allowed to extend two feet (2') above the

roof lines or parapet walls of the building. When a building has more than one level, the wall on which the sign is installed will govern.

**IDENTIFICATION SIGN:** A sign displayed to indicate the name or nature of buildings or uses, other than commercial or industrial uses, located upon the same premises as the sign, i.e., schools, hospitals, churches, etc.

**MAXIMUM HEIGHT:** The distance from the ground supporting the sign to the highest point of the sign area. A landscape berm or other structure erected to support the sign shall be measured as part of the height. If the street to which the sign is oriented is higher than the grade at the base of the sign, then the street elevation shall be used in determining the permitted height. A roof-like structure may be added that extends beyond the maximum sign area, provided that no advertising is contained therein and that it does not increase the height more than 25%.

**MONUMENT SIGN:** On-premises or identification signs, the entire bottom of which is in contact with or closer than three feet (3') to the ground. Maximum height shall be five feet (5') and be incorporated into some form of landscape design scheme or planter box.

**NAMEPLATE SIGN:** A sign indicating the name and/or occupation of a person or persons residing on the same premises or legally occupying the same premises, or indicating a home occupation legally existing on the same premises as the sign. Nameplate signs shall be attached to the house or building to which they pertain.

**PORTRABLE OR A-FRAME SIGN:** Any sign that is not permanently attached to the ground or a building, designated to be transported on wheels or other means, signs converted to A-frame or T-frame or signs attached to, painted on or supported by stationary vehicles or trailers, which are visible from a public street and have the express purpose of advertising a business, product or service. Such signs are expressly prohibited.

**PROJECT SIGN:** A permanent sign identifying an area of distinct character under multiple ownership such as a residential neighborhood, shopping center or business park. All project signs are subject to design review.

**PROJECTING SIGN:** A sign attached to a building or other structure and extending in whole or in part more than twenty four inches (24") beyond any wall of the building or structure. The sign may not project above the roof line or tallest part of the structure.

**PROPERTY SIGN:** A sign related to the property upon which it is located and offering such property for sale or lease, or announcing improvements to the site during construction of the project. Property signs may also be used to warn against trespassers.

**PUBLIC NECESSITY SIGNS:** A sign informing the public of any danger or hazard existing on or adjacent to the premises on which the sign is located.

**SERVICE SIGN:** A sign which is incidental to a use lawfully occupying the property upon which it is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, sale of agricultural products produced on the premises, and may bear, as an incidental part of the sign, the name, address or trademark of the persons furnishing such sign to the owner of the premises.

**SIGN AREA:** The area comprising the message portion of a sign, not including the supporting structure. When computing the area of sign background, only the face or faces, from one direction at one time, shall be considered. It is computed by measuring the area enclosed by straight lines drawn around the extremities of the text or graphics.

**STREET BANNER SIGN:** A fabric sign suspended across a city street or hanging from a building or other fixture at the side of or adjacent to the road right of way. The banner may advertise a state-, county- or city-sponsored event. Approval must be granted by the city before installation.

**TEMPORARY SIGN:** Any sign, banner, pennant, balloon or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without light frames, intended to be displayed outdoors for

short periods of time. Examples include political signs, grand openings, garage sales, school activities, chuck wagon breakfasts or other city sponsored events. Temporary signs must be removed within twenty four (24) hours of the event for which it is erected. Gas filled balloons (unmanned) must be securely tethered and must not exceed fifteen feet (15') in height at the end of the tether.

**WALL SIGN:** A sign that is either painted on a wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

- C. **Construction Standards:** All signs hereinafter erected in the city shall comply with the current standards of the electrical code, the building code, and all provisions of this title.
- D. **Illumination:** All signs shall be illuminated as indicated in the table of permitted signs set forth in subsection P of this section. The source of indirect lighting shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone.
- E. **Maintenance:**
  - 1. All signs shall be maintained in a neat and presentable condition. Those signs damaged by conditions of weather or by accident shall be repaired within a reasonable time, or shall be replaced or removed. In the event of a dispute as to a "reasonable time" for repair, replacement or removal, the planning commission shall have authority to set a final deadline if mutual agreement is not reached with the sign owner.
  - 2. The removal of signs shall be at the owner's expense.
- F. **Sign Requiring Building Permit:** Where a building permit is required, no sign shall be erected without first obtaining the necessary building permit. The application for a permit for the construction, modification or remodeling of sign shall include a plot plan and site plan and shall meet the same document requirements as a commercial or manufacturing building. Included on the plot plan will be details of how the sign is to be firmly anchored or attached to the building or ground.

- G. **Unsafe Signs:** Any sign or portion thereof declared unsafe by the building inspector must be restored to a safe condition within thirty (30) days of mailing or otherwise giving notice of the unsafe condition or shall be removed within the same thirty (30) day period.
- H. **Signs Not To Constitute A Traffic Hazard:** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- I. **Sign Setback:** All sign bases, foundations or supporting apparatus shall be set back from the property line by at least ten feet (10').
- J. **Business Signs In Residential Zones:** Non-home occupation businesses located in residential zones by conditional use permit may erect an unlighted business sign of maximum height of six feet (6\*) and maximum area of six (6) square feet. Home occupation businesses are limited to a nameplate sign.
- K. **Design Review:** The Planning Commission shall (a) review and approve or disapprove the design of all signs to be located on premises along State Highway 89/91 and (b) review and approve or disapprove other signs requiring design review by this ordinance.
- L. **Electronic Message Displays (EMDs):**
  - 1. **Permit Required:** Prior to construction of an EMD, the applicant shall obtain an EMD Sign Permit for the sign, which shall only be issued after review of the Planning Commission. A nonrefundable fee as listed on the current approved Consolidated Fee Schedule shall accompany each EMD Sign Permit application to compensate the City for permit review and administration of this ordinance. Government-operated changeable message signs are exempt from this title.
  - 2. No off-premise advertising permitted. Advertising copy may only advertise business on the same property or within the same project as the sign itself.

