



NIBLEY CITY COUNCIL
MEETING AGENDA

Thursday, March 14, 2019 – 6:30 p.m.

Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Bernhardt)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. Discussion and Consideration of Options for the 3200 S/ US 89-91 Realignment
7. Discussion and Consideration of Ordinance 19-03: AN ORDINANCE APPROVING AN ANNEXATION PETITION FOR 9 PARCELS ON 120 ACRES, LOCATED SOUTH OF 3200 SOUTH AND BETWEEN 900 WEST AND 1500 WEST (First Reading)
8. Workshop: Discussion of a Residential Planned Unit Development (R-PUD) Overlay Zone
9. Council and Staff Reports

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.

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.



**Nibley City Council
Agenda Report for
March 14, 2019**

Agenda Item #6

Description	Discussion and Consideration of Options for the 3200 S/ US 89-91 Realignment
Department	Planning/Transportation
Presenter	Jeff Gilbert, Regional Transportation Planner with the Cache Metropolitan Planning Organization
Recommendation	Receive the presentation and provide feedback on which alignment is preferred
Reviewed By	Mayor, City Manager, City Planner, Public Works Director

Background

The intersection of 3200 S and US 80/91 is currently unsignalized and has a history of several severe accidents. The intersection's alignment is skewed because 3200 S does not meet the highway at a 90-degree angle. Because of these factors, UDOT studied the intersection and determined that it meets the warrants to be signalized with traffic lights. Several agencies are involved with this project. UDOT is involved because US 89/91 is a state highway, Logan City is involved because the northeast and southeast corners of the current intersection are in Logan, Cache County is involved because the other corners are in unincorporated areas, and Nibley City is involved because the intersection is the primary western gateway to Nibley and half of the intersection is likely to eventually be annexed into Nibley. In addition, one of the proposed realignments would be in Nibley. The Cache Metropolitan Planning Organization (CMPO) and Council of Governments (COG) are involved because the alignment affects regional transportation routes and the COG provided approximately \$1 million to assist with the project.

In order to signalize the intersection, it must be realigned to provide for a standard 90-degree intersection. This realignment will require the purchase of property from adjacent land owners. The originally planned alignment would have moved 3200 S to the northeast through Ted's Service Station, which is on the northeast corner. Logan City spent the last several years

attempting to negotiate an agreement with Ted's Service Station to realign 3200 S through the service station property. Those negotiations ultimately failed and Logan City is not interested in condemning the property against the wishes of the owner. Therefore, another alignment is being sought.

After plans to construct the originally planned route failed, the parties met to discuss other options. Several potential options were identified and UDOT hired an engineering consulting firm to analyze the cost of those potential alignments. Representatives from those organizations met recently to discuss the options and decided to present the options to the elected councils of Logan City, Cache County and Nibley City to solicit their input before a final decision is made.

UDOT is the project manager on this project and will proceed with constructing the alignment based on the feedback provided by the local jurisdictions. UDOT has committed to pay the costs for the project related to construction within their right-of-way.

Jeff Gilbert, from the CMPO will present the realignment options to the City Council and would like feedback from the City Council on which option would be their preferred alignment. Mr. Gilbert will also be providing the same presentation to the Logan City Council and the County Council in the next few weeks according to the following schedule:

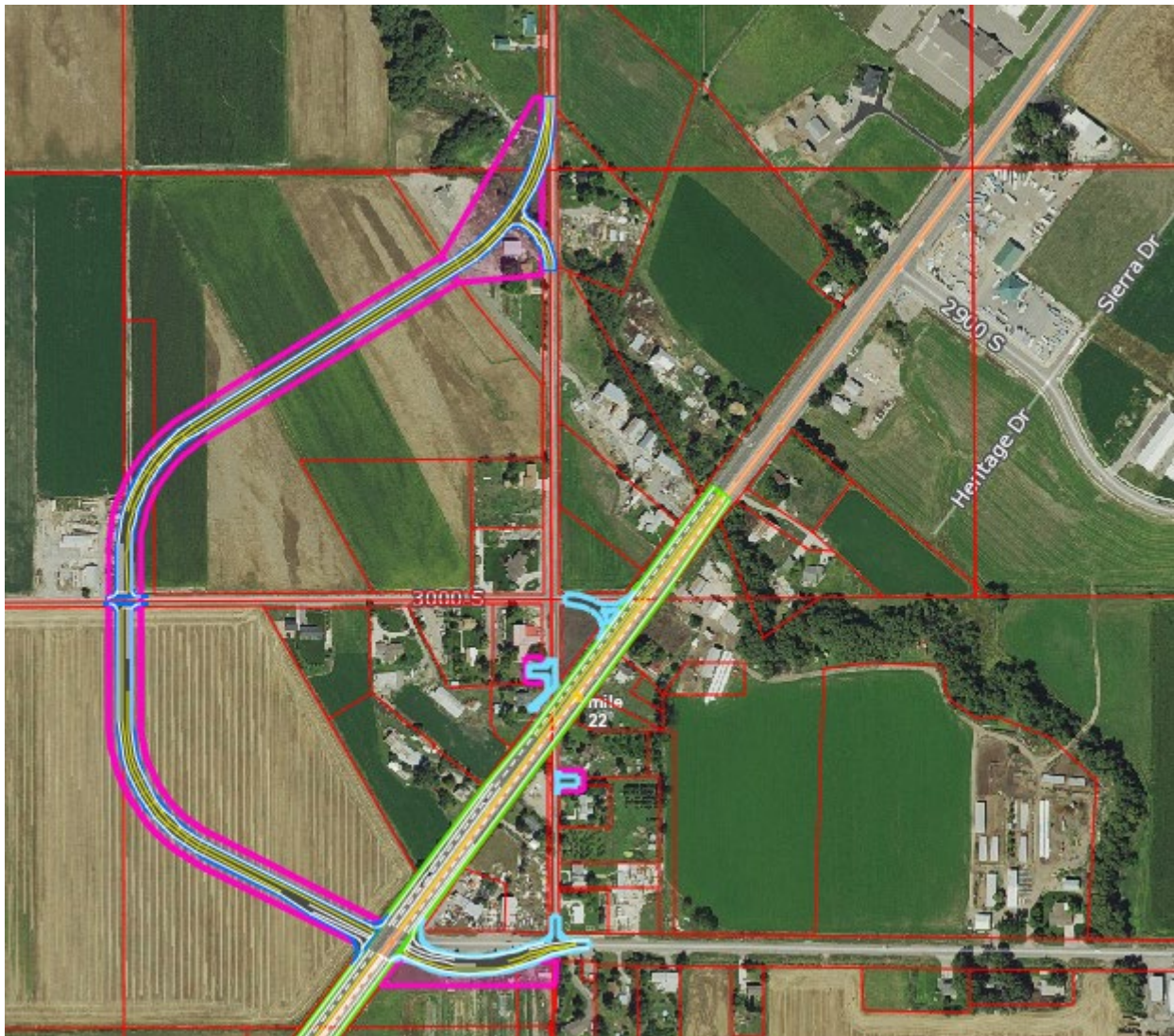
- March 12th 5:30 pm Cache County Council
- March 14th 6:30 pm Nibley City Council
- March 19th 5:30 pm Logan City Council

UDOT's feasibility analysis can be reviewed at the following website:

<https://uplan.maps.arcgis.com/apps/MapSeries/index.html?appid=7bc8e8c5be6942089667f2553b8b6f22>

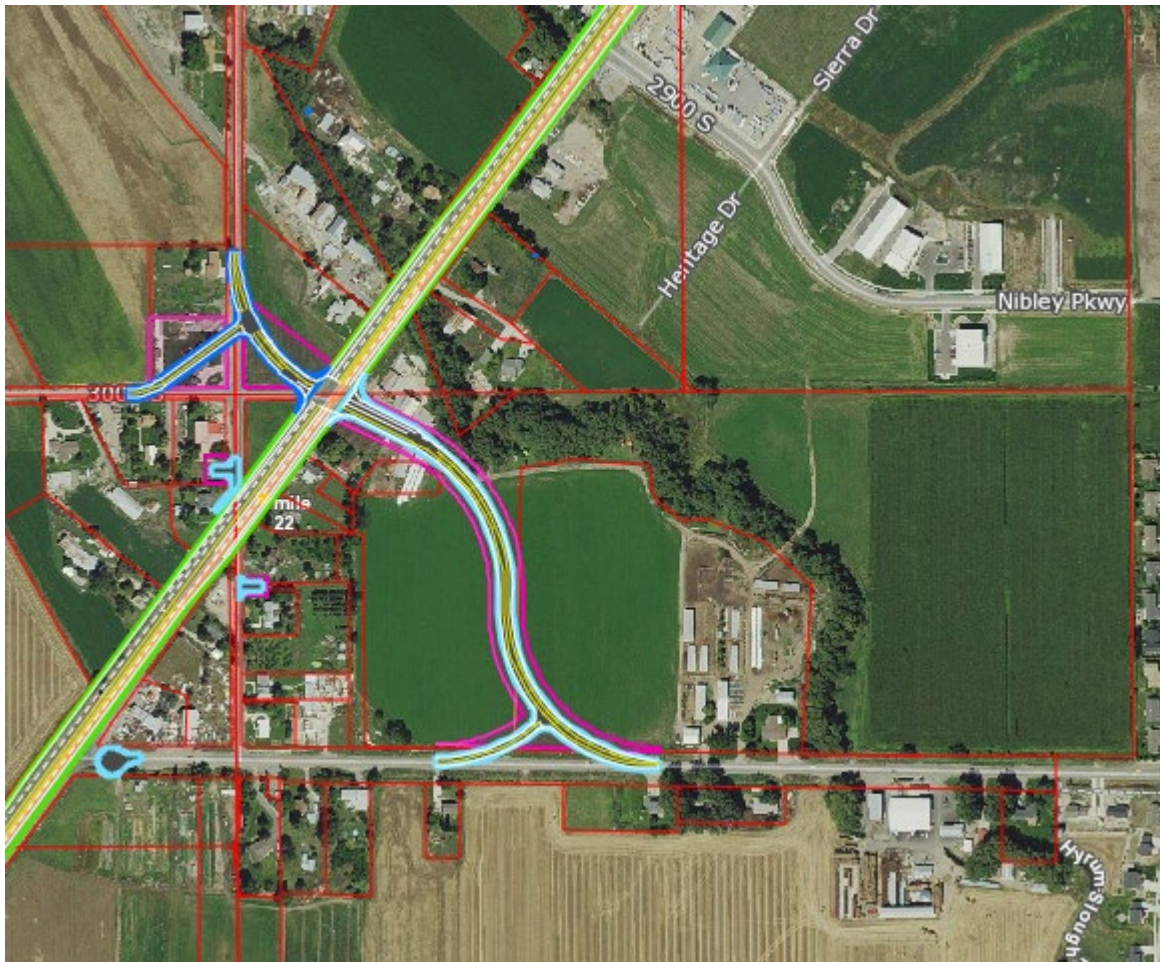
The analysis provides three alternative alignments for the intersection, as well as the costs for each alignment.

