



NIBLEY CITY COUNCIL MEETING AGENDA
THURSDAY, December 4, 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 via the YouTube link provided at www.nibleycity.gov. Public comment should be submitted to cheryl@nibleycity.gov by 6:30 PM. Public comments with names and addresses will be read into the public record.

1. Opening Ceremonies (Kay Sweeten)
2. Call to Order and Roll Call (Chair)
3. Approval of the November 6, 2025, Meeting Minutes and November 17, 2025 Board of Canvassers Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning and Zoning Commission Report
6. **Presentation:** JustServe City Award Presentation
7. **Proclamation:** Recognizing the Service of Councilmember Norman Larsen and Councilmember Kay Sweeten
8. **Workshop:** Anhder Bike Park
9. **Discussion and Consideration:** Ordinance 25-31—Amending NCC 11.02.020 and 11.02.040 Parking Regulations for Non-motorized Equipment, Unregistered and Inoperable Vehicles (Second Reading)
10. **Discussion and Consideration:** Ordinance 25-33—Amending NCC 7.04 Modifications to Weed, Grass and Brush Height Restrictions (Second Reading)
11. **Discussion and Consideration:** Ordinance 25-37—External ADU Billing Amendments, Amending NCC 19.24.050 Accessory Dwelling Unit Standards And 15.04.040 Sanitary And Building Sewers And Connections; Rates (First Reading)
12. **Discussion and Consideration:** Resolution 25-37: Authorizing Modifications and Traffic Control Studies for the 1200 West Corridor (First Reading)
13. **Discussion and Consideration:** Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone (First Reading)
14. **Discussion and Consideration:** Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation (First Reading)
15. **Discussion and Consideration:** Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements (First Reading)
16. **Council and Staff Reports**

Adjourn

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

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.

Nibley City's next scheduled Council meeting will be on Thursday, January 8, 2026, 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.



**Nibley City Council
Agenda Report for
December 4, 2025**

Agenda Item #6

Description	Presentation: JustServe City Award Presentation
Presenter	Gary Anderson, Local JustServe Representative
Staff Recommendation	
Reviewed By	Mayor Larry Jacobsen Talon Bigelow, Assistant City Recorder

Background:

Nibley City places great value in fostering a strong spirit of volunteerism in the community. Throughout the year, Nibley City organizes service projects with various partners. Nibley City also continues to assist residents with identifying service projects as they become available with JustServe.org. Staff applied for the JustServe City Award on October 30 and received notice that Nibley City had been designated a JustServe City on November 14. The JustServe City program, in conjunction with the free JustServe volunteer platform, links individuals with local service projects.

- **Nibley City Proclamation Recognizing our Commitment to Volunteerism:**
<https://nibley.municipalcodeonline.com/book?type=resolutions#name=Commitment To Volunteerism In Nibley City>
- **2024 Nibley City Resolution Recognizingg Joan Rigby for her Spirit of Volunteerism:**
<https://nibley.municipalcodeonline.com/book?type=resolutions#name=Resolution 24-13 Recognizing Joan Rigby As Nibley City's 2024 Citizen Of The Year For Her Spirit Of Volunteerism, Kindness, And Work-Ethic>

Staff would like to continue along the path to obtain the Global JustServe City designation. Mr. Gary Anderson, a local JustServe representative, will provide a brief

presentation to the City Council concerning the JustServe City Award and JustServe Program.

COMMITMENT TO VOLUNTEERISM IN NIBLEY CITY

WHEREAS, we firmly believe that the values of compassion, empathy, peacemaking, and community support are the foundation of a united harmonious society and fosters connections that transcend differences; and

WHEREAS, the strength and prosperity of our cities and communities are built upon the selflessness of residents who serve and uplift one another; and

WHEREAS, we acknowledge the profound impact that can be achieved when we extend a helping hand to our neighbors, especially those of diverse backgrounds and lifting them up and collectively working to improve lives; and

WHEREAS, we strive to nurture a culture of giving and peacemaking within our city, emphasizing that volunteerism is not just a duty, but a source of personal fulfillment and community strength; and as we work side by side with and learn from each other, mutual understanding increases, misconceptions can be corrected, and new friendships are built; and

WHEREAS, we urge all citizens to care for one another, to volunteer, to become peacemakers, and to engage in acts of service and kindness that contribute to our city's betterment and its inhabitants' well-being, regardless of background or belief; and

WHEREAS, Nibley City has joined a growing list of supporters, including the President of the National League of Cities and hundreds of leaders to date, in making a commitment to volunteerism.

NOW, THEREFORE, BE IT PROCLAIMED that I, Larry E. Jacobsen, Mayor of Nibley City, do hereby declare Nibley City's commitment to promoting volunteerism by leveraging JustServe.org to make it easier for residents to discover and engage in volunteer opportunities and will regularly acknowledge and celebrate the contributions of volunteers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of Nibley City, to be affixed on 20 October, 2025.

LARRY E JACOBSEN

Larry E. Jacobsen, Mayor



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JUSTSERVE

-CITY PROGRAM-

Overview and Awards

JustServe believes in spreading hope, goodness, and unity through the vital role of volunteerism. With motivated individuals and communities, we can build united and harmonious societies.

The JustServe City program, in conjunction with the free JustServe volunteer platform, links individuals from every walk of life with local service projects. Through this program, we strive to partner with and recognize cities for their efforts. Together, we can recognize individuals for the selfless efforts they are making to bring hope and goodness to others. JustServe.org strives to make it easier for residents to find and engage in volunteer opportunities and will regularly acknowledge and celebrate the contributions of volunteers.

Become a JustServe City

The JustServe City Award is a recognition designed to honor cities that demonstrate an exceptional commitment to volunteering and have made a significant impact in their community through these efforts.

Qualifications

1. Create and display a City Volunteerism Proclamation in a visible location for your area.
2. Email your signed proclamation to awards@justserve.org.
3. Work to meet criteria outlined for a Global JustServe City Award.

Be Designated a Global JustServe City

The Global JustServe City title is a prestigious designation which honors cities that actively list service opportunities, encourage unity and city values through service, and recognize individuals for their service in the community.

Qualifications

1. Be an active JustServe City.
 - List service opportunities online and on JustServe.org for residents to contribute.
 - Post the JustServe City Proclamation to communicate commitment and status.
2. Encourage unity and city values by supporting diverse groups in their service efforts.
3. Formally recognize individuals for serving the community with the JustServe Hero Award.

Recognize Individuals with the JustServe Hero Award

The JustServe Hero Award is a prestigious recognition designed to honor individuals who have demonstrated an exceptional commitment to volunteering and have made a significant impact in their community through their selfless service.

Qualifications

1. Serve or reside within a JustServe City.
2. Be an outstanding volunteer who contributes to the betterment of their community as determined by the city. Considering factors are the number of volunteer hours, the number of projects, the individual's efforts to encourage others to volunteer, and the individual's efforts to provide transformative service that impacts the community.

As we spread hope and goodness through service, please share your community's service efforts on social media. **Tag #justserve on social media.**

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Frequently Asked Questions

1. When applying for the JustServe City designation, who sends the email to apply?
 - Either the city official or the JustServe specialist that is working with the city sends an email to awards@justserve.org
2. When applying for the JustServe City designation, what information should be included along with the city's volunteerism proclamation?
 - If the city official is sending the request, then:
 - Name of City
 - Contact information for the person that is sending in the proclamation (phone, email).
 - Or, if the specialist is sending in the request, then:
 - Name of City
 - Specialist contact information including mailing address.
3. What is the process after a city applies for the JustServe City designation? Who reviews the application?
 - Once the proclamation is sent in, we will let the city, or the specialist know that we have received the proclamation. Then within 7 days we will get the certificate framed and a swag box put together. We will send these items to the local JS Specialist so they can make the presentation to the city. We also include a next steps document for the specialists.
4. How are city officials notified that their application has been accepted and their city has been designated a JustServe City?
 - If they send in the request themselves, we will notify them that we received the request. We will work with the local specialist to notify the city that their application has been accepted and they have been designated a JustServe City.
5. Where on JustServe.org are cities listed that have been designated a JustServe City?
 - We will add the JustServe city logo to the banner of their city's organization page. Once we have a few more cities that are designated as JS City we will have a specific page that highlights the JS Cities.
6. What materials do city officials receive along with their JustServe City designation?
 - They receive a framed certificate, a swag box, flash drive with the JustServe logos, style guide and a digital version of the hero certificate.
7. How is the JustServe Hero template provided to JustServe City officials?
 - It will be provided on a flash drive.



8. Do city officials need to report to JustServe anything about JustServe Hero award recipients?
 - They do not need to report anything. However, if they would like to be nominated to receive the Global JS City Award, they will need to know how they have recognized the members of the community for their contributions.
9. What on-going support and reporting is expected by city officials and/or the JustServe specialist after a city receives the JustServe City designation?
 - No expected reporting from the city officials. If the specialists can track how the cities are recognizing volunteers, that may be helpful to record but is not required. The specialist will nominate the JS Cities to receive the Global JS City Award. This nomination will be based on using JS and how they are recognizing the members of the community for their service.
10. Is there an application process for a city to receive the Global JustServe City award? Or does a city need to be recommended for the award by someone, like a JustServe specialist?
 - The city will work through the JS Specialists. There will be an application process to receive the Global JustServe City award. The JS Specialist will make the nomination.
11. How is the application/recommendation for the Global JustServe City award submitted to JustServe?
 - Currently through awards@justserve.org. In the coming months it will be an online application that will be found on the website.
12. After a city applies for the Global JustServe City award who reviews it?
 - JustServe HQ staff will review all applicants that have been nominated to receive the Global JustServe City award.
13. How are city officials notified that their application has been accepted and their city has been chosen to receive the Global JustServe City award?
 - We will be recognizing and announcing the Global JustServe City award at the annual National League of Cities (NLC) Conference. Then typically there is a local presentation with the local JS Specialist and the City.
14. What materials do city officials receive along with the Global JustServe City award?
 - They receive the award and the pull up banner.
15. Who prints the Global JustServe City award certificate and banner?
 - JS Staff will be printing the Global JustServe City award certificate and banner.



16. Who presents the Global JustServe City award?

- At the NLC conference, the JS staff will make the announcements and recognize the cities in attendance. The local specialists will make the presentation locally.

17. Only the first 100 cities will receive a Global JustServe Award pull-up banner. How many cities have received the award to date, and how do we stay aware of the current count?

- Currently we have 10 cities that have received the designation of being a JustServe City. And 7 that have received the Global JustServe City Award. We will be giving an update each month and soon it will be updated on the website.

18. What on-going support and reporting is expected by city officials and/or the JustServe specialist after a city receives the Global JustServe City award?

- The same support that we would give any organization.

19. Which cities have received the designation so far?

- South Jordan, UT
- Houston, TX
- Chandler, AZ
- Mesa, AZ
- Winchester, VA
- Oshawa, ON
- Los Angeles, CA
- Louisville, KY
- Spruce Grove, AB
- Franklin, TN

20. What are the criteria for the Hero Award? Who decides who should receive the award?

- Cities set the criteria and decide who should receive the award. Generally, the award should go to a volunteer who has shown a high level of dedication.

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JUSTSERVE

JustServe City Program

JUST SERVE

“It’s a Movement!”



- Brings people together, working to build united and harmonious communities.
- Helps nurture a culture of service in the lives of individuals, families, and groups.
- Increases understanding and the desire to help and do good for others.
- Is free to individual of all ages, persuasions, societies and faiths.
- Fully funded by The Church of Jesus Christ of Latter-day Saints as a humanitarian offering.

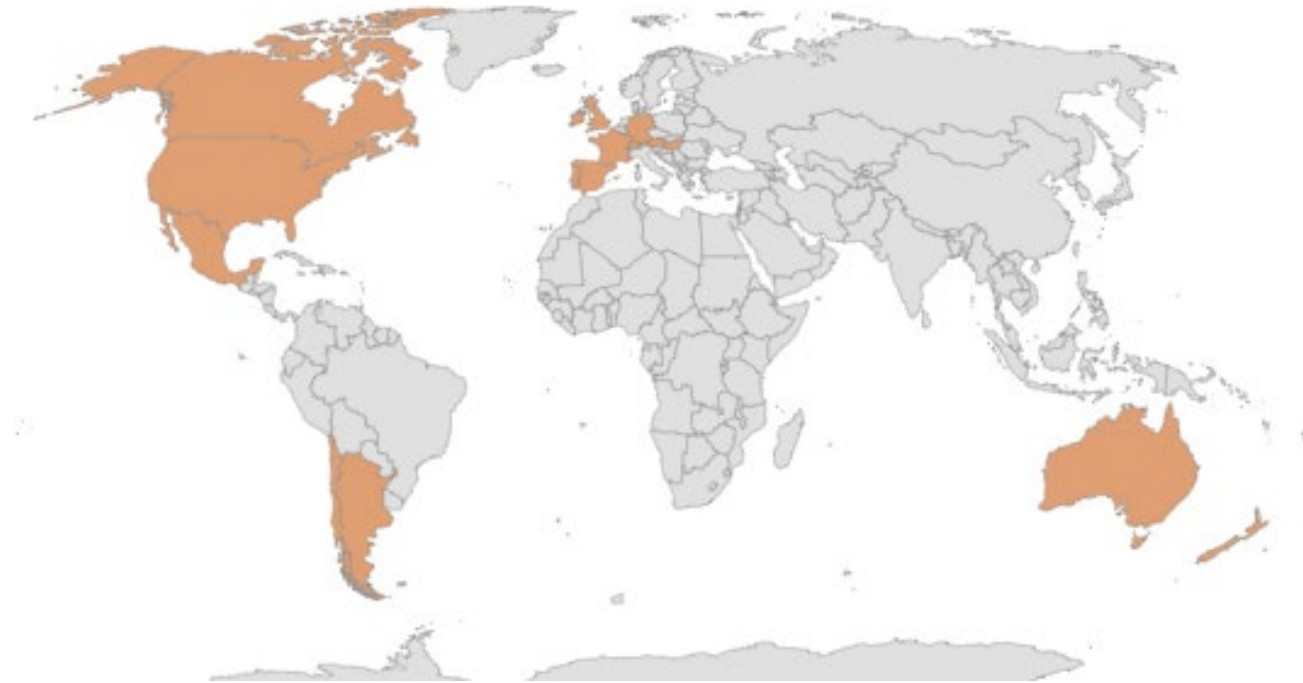
How it Works

- Helps people identify the needs in their community and find opportunities to serve.
- Helps organizations connect with volunteers.
- Can be accessed via the web or mobile app.



Global Reach – 17 Countries; nearly 1M volunteers

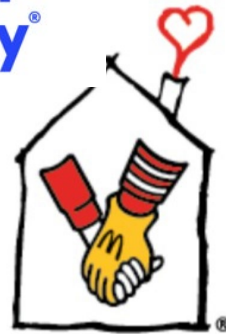
- Argentina
- Australia
- Austria
- Canada
- Chile
- France
- Germany
- Hungary
- Ireland
- Mexico
- New Zealand
- Portugal
- Puerto Rico
- Spain
- Switzerland
- United Kingdom
- United States



Over 16,000 Organizations



BOYS & GIRLS CLUBS
OF AMERICA



RMHC



American
Red Cross



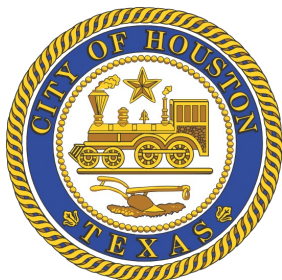
American
Heart
Association.



CATHOLIC
CHARITIES
SERVING NEIGHBORS IN NEED



Over 400 Cities



JustServe City Program

Become a JustServe City

1. Create a Volunteerism Proclamation for your city/town/village (proclamation template available).
2. Email your signed proclamation to Awards@JustServe.org
3. Work to meet criteria outlined for a Global JustServe City Award.



A group of diverse people, including a man with a white cane, walking outdoors in front of a yellow gate. The group consists of men and women of various ages and ethnicities. Some are wearing black t-shirts with a logo. The background features a yellow gate with red-tiled pillars and lush green trees.

Global JustServe City Award Qualifications

1. Be an active JustServe City.
2. List service project opportunities on JustServe.org
3. Encourage unity and city values by supporting diverse groups in service.
4. Formally recognize individuals for serving in the community.