3. Permitted Zones: EMDs shall only be permitted in the Neighborhood Commercial (C-N), Commercial (C) and Industrial (I) zones along Highway 89/91 and Highway 165.

a. ~~In no case shall an EMD be permitted within 300 feet of a residential zone.~~

**Commented [LR1]:** This restriction would prohibit Maverik's sign, which is ~120' from a residential zone.

b. ~~EMDs shall be prohibited along Highway 165.~~

c.a. Where an EMD is permitted in a residential zone, such as a public school, all electronic displays shall be shut off between the hours of 10:00 p.m. and 6:00 a.m.

d.b. In no case shall a sexually oriented business, as defined in NCC 2.14, be permitted to have an EMD.

#### 4. Transitions

##### a. Prohibited Transitions

(1) Scrolling or Travel

(2) Any text or graphic that "moves" or "has the appearance of movement" not specified in this section.

##### b. Permitted Transitions

(1) Dissolve, shall not exceed 2 seconds between individual scenes, messages, or advertisements.

(2) Fade shall be between one and two seconds between individual scenes, messages, or advertisements.

#### 5. Frame Effects

##### a. Prohibited Effects

(1) Flashing & Blinking (a strobe effect)

- (2) Starburst
- (3) Video
- (4) New frame effects not identified herein
- (5) After sunset, no sign shall utilize a white background for greater than or equal to 10% of the sign area

b. Permitted Effect(s)

- (1) Static image

6. Dwell Time

- a. Each scene, message, or advertisement displayed on an EMD shall remain "on" and static for at least four (4) seconds.

7. Sign Brightness/Intensity: All EMDs are required to comply with the following standards:

- a. EMD Sign Illumination Standards: Photocell technology is required to be properly installed for all EMDs to allow for automatic dimming of the intensity of the sign illumination and accommodate varying light conditions.
- b. EMD Illumination Measurement Criteria: The illuminance of an EMD shall be measured with an illuminance (light intensity) meter set to measure foot candles accurate to at least 0.01 foot candles. Illuminance shall be measured with the EMD off, and again with the EMD displaying a white image for a full color-capable EMD, or a solid message for a single-color EMD. All measurements shall be taken perpendicular to the face of the EMD at the distance determined by the total square footage of the EMD as set forth by the following formula.

Measurement Distance = Ten times the square root of the Sign Area

For example, a sign with an area of 25 square feet shall be measured at a distance of 50 feet.

- c. EMD Illumination Limits: The nighttime difference between the off and solid-message measurements using the EMD Measurement Criteria shall not exceed 0.1 footcandles.
- d. Dimming Capabilities: All permitted EMDs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the nighttime footcandle limitation.
- e. The applicant shall be required to submit written certification that the light intensity shall not exceed the maximum levels specified in the above table and photocell dimming prior to the issuance of an EMD Sign Permit.
- f. All EMDs are subject to inspection by City staff to determine compliance with the illuminance standards set forth above. Failure to comply with the illuminance standards set forth above will result in revocation of the EMD sign permit.

#### 8. Sign Type/Area

EMDs shall not solely consist of the entire sign area and the permitted size of an EMD shall not be more than:

- a. Monument signs: 66% of the permitted free-standing sign area of a monument sign; and shall not exceed twenty (20) square feet in area.
- b. Pole Signs: Shall not exceed fifty (50) square feet in area.
- c. No other sign type shall be permitted to have an EMD.

#### M. Table Of Permitted Signs:

Type Of Sign	Maximum Size In Feet	Maximum Height (Feet)	Permitted Zones	Conditional Use Zones	Lighting Type	Building Permit Required
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Awning	4ft x 1 ft (1)	12	C, I	None	Indirect	Yes
Billboard/ off premises			None	None		
Billboard/ on premises	96 sq. ft. per side	18	None	C, I	Indirect	Yes
EMD, Pole Sign	50 sq. ft. per side	10 (min) 18 (max)	None	C, I (3)	Projection	Yes (4)
EMD, Monument Sign	20 sq. ft. per side	5	None	<a href="#">C-N.</a> , C, I (3)	Projection	Yes (4)
Flat and wall	10% of face - 5% of side	2 ft. above roof	C, I	None	Indirect, flood, neon	Yes
Identification	3ft x 4ft	8	All		Indirect, flood	Yes (2)
Monument, w/o EMD	20 sq. ft.	5	None	A, R-E, R, <a href="#">C-N.</a> , C, I, R-2	Indirect	Yes (2)
Nameplate	3 sq. ft.	5	All	None	None	No

Project	160 sq. ft. per side	10	C, I	None	Indirect, flood, neon	Yes
Project - Residential	40 sq. ft. per side	10	C, I	None	Indirect, flood, neon	Yes
Projecting	14 sq. ft.	18	C, I	None	Indirect, flood, neon	Yes
Property	32 sq. ft.	10	All	None	None	No
Public necessity	6 sq. ft.	5	All	None	None	No
Service	16 sq. ft.	6	None	All	Indirect	Yes (2)
Street banner	120 sq. ft.	None	C, I	None	None	No
Temporary	30 sq. ft.	6	All	None	None	No

N. Notes:

- (1) Width not to exceed windows, doors or other openings being sheltered.
- (2) Building permit not required if sign is not electrically illuminated.
- (3) Allowed only along Highway 89/91 and 165.
- (4) EMD Sign Permit also required.