Alternative 1



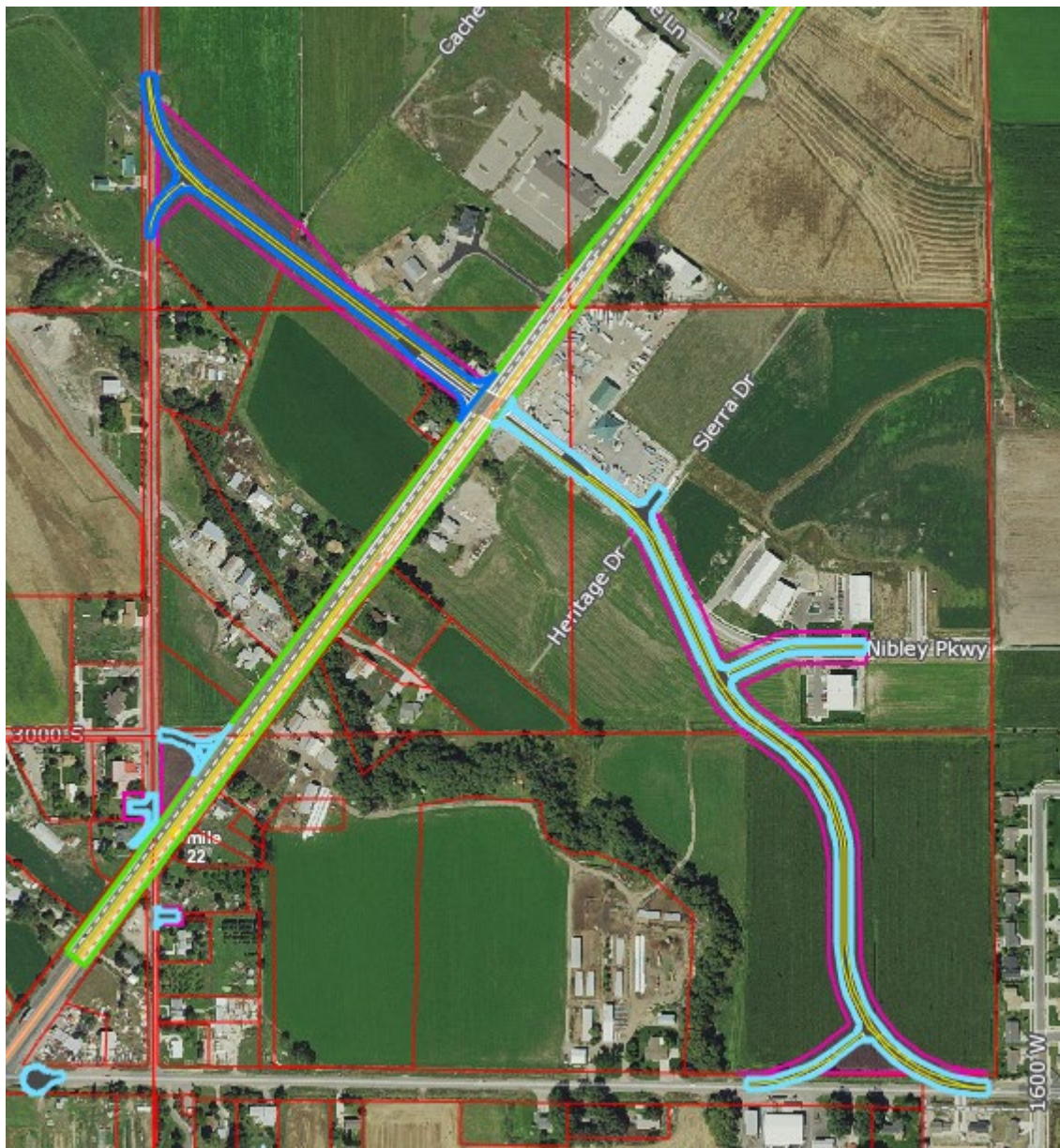
Alternative 1 would move 3200 S slightly to the south in order to create a 90-degree intersection. This would require the purchase of some land from one property owner on the south side of 3200 S. That property owner has indicated initial willingness to sell the necessary property, assuming his concerns related to the project are addressed. This alignment would cost approximately \$1 million, however future construction of the west side road to which 3200 South might eventually connect would cost an additional \$5.7 million. That connection does not need to be constructed as part of this project, however the CMPO would like to continue the 3200 S alignment to the west and north to eventually connect to a future western arterial that could potentially be aligned with 2000 West. Alignment at this location provides potential for future economic development at the intersection and essentially preserves the current alignment of 3200 S.

Alternative 2



Alternative 2 would bring 3200 South to the north through property owned by one resident. That property owner has indicated initial willingness to sell the necessary property, assuming his concerns related to the project are addressed. This alignment would result in cul-de-sacking the current west end of 3200 S and would move the new signalized intersection north to line up with 3000 S at a cost of approximately \$4.2 million. This alignment likely provides for much less economic development potential at the intersection because the properties around what would be the new intersection are already developed with mostly residential housing.

Alternative 3



Alternative 3 would bring 3200 South to the north through property that is primarily owned by one owner. That property owner has indicated initial willingness to provide the necessary property, assuming his concerns related to the project are addressed. This alignment would result in cul-de-sacking the current west end of 3200 S and would move the new signalized intersection approximately a half-mile north to line up with Nibley Parkway at a cost of more than \$10 million. This cost could come down significantly if the property owner donates some or all of the needed land. This alignment likely provides for less economic development potential at the intersection because many of the properties around what would be the new signalized intersection are already developed.

Agenda Item #7

Description	Discussion and consideration regarding Ordinance 19-03: Approving an Annexation Petition for 9 parcels on 120 acres located south of 3200 South and between 900 West and 1500 West
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Move to approve Ordinance 19-03: Re-Approving an Annexation Petition for 9 parcels on 120 acres located south of 3200 South and between 900 West and 1500 West; and waive the second reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney

Background

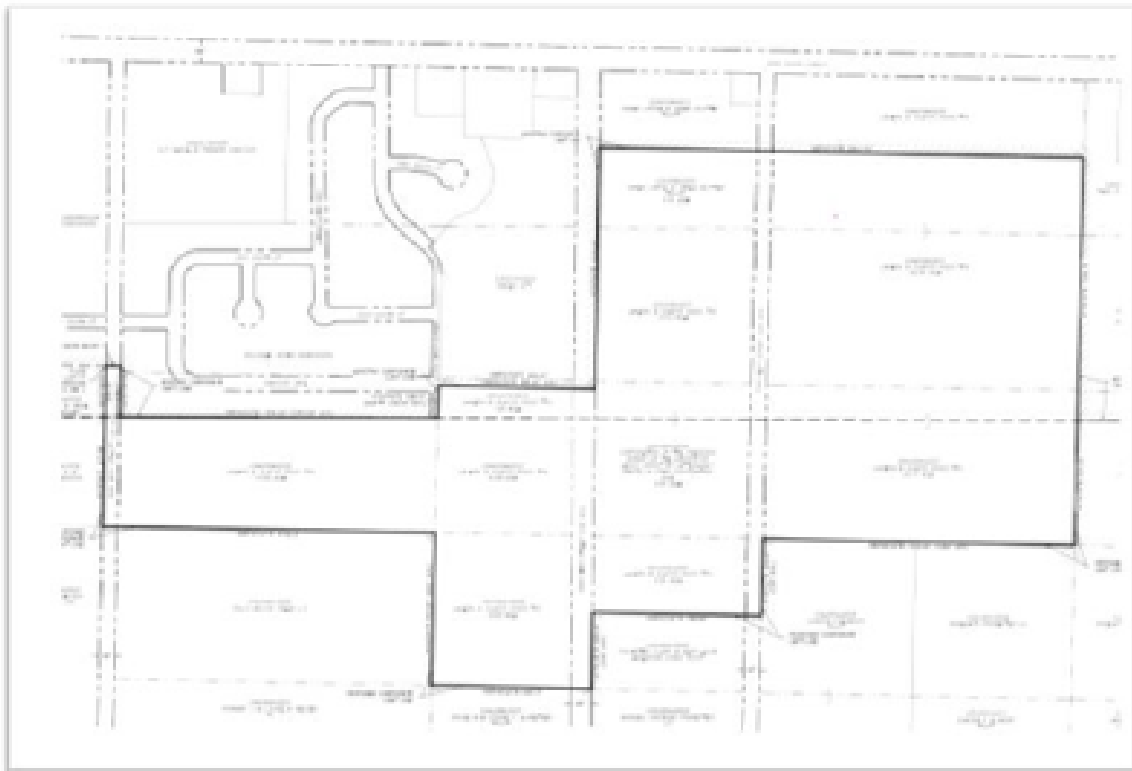
The City Council first adopted this ordinance on December 20, 2018. Once the annexation petition was approved, the applicant printed the official mylar that needed the Mayor and the County's surveyor to sign it. After the Mayor signed the mylar, the mylar was delivered to the County for their signature. The City received the sign mylar back in late January. After all of the signatures were gathered, the City contacted the Lt. Governor's offices for their approval, so the annexation could be recorded. However, the Lt. Governor's office informed the City that they could only approve an annexation petition within 30 days after it had received final City Council approval, which had already passed by that point. After talking to the Lt. Governor's office and our attorney, it has been determined that the City needs to re-adopt the annexation and then send the previously signed plat to the state for the final approval. As part of the readoption, the City's attorney recommended that another public hearing also be held to ensure there would be no question about the legality of the readoption. The City Council held this public hearing at the February 28th City Council meeting.