JustServe Hero Award Qualifications

- Serve or reside within a JustServe City.
- Identify an outstanding volunteer who:
 - Volunteered significant hours.
 - Participated in numerous projects.
 - Encourages volunteerism in others.
 - Provides transformative service that impacts the community.



JustServe City Designation and Award Benefits

JustServe City Designation

- Recognition on JustServe.org
- Access to Hero Award certificate template for distribution.
- 1:1 support from local JustServe Specialists.

Global JustServe City Award

- Recognition on JustServe.org
- Access to Hero Award certificate template for distribution.
- 1:1 support from local JustServe Specialists.
- Global JustServe City certificate.
- Press release template for distribution to local media.
- First 100 Cities -Specialized pull-up banner for display at City Hall

City of Franklin, Tennessee

“Franklin is a giving and caring community. We are honored to be a city selected for the Global Service Award from JustServe. We know that our local non-profits thrive by the volunteerism of our citizens. Past experience shows that Franklin is a very supportive community and volunteering makes a difference in so many lives.”

Dr. Ken Moore
Mayor Franklin, TN



City of Los Angeles, California

“We are one of those organizations that people think of as just law enforcement, but that’s really never been our game, we’re actually about bettering the community. One of the things we focus on is the coordination of community resources to better the community and JustServe has definitely been an integral part of that relationship. I appreciate the service they provide and am looking forward to continuing to work with JustServe in the future.”

Deputy Chief Alan Hamilton
Los Angeles Police Department



Appendix

JustServe and National League of Cities



- JustServe held a solutions session at City Summit 2023 – Atlanta, GA introducing the JustServe City Program.
- Mayor Victoria Woodards shared how JustServe has benefited the City of Tacoma.
- Mayor Woodards, then President of NLC, invited all cities to become a JustServe City.

Inaugural JustServe City Award



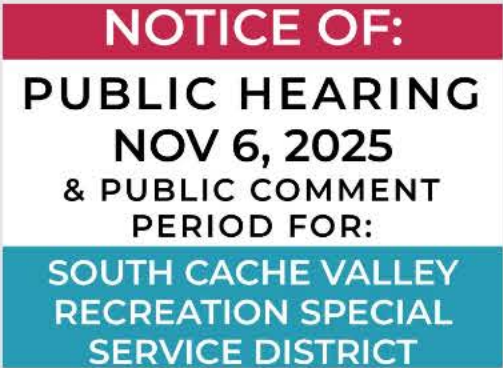
LATEST CITY NEWS



Nibley City Council
Public Hearing
November 6, 2025



Meet the Candidates 2025



South Cache Recreation
Special Service District
Public Comment



Elections



Road Detours & Closures



JUMPStart Volleyball



Halloween Decorating Contest
& Spooktacular Tour



JustServe Volunteer
Opportunities

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Agenda Item #7

Description	Proclamation: Recognizing the Service of Councilmember Norman Larsen and Councilmember Kay Sweeten (First Reading)
Presenter	Larry Jacobsen, Mayor
Staff Recommendation	
Reviewed By	Larry Jacobsen

Background:

Kay Sweeten and Norman Larsen will complete their service as Nibley Councilmembers at the end of 2025. On behalf of the Citizens of Nibley, the Council expresses its appreciation to Kay and Norm, and to their families, for their willingness and commitment to make citizens' lives better.

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**A MAYORAL PROCLAMATION RECOGNIZING THE SERVICE OF
COUNCILMEMBER NORMAN LARSEN AND COUNCILMEMBER KAY SWEETEN**

WHEREAS, Nibley City continues to thrive through the commitment, vision, and public spirit of those who answer the call to serve on the Nibley City Council; and

WHEREAS, Councilmember Norman Larsen and Councilmember Kay Sweeten are departing from service and have given generously of their time, talents, and insight to strengthen Nibley City and support the well-being of all Nibley residents; and

WHEREAS, Councilmember Norman Larsen has served on the Nibley City Council from 2018 through 2025. Prior to his service on the Nibley City Council, he was Nibley City's representative for many years on the Cache Valley Transit District Board; and

WHEREAS, Councilmember Kay Sweeten has served on the Nibley City Council from 2020 through 2025. Prior to her service she led and assisted with the Nibley Royalty and Nibley Children's Theater programs; and

WHEREAS, these Councilmembers have participated in countless hours of meetings, planning efforts, and public engagement, demonstrating integrity, leadership, and a sincere dedication to the people of Nibley City; and

WHEREAS, their thoughtful decision-making has contributed to responsible growth, improved parks and recreation opportunities, enhanced community programs, prudent fiscal stewardship, and policies that will guide Nibley's future for years to come; and

WHEREAS, the positive impact of their efforts will endure in the quality of life enjoyed by present and future generations of Nibley residents;

WHEREAS, we desire to express deep gratitude for the example and effort of Councilmember Larsen and Councilmember Sweeten; and

NOW, THEREFORE, be it proclaimed that Nibley City extends its heartfelt appreciation to Councilmembers Larsen and Sweeten for their exemplary service, steadfast leadership, and meaningful contributions to our community.

BE IT FURTHER PROCLAIMED, that we honor them for their dedication to Nibley City and wish them continued success and fulfillment in all future endeavors.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused the
great seal of Nibley City, to be affixed
on 4 December, 2025.

Larry Jacobsen, Mayor

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Agenda Item #8

Description	Discussion: Anhder Bike Park
Presenter	Craig Marlow
Staff Recommendation	Hear a proposal to upgrade the Anhder Bike Track and recommend whether to pursue the upgrade with Staff.
Reviewed By	Larry Jacobsen

Background:

Craig Marlow, Nibley resident, proposed a concept to improve the Anhder Bike Track to the Parks and Recreation Advisory Committee. Craig has experience designing, building, and maintaining similar tracks, including citizen involvement with construction and maintenance. The Parks and Rec Committee recommended the Council consider Craig's plan to upgrade the Anhder Bike Track. The Council and Staff could give direction on the next step towards implementation.

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Agenda Item #9

Description	Discussion and Consideration: Ordinance 25-31: Amending NCC 11.02.020 and 11.02.040 Parking Regulations for Non-motorized Equipment, Unregistered and Inoperable Vehicles (Second Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approve Ordinance 25-31: Amending NCC 11.02.020 and 11.02.040 Parking Regulations for Non-motorized Equipment, Unregistered and Inoperable Vehicle
Reviewed By	Levi Roberts, City Planner Evan Bigelow, Code Enforcement Officer Mayor Larry Jacobsen Justin Maughan, City Manager Joel Yellowhorse, City Attorney

Background Update for 12-4-2025

During 1st reading of this Ordinance, Councilmember Laursen asked to clarify the role of State Code as it relates to this provision of Nibley City Code. City Staff consulted with the City Attorney on this topic. In general, both State and City Code apply to this section and the penalties associated with violation. A statement was added to NCC 11.02.040(B) to clarify that both state code regarding stopping, standing and parking, as well as any provisions adopted by the City apply. There may be redundant provisions, but both codes apply.

Background Update for 11-6-2025

The Draft ordinance has been updated to incorporate some of the feedback from City Council during the first reading. Specifically, the current version removes the restriction for parking inoperable vehicles in public rights of way, which would still be subject to the 48-hour parking limitation with Nibley City Code. Some other clarifying language was also added for non-motorized equipment.

Previous background information

Since directly regulating parking within the City, Staff has observed parking of non-motorized equipment, unregistered and inoperable vehicles within the public right-of-way that are often a hazard to users of the roadway, including motorists, bicyclists and other users. Without required reflective treatments, such equipment is difficult to see at night. In one instance, an unregistered vehicle was struck by a person traveling on an electric vehicle, which resulted in serious injuries. In addition, the enforcement of such vehicles and equipment, even when they are in violation of other parking regulations, is very

difficult to enforce as the owner of such vehicles and equipment can often not be concluded without registration.

For these reasons, Staff is recommending this ordinance which prohibits parking non-motorized equipment, unregistered and inoperable vehicles within a public right-of-way. This recommendation was formulated after consultation with several other City representatives and the Board of the Utah Ordinance Compliance Association.

ORDINANCE 25-31

AMENDING NCC 11.02.020 AND 11.02.040 PARKING REGULATIONS FOR NON-MOTORIZED EQUIPMENT, UNREGISTERED AND INOPERABLE VEHICLES

WHEREAS, Nibley City regulates parking within Nibley City boundaries; and

WHEREAS, the parking of unregistered, inoperable and non-motorized equipment poses a potential safety hazard on public streets.

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

1. The attached amendments to Nibley City Code 11.02.020 and 11.02.040 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 _____ 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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11.02.020 Definitions

Unless the context otherwise requires, all references in the traffic code to:

- A. The "state road commission" or "state department of transportation" shall mean the city and its officers, departments, agencies and agents.
- B. "Local authorities" shall mean the city council.
- C. The "department of public safety of the state of Utah" shall mean the city law enforcement agency or its agent.
- D. "Magistrate" shall mean the justice of the peace or judge of the city.
- E. "Developed Park Strip" shall mean the area between the sidewalk and any concrete curbing against the asphalt of a drivable surface or roadway.
- F. "Bike Lane" shall be defined as the State of Utah defines a bike lane.

F.G. "Lawfully operated" includes, but is not limited to, having current registration, inspection, and required equipment as well as abiding by any other legal requirement

11.02.040 Parking Regulations

- A. Signs; Erection: The city council may authorize or direct any person employed by the city to erect or install any sign or traffic control device required to enforce the provisions of this chapter.
 - 1. The City Council may, by resolution designate placement of traffic control devices or signs referenced herein to the Public Works Director.
 - 2. It shall be unlawful for any person to park or leave standing on any public road, street, alley, or city property any vehicle, trailer, or other obstruction in violation of a duly installed sign or traffic control device.
- B. Blocking Streets ~~Or~~ Highways: Any violation of Utah Code section 41-6a-14: Stopping, Standing and Parking is a violation of this section. In addition to the parking provisions contained in the Utah traffic code, as adopted by the city, it shall be unlawful for any person to:
 - 1. Remain standing, laying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

2. Willfully remain standing, laying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.
3. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

C. Limited Parking:

1. **Parking At Curb:** No trailer or vehicle shall be parked with the left side of the vehicle next to the curb, except on one-way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two ~~(2)~~or more right wheels of the vehicle within twelve inches (12") of the regularly established curb line, except on those streets which have been marked for angle parking; then trailers or vehicles shall be parked at the angle to the curb indicated by such marks. Parking on a sidewalk, bike lane or within a developed park strip is prohibited.
2. **Vehicles For Sale:** It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any public street.
3. **Time Limit:** It shall be unlawful for any person to park or leave standing on any public road, street, alley or city property any trailer or vehicle for forty eight (48) or more consecutive hours, and any trailer or vehicle so parked or left standing may be impounded or removed by the city's law enforcement agency. For purposes of impoundment and removal, the city's law enforcement agency may impound and remove any trailer or vehicle which reasonably appears to have remained unmoved for forty eight (48) consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded trailer or vehicle.
4. **Non-Motorized Equipment Parking Prohibited:** No person shall park any non-motorized equipment on any public street or public parking facility, including but not limited to uncoupled trailers, ATVs, personal watercraft and snow plows. Equipment violating this section shall be subject to immediate impoundment.

3-5. Parking Unregistered Vehicles: It shall be unlawful to park upon any street, public right-of-way, or publicly owned or controlled property, a vehicle that cannot be lawfully operated on public streets.

D. Limited Winter Parking: It shall be unlawful to park any vehicle, trailer or other obstruction on any street in the city between November 1 of each year and April 1 of the following year between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. For purposes of this subsection, a street shall be within the confines of the curb and gutter, except in those cases where no curb and gutter exists, a street shall be that area bounded by a line twenty feet (20') from the edge of the pavement or within the right of way lines, whichever is less.

1. The city will not be liable for any damage occurring to any vehicle or equipment parked on any street or right-of-way, during street and right-of-way maintenance. Therefore, the owner of any vehicle parked in violation of this Section shall be liable for any and all loss, damage, or injury of any kind sustained by the owner, the City or any other person as a result of the vehicle being parked in violation of this Section, including without limitation as a result of any plowing or snow cleaning efforts of the City or others, and the owner shall fully indemnify the City against and hold the City harmless from any such loss, damage, or injury.

E. School Drop Off or Pick Up Prohibited:

1. It shall be unlawful for any person to park any vehicle or to drop off or pick up children of any age for the purpose of accessing school or educational facilities or property for any reason, in any area designated by signs or other traffic control device as prohibited areas.

4.-

F. Penalty: Any person who violates this section shall be guilty of an infraction; and upon conviction, such person shall be subject to a civil penalty as listed on the current approved Consolidated Fee Schedule for each offense.

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Agenda Item #10

Description	Discussion and Consideration: Ordinance 25-33—Amending NCC 7.04 Modifications to Weed, Grass and Brush Height Restrictions (Second Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approve Ordinance 25-33—Amending NCC 7.04 Modifications to Weed, Grass and Brush Height Restrictions
Reviewed By	Levi Roberts, City Planner Evan Bigelow, Code Enforcement Officer Mayor Larry Jacobsen Justin Maughan, City Manager Joel Yellowhorse, City Attorney

Background:

Nibley City Code 7.04 includes restrictions on Weeds within Nibley City. The City currently works with the Cache County Vegetation Management Division to eradicate weeds that are considered noxious by the Utah State Department of Agriculture. However, in addition to the general eradication of noxious weeds, Nibley City Code includes a provision to limit the height of weeds, grass or brush. This provision of height restriction generally falls outside the County's jurisdiction of weed control. The current ordinance is very vague and difficult to enforce. Based upon the workshop discussion with City Council and additional research, Staff has drafted amendments to this Code. These amendments are primarily focused on health and safety issues with overgrown weeds, grass and brush, including fire safety and keeping areas near rights of way clear. In general, height is limited to 12" with exceptions for agricultural production and natural growth recreation areas, such as firefly park.

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ORDINANCE 25-33

**AMENDING NCC 7.04 MODIFICATIONS TO WEED, GRASS AND BRUSH HEIGHT
RESTRICTIONS**

WHEREAS, Nibley City regulates conditions that contribute to the health and safety of the community within Nibley City boundaries; and

WHEREAS, the excessive height of weeds, grass and brush may present a hazard to life and property.

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

1. The attached amendments to Nibley City Code 7.04.020 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 _____ 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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7.04.020 Standard Of Weed Control

A. Conditions Constituting Nuisance: It is hereby declared that weeds constitute a nuisance when they:

1. Create a fire hazard, a source of contamination or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life hazardous to humans, or are ~~unsightly or~~ deleterious to their surroundings.

B. Height Limitation: It shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the city of Nibley to suffer or permit grass, weeds or brush that is uncultivated to grow to a greater height than twelve (12) inches in height on any lot, tract, parcel or land within the corporate limits of the city of Nibley.

1. This height limitation shall not apply to those tracts engaged in agricultural production or natural growth recreation areas, such as Firefly Park, except within five (5) feet of any structure, sidewalk, trail or public roadway. In no case shall any cultivation of vegetation obstruct any public way, including any street, trail or sidewalk.

2. For areas which are located within a Wildland Interface, as delineated by the U.S. Forest Service, the property owner must adhere to the International Wildland-Urban Interface Code (IWUIC) Chapter 6 to mitigate conditions for defensible space which may constitute a fire hazard.

~~1.—~~

C. Removal: The cut weeds shall be removed ~~from the~~ within forty eight (48) hours ~~of~~ after cutting.

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Agenda Item #11

Description	Discussion and Consideration: Ordinance 25-37— External ADU Billing Amendments, Amending NCC 19.24.050 Accessory Dwelling Unit Standards And 15.04.040 Sanitary And Building Sewers And Connections; Rates (First Reading)
Presenter	
Staff Recommendation	Approve Ordinance 25-37 for first reading
Reviewed By	Amy Johnson, City Treasurer Larry Jacobsen, Mayor Cheryl Bodily, City Recorder Justin Maughan, City Manage

Background:

At the Council meeting on 11-6-2025, staff received the direction to not charge detached/external Accessory Dwelling Units utility fee's. These proposed code changes remove a line in the code that gives direction to charge the fee for sewer and water utilities and clarifies the difference between ADU's and townhouse and condominiums.