O. Exemptions: The following shall be exempt from the provisions of this chapter:

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by a government.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school, and business identification flags.
5. Religious symbols and seasonal decorations provided that no traffic hazard is created.
6. Works of art containing no form of advertising.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed six (6) square feet in area.
8. Signs oriented only to the property on which they are located and which are not visible from the public right of way.
9. Signs in the display windows of a business which are incorporated in a display of merchandise.

P. Prohibited Signs:

1. Nonpermitted signs or posters that are visible from a public way and are affixed to walls, buildings, trees, poles, fences, bridges or other structures.
2. Signs placed on any street right of way, sidewalk, pole, bridge or tree, unless specifically permitted herein.
3. Banners, pennants, strings of lights, ribbons, streamers, balloons or similar devices that call attention rather than contribute to the business decor except as may be specifically permitted by this section.
4. Portable signs except those allowed as temporary signs.

5. Signs whose lighting, location or appearance would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings.
6. Any sign attached to or placed on a vehicle or trailer that is parked on public or private property or driven on public streets, except for signs meeting the following:
  - a. The primary purpose of such a vehicle or trailer is not the display of signs.
  - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment.
  - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, and actively used or available for use in the daily function of the business to which such signs relate.
7. Roof signs.
8. Animated signs.
9. Strobe lights and flashing lights.
10. Any sort of sign used to advertise or display any visually communicated message by letter or by picture, of any kind, on any seating bench, or in direct connection with any bench unless authorized by the regional public transportation system authority as permitted from the City Planner.

Nibley

Application: Rezone, Code Change, or Master Plan Change Application

- Property Owner Infromation
- Property Owner Representative
- Request Information
- Applicant Statement
- Fees
- Signature
- Review

 Save to finish later [?](#)

Contact Us

 (435) 752-0431

 455 W 3200 S  
Nibley, UT 84321

## Review Your Application

### Property Owner Infromation Edit

First Name

Erik

Last Name

Johnson

Address Street

185 South State Street

City

Salt Lake City

State

Utah

Zip Code

84111

Phone

(801) 521-4194

Email

erik.johnson@maverik.com

Is the property owner representative different from the listed property owner  
yes

## Property Owner Representative

First Name

Kimberley

Last Name

Neilson

Address Street

1605 South Gramercy Road

City

Salt Lake City

State

Utah

Zip Code

84104

Phone

801-441-7648

Email

kneilson@yesco.com

## Request Information

Request Type:

Code Change

Attach requested code change or master plan change here.

Text Amendment Letter, Nibley, UT.pdf

## Applicant Statement

What is the need for the proposed zone change, code change or master plan change?

To allow the Maverik location at 3090 South State Highway 165 to install & utilize an EMD on its Freestanding sign to digitally display price & payment type label.

What will the public benefit be if the zone change, code change or master plan change is granted? This would benefit the public by improving communication, supporting local commerce, ensuring consistent & updated sign standards.

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

By allowing EMDs in the C-N zone aligns with several goals & policies of the Nibley City General Plan by promoting economic vitality, enhancing community identity, & encouraging compatible commercial development.

## Fees

Plan Check	\$500.00
Public Notice Fee	\$150.00
<b>Total:</b>	<b>\$650.00</b>

## Signature

Kimberley Neilson

[Submit Application](#)

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To Whom It May Concern,

Maverik, Inc. respectfully requests a text amendment to Nibley City Municipal Code Title 19.24.150, specifically Subsection (L), to allow Electronic Message Displays (EMDs) within the C-N (Commercial Neighborhood) zoning district.

The purpose of this amendment is to allow the Maverik convenience store located at 3090 South State Highway 165 to install and utilize an Electronic Message Display (EMD) on its freestanding sign for the purpose of digitally displaying fuel prices and payment type label (i.e. CASH/CREDIT/NITRO).

The current Municipal Code Section 19.24.150 provides general sign regulations and restrictions for various zones but does not appear to explicitly address the use or format of gas price signage within the C-N zone. This absence creates uncertainty for fuel retailers regarding appropriate display methods for required price information.

By contrast, modern EMDs:

- Provide precise and instant price updates without manual or mechanical intervention.
- Improve safety by minimizing employee exposure to traffic when changing prices manually.
- Offer superior energy efficiency and visibility with programmable brightness controls that meet community lighting standards.
- Maintain a clean, modern aesthetic consistent with Nibley's commercial corridor along Highway 165.

Amend Nibley Municipal Code 19.24.150(L) to allow Electronic Message Displays (EMDs) as a permitted sign type in the C-N (Commercial Neighborhood) zoning district, subject to the same standards, limitations, and performance criteria currently applied to other commercial zones where EMDs are allowed.

This proposed amendment supports the goals and policies of the Nibley City General Plan by:

- Promoting local business development and modern commercial communication methods.
- Ensuring clarity and consistency within the City's sign regulations.
- Encouraging uniform design standards and technological flexibility.
- Preserving community character through regulated brightness and display standards already established in the code.

Maverik respectfully requests that the City of Nibley approve this Text Amendment to allow Electronic Message Displays (EMDs) in the C-N Zone, enabling modern, safe, and energy-efficient fuel price displays that replace outdated mechanical scroller systems while adhering to the City's established sign standards.

Thank You,

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## Agenda Items #6 & #7: Open Space Subdivision Code Amendments

### Description

**Public Hearing:** Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation

**Discussion and Consideration:** Recommendation for Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation

### Department

Planning

### Action Type

Legislative

### Recommendation

Recommend Approval for Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation

### Reviewed By

City Planner, City Engineer, City Attorney

### Background

The Planning and Zoning Commission has been discussing potential changes to the Open Space Subdivision Ordinance. At this point in time, Staff has drafted some amendments that incorporate some of the recommendations from this discussion. These amendments are designed to provide more variety of lot sizes, while allowing for creativity in design, while mitigating effects of locating in close proximity to established neighborhoods.