As part of the annexation approval, the City would need to re-approve the zoning as well. The City Council earlier approved for every parcel to be zoned R-2 to encourage the development of Rural Preservation Subdivisions. The applicant has requested that the City Council reconsider the zoning for the Parcels on the West side of 1100 W and to instead zone them as R-2A. It may

be appropriate to consider zoning the parcels on the the West side of 1200 W as R-2A because of the surrounding development to the south based on the applicant's request. The Planning Commission recommendation was to zone all of the land as R-2 and that is what the City Council previously voted to do.

The December 20, 2018 Report, when the original petition was adopted, read as follows:

Pete Riggs (parcels 03-018-0017, 03-050-0007, 03-050-0001, 03-049-0008, 03-049-0007, 03-017-0013, 03-049-0006), the Church of Jesus Christ of Latter Day Saints (parcel 03-050-0016), and James Blotter (parcel 03-018-0015) have filed an annexation petition to annex property into the City. All three property owners within the annexation area have signed the petition. The total area proposed to be annexed into the City is 120.08 acres and is located just south of 3200 S and located between 900 W and 1500 W as shown below. The applicants are requesting a Zone of R-2A, except for Mr. Blotter (parcel 03-018-0015), who has requested Agricultural zoning. Nibley's annexation policy plan and state law dictate that the city must follow the steps listed in Figure 2 below. Before the City can approve an annexation petition, it must first either accept or deny the petition for further consideration. The City accepted the petition on October 11, 2018.



The following are items the City Council should consider when determining whether the City should accept or deny the petition:

- 1) The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
- 2) Consistency with the general plan and the overall character of Nibley City;
- 3) The need for municipal services in developed and undeveloped unincorporated areas:
 - a) Plans for extension/expansion of municipal services;
 - b) Plans to finance extension/expansion of municipal services.
- 4) An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
- 5) The interests of all affected entities

1. Annexation Declaration Boundary and Property

One of the biggest criteria that the City must consider is if the petition area is contained within Nibley City's Annexation Declaration Boundary. The entire area included in the Riggs' application falls within the City's annexation declaration boundary and does not create any islands or peninsula of unincorporated areas.

2. General Plan

Nibley City's General Plan provides general guidelines for the future development of Nibley City. The Annexation Policy Plan is an attachment to the General Plan and provides guidelines for the City to consider annexations. Nibley City's General Plan also lists the following core values:

Nibley's core values:

- Pride in the City's history and heritage
- The rural character, scenic beauty, and natural resources of the area
- Nearby recreation opportunities
- Agricultural fields and open spaces
- A transportation system that promotes safe and efficient travel
- Recognizing and respecting private property rights
- Aesthetically pleasing design of development and public facilities

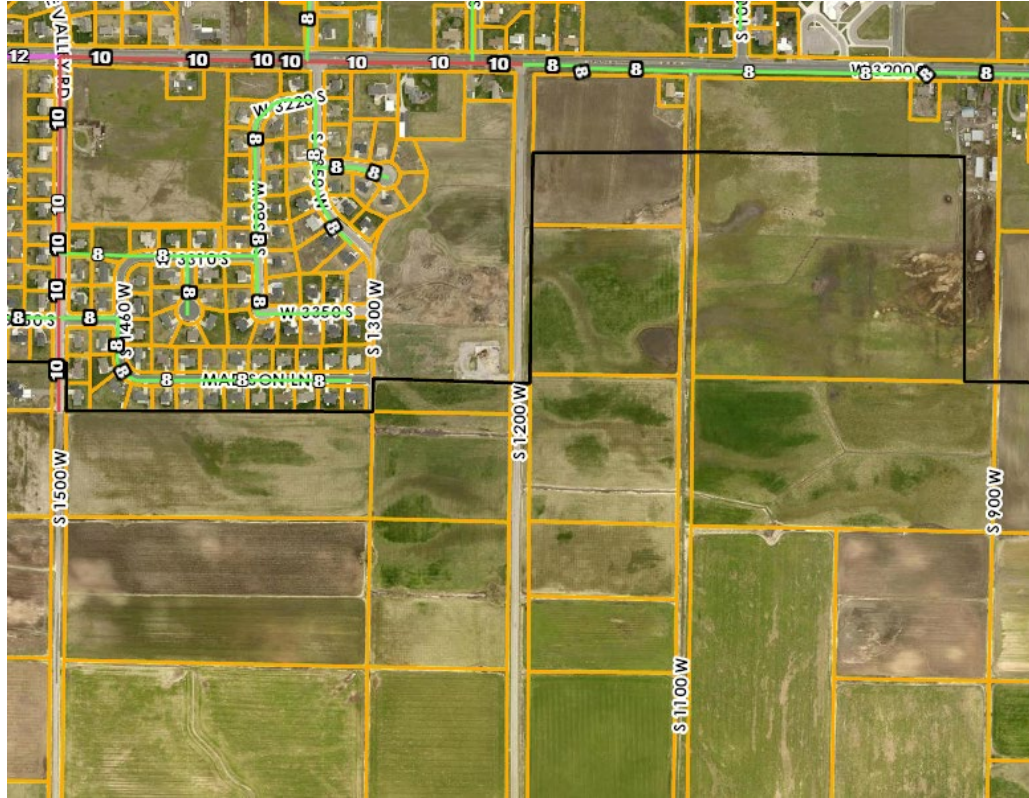
(2016 Nibley City General Plan, pg. 6)

3. Municipal Service and Impact on Community

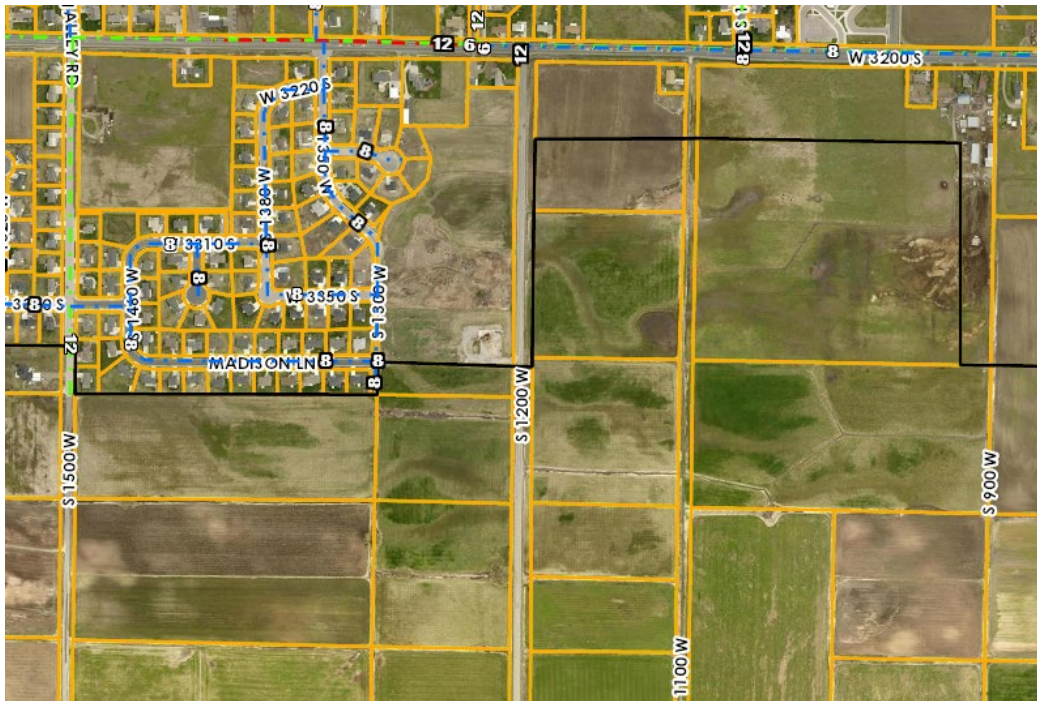
One of the main reasons the applicants wish to annex is to have access to Nibley City's utility services; including water, sewer, stormwater, and transportation services. Nibley City currently has plans to extend services into these areas as laid out in its master plans. There are also utility lines and streets that run adjacent to the annexation areas as shown below. However, though there are utility lines and infrastructure adjacent to the proposed annexation area, there would need to be some improvements to utility lines and streets as these parcels are developed.

The City would require the developer to install improvements to all infrastructure as these lots are subdivided and developed, according to Nibley City and Utah subdivision requirements.

With these improvements, the City would charge impact fees and development fees to offset costs to the City. It is not anticipated that the City would need to increase taxes to pay for any of these improvements.



Local Sewer Lines



Local Water Lines

4. Acceptance and Certification

The City Council accepted Annexation Petition 18-01 on October 11, 2018. After the City Council accepted the annexation petition, Nibley City staff and legal counsel reviewed the petition to ensure it conformed with state law and found that it complied. City Recorder, David Zook, then certified the annexation petition on November 9, 2018, which started the 30 protest period.

5. Protest Period and the interest of other affected entities

Each affected entity has been able to comment on the new Annexation Policy Plan. Staff, in the past seven months, has also talked to Heritage Elementary School's principal about future growth in this area. Each affected entity will be given an opportunity to protest any concerns they have if the Council approves the annexation petition for further consideration.

After Certification, the City ran several advertisements to inform all affected entities of the annexation and their right to protest. The City mailed letters to each affected entity and ran an ad in the newspaper three times. Each affected entity has a right to protest an annexation petition. The City received no protest from any other local government, school district, or property owner within the annexation area.

Approval or Denial

The City Council now has the authority to approve or deny Annexation Petition 18-01 based on the criteria as listed in our Annexation Policy Plan, our local City code, and state law. You will find a copy of Nibley City's newly adopted Annexation Policy Plan attached to this report. If approved, the City Council will assign zoning to each parcel within the annexation area on the next agenda item.

If the Annexation is approved, the City must file a copy of an approved final local entity plat with the Lt. Governor. The plat must be signed by the Mayor and County Surveyor. Once the Lt. Governor's office approves the final local entity plat, the County Recorder will record the annexation.