Background from 11-6-25 meeting:

Currently, separate utility fees are not being charged for detached/external Accessory Dwelling Units (hereinafter "ADUs"). However, Nibley City Code (hereinafter "NCC") authorizes the billing of additional culinary water and sewer base rates on the primary metered account. We have reviewed the utility billing practices and fee schedules of municipalities within Cache County (Hyrum, North Logan, and Hyde Park) and other nearby counties (Weber and Box Elder) and have found this practice common.

- NCC 19.24.250 (D)(8)

"Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule."

- NCC 15.04.040 (B)(1)

"There shall be two (2) classes of sewer connections to be known as "residential" and "commercial". Each connection type shall be measured by ERUs (equivalent residential units). Each residence served by the waste water system will be considered to be a "residential" connection and will be considered to be equal to one ERU. In cases where there is more than one dwelling unit in a residence, each will be counted as a separate ERU. Each establishment served by the city's wastewater system that is not residential in nature will be considered a "commercial" connection

charged equal to the average number of ERUs of flow contributed to the system. In the city, an ERU is equal to seven thousand (7,000) gallons per month.”

NCC does not address whether stormwater and other emergency service fees should be applied to ADUs located on the same parcel as the primary residence. As a result, Staff are seeking the Council's direction on whether these additional utility fees should be assessed for ADUs. Staff notes that ADUs may have a measurable impact on Nibley's water services, sanitary sewer collection, stormwater management, and other services.

Utility Service	Primary Residence		External/Detached ADU (Staff Recommendation of 50%)		Total Utility Billing
Water Base Rate	\$17.50 (5 kgal of included usage)	+	\$8.75 (2.5 kgal of included usage)	=	\$26.25 (7.5 kgal of included usage)
Sewer	\$55.00	+	\$27.50	=	\$82.50
Stormwater	\$8.00	+	\$4.00	=	\$12.00
911 Communications	\$3.30	+	\$1.65	=	\$4.95
EMS	\$5.00	+	\$2.50	=	\$7.50
Total Monthly Billed Amount	\$88.80	+	\$44.40	=	\$133.20

External ADUs use the same water meter as the primary residence; usage is combined and billed accordingly. Solid waste fees (garbage, recycling, and green waste) do not need to be considered, as the primary residence can obtain additional cans as needed to service the additional waste produced by the ADU.

ORDINANCE 25-37

EXTERNAL ADU BILLING AMENDMENTS, AMENDING NCC 19.24.050 ACCESSORY DWELLING UNIT STANDARDS AND 15.04.040 SANITARY AND BUILDING SEWERS AND CONNECTIONS; RATES

WHEREAS, Nibley City regulates the billing of utilities for culinary water, sanitary sewer, solid waste, stormwater management, and emergency response services within its incorporated boundaries; and

WHEREAS, it is the intent of the Nibley City Council to limit the billing of external accessory units within its incorporated boundaries.

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

1. The attached amendment to Nibley City Code 19.24.250 and 15.04.040 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 _____, 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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19.24.250 Accessory Dwelling Unit Standards

A. Purpose

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units.
2. The purpose of this chapter is to provide opportunities to develop affordable moderate-income housing by allowing accessory dwelling units in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable.

B. Accessory Dwelling Unit Approval Required

1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.

C. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
 - a. Floor Plan: A floor plan of the accessory dwelling unit shall be provided
 - b. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence
 - c. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
 - d. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.
3. A building permit is required for all new or remodeled accessory dwelling units.
4. A certificate of occupancy is required prior to occupancy of any accessory dwelling unit to ensure compliance with fire, building and health codes.

5. Notification must be sent to abutting property owners with an opportunity to comment to Nibley City Staff within a period of fourteen (14) days from the date of notification.

D. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
2. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
3. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.
4. Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit and shall be located behind the front plane of the primary dwelling. Parking dimensions shall be provided in accordance with NCC 19.24.160. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
5. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling. Accessory dwelling units are not allowed on lots that contain a two-family dwelling.
6. No accessory dwelling unit shall be built on a registered wetland or flood plain.
7. The use of an accessory dwelling unit shall be limited to residential uses. With the exception of a home occupation, no commercial or industrial uses are permitted within an accessory dwelling unit.
- ~~8.—Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule.~~
9. Impact Fees: Accessory dwelling units that install a separate water or sewer meter shall be subject to 100% of the impact fee of a multi-family dwelling units. Accessory dwelling units that do not install a separate water or sewer meter shall be subject to 50% of the impact fee of a multi-family dwelling units as set forth in the latest associated Impact Fee Ordinance adjustment.
 - a. Owners may petition the City for a rebate of impact fees for accessory dwelling units which provide rent that is considered affordable, as described below. The maximum rebate amount shall be set at 33 1/3% annually of the total collected impact fee for a period of three (3) years. City Staff shall determine if documentation of rent collected is acceptable. If documentation is not provided within 30 days of each

anniversary of the issuance of the certificate of occupancy, the rebate shall be forfeited for that year. The rebate shall be non-transferrable.

1. The unit's rent is considered affordable to a household of four (4) earning 50% of the area median income of the Logan, UT-ID Metropolitan Statistical Area (MSA), according to income limits set by the US Department of Housing and Urban Development (HUD) for a period of three (3) years.

The rent limit shall be set using the following calculation: HUD annual 4-person 50% AMI Income Limit * 0.3 (30 %) – \$150 (for utility expenses)

E. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:
 - a. Shall have the minimum floor area of 300 sq. ft. and a maximum floor area of 1,200 sq. ft. Garage, shop or other space not associated with the living area shall not be counted toward these limits.
 - b. Detached accessory dwelling units shall follow the sizing and setback requirements as listed in NCC 19.22.
 - c. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
 - d. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.

F. Noncompliance

1. Owners of the property where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Owners who fail to maintain or violate the city's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.

HISTORY

Adopted by Ord. [20-13](#) on 12/10/2020

Amended by Ord. [21-20](#) on 12/16/2021

Amended by Ord. [22-01](#) on 1/13/2022

Amended by Ord. [23-05](#) on 3/9/2023

Amended by Ord. [24-01](#) on 2/22/2024

Amended by Ord. [25-04](#) on 2/20/2025

15.04.040 Sanitary And Building Sewers And Connections; Rates

- A. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- B. Classifications; Equivalent Residential Units; Application; Fee:
1. There shall be two (2) classes of sewer connections to be known as "residential" and "commercial". Each connection type shall be measured by ERUs (equivalent residential units). Each residence served by the waste water system will be considered to be a "residential" connection and will be considered to be equal to one ERU. Internal and external Accessory Dwelling Units as defined in NCC, shall not be considered an ERU for Billing purposes. In cases where there is more than one dwelling unit in a ~~residence~~residential building, such as townhomes or condominium, each will be counted as a separate ERU. Each establishment served by the city's wastewater system that is not residential in nature will be considered a "commercial" connection charged equal to the average number of ERUs of flow contributed to the system. In the city, an ERU is equal to seven thousand (7,000) gallons per month.

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Agenda Item #12

Description	Discussion and Consideration: Resolution 25-37 - Authorizing Modifications and Traffic Control Studies for the 1200 West corridor (First Reading)
Presenter	Justin Maughan, City Manager
Staff Recommendation	
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager

Background:

Resolution 25-37 authorizes Nibley City staff to implement specific modifications to the traffic calming measures on the 1200 West corridor. The resolution also authorizes city staff to contract a licensed, independent engineering consultant to conduct an Intersection Control Warrant Analysis for the intersections of Nibley Park Avenue and 2980 South. The resolution provides budgeting restrictions for the actions and grants the city manager authority to approve minor, non-substantive adjustments deemed necessary for effective implementation of the approved traffic calming measures.

The initial traffic calming measures on 1200 West were authorized for a one-year assessment period by Resolution 24-24, passed by the City Council on October 24, 2024. Resolution 24-24 mandated multiple public comment opportunities and educational campaigns, and it authorized the City Manager to authorize minor adjustments during the evaluation period. In accordance with this, city staff, the City Council, and residents have participated in multiple public comment periods, educational campaigns, and data collection spanning more than a year. Discussions on the 1200 West corridor were most recently held during the October 16, 2025, City Council Workshop, where the council suggested placing the 1200 West traffic calming measures on the agenda within three to six weeks. This resolution fulfills that request and provides guidance for city staff on future modifications to 1200 West.

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RESOLUTION 25-37
AUTHORIZING MODIFICATIONS AND TRAFFIC CONTROL STUDIES FOR THE 1200 WEST CORRIDOR

WHEREAS, Utah State law authorizes municipalities to plan for and develop local infrastructure and transportation corridors; and the 1200 West corridor has been designated for decades as a minor arterial roadway, completing a critical transportation link between the City of Hyrum and the Logan-Cache Airport; and

WHEREAS, the Nibley City Transportation Master Plan emphasizes the desire and need for comprehensive multi-modal transportation systems; and

WHEREAS, Nibley City residents have consistently expressed concerns regarding traffic speed and bicycle and pedestrian safety, and have voiced support for the development of trails and walkways; and

WHEREAS, Nibley City has contracted with industry experts for the study, design, and construction the roadway in compliance with federal and state guidelines; and

WHEREAS, the Nibley City Council has held numerous public hearings and provided opportunities for citizen involvement regarding the 1200 West project, consistent with the requirements of Resolution 24-24;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

City Staff is hereby authorized to implement the following design changes and studies to the 1200 West corridor at an appropriate time, as determined by the City Manager to be most efficient and beneficial:

1. Alter the mountable traffic islands installed at 2980 South, 2800 South, and 2500 South to match the height and setback location of the shorter, existing Phase 5 islands. The cost for this alteration shall not exceed \$100,000.
2. Enhance the visibility of all mountable traffic islands by applying highly reflective paint. The cost for this enhancement shall not exceed \$500.
3. Contract a licensed, independent engineering consultant to conduct an Intersection Control Warrant Analysis for the intersections of Nibley Park Avenue and 2980 South. The cost for this analysis shall not exceed \$25,000.

The Nibley City Manager is hereby authorized to approve minor, non-substantive adjustments to the approved traffic calming measures as deemed necessary for effective implementation.

Dated this _____ day of _____, 2025

Larry Jacobsen, Mayor

ATTEST

Cheryl Bodily, City Recorder



1200 West

- Justin Maughan, City Manager
- Tom Dickinson, City Engineer
- Levi Roberts, City Planner
- Scott Shea, AECOM

History – How we got to where we are

- 1200 West on Master Plan for decades
- 2019 Master Plan emphasizes traffic calming on 1200 West



5.4 TRAFFIC CALMING

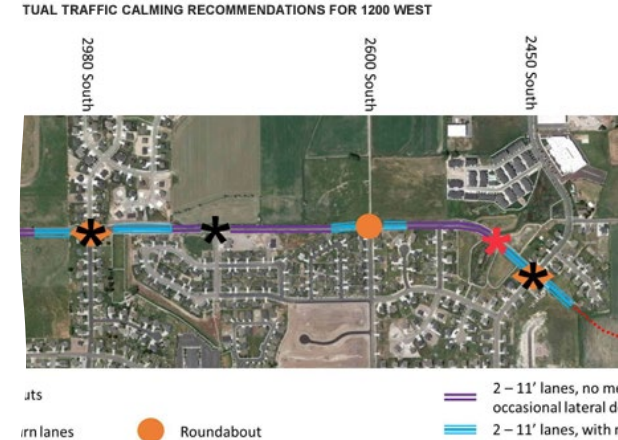
This transportation master plan includes recommendations on traffic calming features that can be implemented throughout the city as opportunities and funding arise. Conceptual recommendations for 1200 West north of 3200 South are also provided.

Nibley City's policy is to utilize traffic calming as its default method of addressing compliance with posted speed limits and desired driver behavior. In design, engineers will design roadways with this as their guiding principle.

General Recommendations

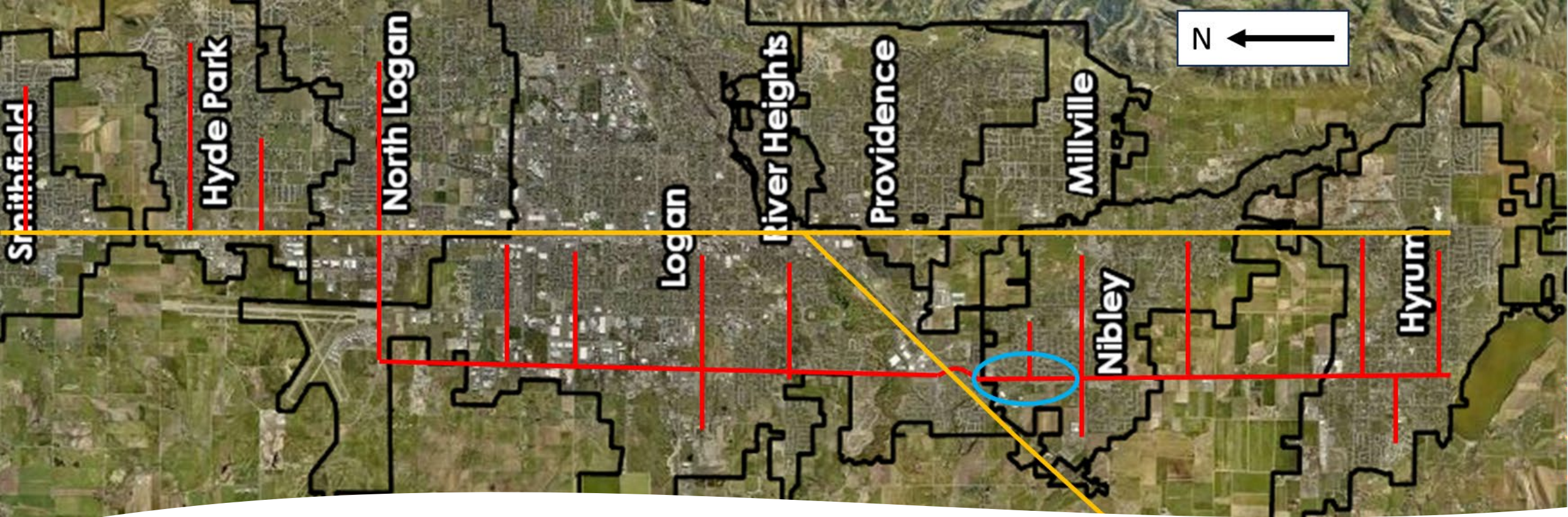
Traffic calming includes features added to the design of a street to improve safety and livability of the neighborhood by reducing speeds and cut-through traffic. These features usually directly reduce speed through physical changes in the alignment of the road that require or encourage a vehicle to slow down, visual features causing drivers to voluntarily slow down, or completely blocking access to a street from a certain direction. Major categories include:

- Horizontal and Vertical Deflection: Examples included lateral shifts, medians and roundabouts
- Narrowing: Examples include bulb-outs and medians
- Restricting Access