Specifically, the following changes have been drafted:

- Increase setbacks for side and rear yards that abuts property with greater setback requirements. Side yards would increase to 10'. Rear yards would increase to 25'.

- Require variation in lot sizes for all subdivisions with 40 or greater lots. No more than 40% of lots could fall within a range of 1,500 sq ft.
- Remove minimum lot size and frontage requirements. This was necessary to allow for flexibility in design to facilitate variation in lot sizes. The same number of lots would be allowed but with flexibility in design of lot configuration.
- Adopt a minimum buildable area standard of 1,500 sq ft for all lots to ensure lots are buildable considering setback requirements.

City Staff shared these draft amendments to several developers and subdivision designers in the area. Two detailed responses to this inquiry are included in the packet for discussion and consideration.

### **21.10.020 Open Space Subdivision**

A. Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:

1. Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
2. Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
3. Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
4. Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
5. Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
6. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
7. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
8. Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
9. Creates neighborhoods with direct visual and/or physical access to Open Space Land;
10. Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.

B. Definitions: For the purpose of this section, the following words shall have the meanings set forth herein:

1. OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on an Open Space Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land 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. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.
2. CONSTRAINED AND SENSITIVE LAND: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.
3. WATERWAY: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeds, streams, springs, rivers, ponds, and wetlands.
4. TREE STAND: A group or cluster of trees within a geographic location that are occurring naturally or artificially.
5. MEADOWS: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
6. PASTURE: A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.
7. NET DEVELOPABLE LAND: Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
  - a. Public access rights-of-way

- b. Land required to be dedicated along waterways
- c. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
- d. Constrained and Sensitive Land as defined herein
- e. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.

8. Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the proposed final plat.

C. Applicability:

1. The election to develop the property as an Open Space Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and the Open Space Subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. Open Space Subdivisions may be developed within applicable residential zones of the City. Open Space Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.
2. In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.

3. Development Options: In R-1, R-1A, R-2, and R-2A zones in Nibley City, developers may elect to develop an Open Space Subdivision. If the zone is not listed above, it does not qualify for an Open Space Subdivision.
4. Developers desiring to develop the property as Open Space Subdivision are subject to the development standards, conditions procedures and regulations of this section.

D. Application Process:

1. Applications for an Open Space Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
2. Pre-application Meeting: Applicants for an Open Space Subdivision may request a pre- application meeting with the Development Committee as established in NCC 21.06.030. To assist with this review the developer may submit the draft plan of the proposed subdivision with such details as the following the following:
  - a. Zoning and parcel location
  - b. Total gross acres
  - c. Estimated right-of-way dedication
  - d. Estimated Constrained and Sensitive Land
  - e. Estimated Net Developable Land
  - f. Estimated Open Space Dedication and proposed uses
  - g. Total number of lots based on density bonus
  - h. Estimated lot sizes and subdivision layout.

3. Sensitive Area Designation Plan Map: All applications for a Open Space Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all-natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet (400') of the developments property boundaries as noted in City, County, State, and Federal records.
4. Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E. Dimensional Standards:

1. [Lot Standards](#)[Incentive Multiplier](#): The [incentive multiplier](#)[lot standards](#) within an Open Space Subdivision shall be determined in accordance with the [Lot Standards Chart](#)[Incentive Multiplier Chart](#).

[Lot Standards](#)[Incentive Multiplier](#) **Chart**

Zone	Open Space Ratio <sup>1</sup> (OSR)	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage <sup>2</sup>
R-1	0.25 ≤ OSR < 0.30	1.25	≥ 18,700 ft <sup>2</sup>	≥ 17,000 ft <sup>2</sup>	≥ 100 ft
	0.30 ≤ OSR < 0.35	1.30	≥ 16,700 ft <sup>2</sup>	≥ 15,000 ft <sup>2</sup>	≥ 100 ft
	0.35 ≤ OSR < 0.40	1.35	≥ 14,700 ft <sup>2</sup>	≥ 13,000 ft <sup>2</sup>	≥ 95 ft
	0.40 ≤ OSR	1.40	≥ 12,700 ft <sup>2</sup>	≥ 11,000 ft <sup>2</sup>	≥ 90 ft
R-1A	0.25 ≤ OSR < 0.30	1.25	≥ 14,000 ft <sup>2</sup>	≥ 12,000 ft <sup>2</sup>	≥ 100 ft
	0.30 ≤ OSR < 0.35	1.30	≥ 13,000 ft <sup>2</sup>	≥ 11,000 ft <sup>2</sup>	≥ 95 ft
	0.35 ≤ OSR < 0.40	1.35	≥ 12,000 ft <sup>2</sup>	≥ 10,000 ft <sup>2</sup>	≥ 90 ft
	0.40 ≤ OSR	1.40	≥ 11,000 ft <sup>2</sup>	≥ 9,000 ft <sup>2</sup>	≥ 85 ft
R-2	0.25 ≤ OSR < 0.30	1.25	≥ 13,000 ft <sup>2</sup>	≥ 11,200 ft <sup>2</sup>	≥ 95 ft
	0.30 ≤ OSR < 0.35	1.30	≥ 11,700 ft <sup>2</sup>	≥ 10,000 ft <sup>2</sup>	≥ 90 ft
	0.35 ≤ OSR < 0.40	1.35	≥ 10,200 ft <sup>2</sup>	≥ 9,000 ft <sup>2</sup>	≥ 85 ft
	0.40 ≤ OSR	1.40	≥ 9,200 ft <sup>2</sup>	≥ 7,800 ft <sup>2</sup>	≥ 80 ft

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R-2A	0.25 ≤ OSR < 0.30	1.25	≥ 8,400 ft <sup>2</sup>	≥ 7,200 ft <sup>2</sup>	≥ 75 ft
	0.30 ≤ OSR < 0.35	1.30	≥ 7,600 ft <sup>2</sup>	≥ 6,400 ft <sup>2</sup>	≥ 70 ft
	0.35 ≤ OSR < 0.40	1.35	≥ 6,500 ft <sup>2</sup>	≥ 5,500 ft <sup>2</sup>	≥ 60 ft
	0.40 ≤ OSR	1.40	≥ 5,800 ft <sup>2</sup>	≥ 5,000 ft <sup>2</sup>	≥ 50 ft

Notes: 1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land.