ORDINANCE 19-03

AN ORDINANCE APPROVING AN ANNEXATION PETITION FOR 9 PARCELS ON 120 ACRES, LOCATED SOUTH OF 3200 SOUTH AND BETWEEN 900 WEST AND 1500 WEST.

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

1. All proper procedures and processes were followed, and this is a adoption of Ordinance 18-11.
2. The attached Annexation Petition, with the following legal description, be approved to annex into the City.

PART OF SECTIONS 20 AND 29 TOWNSHIP 11 NORTH RANGE 1 EAST OF THE SALT LAKE MERIDIAN, LOCATED IN CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20;
THENCE N89°51'19"W 5306.64 FEET TO THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S17°24'23"E 2615.48 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF
FOXBOROUGH ESTATES PHASE 1 AND POINT OF BEGINNING, SAID POINT BEING ON
THE EXISTING NIBLEY CITY CORPORATE LIMIT LINE;
THENCE ALONG SAID EXISTING CORPORATE LIMIT LINE THE FOLLOWING EIGHT
COURSES:

1. S89°16'03"E 66.00 FEET TO THE EAST LINE OF 1500 WEST STREET;
2. S0°47'58"W 218.17 FEET, MORE OR LESS, ALONG SAID EAST LINE TO THE SOUTH
LINE OF SAID SECTION;
3. S89°44'37"E 1354.22 FEET, MORE OR LESS, ALONG SAID SOUTH LINE;
4. N1°23'43"E 139.10 FEET (NORTH 150.39 FEET BY RECORD), MORE OR LESS;
5. S88°52'08"E 684.31 FEET (S88° 681.47 FEET BY RECORD), MORE OR LESS, TO THE
EAST LINE OF 1200 WEST STREET;
6. N0°55'52"E 1030.05 FEET, MORE OR LESS, ALONG SAID EAST LINE;
7. S88°52'10"E 2063.75 FEET, MORE OR LESS, TO THE WEST LINE OF A FIELD ROAD,
SAID LINE ALSO BEING THE EAST LINE OF LOT 9 OF BLOCK 16 OF THE
MILLVILLE WEST FIELD SURVEY;
8. S1°19'19"W 1126.76 FEET, MORE OR LESS, ALONG THE EAST LINES OF LOTS 9, 8,
AND 7 OF SAID BLOCK AND SURVEY TO THE SOUTH LINE OF SAID SECTION;
THENCE LEAVING SAID CORPORATE LIMIT LINE S1°19'19"W 530.92 FEET, MORE OR
LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7;
THENCE N88°48'24"W 1328.40 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF
SAID LOT 7;
THENCE S1°26'52"W 329.21 FEET, MORE OR LESS, ALONG THE WEST LINE OF LOT 6 OF
SAID BLOCK AND SURVEY;
THENCE N88°53'56"W 718.49 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF THE
NORTH HALF OF LOT 13 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY TO THE
EAST LINE OF 1200 WEST STREET;
THENCE S0°46'36"W 328.09 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID
LOT 13;
THENCE N88°48'02"W 698.19 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF
SAID LOT 13;

THENCE N1°23'47"E 653.81 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 13;

THENCE N88°59'47"W 1419.19 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF LOT 7 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY AND ITS EXTENSION TO THE WEST LINE OF 1500 WEST STREET;

THENCE THE FOLLOWING TWO COURSES ALONG SAID WEST LINE:

1. N1°18'02"E 471.58 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 20;
2. N0°47'58"E 218.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 120.08 ACRES, MORE OR LESS.

3. The following parcel be assigned zones as follows:

Parcel 03-018-0017, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

THE E/2 OF LOT 11 BLK 15 MILLVILLE WEST FIELD SVY CONT 10 AC ALSO: BEG AT NW COR OF S/2 OF LOT 9 SD BLK 16, TH E TO PT N 1050 FT & W 480 FT FROM SE COR SEC 20 T 11N R 1E, TH S 60 RD W TO SW COR LOT 8 SD BLK N 60 RD TO BEG CONT 26.25 AC NET 36.25 AC IN ALL

Parcel 03-018-0015, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

ALL OF LOT 10 BLK 15 J.W. FOX SVY OF MILLVILLE WEST FIELD SVY CONT 10 AC LESS: BEG NE COR SD LOT 10 TH S 132 FT TH W 120 FT TH N 132 FT TH E 120 FT TO BEG CONT 0.36 AC (0028) NET 9.64 AC

Parcel 03-050-00016, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

THE E/2 OF LT 12 BLK 15 MILLVILLE CHURCH FARM SVY SIT IN NE/4 SEC 29 & SE/4 SEC 20 T 11N R 1E CONT 10 AC

Parcel 03-050-0007, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

ALL LOT 7 BLK 16 MILLVILLE WEST FIELD SEC 29 T 11N R 1E 20 AC B405

Parcel 03-050-0001, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

BEG NE COR LOT 13 BLK 15 S 20 RDS W 40 RDS N 20 RDS E 40 RDS TO BEG 5 AC NE/4 SEC 29 T 11N R 1E B417

Parcel 03-049-0008, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

W 9/20 OF LOT 13 BLK 15 W FIELD FARM SVY SEC 29 T 11N R 1E 9 AC G283

Parcel 03-049-0007, bearing the following legal description, as shown in the office of the Cache County Recorder, is hereby zoned Residential R-2:

BEG AT NE COR OF NW/4 SEC 29 T 11N R 1E W 36 RDS S 27 RDS E 36 RDS N 27 RDS TO
BEG BEING FRACTIONAL LOT 12 BLK 15 MILLVILLE WEST FIELD FARM SVY CONT 7.25
AC G282

Parcel 03-017-0013, bearing the following legal description, as shown in the office of the Cache
County Recorder, is hereby zoned Residential R-2:

BEG AT SE COR OF SW/4 SEC 20 T 11N R 1E, W 9.36 CHS N 30' E 2.09 CHS S88* E 9.34 CHS S
1.94 CHS TO BEG CONT 1.88 AC G275

Parcel 03-049-0006, bearing the following legal description, as shown in the office of the Cache
County Recorder, is hereby zoned Residential R-2:

BEG 36 RDS W OF&NE COR OF NW/4 SEC 29 T 11N R 1E W 80 RDS S 25 RDS E 80 RDS N 27
RDS TO BEG 13 AC G281

Passed by the Nibley City Council this day of , 2019.

Shaun Dustin, Mayor

ATTEST: _____
City Recorder

RIGGS ANNEXATION
TO NIBLEY CITY, CACHE COUNTY, UTAH
LOCATED WITHIN SECTIONS 20 AND 29, TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE MERIDIAN

SURVEYOR'S CERTIFICATE

I, STEVEN C. EARL, HOLDING LICENSE NUMBER 318575-2201 UNDER UTAH CODE TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, HAVE COMPLETED A PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF NIBLEY CITY, UTAH IN ACCORDANCE WITH UTAH CODE TITLE 17, CHAPTER 23, SECTION 20, SUBSECTION (4), AND HAVE ACCURATELY REPRESENTED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON BASED UPON DATA COMPILED FROM THE RECORDS OF THE CACHE COUNTY RECORDER'S AND SURVEYOR'S OFFICES.



LEGAL DESCRIPTION

PART OF SECTIONS 20 AND 29 TOWNSHIP 11 NORTH RANGE 1 EAST OF THE SALT LAKE MERIDIAN, LOCATED IN CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20;
THENCE N89°51'19"W 5306.64 FEET TO THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S17°24'23"E 2615.48 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF FOXBORROUGH ESTATES PHASE 1 AND POINT OF BEGINNING, SAID POINT BEING ON THE EXISTING NIBLEY CITY CORPORATE LIMIT LINE;
THENCE ALONG SAID EXISTING CORPORATE LIMIT LINE THE FOLLOWING EIGHT COURSES:
1. S89°16'03"E 66.00 FEET TO THE EAST LINE OF 1500 WEST STREET;
2. S0°47'58"W 218.17 FEET, MORE OR LESS, ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID SECTION;
3. S89°44'37"E 1354.22 FEET, MORE OR LESS, ALONG SAID SOUTH LINE;
4. N1°23'43"E 139.10 FEET (NORTH 150.39 FEET BY RECORD), MORE OR LESS;
5. S88°52'08"E 684.31 FEET (S88° 681.47 FEET BY RECORD), MORE OR LESS, TO THE EAST LINE OF 1200 WEST STREET;
6. N0°55'52"E 1030.05 FEET, MORE OR LESS, ALONG SAID EAST LINE;
7. S88°52'10"E 2063.75 FEET, MORE OR LESS, TO THE WEST LINE OF A FIELD ROAD, SAID LINE ALSO BEING THE EAST LINE OF LOT 9 OF BLOCK 16 OF THE MILLVILLE WEST FIELD SURVEY;
8. S1°19'19"W 1126.76 FEET, MORE OR LESS, ALONG THE EAST LINES OF LOTS 9, 8, AND 7 OF SAID BLOCK AND SURVEY TO THE SOUTH LINE OF SAID SECTION;
THENCE LEAVING SAID CORPORATE LIMIT LINE S1°19'19"W 530.92 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7;
THENCE N88°48'24"W 1328.40 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 7;
THENCE S1°26'52"W 329.21 FEET, MORE OR LESS, ALONG THE WEST LINE OF LOT 6 OF SAID BLOCK AND SURVEY;
THENCE N88°53'56"W 718.49 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF THE NORTH HALF OF LOT 13 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY TO THE EAST LINE OF 1200 WEST STREET;
THENCE S0°46'36"W 328.09 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID LOT 13;
THENCE N88°48'02"W 698.19 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 13;
THENCE N1°23'47"E 653.81 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 13;
THENCE N88°59'47"W 1419.19 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF LOT 7 OF BLOCK 15 OF THE MILLVILLE WEST FIELD SURVEY AND ITS EXTENSION TO THE WEST LINE OF 1500 WEST STREET;
THENCE THE FOLLOWING TWO COURSES ALONG SAID WEST LINE:
1. N1°18'02"E 471.58 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 20;
2. N0°47'58"E 218.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 120.08 ACRES, MORE OR LESS.

NIBLEY CITY APPROVAL AND ACCEPTANCE

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 20__.