Why Traffic Calming, is there really a problem? 800, 1000 West and 2600 South

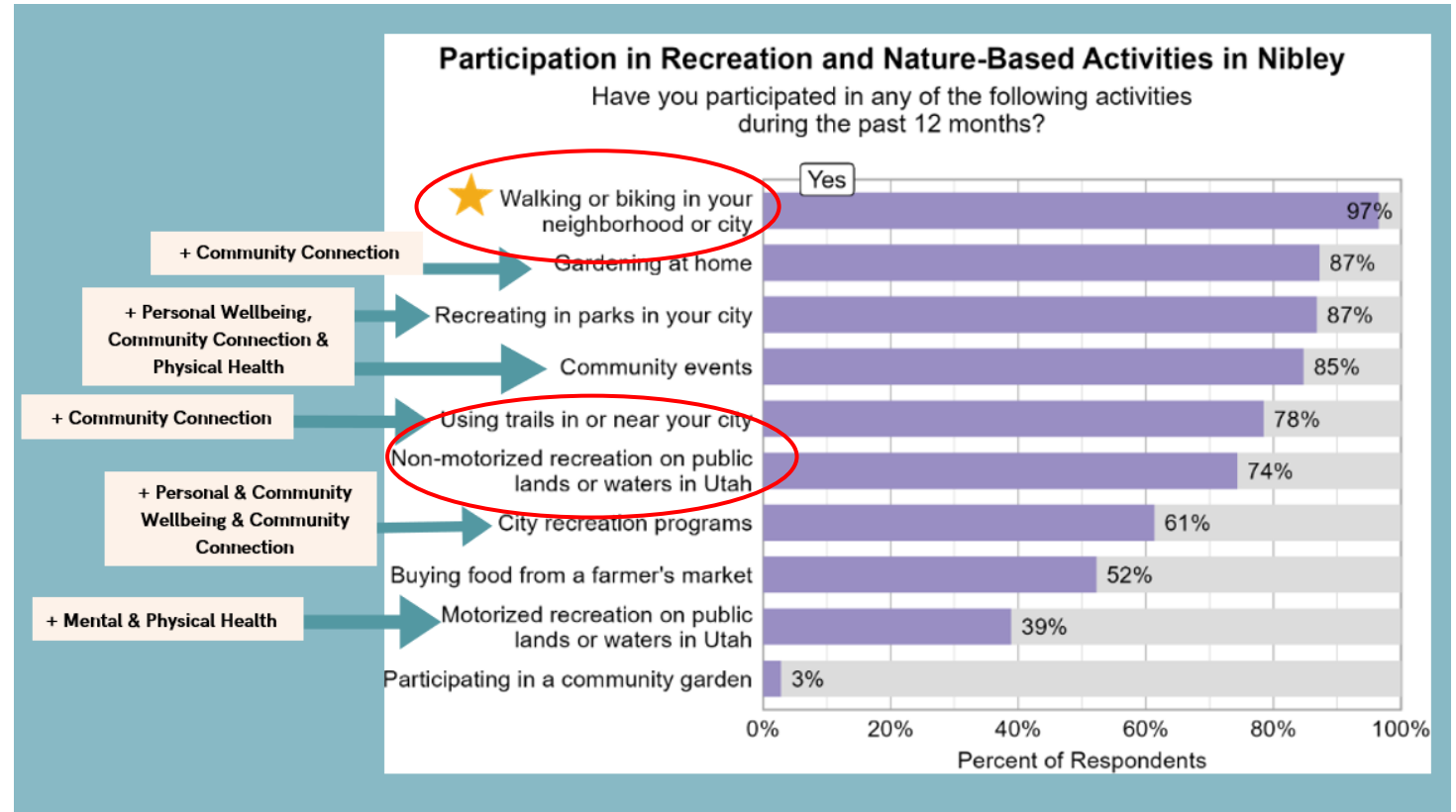
- Posted speed is 25 mph
- 75% of drivers are speeding
- 15% of drivers are driving faster than 32 mph
- 800 West (May 2024)
 - 18 Crashes from 2019-2023- 4 with injuries
 - Student hit by vehicle while in a crosswalk with a crossing guard
 - ADT = 3500
- 1000 West (June 2016)
 - 5 Crashes from 2020 to 2023- no reported injuries
 - ADT = 1000
 - Residents along and surrounding corridor are concerned with traffic speeds and pedestrian safety- roundtable meeting on June 24, 2024
- 2600 South
 - 21 Crashes from 2019 to 2023 with 3 reported injuries
 - ADT = 2200



- 1200 West
 - CMPO Model Project 6,000 to 7,000 cars on 1200 West in 2035 (which is twice the current 3200 South traffic)
 - May 6, 2021: Westbound bicyclist hit by a southbound vehicle and thrown 20-30 feet.
- 1200 West will function more like 3200 South
 - 28 crashes since 2019 with 5 reported injuries

History – How we got to where we are

- Survey of Active Transportation value to the community



History – How we got to where we are

- Survey of Active Transportation value to the community

What could be done to improve wellbeing in Nibley?

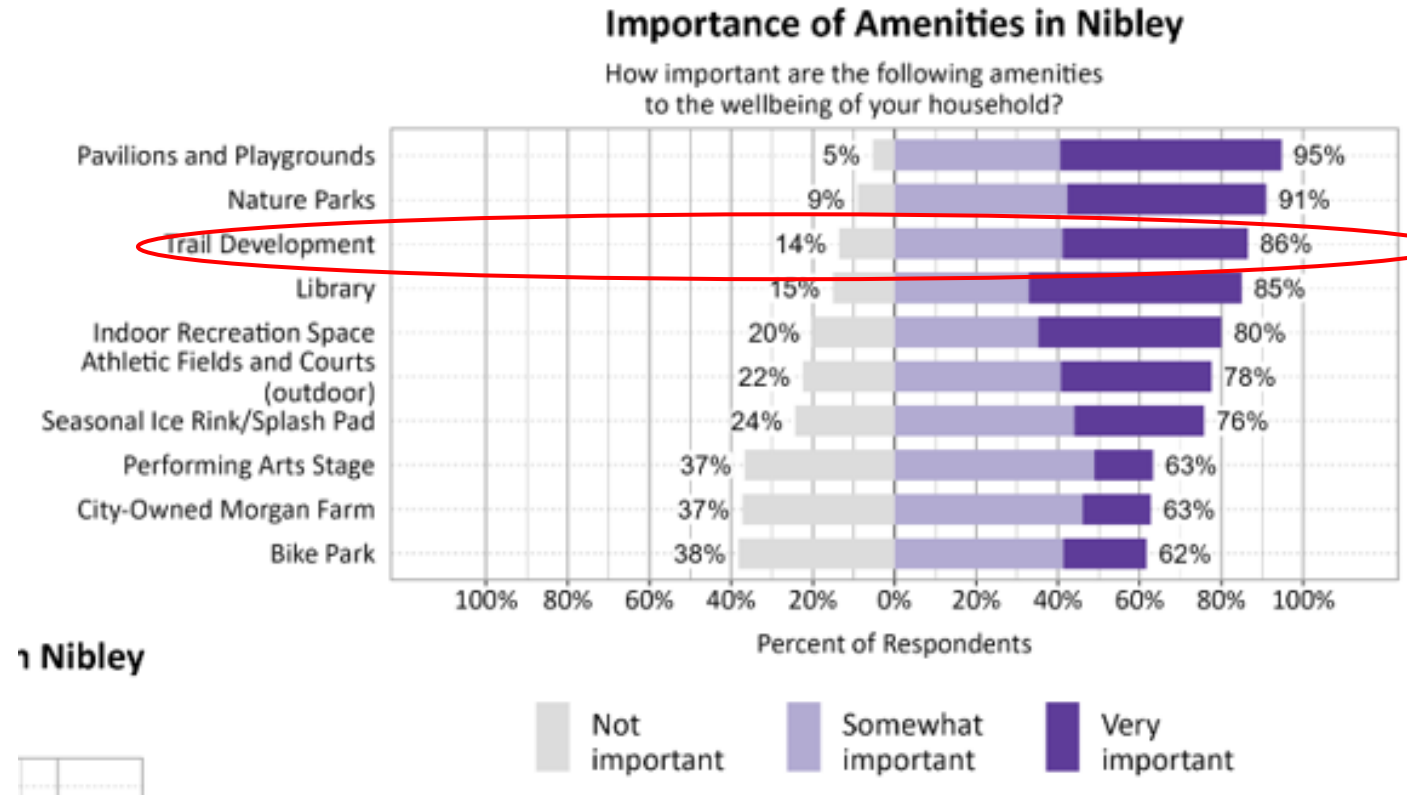
- More recreation opportunities
 - Indoor and outdoor
- Growth and housing
 - Rural atmosphere
- Transportation
 - Walking and biking paths
 - School crossing infrastructure
 - Reduced traffic

Additional Comments

- Transportation
- Growth



History – How we got to where we are



- Survey of Active Transportation value to the community

Due to:

- Data Driven Safety Concerns
- Perceived Safety Concerns
- Public desire for trails and alt modes of travel
- Regional impact of north south traffic through Nibley

RFP for Technical Expert to Help

- Hired CRS – Scott Shea to conduct a study of traffic calming alternatives along 1200 West Corridor



CRS ENGINEERS

Scott Shea, Phd



Nibley Transportation Master Plan

December 2018

EXECUTIVE SUMMARY

A Goals Workshop was held at the beginning of this master planning process, and group responses weighted **safety as the highest priority for transportation improvements in Nibley City**. Safety scored **significantly above** other prioritization elements, including **mobility, community character, environmental quality, and economic development**. Therefore, this plan also focuses on implementing safe bicycle facilities and traffic calming elements.

Safe Streets and Roads for All





SAFE SYSTEM APPROACH

Zero is our goal. A Safe System is how we get there.



U.S. Department of Transportation
Federal Highway Administration

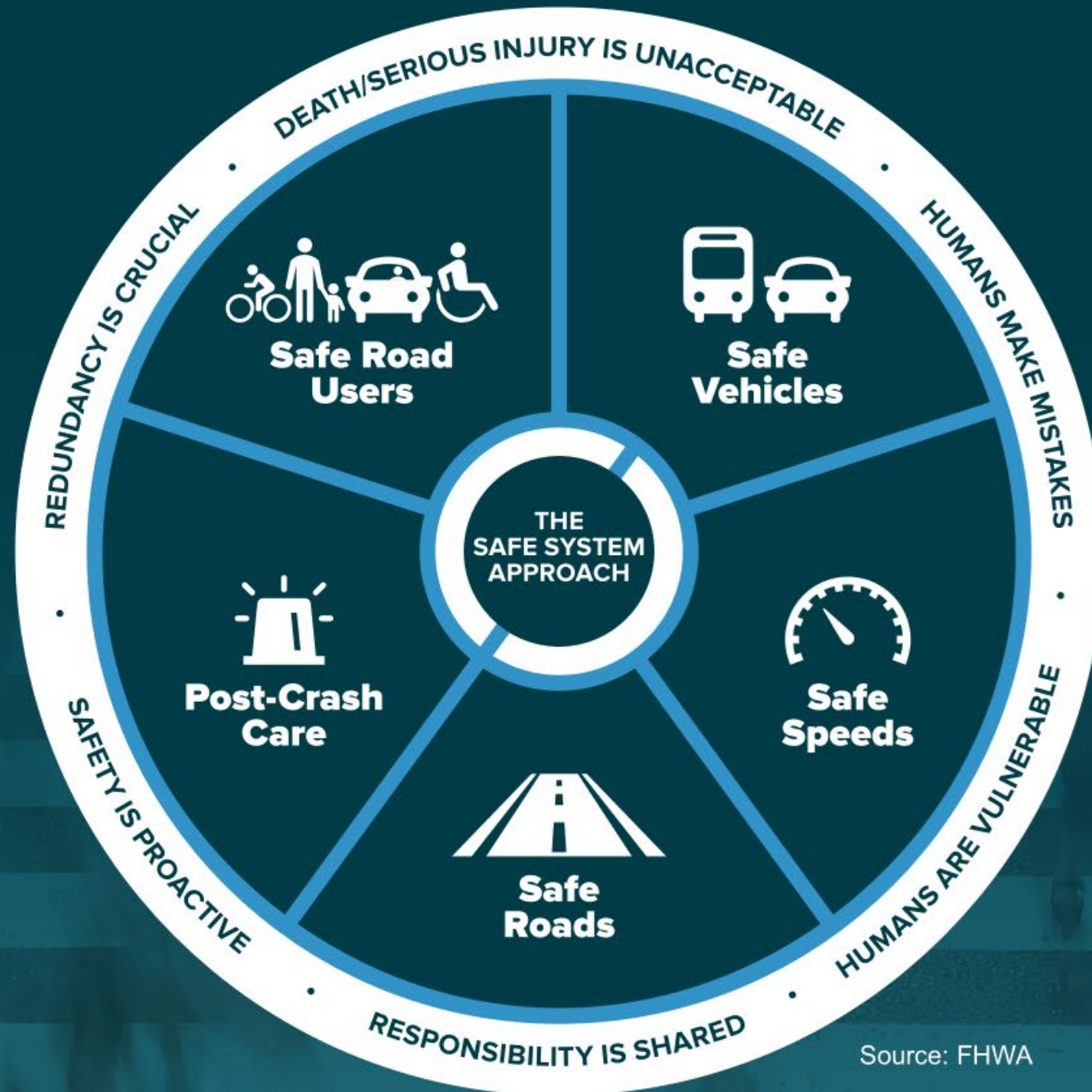
ZERO IS OUR GOAL
A SAFE SYSTEM IS HOW WE GET THERE

WHERE TO START ON THE ROAD TO VISION ZERO

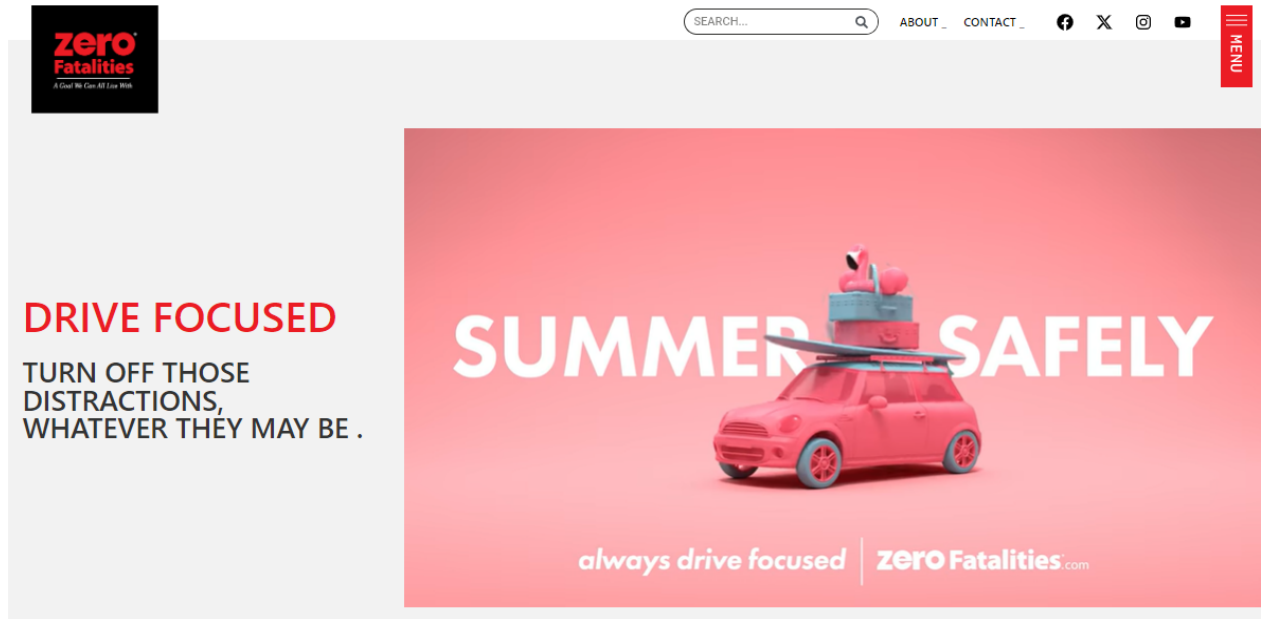
The Cache Metropolitan Planning Organization (CMPO) Executive Council supports a goal of achieving **ZERO fatalities and serious injuries through a 2.5% percent yearly reduction** (based on three year rolling average) in Cache County.