2. Frontage is determined at the front setback line.

**Commented [LR1]:** In order to require a range of lot sizes, minimum lot sizes and frontages are recommended to be removed. This will allow for flexibility in lot sizes for all subdivisions, with a requirement for lot size variation for larger subdivisions.

2. Variation of Lot sizes Requirement: For Subdivisions with 40 or greater lots, a variation in lot sizes is required. No more than 40% of lots within a subdivision may be composed of any one lot size category according to the following chart:

Lot size category	Lot size range
1	3,000 – 4,500 ft <sup>2</sup>
2	4,501 – 6,000 ft <sup>2</sup>
3	6,001 – 7,500 ft <sup>2</sup>
4	7,501 – 9,000 ft <sup>2</sup>
5	9,001 – 10,500 ft <sup>2</sup>
6	10,501 – 12,000 ft <sup>2</sup>
7	12,001 – 13,500 ft <sup>2</sup>
8	13,501 – 15,000 ft <sup>2</sup>
9	15,001 – 17,500 ft <sup>2</sup>
10	17,501 – 20,000 ft <sup>2</sup>

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11 | 20,001 ft<sup>2</sup> or greater

2.3. Minimum Setback Standards: Minimum setbacks for principal buildings within an Open Space

Subdivision shall be determined in accordance with the Minimum Setback Standards Chart. Minimum setbacks of accessory buildings shall be determined in accordance with the underlying zone.

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**Minimum Setback Chart**

Zone	Open Space Ratio (OSR)	Front yard	Side Yard, interior	Side Yard, street	Rear yard
R-1	As per underlying zone (see NCC 19.22.010)			25	
R-1A	As per underlying zone (see NCC 19.22.010)			25	
R-2	0.25 ≤ OSR < 0.30		As per underlying zone (see NCC 19.22.010)	25	
	0.30 ≤ OSR < 0.35		As per underlying zone (see NCC 19.22.010)	25	
	0.35 ≤ OSR < 0.40	25(35) <sup>1</sup>	8(10) <sup>2</sup>	25(35) <sup>1</sup>	20(25) <sup>3</sup>

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	0.40 ≤ OSR	25(35) <sup>1</sup>	8 <u>(10)<sup>2</sup></u>	25(35) <sup>1</sup>	20 <u>(25)<sup>3</sup></u>
R-2A	0.25 ≤ OSR < 0.30	25(35) <sup>1</sup>	8 <u>(10)<sup>2</sup></u>	25(35) <sup>1</sup>	20 <u>(25)<sup>3</sup></u>
	0.30 ≤ OSR < 0.35	25(35) <sup>1</sup>	8 <u>(10)<sup>2</sup></u>	25(35) <sup>1</sup>	20 <u>(25)<sup>3</sup></u>
	0.35 ≤ OSR < 0.40	20(35) <sup>1</sup>	5 <u>(10)<sup>2</sup></u>	20(35) <sup>1</sup>	15 <u>(25)<sup>3</sup></u>
	0.40 ≤ OSR	20(35) <sup>1</sup>	5 <u>(10)<sup>2</sup></u>	20(35) <sup>1</sup>	15 <u>(25)<sup>3</sup></u>

<sup>1</sup> Greater distance required where yard faces arterial road.

<sup>2</sup> Greater distance required for any side yard which abuts existing property with residential zoning that requires a minimum setback of 10 feet or greater for side yard, interior.

<sup>3</sup> Greater distance required for any rear yard which abuts existing property with residential zoning that requires a minimum setback of 25 feet or greater for rear yard.

4. Minimum buildable area standard: No lot within an Open Space Subdivision may have a buildable area that is less than 1,500 ft<sup>2</sup> after subtracting minimum setback areas.

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3.5. Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a Open Space Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All

calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:

- a. The subdivision must be in one of the approved zones as listed within the Open Space Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart.
- b. Provide to the City the total area contained within the subdivision plat.
- c. Provide to the City the total area being dedicated to rights-of-way.
- d. Provide to the City the total acres of Constrained and Sensitive Land.
- e. Provide the City the total Net Developable Land area as defined within this section.
- f. State the area of proposed Open Space Land.
- g. Calculate Open Space Ratio.
- h. Calculate the Base Number of Lots per zone:
  - 1) Base Number of Lots R-1 = Net Developable Land / 1 acre
  - 2) Base Number of Lots R-1A = Net Developable Land / .75 acres
  - 3) Base Number of Lots R-2 = Net Developable Land / 0.5 acres
  - 4) Base Number of Lots R-2A = Net Developable Land / 0.32 acres
- i. Determine Incentive Multiplier
  - 1) Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.
- j. Calculate total allowed

- 1) Total allowed lots = Base number of lots multiplied by the Incentive Multiplier

F. Lot Area, Frontages, and Zoning Regulations:

1. ~~The subdivision, along with each lot within the subdivision, shall meet and comply with the minimum lot sizes, average lot sizes, and frontages shown on the Lot Standards Chart.~~ Except for ~~the lot size and frontage~~ requirements, the Zoning Regulations (NCC 19) for the underlying zone shall apply to Open Space Subdivisions, unless otherwise noted within this section.