NIBLEY CITY MAYOR

ATTEST

NIBLEY CITY RECORDER

DEPUTY CACHE COUNTY SURVEYOR APPROVAL

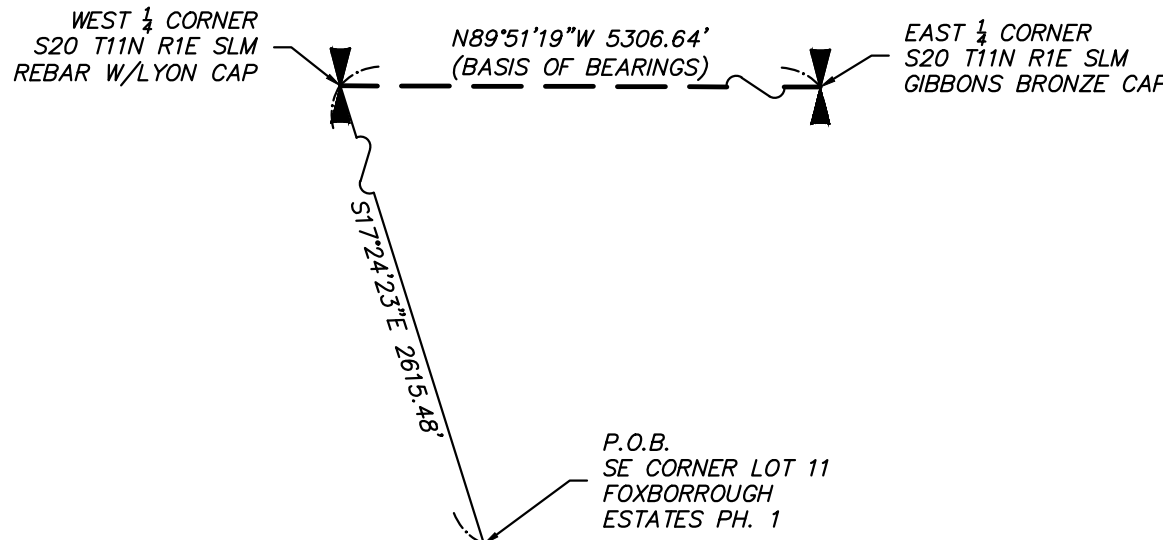
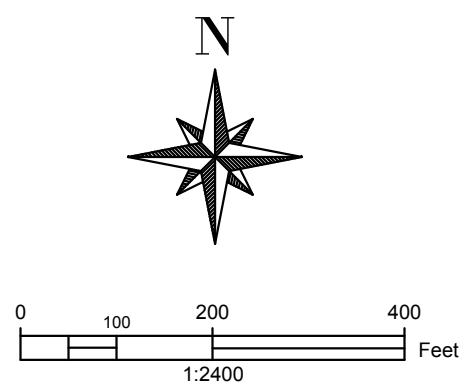
THIS PLAT IS HEREBY APPROVED AS A FINAL LOCAL ENTITY PLAT IN ACCORDANCE WITH UTAH CODE TITLE 17, CHAPTER 23, SECTION 20.

SEALED AND SIGNED THIS ____ DAY OF _____, 20__ DEPUTY COUNTY SURVEYOR

COUNTY RECORDER

COUNTY RECORDER'S NO. _____
STATE OF UTAH, COUNTY OF CACHE,
RECORDED AND FILED AT THE REQUEST
OF _____
THIS ____ DAY OF _____
20__ AT _____ IN BOOK OF PLATS
INDEX _____
FEE _____
COUNTY RECORDER

- LEGEND
- AREA HEREBY ANNEXED TO NIBLEY CITY
 - EXISTING CORPORATE LIMIT LINES
 - ANNEXATION BOUNDARY
 - PARCEL LINES
 - RIGHT-OF-WAY LINE
 - SECTION LINE
 - MILLVILLE WEST FIELD SURVEY LOT LINE



S20 S29 T11N R1E SLM

RIGGS ANNEXATION
NIBLEY CITY, CACHE COUNTY, UTAH



Cache • Landmark
Engineers
Surveyors
Planners
95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 13 AUGUST 2018

SCALE: 1" = 200'

CALCULATED BY: S. EARL

CHECKED BY: J. HANSEN

APPROVED BY: S. EARL

PROJECT NUMBER: 18086RIG

Annexation Petition Zoning and Land Use Comparison Table

Parcel	Future Land Use Map	Surrounding Land Zoning	Applicant Request	Planning Commission Recommendation
03-018-0017	Medium Density	R-2 (Some R-2A)	R-2A	R-2
03-018-0015	Medium Density	R-2 (Some R-2A)	Agricultural	R-2
03-050-0016	Medium Density	R-2 (Some R-2A)	R-2A	R-2
03-050-0007	Medium Density	R-2 (Some R-2A)	R-2	R-2
03-050-0001	Medium Density	R-2 (Some R-2A)	R-2A	R-2
03-049-0008	Medium Density	R-2A (Some R-2)	R-2A	R-2
03-049-0007	Medium Density	R-2A (Some R-2)	R-2A	R-2
03-049-0006	Medium Density	R-2A (Some R-2)	R-2A	R-2
03-017-0013	Medium Density	R-2A (Some R-2)	R-2A	R-2



Agenda Item #8

Description	Discussion of a Residential Planned Unit Development (R-PUD) Overlay Zone
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Receive updated information from the City Planner and provide feedback.
Reviewed By	Mayor, City Council R-PUD Subcommittee, City Manager, City Planner

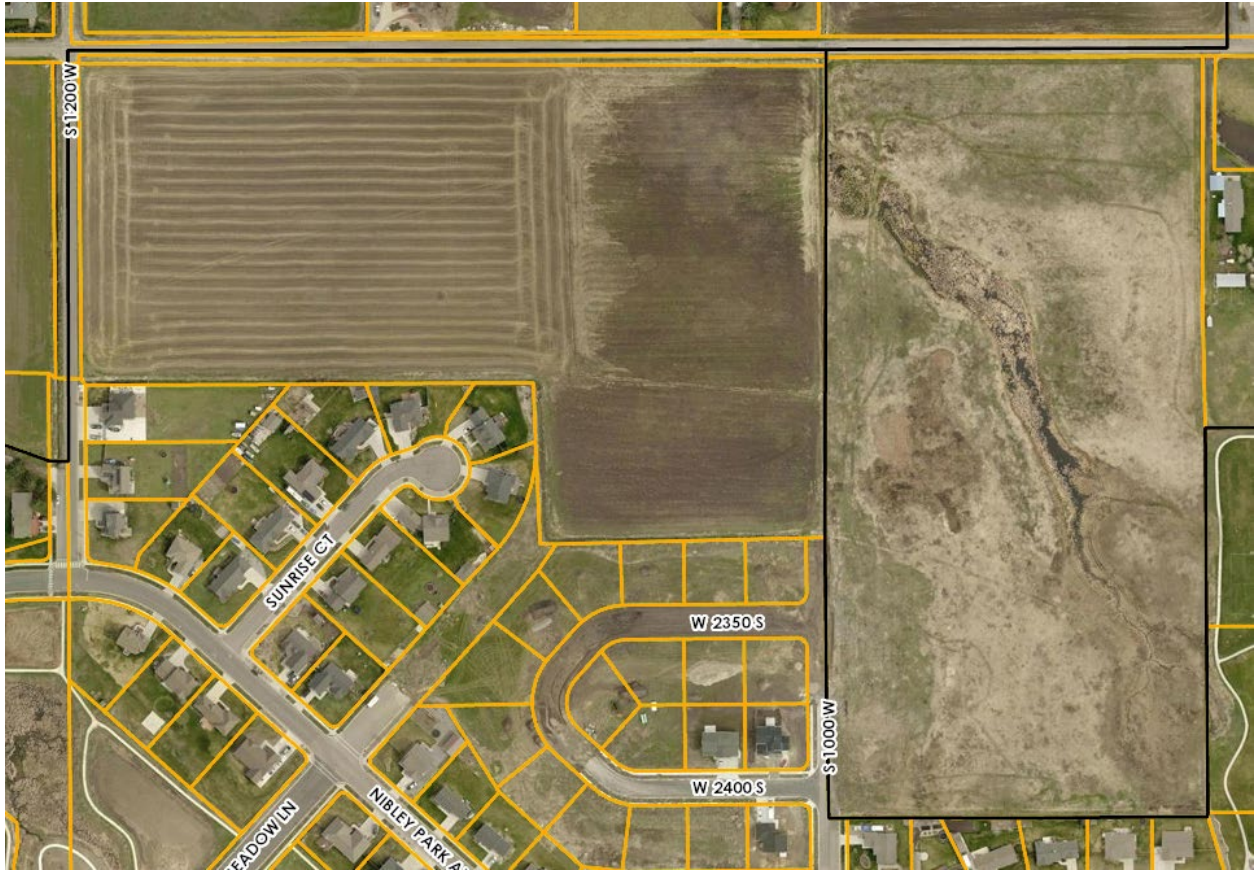
Background

Nibley City staff has made several updates to the R-PUD ordinance since the City Council meeting held on January 24, 2019. At that meeting, the Council asked staff to add a requirement that the City could choose parcels ahead of time on a map that would show which parcels could qualify to apply for an R-PUD. Staff updated the draft ordinance and sent the update ordinance to the City's attorney for review. The City Attorney submitted some comments and suggested edits back to the City. In addition, Nibley City's Public Works Director and City Engineer have made comments on some aspect of the standards and infrastructure. Staff is currently working on making additional updates to the proposed R-PUD to reflect these comments and suggested changes and will present those recommended changes from that meeting and review other comments and proposed edits with the City Council.

Staff has also added some buffering language into the ordinance so that, if an R-PUD is approved and built next to established single-family development, single-family homes must be the adjacent use within the R-PUD. Staff is also looking at requirements for onsite management for an R-PUD Development.

At the last meeting, each City Council member reviewed areas in the City they believed it would be appropriate for an R-PUD to be developed and individually marked those areas on maps that were handed out to the City Council. Staff has reviewed those maps and marked areas on the attached map of City that two or more of the City Council Member have marks for discussion. Below is a brief overview of each area.