THE SAFE SYSTEM APPROACH



Source: FHWA



DISTRACTED DRIVING

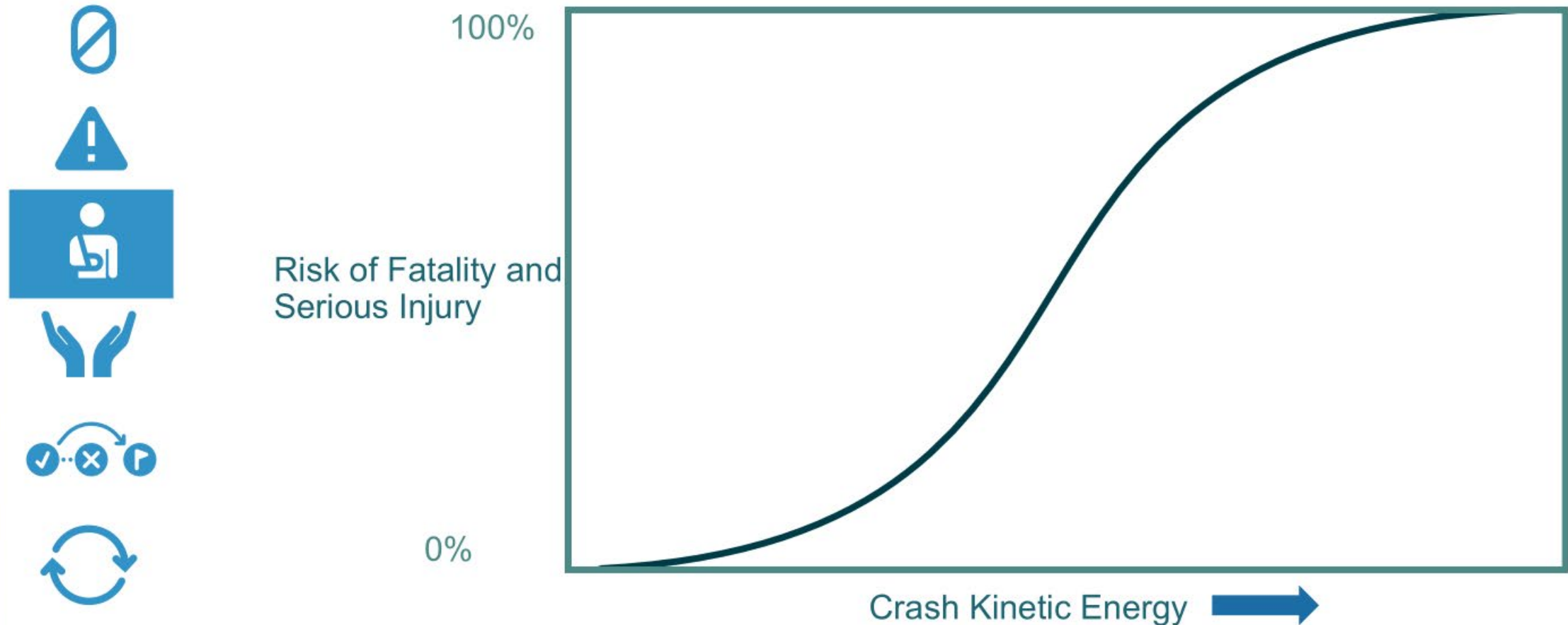
Driving distracted is dangerous. In fact, 80% of drivers identified distracted driving as a top factor contributing to traffic deaths and injuries in Utah. Driving is a privilege and with that privilege comes responsibilities. As a driver, you are responsible to pay attention and focus on driving. Be determined to turn off those distractions whatever they may be. Those little distractions are costing lives on our roads and the truth is, we can all drive better behind the wheel. Drive focused.



<https://zerofatalities.com/>



Prioritize Safety – A Safe System



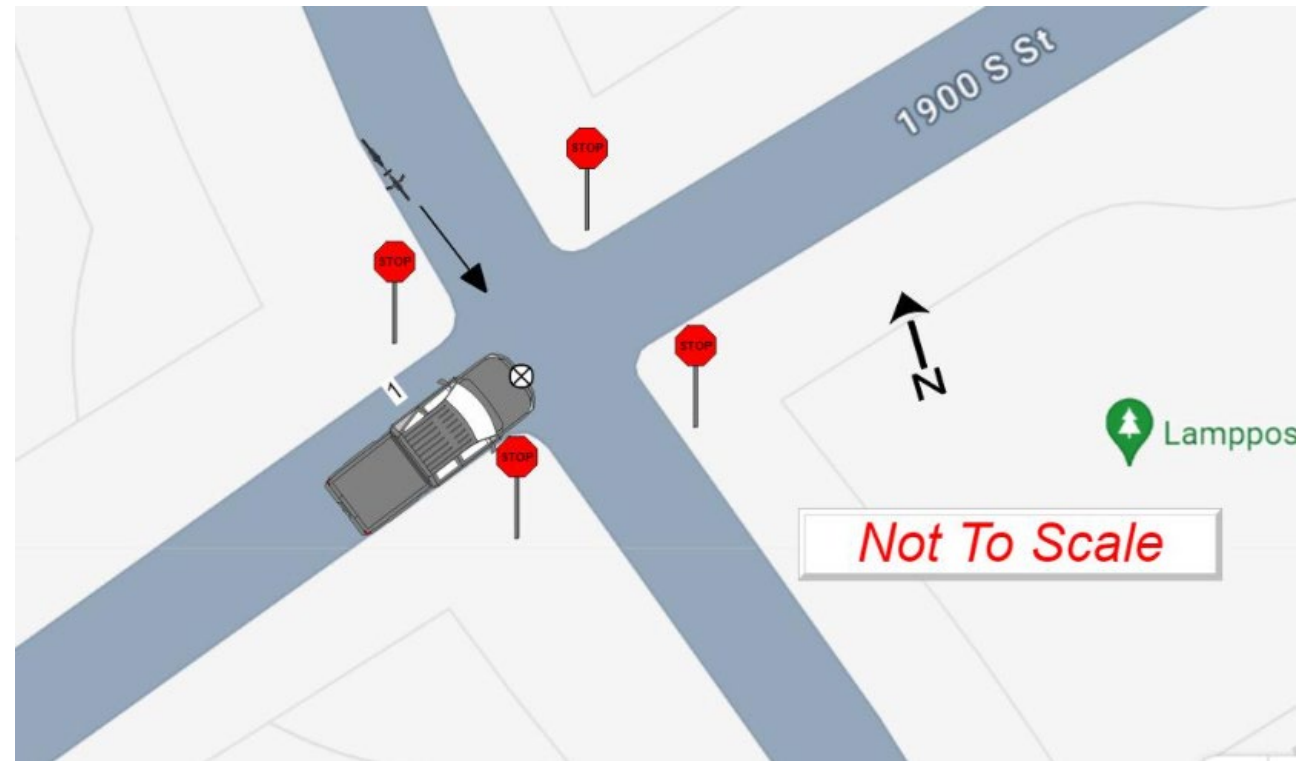
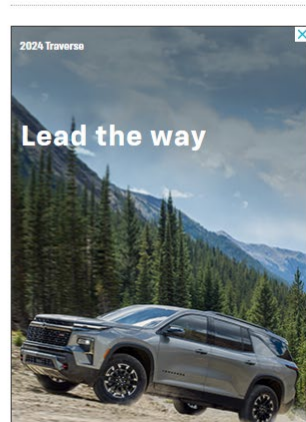


Layton boy on bicycle hit, killed by truck over the weekend

By Pat Reavy, KSL.com | Posted - Aug. 26, 2024 at 12:53 p.m.

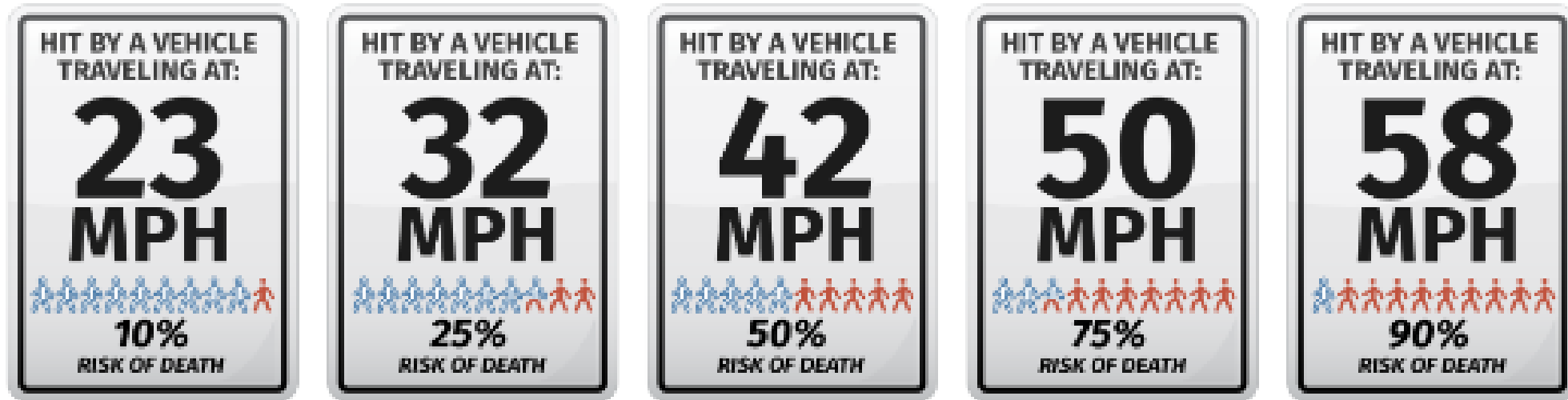


Dom Boudrero, 10, was hit and killed by a vehicle while riding his bicycle in Clearfield on Saturday. (GoFundMe)



<https://www.ksl.com/article/51109925/layton-boy-on-bicycle-hit-killed-by-truck-over-the-weekend>

Effect of Speed on Injury



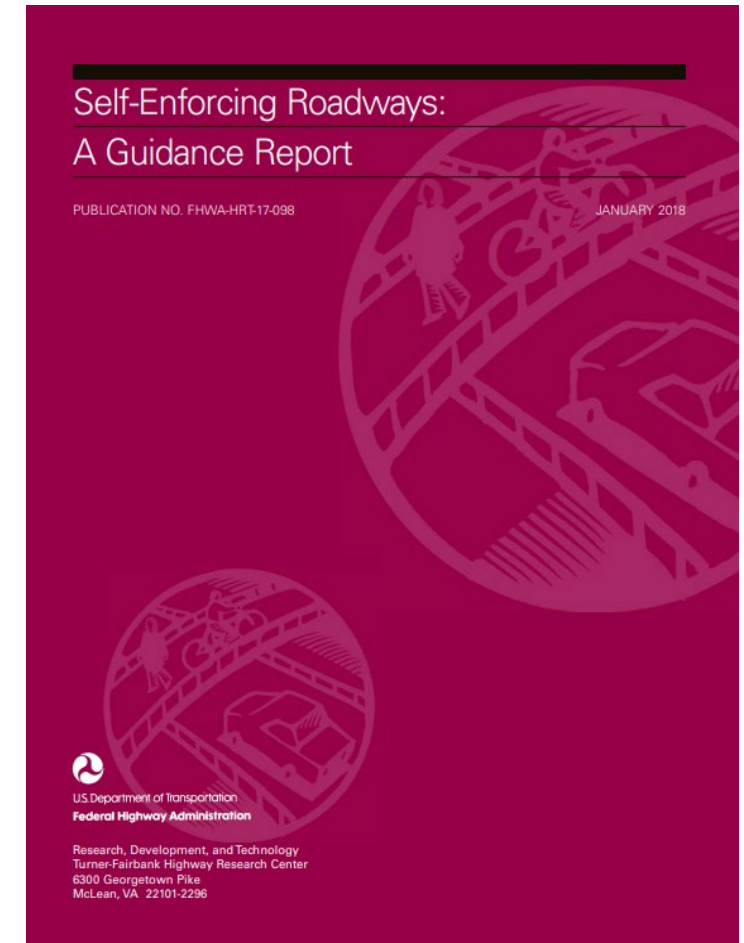
"A driver may not see or be aware of the conditions within a corridor and may drive at a speed that feels **reasonable for themselves but may not be for all users** of the system, especially vulnerable road users, including children and seniors."

Self-Explaining / Self-Enforcing Roadway

"...encourage drivers to select operating speeds consistent with the posted speed limit."

"Nibley City's policy is to use traffic calming measures to address compliance with posted speed limits and desired driver behavior."

- Nibley City Transportation Master Plan



<https://www.fhwa.dot.gov/publications/research/safety/17098/17098.pdf>

Why Traffic Calming?

**Reduces
Vehicle Speeds**

User experience
is NOT just the
motor vehicle



Walk



Bike



Drive



Transit



Other

"The primary purpose of traffic calming is to support the livability and vitality of residential and commercial areas through improvements in **non-motorist safety, mobility, and comfort**. These objectives are typically achieved by reducing vehicle speeds..."

<https://highways.dot.gov/safety/speed-management/traffic-calming-eprimer/module-2-traffic-calming-basics#2.1>

FIGURE 18: SAMPLE TRAFFIC CALMING APPLICATIONS



BULB-OUTS



**MID-BLOCK
PEDESTRIAN CROSSING**



**MID-BLOCK CROSSING WITH
CENTER PEDESTRIAN REFUGE**



**CHICANES TO
CREATE LATERAL SHIFTS**



**MEDIANS TO CREATE LATERAL
SHIFTS OR IN CONJUNCTION
WITH LEFT-TURN LANES**



ROUNDAABOUT



MINI ROUNDAABOUT

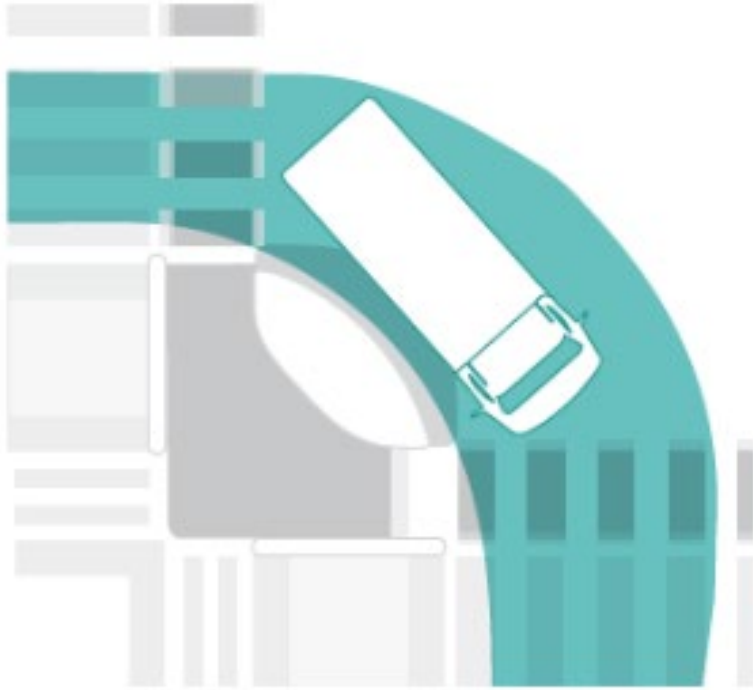


Why Mountable Islands?

Effectiveness:

Directs the **managed vehicle** into a sharper radius curb, requiring slower speeds.

Design Vehicle

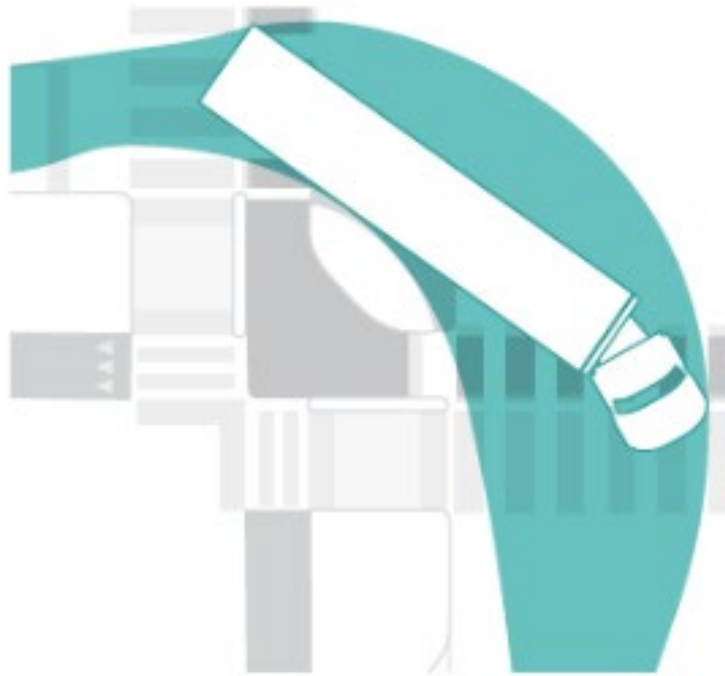


Frequent Large Vehicle.

Turn speeds at 3-5 mph.