G. Conservancy Lots:

1. Open Space Land and Constrained and Sensitive Land may be included within individual residential lots when such areas can be properly protected and preserved in accordance with the intent and purpose of this section. Such lots shall be known and referred to as "conservancy lots". These lots must contain a minimum of 0.5 acres of Open Space Land, except for areas approved by Nibley City as defined Landscape Buffers, and that Open Space Land must meet the design standards and use standards within this section.
2. Regulations: Open Space Land and Constrained and Sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection. Open Space Land must be developed and maintained within the first year of the date of issuance of a Notice to Proceed under NCC 21.
3. The portion of each Conservancy Lot that is not Open Space Land must meet the minimum lot size on the applicable Lot Standards Chart and shall be the portion of the Conservancy Lot used to calculate the average and minimum lot size within the subdivision.

H. Use Regulation: Use of the land in a Open Space Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a Open Space Subdivisions is subject to the following:

1. Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:

- a. Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
- b. Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.
- c. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
- d. Conservation of open land in its natural state, e.g., meadows, tree stands, wetlands, forestland.
- e. Waterways along with dedicated public access rights-of-way or easements along one or both sides.
- f. Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
- g. Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Open Space Subdivision if maintained by a functional owners association.
- h. Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.

- i. Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
- j. Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
- k. Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.
- l. Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
- m. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
- n. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Engineering design standards and specifications, must contain a tree for every 300 square feet and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation

2. Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:

- a. Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.

- b. Firearm ranges, and other uses similar in character and potential impact are prohibited.
- c. Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.
- d. Any cutting of trees or vegetation, except as reasonably necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses or other uses allowed within this section.
- e. Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted use.
- f. Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land.
- g. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
- h. Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
- i. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
- j. Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
- k. Hunting or trapping for any purpose other than predatory or problem animal control.
- l. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.
- m. The division, subdivision or de facto subdivision of the property.

- n. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
  - o. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.
- 3. Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands
- 4. Open Space Land Coordination: When directed by the Planning Commission, Open space land shall be consolidated and located on the border of proposed subdivision and be located adjacent to undeveloped or open space land. In consideration of open space consolidation, design standards described in this chapter shall be maximized, including the preservation of significant areas and natural landscape, and adequate pedestrian access.
- 5. Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within an Open Space Subdivision shall be complied with as provided herein.

I. Open Space Land Design Standards: Open Space Land shall be located and designed within the Open Space Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within an Open Space Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:

- 1. Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The

maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.

2. Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.\
3. Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
4. Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.
5. Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
6. Recreation Space: Open Space Land may be designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. Any recreation spaces that are to be dedicated to Nibley City are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the preliminary plat or maintenance plan can be given. Publicly and owners' association owned open spaces 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 Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

J. Permanent Protections of Open Space Land:

1. Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Open Space Subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Open Space Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Open Space Subdivision.
2. Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Open Space Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
  - a. Legal description of the easement;
  - b. Description of the current use and condition of the property;
  - c. Permanent duration of easement;
  - d. Permitted and conditional uses;
  - e. Prohibited development and/or uses;
  - f. Maintenance responsibilities and duties; and
  - g. Enforcement rights and procedures.

3. **Marking of Open Space Land:** Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.
4. **Grantee:** Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering Open Space Lands within a Open Space Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.

**K. Ownership of Open Space Land:**

1. **Undivided Ownership:** Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
2. **Property Not Subject to Subdivision:** Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
3. Nibley City may at its sole discretion opt to take ownership of Open Space Land prior to the preliminary plat approval stage. If the event that the applicant requests or the Planning Commission recommends that Open Space land be dedicated to Nibley City, the City Council must approve the development agreement which includes dedication of open space prior to preliminary plat approval. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.

4. Owners Association: Open Space Land may be held in common ownership by a Home Owners or other acceptable Owners Association, subject to all the provisions for Owners Associations set forth in state law, the City Code, and the following:

- a. A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
- b. The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;
- c. Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.
- d. The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
- e. The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted; and
- f. Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of the Association and to the City no less than thirty (30) days prior to such event.
- g. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.

- h. In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.
- 5. Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.

L. Maintenance of Open Space Lands:

- 1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
- 2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
  - a. The proposed Ownership of the Open Space Land;
  - b. The party that will be responsible for maintenance of the Open Space Land;
  - c. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the standards listed within this section;
  - d. The size of each Open Space Land parcel; and
  - e. The proposed concept plan for landscaping of the Open Space Land.
- 3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Open Space Subdivision application for the subdivision. If the maintenance plan addresses Open Space Land that is to be owned or dedicated to Nibley City, the maintenance plan shall conform to all conditions and terms of the development agreement approved by the City Council that includes

the dedication of open space. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:

- a. Ownership agreements for Open Space Land;
- b. A description of the use of the Open Space Land and how that use complies with this section;
- c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
- d. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
- e. The landscaping plans for parcels that will be owned by an owners association or by the City.
- f. Approval: The Final Maintenance Plan must be approved by the Administrative Land Use Authority prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision 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.

4. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.
5. Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land 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 responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, 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. The owner shall not impede the City in their efforts to maintain the open space.

6. **Corrective Action:** The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative 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.
7. **Implementation and Maintenance:** The developer of the subdivision shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
8. **Maintenance Access:** The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the Open Space Subdivision.

#### M. Fee in-lieu of Open Space

1. For Open Space Subdivision developments that are within 1/2 mile of a dedicated or master-planned City Park which is two (2) acres or greater, as identified in the Nibley City Parks, Recreation and Open Space Master Plan,

a developer may pay a fee in-lieu of amenities and open space required. The fee in-lieu of open space required shall be based upon the acreage of the open space that is not provided and shall be set by the Consolidated Fee Schedule, adopted by the City Council.