Area 1



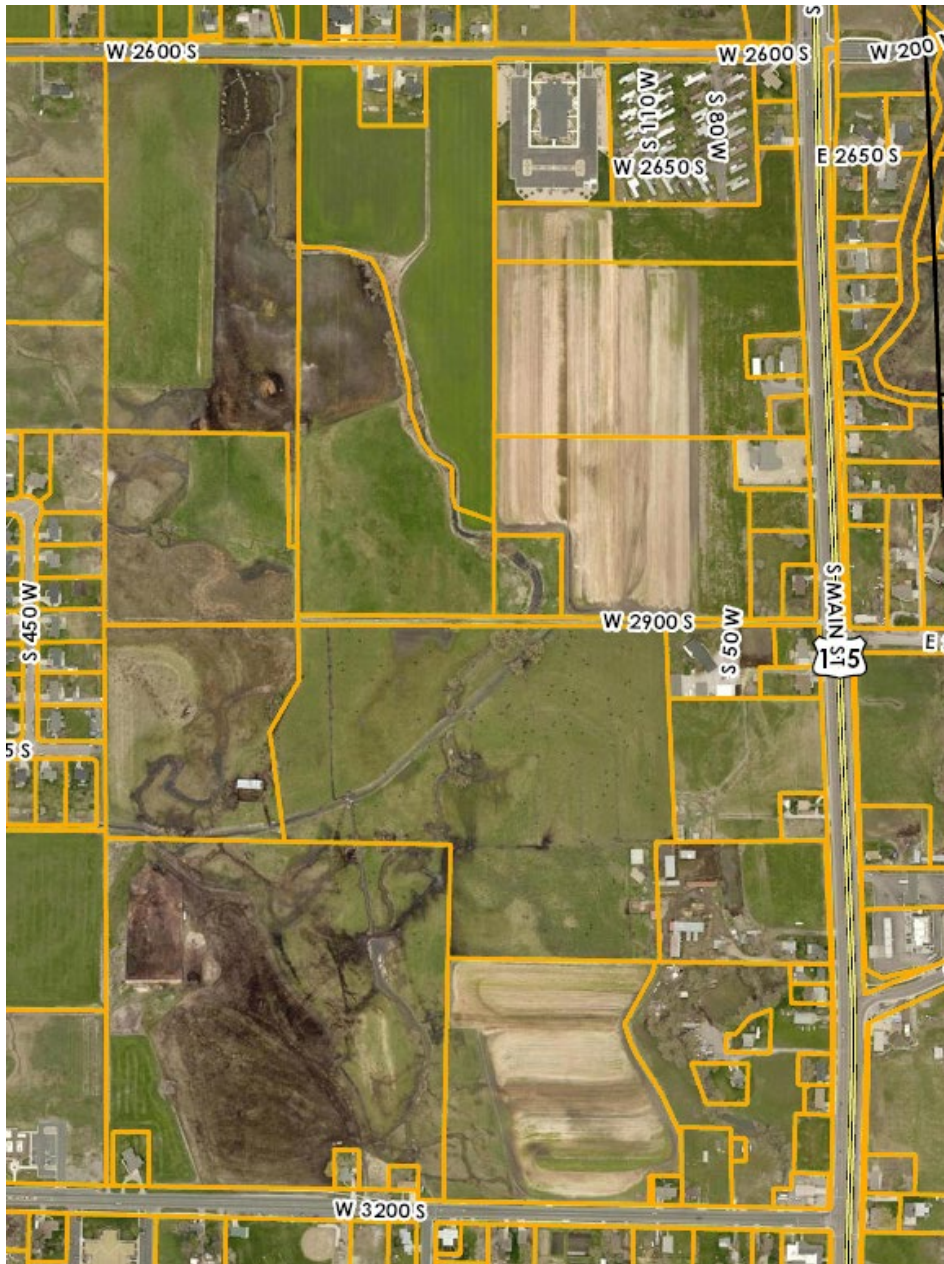
This area contains one undeveloped parcel that is currently within Nibley City and is 19.03 acres. It is located on Nibley's northern boundary with Logan City and directly west of Firefly Park. The surrounding land use within Nibley City is an R-2A Development to the south, Firefly Park to the east, and future multifamily and commercial development to the north within Logan City. This parcel will also contain 1200 W/Meadow Lane, which is an arterial road that will connect to 1000 W in Logan City. Two maps had this area marked from last meeting's exercise.

Area 2



This area contains about 137 acres, with the vast majority of the area currently within Logan City. This property has an R-2A and an R-2 Conservation Subdivision development located to the east, Spring Creek Crossing town-home and commercial development to the north, farmland and Highway 89/91 to the west, and industrial and single family homes to the south. This property is adjacent to 1200 W, and 2600 S will cut through it. Three Council Members marked the portion within Nibley City and four of the maps were marked in the areas outside of the Nibley City boundary.

Area 3



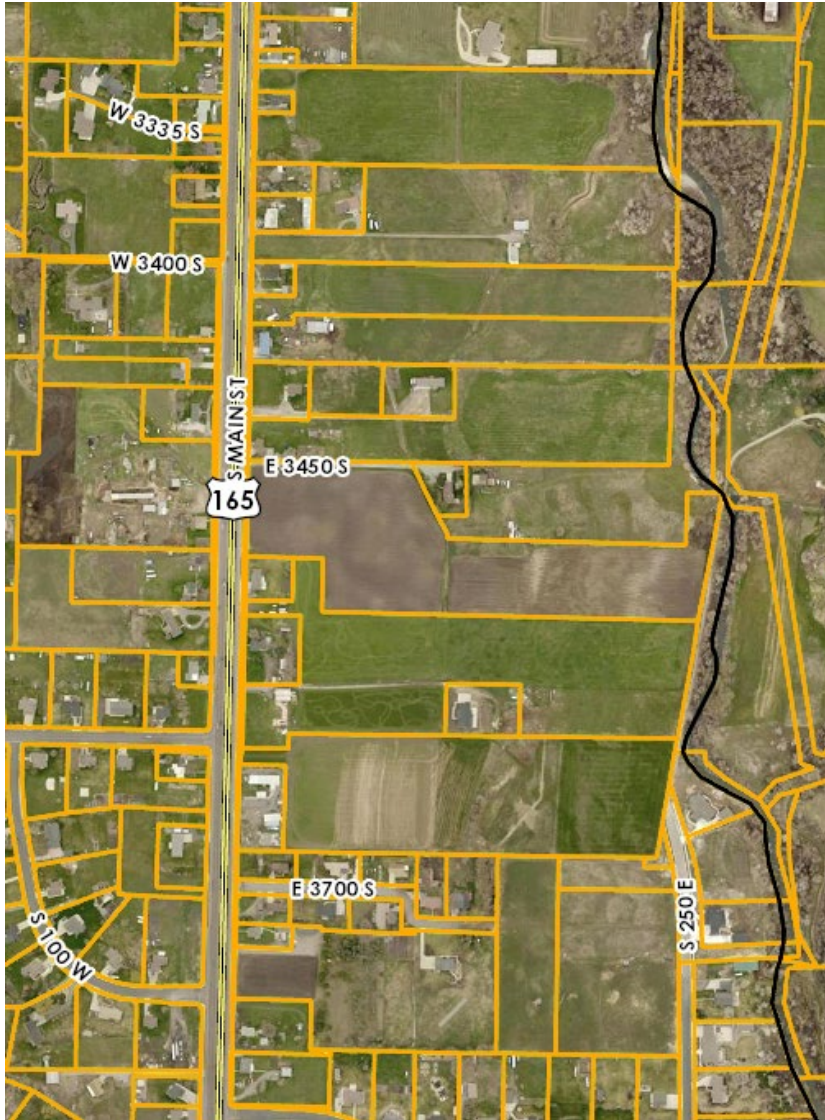
Area 3 is the area in which the future Town Center is planned to be, which is about 200 acres. It is surrounded mostly by single-family homes zoned R-2 with some commercial along the south-east. 2600 S, 3200 S and Highway 165 run adjacent to it with some internal roads planned. All six maps had all or parts of this area marked.

Area 4



This area is mostly within the Riggs Annexation area. The surrounding land is mostly undeveloped, except to the north with R-2A development and Heritage Elementary School, and some to the west with an R-2A development. Major roads that run adjacent are 1200 W and 3200 S. Four maps had this area marked.

Area 5



This area is located on the east side of Highway 165 and south of 3200 S. There are a few homes that have been built and developed within and around the area. Most developments are zoned R-1 or R-1A. The only major road adjacent is Highway 165 on to the west and then the Blacksmith Fork River to the east of the property. Two maps had this area marked.

W 4000 S

W 4400 S

S 640 W

S 700 W

S 280 W

S 230 W

W HILLSIDE DR

ARTER CIRCLE DR

The majority of this area is owned by Claire Petterson and is surrounded by mostly undeveloped land with some homes to the East and developments down 280/250 W. There may be future industrial use to the South and West of the area. Major roads are 4000 S and 4400 S. This parcel is located near the planned future Nibley City Regional Park. One of the main difficulties of developing the area is connecting to Nibley City sewer. Four maps had this area marked.

19.32 Residential Planned Unit Developments (R-PUD)

19.32.010 Purpose And Intent

19.32.020 Definitions And Standards

19.32.030 Use Regulations

19.32.040 Area And Density Regulations

19.32.050 Open Space and Amenities

19.32.060 General Requirements

19.32.070 Approval Process

19.32.080 Development Standards

19.32.010 Purpose And Intent

- A. Intent: This section provides enabling authority and standards for the review and approval of applications for Residential Planned Unit Developments (R-PUD's). The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering some flexibility in the design of residential developments, which may incorporate the permanent preservation of amenities, agricultural lands and other valuable natural and cultural resources, as well as providing a variety of amenities for the enjoyment and benefit of the citizens of Nibley.
- B. Purpose: An R-PUD is an overlay rezone. That is, applicants apply for the overlay to be applied, allowing them to receive the density outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve the R-PUD with conditions, and no applicant has any entitlement to the approval of an R-PUD.