- School bus
- Delivery truck

Control Vehicle

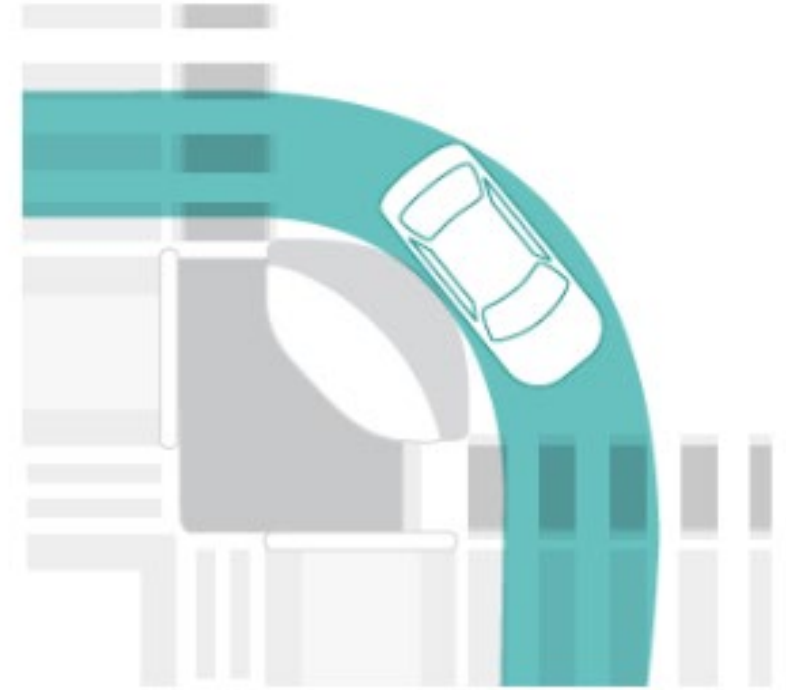


Infrequent Vehicle.

Turn speeds at 1-5 mph.

- Semi-truck
- Trailers

Managed Vehicle



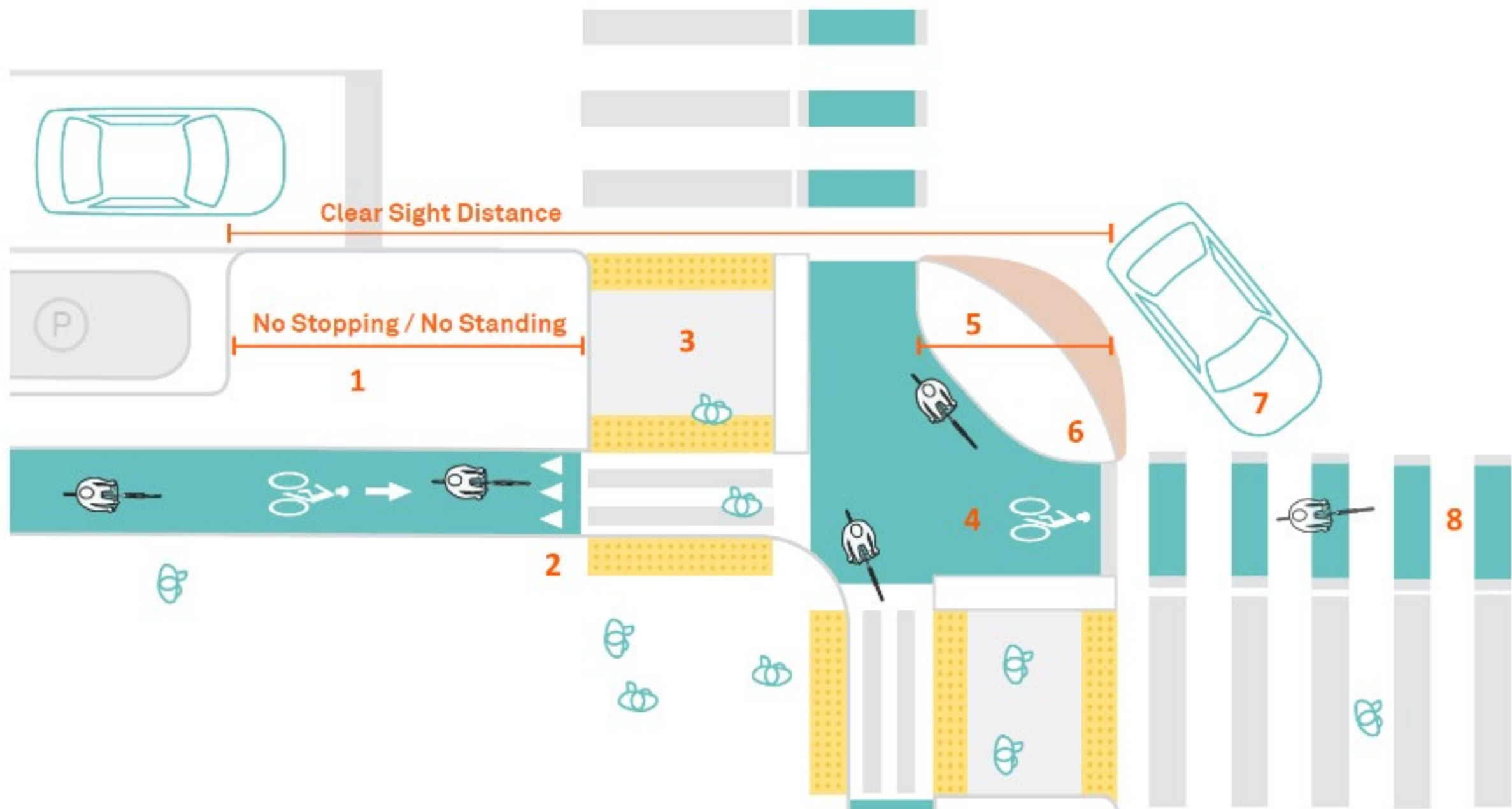
Most Common Vehicle.

Turn speeds at 10 mph.

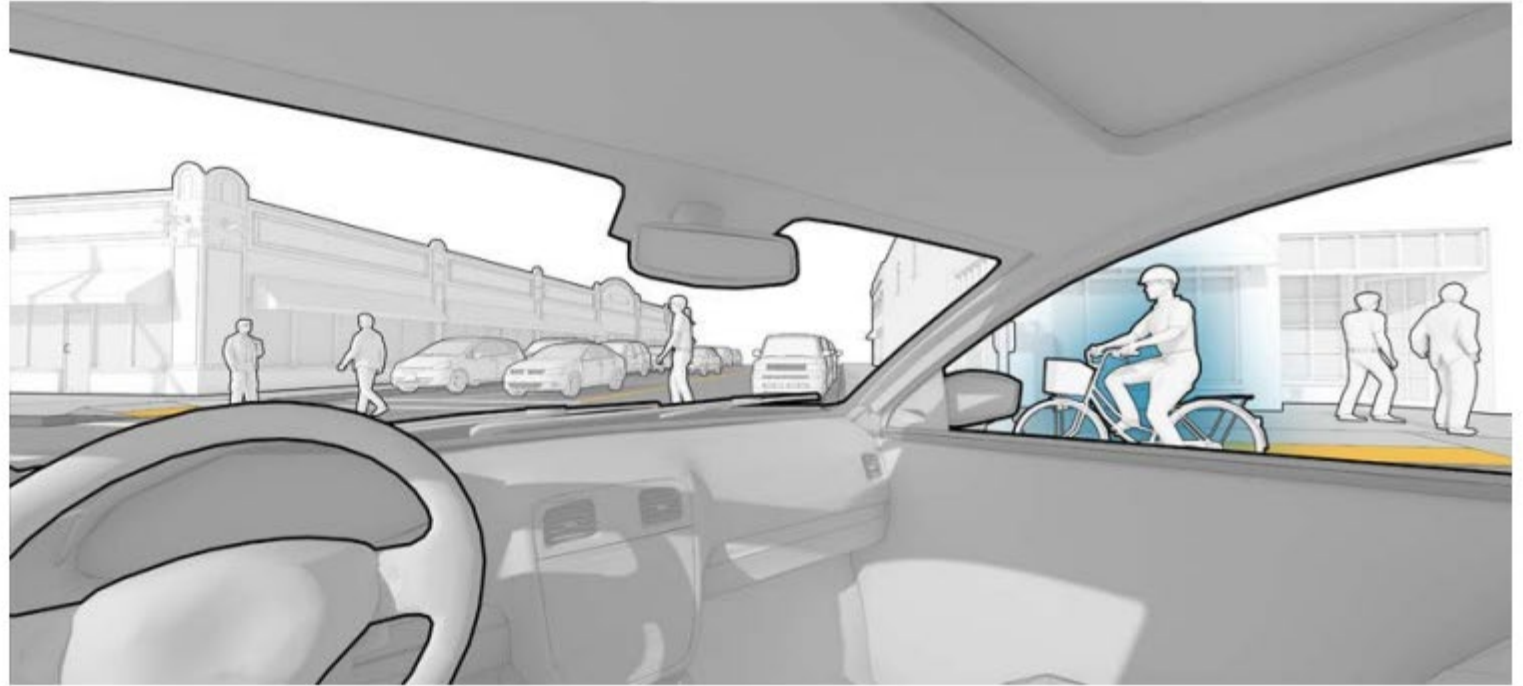
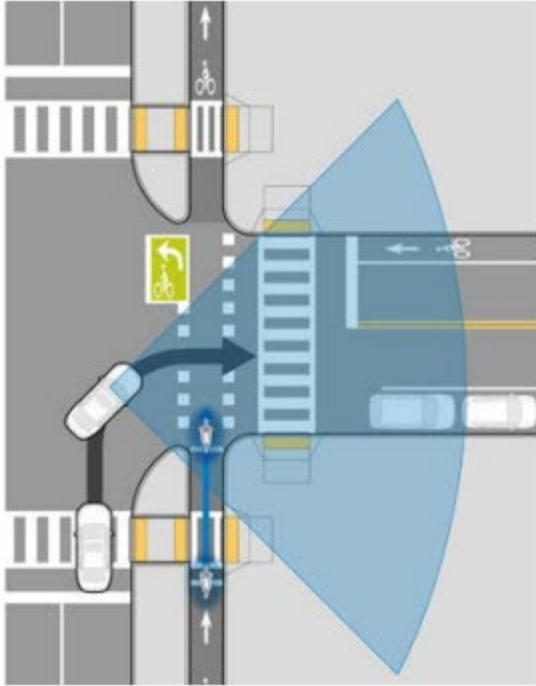
- Cars
- Pickup

National Association of City Transportation Officials





Why mountable islands and curb extensions?



Why chicanes / horizontal shifts?

Effectiveness:

Speed Bump: 7 mph reduction

Chicane: 9 mph reduction

https://highways.dot.gov/sites/fhwa.dot.gov/files/2022-06/eng_ctm_spd_14.pdf

- Less Maintenance
- Snowplow compatible

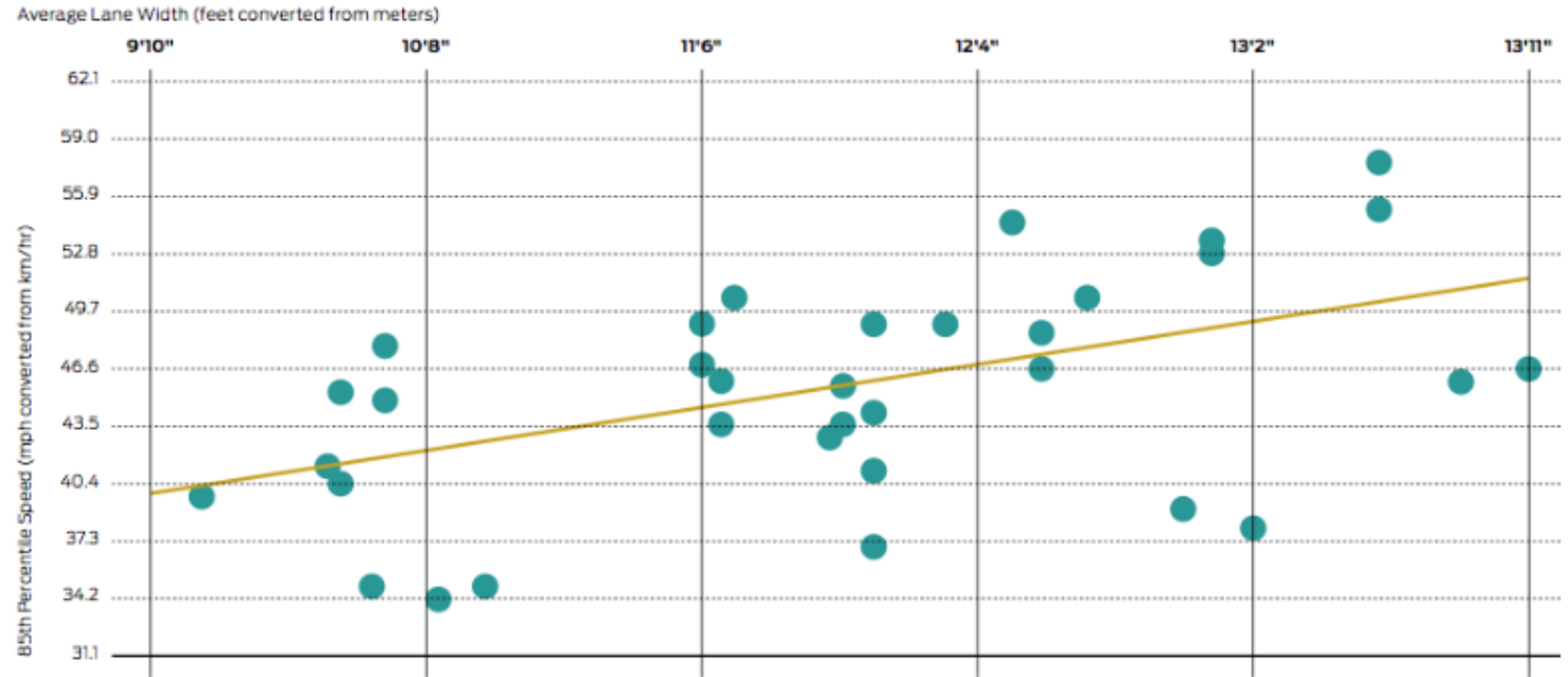


Why narrow lanes?

Up to **26% reduction**
of Fatal and Injury
Crashes on Major
Collectors

CMF Clearinghouse 4810, 5413, 4813
<https://cmfclearinghouse.fhwa.dot.gov/detail.php?facid=4810>

Wider travel lanes are correlated with higher vehicle speeds.



"As the width of the lane increased,
the speed on the roadway increased...
When lane widths are 1 m (3.3 ft) greater,
speeds are predicted to be 15 km/h
(9.4 mph) faster."

Chart source: Fitzpatrick, Kay, Paul Carlson, Marcus
Brewer, and Mark Wooldridge. 2000. "Design Factors
That Affect Driver Speed on Suburban Streets."
Transportation Research Record 1751: 18–25.

Regression Line
85th Percentile
Speed of Traffic

<https://nacto.org/publication/urban-street-design-guide/street-design-elements/lane-width/>

Why **NOT** Stop Signs?

4-leg intersection: 40% **more** crashes

3-leg intersection: 18% **more** crashes

"Drivers go faster between signs to make up for 'lost' time."