2. All fees in-lieu of open space shall supplement the improvement and maintenance of parks and recreation facilities in Nibley City.
3. If the developer pays a fee-in-lieu of open space requirements, the developer may develop the commensurate additional number of housing units that the fee-in-lieu offsets. For example, if the developer pays a fee-in-lieu of open space that is equal to 0.25 Open Space Ration, an additional 0.25 Incentive Multiplier shall be allotted to the development, as noted in the Lot Standards Chart of this Section.
4. Any fee in-lieu of open space must be approved by City Council as part of a development agreement approval.

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## Agenda Items #8 & #9: Zone Assignment for Hansen Annexation

### Description

**Public Hearing:** Recommendation for Zone Assignment to the Nibley City Council: Rural Estates (R-E) Zone for Parcels 01-003-0010, 01-003-0011, 01-003-0028, and 01-003-0029 at Approximately 5325 Hollow Road, in Conjunction with an Annexation Petition

**Discussion and Consideration:** Recommendation for Zone Assignment to the Nibley City Council: Rural Estates (R-E) Zone for Parcels 01-003-0010, 01-003-0011, 01-003-0028, and 01-003-0029 at Approximately 5325 Hollow Road, in Conjunction with an Annexation Petition

### Department

Planning

### Action Type

Legislative

### Recommendation

Recommend Zone Assignment to the Nibley City Council: Rural Estates (R-E) Zone for Parcels 01-003-0010, 01-003-0011, 01-003-0028, and 01-003-0029 at Approximately 5325 Hollow Road, in Conjunction with an Annexation Petition

### Reviewed By

City Planner

### Background

Rachel S. and Trever D. Hansen, representative of Kartchner Homes, filed an annexation petition to annex parcel Parcels 01-003-0010, 01-003-0011, 01-003-0028, and 01-003-0029, located at approximately 5320 S Hollow Road, which contains 29 acres into Nibley City. The area is within the City's annexation declaration boundary of the annexation policy plan.

In conjunction with the annexation petition, the applicant has requested to zone the property Rural Estate (R-E):

## **General Plan Guidance and Staff Analysis**

The Future Land Use Map, an appendix to the general plan, designates this area as ‘Low Density Residential’. The R-E zone, which allows up to 1 lot per acres would support this future land use designation. This zoning matches that of the area directly north, along Hollow Road.

This low density designation for Hollow Road helps minimize impacts in an area with limited infrastructure capacity (including roads and water). According to the Regional Pre-disaster Mitigation Plan, this area has also been found to be of high risk for a number of natural hazards, including wildfire and flooding. Limiting the intensity of development will help minimize the potential risk posed by such hazards.

Based upon the context of the site and the guidance provided in the General Plan, Staff has determined that this application is in support of the General Plan.



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## Agenda Items #10 & #11: Fence Regulation Code Amendments

### Description

**Public Hearing:** Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements

**Discussion and Consideration:** Recommendation for Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements

### Department

Planning

### Action Type

Legislative

### Recommendation

Recommend Approval for Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements

### Reviewed By

City Planner, City Attorney

### Background

NCC 19.24.090 includes regulations for the construction of fences. Staff has observed some issues with fences that have been constructed and, after consultation with the Planning Commission, is recommending specific modifications to the existing Code. Specifically, Staff is recommending the following changes:

- For fences along public trails, raise the height limit for the opaque portion of the fence from 4' to 5'. This recommended modification is a compromise of retaining privacy, while ensuring that trail corridors are visible from beyond the corridor. Staff has observed

several fences that approach this 5' threshold and found that they would generally still contribute to the safety of trail corridors.

- In addition to trail corridors, Staff recommends extending these requirements to fences along public streets to enhance the visibility of sidewalks adjacent to fences.
- Added provision to adhere to AASHTO standards for intersection visibility, as in some cases the current provisions are not sufficient to ensure safe visibility on corners.
- Allowance for agricultural fences in the front yard area for lots that permit large animals (greater than 0.5 acre).
- Allowance and restrictions for temporary fencing for construction sites and special events.
- Requirement for fence inspection, in addition to permit to ensure compliance.
- Allowance to provide fee for fence permit, if authorized by the Nibley City Council

## 19.24.090 Fence Regulations

### A. Definitions

1. **Fence:** A tangible barrier or obstruction, with the purpose, intent, or effect of obstructing passage or view ~~across the fence line.~~ Includes wooden posts, wire, iron, aluminum, vinyl, shrubs, bushes, hedges, walls, chain-link, rails, and any other material used as a boundary, means of protection, privacy screening, enclosure, or confinement.
2. **Opaque Fence:** A Fence, including any gates, that permits direct vision through less than 75% of any one section/panel including post~~s~~. Examples ~~would~~ include vinyl, wood, cement, brick or blocks.
3. **Public Trail:** A corridor of property designated by the City for the purposes of non-motorized transportation, such as hiking, walking, jogging, running, horseback riding, cycling, or other similar uses, including any trails identified in the City's ~~Parks, Traits, Recreation, & Open Space MasterActive Transportation~~ Plan or in a recorded subdivision plat, whether now constructed or planned for future construction.
4. **Transparent/Open Fences:** A Fence, including any gates, that permits direct vision through at least 75% of any one section/panel fence including post. Examples include chain link, hog wire, metal rod, and some post and rail fences.

### B. General Requirement

1. **Front Yards:** No fence shall be erected in any front yard setback area to a height in excess of four feet (4') ~~with the exception of the following:~~
  - a. ~~A~~s allowed under section C.
  - 4.b. ~~Agricultural fencing on properties that are 0.5 acre or larger. Such fencing is limited to five feet (5') in height and must meet the transparent/open fence definition of Section A.~~
2. **Back and side yards:** No fence shall be erected or maintained in any side or rear yard to a height in excess of seven feet (7') for an opaque fence, and eight feet (8') for a transparent fence, subject to the limitations identified herein for fences bordering Public Trails, ~~Streets and~~ corner lots, ~~and adjacent to streets.~~

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3. Under all circumstances, no structure or landscaping element may interfere with property address identification. Landscaping elements exclude varieties of trees approved by the City Planner or Planning Department. Any conflicts between this Chapter and NCC 19.22.010, NCC 19.24.230, and any other provision of the Nibley City Code shall be governed by the more restrictive or limiting provision.