19.32.020 Definitions And Standards

- A. Amenity: Natural or man-made feature which enhances the development. These included features such as picnic areas, walking paths/trails outside of required sidewalks, playgrounds, sports fields, etc.
- B. Buffer: A landscape and planted area along a public right-of-way, street, or neighboring development, ~~that~~ buffers must be at least thirty (30') feet wide. Buffers must be landscaped, at the sole cost of the developer, and shall provide for every hundred (100) linear feet of buffer, four (4) deciduous trees, five (5) evergreen 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, neighboring development, or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards. Buffer areas shall be owned and maintained by an Owners Association.
- C. Constrained and Sensitive Land: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limited to Federal, State, or municipally designated wetlands, water bodies, 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 amenities if it complies fully with conditions within ~~this~~ this chapter for qualification of amenities.

~~D.~~ Dwelling Unit: Any building or portion thereof which is designed for or occupied by one family for living, sleeping, and/or eating purposes. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit. A dwelling may have one family or up to three (3) unrelated people who occupy the unit.

~~E.D.~~ 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.

~~F.E.~~ 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:

1. Public access rights-of-way, including roadways and sidewalks
2. Land required to be dedicated along waterways
3. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
4. Constrained and Sensitive Land, as defined herein
5. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without public access.

~~G.F.~~ Open Space: Any space in an R-PUD that does not contain any amenities, as defined herein, buildings, parking lots or private yards. All Open Space must be completely landscaped with sod, trees, xeriscape, gardens or agricultural use. Natural features such as wetlands, meadows, tree stands and Constrained and Sensitive Lands may also be considered Open Space.

~~H.G.~~ Private Parks: A tract of land presently owned or controlled and used by a private entity or group and to which only members of that private entity or group have access or use rights. Private Parks must contain at least one amenity as defined herein). Private Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. Sod and tree requirement may be altered for approved club houses, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses.

~~I.H.~~ Owners' Association: A community association which is organized within a development in which individual owners share common interest and responsibilities for open space, landscaping, or facilities.

~~J.I.~~ Public Park: A publicly-owned tract of land landscaped and developed for the general public. Public Parks, as defined for R-PUD, must contain at least one amenity as defined herein. Public Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. All landscaping must meet Nibley City Standards. Sod and tree requirement may be altered for approved, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses. Public Parks shall be placed on the ~~boarder~~ border of each development so that it may easily be accessed by the community as a whole. Each public park must contain a public bathroom.

- ~~K.J.~~ Single Family Dwelling Unit: A dwelling unit owned in fee and located on an individual lot and which is not attached to any other dwelling unit by any means.
- ~~L.K.~~ Townhome: A dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Each townhome unit must be on its own parcel.
- ~~M.L.~~ Tree Stand: A group or cluster of trees within a geographic location that are occurring naturally or artificially.
- ~~N.M.~~ 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.
- ~~O.N.~~ Planned Unit Development: For the purpose of this chapter "residential planned unit development" (R-PUD) means an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements, as specified by this chapter.

19.32.030 Use Regulations

- A. An R-PUD may be applied for by following the steps listed in 19.32.070 (A) on properties designated on the R-PUD Application Map in NCC 19.32.030 (A)(1) zoning map as R-PUD Overlay Area. These areas keep their base zonings, with that zoning's standards, conditions, and restrictions, unless the City Council approves the use of the R-PUD otherwise approved by the City Council through an R-PUD application process. R-PUDs are prohibited in all other areas. The City Council, with a recommendation from the Planning Commission, may make changes to what parcels are labeled on the as an R-PUD Application Map Overlay Area by following the normal process to make changes to the City Zoning Map.
- ~~A.I.~~ R-PUD Application Map (insert map or link to map)
- B. The following are permitted uses in an R-PUD:
1. Single Family and Townhome dwelling units may be permitted uses, as defined within this ordinance.
 2. All other uses not defined within this chapter shall comply with the underlying zone, lot size, and the Land Use Chart in NCC 19.20 Nibley City Code, unless otherwise specified within this ordinance.
- C. Any uses not specifically permitted or conditionally permitted are prohibited.
- D. Animal Use: All animal uses shall be in accordance with Nibley City Code.
- E. Up to 30% of the net developable area, may be approved for neighborhood commercial use as part of an R-PUD. These uses shall comply with Nibley's City's Neighborhood Commercial Zone Use Chart and standards as listed in NCC 19.14.050. Commercial use must be concentrated in one location. These parcels shall be labeled on the plat as Neighborhood Commercial.
- F. When calculating density for dwelling units, any commercial area shall be subtracted from the gross acres of the R-PUD.

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19.32.040 Area And Density Regulations

A. Housing Types: Only single-family homes and town homes are allowed in the R-PUD in residential areas. The density shall be based on Net Developable Acres of the development as follows:

1. Single Family Homes: Equal to or less than 5 units per developable acre
2. A Mix of Single Family and Townhomes: Equal to or less than 10 units per developable acre. Up to 80% of dwelling units can be townhomes.
 - i. A Mix of Single Family and Townhomes must contain a minimum of 120 units.

B. A proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes development.

~~2.C. No R-PUD development may exceed 300 units.~~

~~B. -~~

A. 19.32.050 Open Space and Amenities

A. Each R-PUD shall provide the following types and amounts of open space and amenities:

Min Open Space Requirement	
Dwelling Type	Percentage of Net Developable Acres Required to be used for Amenities and Open Space
Single Family	20%
A Mix of Single Family and Townhomes	35%

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Minimum Amenity						
Number of Units	Park Area	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splash Pad	Sports Court/Fields
Less Than 100	1.5 Acres	-	-	1	-	-
101-150	2.5 Acres	-	1	1	-	-

151-200	3.5 Acres	-	1	2	-	1
201-250	4.5 Acres	1	1	2	-	1
251-300	5.5 Acres	1	1	2	1	1

1. Public and Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
2. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.
3. This chart does not cover all potential amenities. The applicant may apply [forwith](#) other amenities that would benefit the R-PUD. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on [the](#) table above. These substitutions may only be approved if the cost, value and use of the amenity matches ~~the~~ or is greater than the require amenity. An applicant may add additional amenities above and beyond the requirements of this section.
4. Park Space may be combined or spread throughout the development. Each Park Parcel shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-PUD shall be agreed upon by the applicant and the City Council. Park Space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.
5. Constrained and Sensitive Lands may be counted towards the percentage of open space and park space if public access and amenities are provided.
6. All amenities shall meet any federal, state, city, or other standards that apply.
7. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.
8. Picnic Area: Two or more picnic tables for use by 10 or more persons.

9. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
10. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.
11. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.
12. Pool: A recreation facility designed and intended for water contact activities that serves an R-PUD. No pool shall be less than 800 sq. ft.

B. Maintenance of Amenities

2. All R-PUDs must establish and maintain in perpetuity an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law.
3. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property that is part of the R-PUD or Owners Association.
4. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat for proposed maintenance of amenities within the development. This plan shall outline the following:
 - a. The proposed ownership of the amenities;
 - b. The ownerparty that will be responsible for maintenance of the amenities;
 - c. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
 - d. The size of each amenities parcel; and
 - e. The proposed concept plan for landscaping of the amenities.
5. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-PUD application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:
 - a. Documents and plans as listed in for the Preliminary Maintenance Plan.
 - b. A description of the use of the amenities and how that use complies with this Chapter;
 - c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g.,

Commented [RP1]: "Owner" is capitalized as a defined term, but does not appear to have a specific definition

Commented [RP2]: When will there be a difference between owner and responsible party?

- lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.);
- d. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the amenities, 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.
6. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
 7. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements.
 8. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-PUD in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.
 9. Corrective Action: The City may enter onto any amenity provided as part of an R-PUD and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall may be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall

Commented [RP3]: I had a hard time following this section. I would suggest an edit to clarify, maybe something like this.

Commented [RP4]: There may be issues with using the same word in slightly different contexts to refer to the same thing: "the Owner" "Owners" "property Owner" – it would be good to pick one term or phrase, specifically define it, then use it consistently throughout

be recorded against the property before any property or lots are sold or transferred.

10. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the [a owner list in the maintenance plan, long term manager](#). The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
11. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-PUD [to allow the owner of these property to have sufficient access](#).

19.32.060 General Requirements

- A. The R-PUD should be compatible with surrounding land uses, building types and physical features of the site. Specific requirements are included below:
- B. Determination of Developable Area:
 1. In calculating what portion of the project is considered developable, areas designated as constrained and sensitive land may not be included in the project size.
 2. If the constrained and sensitive land, property along waterways or other natural landscapes may reasonably be turned into a publicly-accessible amenity, it may be re-included in the project size.
 3. Net Developable Land must comply with the definition within this chapter.
- C. Site Development Standards: The following shall serve as the setback/site development standards for each proposed R-PUD.

	Single-Family Home	Townhome
Minimum Lot Size (sq. ft.)	5,000	-
Minimum Frontage	50'	-
Primary-Use Setbacks		
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'

Side Yard Porches, Decks, Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	40'

Accessory-Use Setbacks		
Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

1. Setback and frontage requirements shall apply to each building, and not each dwelling unit
 2. All other setbacks shall comply with Nibley City Code.
- D. Signs: Any signs proposed for the development, other than traditional street signs, must conform to Nibley City Code.
- E. All property developed as Townhomes, must be subject to covenants, conditions and restrictions and must be subject to and governed by an owner's associations in compliance with Utah Code Annotated Title 57.
- E.1. In addition, each owner's association must have a governing board made up of property owners within the R-PUD, but general administration and maintenance of the development may be handled with a property manager. Any R-PUD that contains town-homes must have onsite management or point of contact.
- F. Amenities: Maintenance and ownership of amenities may be provided for under one of the following options as approved by the City Council:
1. Dedication of the land to Nibley City as a public park or parkway system; or
 2. Granting to the city a permanent amenities easement on and over the said private amenities to guarantee that the amenities remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws; or

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3. Adoption of covenants, conditions, and restrictions and creation of an owners' association that provides for the payment of common expenses for the upkeep of common areas and facilities. ~~Recreation uses, and facilities may be developed within the common amenities as part of the approved final development plan of the planned unit development.~~
- G. Bond: For each phase, the developer shall be required to provide a surety or cash bond in an amount equal to 100% of the estimated cost of improvements including amenities, guaranteeing the completion of the development of the amenities, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. ~~The City shall approve partial releases on a bond at the completion of and approval of improvements at the request of the developer~~ If uncompleted at the end of one (1) year after notice to proceed, the city will review the progress and ~~may~~ use the bond funds to make the improvements to the amenity's areas in accordance with the approved plan.
- H. Subsequent Subdivision: If the R-PUD is to be subsequently divided either as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a subdivision.
- I. Subdivision Regulations: Any part of an R-PUD that is proposed as a subdivision is subject to the provisions of the subdivision title, unless superseded for provisions listed within this ordinance.