USING A RELIABILITY PROCESS TO REDUCE UNCERTAINTY IN PREDICTING
CRASHES AT UNSIGNALIZED INTERSECTIONS, HALEEM ET AL., 2010

<https://cmfclearinghouse.fhwa.dot.gov/detail.php?facid=2970>

<https://cmfclearinghouse.fhwa.dot.gov/detail.php?facid=2966>



The Paradox of Street Design: If It Feels a Bit Dangerous, It's Probably Safer

<https://www.strongtowns.org/journal/2021/8/6/the-key-to-slowing-traffic-is-street-design-not-speed-limits>

1200 West planning discussions at City Council

- 03/31/2016 – Council Member expressed his and public concern with truck traffic
- 04/21/2016 – Safety concerns presented
- 05/19/2016 – Safety concerns presented
- 09/01/2016 – Proposed updates to Master Plan between 1200 West and RR tracks on 2600 S
- 01/05/2017 – Public Hearing on transportation Master Plan
- 05/17/2018 – Safety concerns presented
- 12/20/2018 – Public Hearing on updating Transportation Master Plan
- 01/03/2019 – Public Hearing, 1200 West traffic calming and design features were presented
- 03/11/2021 – Public Hearing Master Plan Amendments
- 08/12/2021 - Traffic calming design presentation
- 03/10/2022 – Abandonment of portions of easements along 1200 West
- 08/24/2023 – Public Hearing on 1200 West Concept and financial responsibility
- 07/11/2024 – Public Hearing 1200 West Phase 5 improvements

History – How we got to where we are

- Traffic Calming study by CRS for 1200 West



Public Concerns Expressed at Public Comment Period

- Cache County School District Transportation Manager –Jaren Gunnell
 - “Won’t be an issue for us, no concerns as far as busing goes”
- Cache County Sheriff’s Office
 - “no issue’s enforcing the law”
 - “cities need to do things like this, or speeds will be too high”
- Hyrum Fire Department
 - "No issue's maneuvering the intersections”
- Snow Removal
- Keeping cars out of bike lanes on South End (phase 5)
- Parking at the Detention Pond Park



1200 West

- Justin Maughan, City Manager
- Tom Dickinson, City Engineer
- Levi Roberts, City Planner
- Scott Shea, AECOM

Place Holder: Drone Video

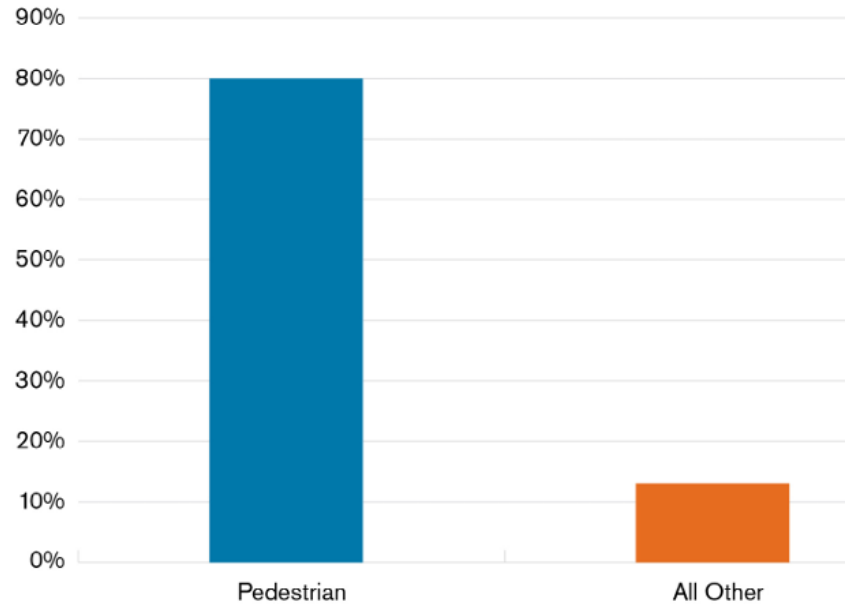
Show:

1. Northbound left turn into Stonebridge, including eastbound car that is waiting to exit Stonebridge.
2. Northbound right turn onto 2980 South, including westbound car that is waiting on 2980 South.
3. Southbound left turn from 2980 South onto 1200 West, including waiting for northbound left turning vehicle turning into Stonebridge to clear
4. Southbound right turn from Stonebridge onto 1200 West, including waiting for northbound left turning vehicle turning into Stonebridge to clear (if necessary)

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Trend in US Pedestrian Deaths and Other Vehicle-Related Deaths

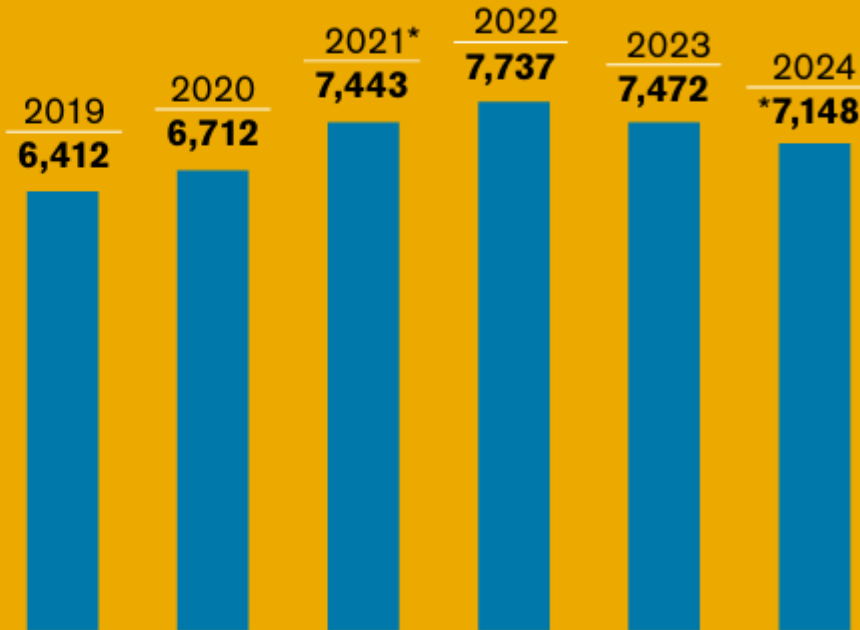
Figure 1 Percent Increase in Number of U.S. Traffic Deaths, 2009 to 2023



Source: FARS

National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS)
Governor's Highway Safety Association, ghsa.org

GHSAs projects drivers struck and killed 7,148 pedestrians in 2024 – down 4.3% from the year before and the second consecutive year with a decline.

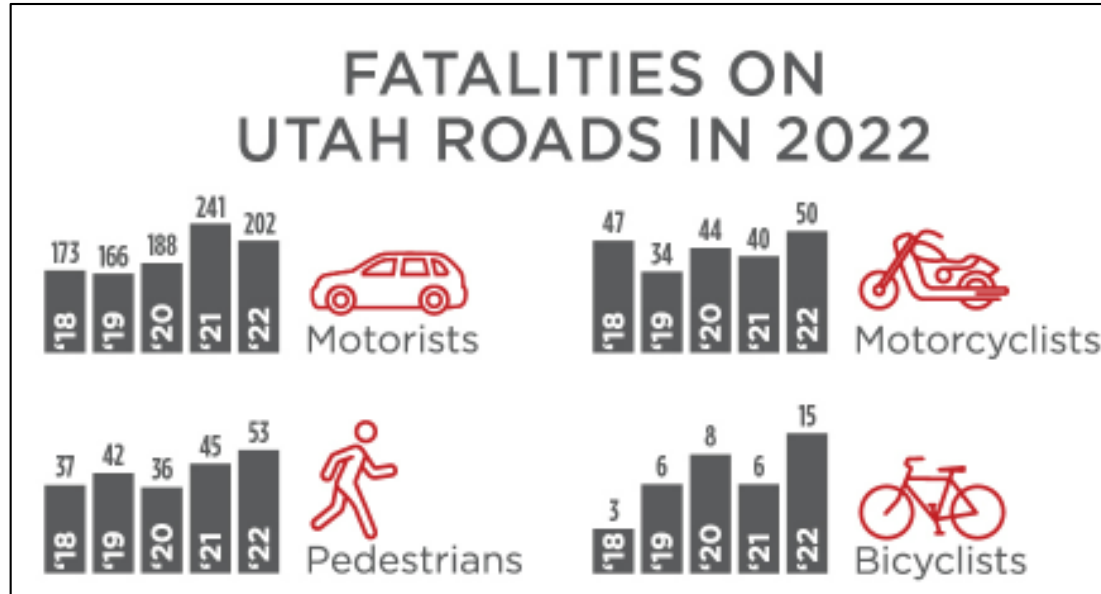


Note: *Due to a reporting issue, Oklahoma did not provide final 2021 data.

*Projected

2024 improved to 7,148 fatalities. Are we done making improvements?

What about Utah?



<https://connect.udot.utah.gov/2023/01/05/udot-and-dps-release-2022-traffic-fatality-numbers/>

Pedestrian Safety: Who is at Risk?

Fox 13 News

April 30, 2025

Numbers show how dangerous Utah roads can be for children



By: Mya Constantino

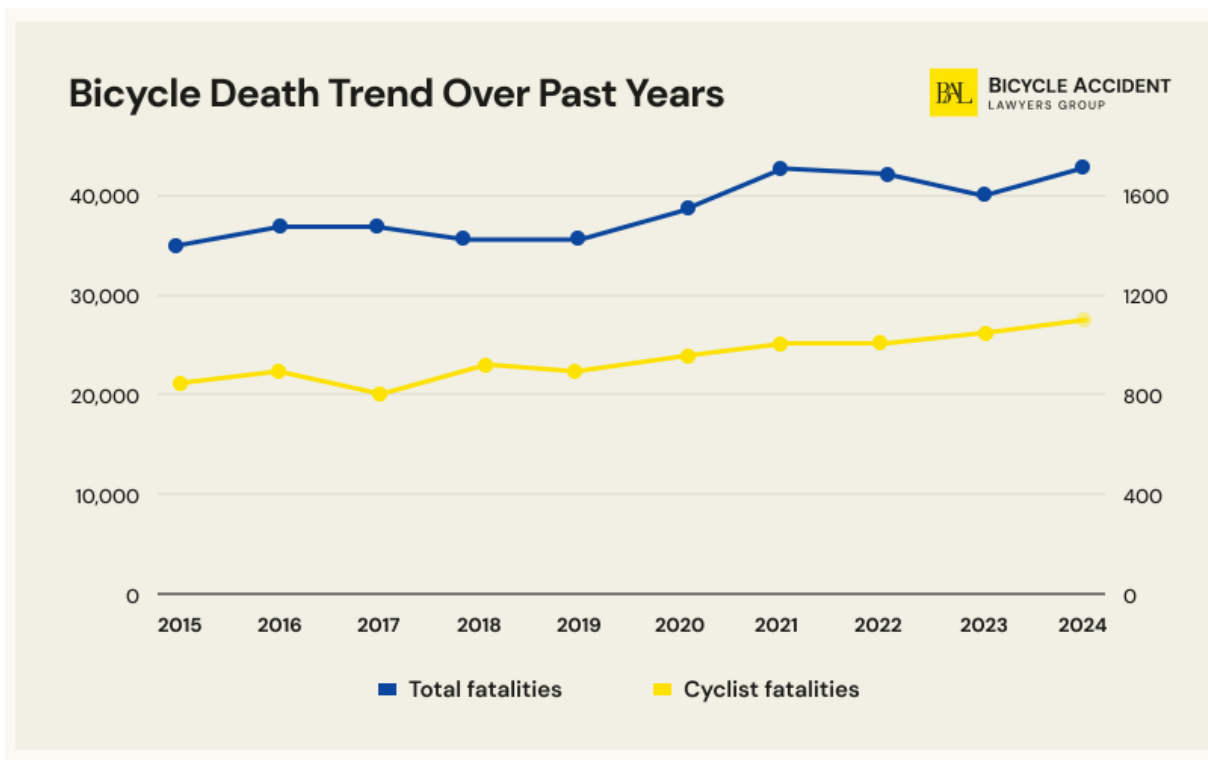
Posted 5:55 PM, Apr 30, 2025 and last updated 11:48 AM, May 01, 2025

SALT LAKE CITY — The numbers are alarming.

According to the Utah Department of Public Safety, 11 people under the age of 20 have been seriously injured or killed by vehicles in the first four months of 2025. They said that twenty percent of pedestrian-related crashes involve people under age 20.

Over the past few weeks, FOX 13 News has reported on young children — an 11-year-old in Roy and a 9-year-old in Pleasant Grove — getting hit by cars while in crosswalks. DPS said people under 20 make up the largest age group of people hit by cars.

Lt. Cameron Roden shared that some contributing factors for drivers are failure to yield the right of way and disregarding traffic signals. Officials have also found that in 46 percent of these cases, pedestrians were entering or using the crosswalk, just like they're supposed to.

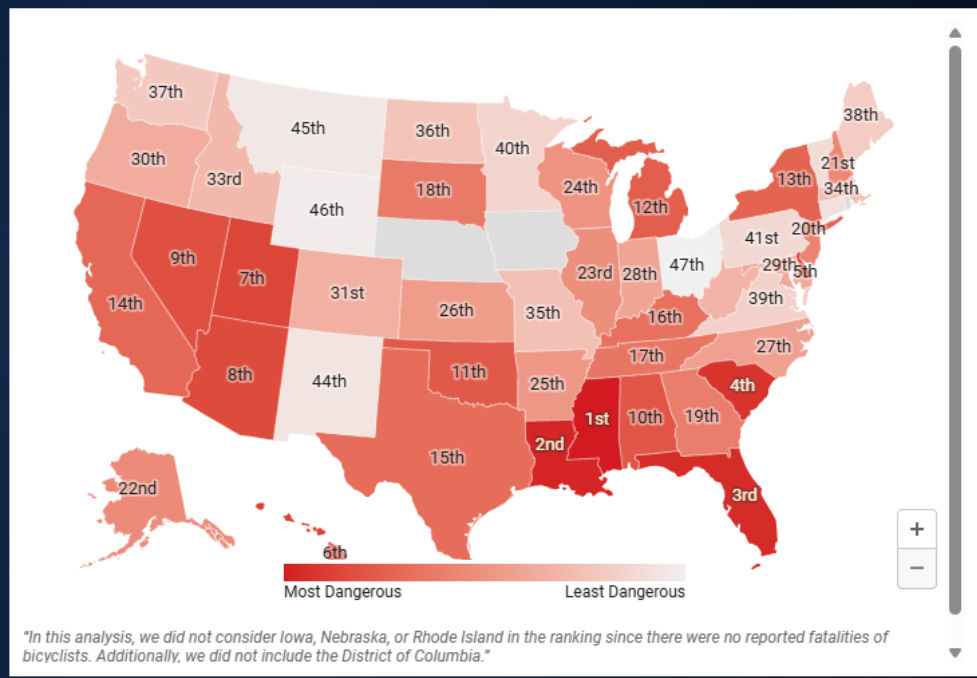


In 2024, there were 1,109 cyclist fatalities and 42,968 total traffic fatalities
Cycling trips account for 1% of all trips in the US

Per trip, cyclists are more likely to be killed than other road users by a factor of 2.6

<https://bicycleaccidentlawyers.com/bicycle-accident-statistics/>

Most and Least Dangerous States for Bicyclists, 2025 (Map)



Utah 2025 Data

Rank: 7
Score: 32.53 out of 100

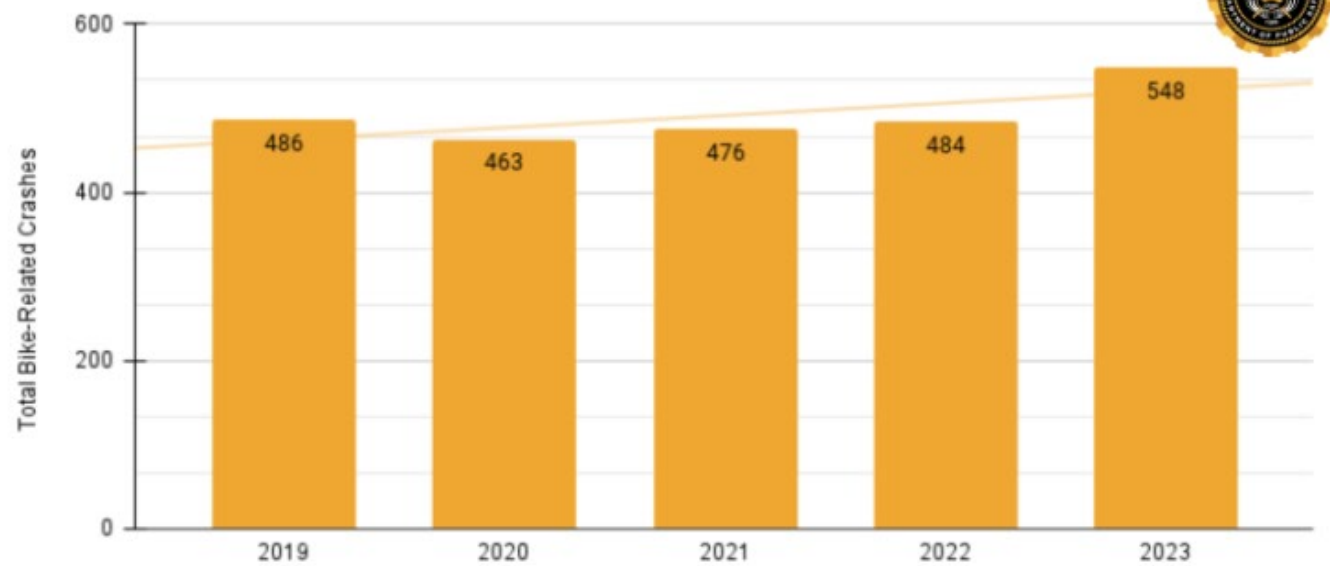
319
People Killed in Fatal Crashes

15
Bicyclists Killed in Fatal Crashes

4.7%
of Bicyclists Killed in Fatal Crashes

1.9
Bicyclists Killed/1000 Bicycle Commuters

Total Bike-Related Crashes (Utah, 2019-2023)



(credit: Utah Department of Public Safety)

Video: 1200 east #3-#4-A.mp4

How does this not work?