C. Corner Lots and ~~clear view triangle sight distance~~:

**1. Street Side Yards Corner Lot Restrictions:**

- a. No fences in excess of ~~three four~~ feet (34') shall be placed on any corner lot within a triangular area formed by the intersecting points of the street 40 feet from the intersection of the streets or roadway; ~~except trees pruned appropriately to permit automobile drivers an unobstructed view.~~  
**4.b. All erected fences on corner lots shall adhere to minimum intersection sight distance standards of the American Association of State Highway and Transportation Officials (AASHTO).**

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2. **Driveways:** Fencing in the street side ~~or rear~~ yards ~~adjacent to~~ ~~within ten feet (10')~~ of a driveway shall not exceed four feet (4') for a distance of fifteen feet back from the intersection of driveway and sidewalk, or driveway and property line where no sidewalk exists ~~as shown on the drawing below.~~

**3. Clear View Fencing Diagram:**

~~Insert diagram here. Diagram pending~~

- 4.3.** This section shall apply to all fences as defined herein; other obstructions shall comply with NCC 19.24.110.

D. Fencing or landscaping elements along Public Trails ~~and Public Streets~~: All fences or landscaping elements adjacent to Public Trails ~~or Public Streets~~, shall be limited to the following:

1. Fencing or hedges that may exceed ~~four five~~ feet (54') but not be more than six feet (6') in height:
  - a. Any other fencing or landscaping elements that meet the transparent/open fence definition contained within this chapter.

2. Fencing or hedges that may not exceed ~~fivefour~~ feet (~~54'~~) in height:
  - a. Any Opaque Fences.
3. Fencing types and materials may be combined so long as non-permitted elements do not exceed ~~fivefour~~ feet (~~54'~~) in height.
4. Nothing in this subsection shall be interpreted to limit the height of fences or hedges that are adjacent to a street as identified in subsection (E) below.
5. Public Trails located in Public or Private Parks, within or adjacent to a public or private street right-of-way, or contained located over adjacent to existing railroad tracks are excluded from the fence regulations, conditions and provisions of this subsection.

E. Elevation Changes: Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (10') on either side of the fence.

~~F. Opaque fences in rear yards that are adjacent to a street or adjacent to the front yard setback of another lot, shall not exceed six feet (6') in height.~~

~~G. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or public easements shall open inward (toward the property owner's yard).~~

~~H. Fences shall not be built within one foot (1') of a sidewalk or the projected location of a future sidewalk.~~

~~I. Temporary Fencing: A temporary six-foot (6') chain-link or similar six-foot (6') safety fence may be installed around construction sites or during special events.  
Temporary fencing is exempt from other permitting, size and location requirements  
but must still meet all intersection sight distance standards.~~

J. A permit is required to build a fence. Nibley City staff shall have the authority to review and grant applications for fences. A fence permit shall be valid for two years from the day it is issued. An inspection of the completed fence may be conducted to ensure adherence to the approved fence permit specifications. Citizens disagreeing with City staff decisions may appeal those decisions to the Nibley City Planning Commission within (10) calendar days after approval or denial of a permit.

**Commented [LR1]:** Now covered in section D.

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## Agenda Item #12: 2026 Planning and Zoning Commission Meeting Schedule

### Description

**Discussion and Consideration:** Adoption of the 2026 Nibley City Planning and Zoning Meeting Schedule

### Department

Planning

### Recommendation

Recommend Adoption of the 2026 Nibley City Planning and Zoning Meeting Schedule

### Reviewed By

City Planner, Assistant City Recorder

### Background

In coordination with the adopted meeting schedule for City Council, Staff is recommending the adoption of the following Planning Commission meeting schedule for 2026:

January 15	July 30 (modified to avoid 7/24 weekend)
February 5	August 13
February 26	September 3
March 19	September 24
April 16	October 22
May 14	November 12
June 4	December 10
July 2	

In general, meetings are approximately every 3 weeks, avoiding holidays, CCSD school breaks, ULCT and APA-UT Conferences.

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Total Nibley City Council meetings: 15

2026

Total Nibley City Planning Commission meetings: 15

JANUARY						
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JUNE						
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NOVEMBER						
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DECEMBER						
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Jan 1 New Year's Day  
 Jan 19 Martin Luther King Day  
 Feb 16 Presidents' Day  
 May 25 Memorial Day  
 Jun 19 Juneteenth

July 3 Independence Day  
 July 24 Pioneer Day  
 Sept 7 Labor Day  
 Oct 12 Columbus Day  
 Nov 11 Veterans Day

Nov 26 Thanksgiving Day  
 Dec 25 Christmas Day  
 Mar 30–Apr 3 CCSD Spring Break  
 Apr 22–24 ULCT Mid-Year

Jun 13–20 Heritage Days  
 Oct 8–9 Fall Break  
 Oct 27–28 ULCT Annual

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## Agenda Item #13: Fee In-Lieu of Open Space Requirements

### Description

**Workshop:** Fee In-lieu of Open Space Requirements

### Background

Staff would like to discuss clarifying provisions related to the fee in-lieu of open space requirements that is incorporated into the Open Space Subdivision, R-PUD and R-M code. A question has arisen related to whether this provision could be applied when open space could be provided beyond the minimum open space threshold.

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