Utah Code

Effective 5/5/2021

41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.

(1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6a-906.

- (2) (a) Except as provided in Section 41-6a-1105, or when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:
- (i) at a clearly marked stop line;
 - (ii) before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or
 - (iii) at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.

Vehicle-pedestrian and vehicle-bicycle accidents (not near-misses) in Nibley (not on 1200 West)

- Does coming to a different conclusion on a topic of discussion mean “not listening”?
- Who are we protecting with the 1200 West traffic calming and intersection design?
- Do those users deserve that protection?
- How will we protect those users with modifications to the current design?

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Agenda Item #13

Description	Discussion and Consideration: Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone (First Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approval of Ordinance 25-34: Amending NCC 19.24.150 Permitted Signs, Allowing Electronic Message Display (EMD) Signs in the Neighborhood Commercial (C-N) Zone
Planning Commission Recommendation	Approval of 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	Levi Roberts, City Planner Larry Jacobsen, Mayor Justin Maughan, City Manager Joel Yellowhorse, City Attorney Planning Commission

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 ft². These restrictions limit the potentially negative impacts for signage, which would require a conditional use permit for approval.

ORDINANCE 25-34

AMENDING NCC 19.24.150 PERMITTED SIGNS, ALLOWING ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE

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

WHEREAS, Nibley City promotes economic vitality and business development in appropriate locations; and

WHEREAS, Nibley City has adopted specific regulations to mitigate potential negative impacts associated with electronic message display (EMD) signage.

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

1. The attached amendments to Nibley City Code 19.24.150 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 _____ 20 ____.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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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.

PORTABLE 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.~~

~~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.

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

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
--------------	----------------------	-----------------------	-----------------	-----------------------	---------------	--------------------------

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	C-N , 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, C-N , 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 Information
- ✓ 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 Information 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 Edit

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 Edit

Request Type:

Code Change

Attach requested code change or master plan change here.

 Text Amendment Letter, Nibley, UT.pdf

Applicant Statement Edit

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 Edit

Plan Check	\$500.00
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Public Notice Fee	\$150.00
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Total:	\$650.00
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Signature Edit

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 Item #14

Description	Discussion and Consideration: Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation (First Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approval of Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation
Planning Commission Recommendation	Approval of Ordinance 25-36: Amending NCC 21.10.020 Open Space Subdivision, Including Requirements for Setbacks, Lot Size Standards, and Variation
Reviewed By	Levi Roberts, City Planner Larry Jacobsen, Mayor Justin Maughan, City Manager Joel Yellowhorse, City Attorney Planning Commission

Background:

The Planning and Zoning Commission has been discussing potential changes to the Open Space Subdivision Ordinance. Based upon that discussion, 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 with several developers and subdivision designers in the area. Two detailed responses to this inquiry are included in the packet for consideration.

ORDINANCE 25-36

**AMENDING NCC 21.10.020 OPEN SPACE SUBDIVISION, INCLUDING REQUIREMENTS FOR
SETBACKS, LOT SIZE STANDARDS, AND VARIATION**

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

WHEREAS, Nibley City promotes variation in housing options to serve the needs of existing and future residents; and

WHEREAS, Nibley City strives to mitigate impacts of new development upon existing neighborhoods.

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

1. The attached amendments to Nibley City Code 21.10.020 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 _____ 20 ____.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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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 creeks, 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 ~~the~~ 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 [Plat](#) 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 ¹ (OSR)	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage ²
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 13,000 \text{ ft}^2$	$\geq 11,200 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 11,700 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$

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R-2A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 8,400 \text{ ft}^2$	$\geq 7,200 \text{ ft}^2$	$\geq 75 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 7,600 \text{ ft}^2$	$\geq 6,400 \text{ ft}^2$	$\geq 70 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 6,500 \text{ ft}^2$	$\geq 5,500 \text{ ft}^2$	$\geq 60 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 5,800 \text{ ft}^2$	$\geq 5,000 \text{ ft}^2$	$\geq 50 \text{ ft}$
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 ²
2	4,501 – 6,000 ft ²
3	6,001 – 7,500 ft ²
4	7,501 – 9000 ft ²
5	9,001 – 10,500 ft ²
6	10,501 – 12,000 ft ²
7	12,001 – 13,500 ft ²
8	13,501 – 15,000 ft ²
9	15,001 – 17,500 ft ²
10	17,501 – 20,000 ft ²

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11	20,001 ft ² or greater
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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	$0.25 \leq \text{OSR} < 0.30$	As per underlying zone (see NCC 19.22.010)		25	
	$0.30 \leq \text{OSR} < 0.35$	As per underlying zone (see NCC 19.22.010)		25	
	$0.35 \leq \text{OSR} < 0.40$	25(35) ¹	8 (10) ²	25(35) ¹	20 (25) ³

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

¹ Greater distance required where yard faces arterial road.

² 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.

³ 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 ft² 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 frontages~~ 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 an 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 an 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~~ Open Space 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. ~~In~~^{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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Re: Nibley City Open Space Subdivision Update

From Michael Taylor <mtaylor@civilsolutionsgroup.net>
Date Wed 11/5/2025 1:42 PM
To Levi Roberts <levir@nibleycity.gov>
Cc Clay Schaffner <cschaffner@civilsolutionsgroup.net>

---CAUTION--- This email originated from outside of the organization.

Levi,

This is an interesting proposal. It could help produce a range of home sizes, but it could also result in some even denser, more clustered developments. A few things to consider:

- The 40 lot threshold may have some unintended results. An extreme example: if I were to develop a subdivision with 39 lots with all category 1 size lots of 3,000sf that were 40'x75', I would need ~780lf of roadway. At \$400/lf of road, that's \$312K. When I go to 40 lots, and only 40% can be 3,000sf (40x75), 4,501sf (45x100), and 6,001sf (60x100), then my length of roadway becomes 920lf, or rather \$368K. That one additional house resulted in a price jump of 18% in infrastructure costs. I think this could end up discouraging developments in the 40-50 lot range, because the developer's overall profits are going to be greater by staying below that threshold.
- I did some quick numbers on the Fields at Nibley job and it appears that under this ordinance, the subdivision could have been even more dense with about 30% less roadway. Of course, what would they do with the extra 3-acres? Dedicate it perhaps? Or maybe they fit it into the lots to try to get some higher per lot sale prices, as long as the price of additional roadway frontage from bigger lots doesn't exceed the expected gains in home sales values. Keeping in mind that from what I understand from real estate agents, the size of a yard does not make a proportionate difference in the sale value of the home; most of the difference is in the size of the home itself. So as long as the lot is big enough for the desired home product, the developer is always going to be incentivized to keep the lots as small as possible...

This is outside of the present political discussion, but for what it's worth, I would recommend the council consider some of the insights from the Strong Towns team. I just don't think the tax base is there in Nibley to support a robust parks system + all sorts of random open spaces throughout the City. And I think some of the elected officials get that, and that's why they don't want most of this random open space dedicated to them. But even if you form an HOA, then the cost is still passed on to the homebuyer for maintenance, and home affordability gets further out of reach. Plus, studies show that MORE open space is not necessarily the solution, but the quality of it. Location, accessibility, and programming all matter. If Nibley is going to be a City, I would support the "Keep the City, City; and the Country, Country" approach, which would seem to suggest you locate open space where it provides the most benefit and then zone for enough density to create a tax base that can support said open space. I'll stop there...

Regards,

Michael E. Taylor, PE, Vice President

 Civil Solutions Group

www.civilsolutionsgroup.net

CELL 435.890.4498

CACHE VALLEY | SALT LAKE | UTAH VALLEY

On Tue, Nov 4, 2025 at 3:18 PM Levi Roberts <levir@nibleycity.gov> wrote:

Hello,

Nibley City is working on an update to the Open Space Subdivision Code. Attached is what is being considered by the Planning Commission next week on November 13. These are intended to result in more variety of lot sizes and mitigate some effects of locating a subdivision with smaller lot sizes and less restrictive setbacks to those with larger lots and more restrictive setbacks.

As a developer or designer of residential subdivisions, we value any feedback you might have. We are particularly interested in learning whether these changes would present any challenges or opportunities for development. Please let me know if you have any comments on these proposed changes.

Thanks,

Levi Roberts, AICP

City Planner

455 West 3200 South

Nibley, Utah 84321

O: 435-752-0431 ext. 105

C: 435-760-8459

Email: levir@nibleycity.gov

MEMORANDUM

To: Nibley City Council and Planning Commission

From: Heritage Land Development, LLC & Alliance Engineering

Date: November 6, 2025

Subject: Joint Policy and Technical Review – Nibley City Code §21.10.020 “Open Space Subdivision”

1. Introduction

Heritage Land Development and Alliance Engineering appreciate the opportunity to jointly review and provide professional input on Nibley City’s Open Space Subdivision ordinance (§21.10.020).

Collectively, our firms have significant experience in Utah’s municipal planning and development processes, including the preparation, design, and implementation of conservation-oriented subdivisions. We view this ordinance as a **strong, forward-looking framework** that aligns well with best practices in community design, land conservation, and sustainable development.

Our intent in this memorandum is to (1) acknowledge the ordinance’s strengths, (2) highlight opportunities to improve clarity and administration, and (3) recommend refinements that enhance the balance between **developer incentives** and **public benefit**.

2. Overall Assessment

The Open Space Subdivision ordinance represents one of the most well-structured local frameworks we’ve seen for rural and semi-rural municipalities in Utah.

It provides:

- **Predictable developer incentives** through a quantified bonus system,
- **Protection of sensitive environmental features**, and
- **Clear expectations for open space usability and maintenance.**

The structure is consistent with national standards such as those promoted by the **American Planning Association (APA)** and **Randall Arendt’s Conservation Design** principles, as well as best practices in comparable Utah cities like Farmington, Lehi, and Midway.

3. Key Strengths and Best Practices

A. Incentive-Based Density System

The ordinance's **Open Space Ratio (OSR) and Incentive Multiplier** table provides a direct and transparent formula for determining allowable lot yields.

This mechanism:

- Rewards projects that preserve higher levels of open space;
- Promotes flexible design without arbitrary negotiation; and
- Allows developers to incorporate meaningful open areas early in the design phase.

Joint Observation:

The incentive system provides an excellent framework for balancing land conservation with project feasibility. The City could further enhance this model by granting **incremental bonuses** for designs that achieve multiple community objectives such as trail linkages, public access to open space, or integration with city park systems.

B. Preservation of Constrained and Sensitive Lands

The ordinance correctly excludes sensitive lands (wetlands, floodplains, steep slopes) from the **Net Developable Land** calculation while still allowing them to be preserved as open space.

This is a critical distinction that ensures:

- Density is earned only from *buildable* land; and
- Sensitive features are protected and incorporated meaningfully into site design.

This approach mirrors conservation subdivision models widely adopted throughout the Intermountain West.

C. Maintenance, Bonding, and Enforcement

The required **Preliminary and Final Maintenance Plans**, along with **bonding and corrective action provisions**, demonstrate foresight and administrative discipline.

The ability for the City to assume maintenance and recover costs through liens ensures accountability and long-term quality of the open space.

Recommendation:

Consider requiring a brief **annual compliance certification** from HOAs or easement holders verifying ongoing maintenance and compliance with the recorded plan. This proactive step helps prevent deterioration before it becomes an enforcement issue.

D. Fee-In-Lieu Option

Allowing a **fee-in-lieu** of on-site open space provides valuable flexibility, particularly for infill projects or those near existing city parks.

This option maintains the public benefit while preventing the creation of small or isolated “leftover” spaces.

Recommendation:

Tie the fee-in-lieu rate to the **City’s current per-acre park improvement cost**, ensuring that collected funds are commensurate with the value of the open space not provided on-site.

E. Lot Diversity and Neighborhood Character

The required **lot size variation** standard (no more than 40% in one lot size category) promotes both architectural diversity and neighborhood quality.

This approach supports the City’s goal of maintaining visual variety and providing a range of housing opportunities, a key principle of balanced community design.

4. Areas for Clarification or Enhancement

Topic	Current Provision	Joint Recommendation	Purpose
Connectivity & Contiguity	Open space “should” be consolidated or adjacent, but not mandatory.	Require open space to connect to adjacent greenways or planned trail corridors when feasible.	Creates continuous systems and higher community value.
Usable vs Passive Open Space	Ordinance does not distinguish between types of open space.	Define a minimum percentage (25–30%) of open space that must be usable, accessible, and improved (trails, play areas, etc.).	Ensures practical and functional community spaces.
Net Developable Land Definition	Certain easements may be counted toward Net Developable Land.	Clarify that only buildable, accessible easements may be included in Net Developable Land.	Prevents inflated density calculations.
Enhanced Incentive Opportunities	Bonuses are based solely on OSR thresholds.	Allow modest additive bonuses (+0.05 multiplier) for achieving multiple benefits such as trail	Encourages higher-quality design outcomes.

Topic	Current Provision	Joint Recommendation	Purpose
		connectivity, habitat restoration, or public access.	
Maintenance Oversight	Reactive enforcement through City lien authority.	Require periodic HOA reporting or City inspection prior to bond release.	Ensures proactive maintenance oversight.
Administrative Implementation	Relies heavily on interpretation and individual plan review.	Develop a standardized Open Space Subdivision Checklist for staff and applicants.	Increases consistency and review efficiency.

Agenda Item #15

Description	Discussion and Consideration: Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements (First Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approval of Ordinance 25-35: Amending NCC 19.24.090 Fence Regulations, Related to Fencing Restrictions Along Trail Corridors, on Corner Lots, and Inspection Requirements
Planning Commission Recommendation	Approval of 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	Levi Roberts, City Planner Larry Jacobsen, Mayor Justin Maughan, City Manager Tom Dickinson, City Engineer Joel Yellowhorse, City Attorney Planning Commission

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

ORDINANCE 25-35

AMENDING NCC 19.24.090 FENCE REGULATIONS, RELATED TO FENCING RESTRICTIONS ALONG TRAIL CORRIDORS, ON CORNER LOTS, AND INSPECTION REQUIREMENTS

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

WHEREAS, Nibley City promotes Crime Prevention Through Environmental Design, while acknowledging the privacy and individual property rights of individual property owners; and

WHEREAS, Nibley City strives for safe travel along its public streets.

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

1. The attached amendments to Nibley City Code 21.10.020 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 _____ 20 ____.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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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 posts. 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, Trails, Recreation, & Open Space Master~~ Active 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 posts. 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. ~~As~~ allowed under section C.
 - ~~1-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 four feet (4') 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; ~~and-~~

- ~~1.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).

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 (~~5~~4') 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.

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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.

~~5.6.~~ If a fence is subject to more than one provision in this ordinance then the more controlling or narrow provision shall apply.

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.

Commented [jY1]: Does this mean along the length of the fence? Maybe there is a way to say that more clearly.

~~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.~~

Commented [LR2]: Now covered in section D.

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

~~I.H.~~ All fences in rear yards shall provide access for emergency purposes, which access shall be at least four feet wide.

~~I.~~ 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.

±1. A permit is not required for a repair to a fence to its prior location, height and opacity.

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