Commented [RP5]: Partial releases?

19.32.070 Approval Process

- A. An R-PUD is an overlay zone. That is, developers apply for the overlay to be applied, allowing them to receive the density bonuses outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve with conditions as a legislative action and no applicant has any entitlement to the approval of an R-PUD.
- B. Application Submission: An application for an R-PUD shall be submitted to the City with all required documents, maps, plats and plans as listed below.
- C. Procedure:
1. An R-PUD shall go through the following process to gain approval:
 - ~~a.~~ Development Committee: An applicant shall have a preliminary meeting with a development committee composed of applicable City staff, a member of the Planning Commission and a member of the City Council to review a concept plan before preliminary application. ~~The applicant can also do a concept plan review with the Planning Commission instead of the Development Committee.~~
 - ~~b.a.~~ Overlay Zone Application: Applicants shall submit an R-PUD Overlay Zone and preliminary plat application with the following:
 - i. A complete development plan application that is duly signed by the property owner or the owner's representative and that

- includes a legal description of the property and a nonrefundable application fee.
- ii. A vicinity map showing the approximate location of the subject parcel in relation to other major areas of the city.
 - iii. A general description of the proposed development, together with a map indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, and how the project is coordinating with existing and planned trails, sidewalks and pedestrian walkways and any other important elements within or adjacent to the project.
 - iv. Sufficient detail to indicate how the proposed development complies with the development standards for residential and nonresidential uses according to Nibley City Code and Design Standards.
 - v. A description of architectural design standards that will apply to all buildings within the development plan.
 - vi. A data table showing the total number of lots/units, floor area ratio (FAR) calculations (for commercial space only), square footage of proposed buildings by floor, number of proposed garage parking spaces, if any, number of proposed surface parking spaces, percentage of buildable land, percentage of open space or landscaping and net density of dwelling units by acre.
 - vii. Existing and proposed infrastructure including proposed roadways, utility locations and capacities and the estimated impacts of the proposed development plan on all public utilities including culinary water, secondary water, wastewater, transportation, storm drainage, fire protection, solid waste, parks and recreation demands of the proposed project.
 - viii. Existing physical characteristics of the site including all constrained and sensitive land
 - ix. Identify how environmental issues, if any, will be protected or mitigated, i.e., wetlands, historical sites, endangered plants and animals.
 - x. Conceptual information relating to storm drainage including 100-year 24-hour drainage flows, 10-year 24-hour stormwater flows and proposed storm drainage facilities.
 - xi. Major street layout that meets Nibley City standards.
 - xii. A general description of controlling entities and methods such as the use of CC&Rs, Owners Associations, architectural or design review committees or associations proposed to ensure that internal compatibility related to issues such as site design and architecture will be maintained over the life of the project.
 - xiii. A list of property owners' names and addresses within three hundred feet (300') of the subject property and stamped and pre-addressed envelopes (return address to be left blank)

for all property owners within three hundred feet (300') of the propose development.

- xiv. A list of land adjacent in the same ownership.
- xv. An ~~e~~lectronic file of all submitted plans in PDF format or other electronic format determined by city staff. Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.
- xvi. A preliminary plat that complies with Nibley City Subdivision Code and all other applicable code for the subdivision. Preliminary plat approval may be granted at the same time of approval of the overlay zone.

~~e-b.~~ Approval with Development Agreement:

- i. Before an R-PUD Overlay Zone can be approved, the City Council and applicant must enter into a development agreement which shall be recorded on title to the real property that is the subject of the development and which shall be binding upon and shall run with that property. The development agreement must include the following provisions:
 - a. That the development must be developed in a way that is substantially similar to the site plan and proposed amenity improvements.
 - b. That the preliminary site plan and all supporting documentation shall be attached to the development agreement.
 - c. That any development of the proposed real property shall not exceed the number of units as listed on the preliminary plat.
- ii. The applicant shall provide the necessary documentation to establish that any holders of interests that are superior on title to the development agreement, including, but not limited to, liens, mortgages, deeds of trust, and other similar devices have been made subordinate to the development agreement.
- iii. Signing and recording of the development agreement, and the subordination to the development agreement of any superior interests on title, must be accomplished before an ~~a~~n R-PUD Overlay Zone may be approved.

~~e-c.~~ Final Subdivision Approval: Once the overlay zone and development agreement have been recorded, an applicant may apply for final plat approval. An applicant shall provide the following:

- i. An applicant shall follow the standards as listed in NCC §21 for Final Plat approval of a subdivision.
- ii. An applicant must submit all construction and engineering drawings and detailed plans for all amenities. These shall

- include landscape drawings and details. [The City Engineer shall review and ensure all plans meet Nibley City standards.](#)
- iii. A maintenance plan that complies with the terms of this chapter.
 - iv. The Planning Commission shall review and make a recommendation for final plat approval, approve with conditions, or denial to the City Council.
 - v. The City Council shall approve, approve with conditions, or deny the final plat application base on the standards listed within Nibley City Code, Design Standards, and the applicant's compliance with the Development Agreement.
- D. R-PUD Considerations: In approving with conditions, denying or approving an R-PUD proposal, the Planning Commission and City Council shall consider the following in addition to all other considerations required by law:
- 1. Design of Buildings: The architectural design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
 - 2. Streets and Parking: Which streets shall be public, and which shall be private, the entrances and exits to the development, and the provisions for internal and external traffic circulation and off-street parking.
 - 3. Type, Size, and Location of amenities.
 - 4. Landscaping and Screening: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
 - 5. Signs: The size, location, design and nature of signs, if any, and the intensity and direction or area of floodlighting.
 - 6. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map, as being a desirable future residential density.
 - 7. Ability to Complete Project: The demonstrated ability of the proponents of the R-PUD to financially carry out the proposed project under total or phase development proposals within the time limit established.
 - 8. Criteria for Issuing Conditional Use Permit: Criteria used in NCC 19.28 of this title.
- E. Revisions: In the event an approved preliminary or final site plan requires revision by the developer, the site plan, and its revision shall be approved by the Nibley City Council with the recommendation of the Planning Commission. In the event revision is for a final site plan, all property owners in the development shall be notified in writing by the Planning Commission that a revision has been submitted and will be considered by the Planning Commission.
- F. Building Permit Issuance: The building inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed,

including completion of amenities. Approved development plans shall be filed with the Planning Commission and the City Recorder.

- G. Time Limit: Unless there is substantial action leading toward completion of a R-PUD or an approved phase thereof within three years from the date of approval, such approval shall expire unless after reconsideration of the progress of the project an extension is approved by the City Council.

19.32.080 Development Standards

These standards are intended to create R-PUD developments that will establish permanent neighborhoods and provide a sense of community. To meet the intent of this section, the following provisions shall be applied to all new multi-family residential and mixed-use developments. For exterior remodels, these standards shall be required. Commercial areas of an R-PUD must comply with Nibley City Commercial design standards for commercial developments.

A. Townhome Architectural Standards.

1. General Design Concepts. New development shall be designed for its specific context with a design unique to Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, or other durable building material as approved by the City Council. ~~Stucco~~, EIFS, or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building. Vinyl siding is prohibited.
4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods
5. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
5. Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width,

Commented [SN6]: Marcus: What concert are we look at?

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depending on the size of the project [\(see Figure 3\)](#). The following architectural features shall be incorporated into the design of the building:

- a. Change in building materials;
- b. Building projections measuring at least eighteen (18) inches to three (3) feet in depth based on the scale of the proposed building;
- ~~e. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.~~

~~c.~~

7. Garages. Townhomes shall be designed oriented toward public roads with rear loading garages accessed by a paved parking area or alleyway [\(see figure 4\)](#). Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes that do not have any portion of the building adjacent to a current or planned public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. At least fifty percent (50%) of units shall contain a two-car garage. Detached garages are prohibited in R-PUDs

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Commented [SN8]: Every unit needs a least a one car garage.

B. Site Design Standards.

1. Natural features. R-PUD's shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.
2. ~~A general~~ landscaping plan for the front yards shall be included, which shall be installed before occupancy can be given to the home. The landscaping plan shall include at least one (1) tree for every dwelling unit, half of which shall be coniferous evergreen trees and two (2) shrub of five (5) gallon size for each dwelling units. The coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.
3. Connectivity. R-PUD shall provide connectivity throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
 - i. Street Design: All street designs shall comply with Nibley City's street standards and the General Plan and Transportation Master Plan. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties. All developments shall supply two functional access points and one additional access point that either connects to an existing right of way or to an additional undeveloped parcel, unless prohibited by surrounding development.
 - ii. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation

Commented [SN9]: Uphold in the development agreement. What do we want to see in the landscaping plan?

Commented [SN10]: Can we withhold occupancy for landscaping, Can we make sure the HOA keeps up-keep of all front yards. Put in development agreement that it needs to be done within one year after occupancy and they need to bond for it.

Commented [SN11R10]: State is debating a law that would not allow the City to withhold occupancy for landscaping.

Commented [SN12]: Should this be for single family homes also?

Commented [RP13]: This seems to repeat the previous requirement to some extent. It looks like you want to ensure that you can require additional connections where necessary. Perhaps an edit like the one I suggested can do that a bit clearer.

- Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
- iii. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
 - iv. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
 - a. Private drives shall be a minimum width of 20 ft.
 - b. All private drives shall be perpendicular to the street they connect to.
 - c. Driveways that access a single dwelling unit are not considered private drives or an alleyway
 - v. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of ~~an eight feet~~ eight ft (8') sidewalk.
4. Pedestrian circulation. R-PUD shall provide a circulation map and show the following improvements to for pedestrian circulation and safety:
- a. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
 - b. Walkways shall be hard surfaced with concrete.
 - c. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
 - d. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.
5. Parking: Each R-PUD shall provide 2 primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-PUD shall provide one guest parking spot for every three units. Guesting parking may be located in parking courts or angled or perpendicular parking space that are adjacent to the right-of-way but no are not contained within the right-of-way.

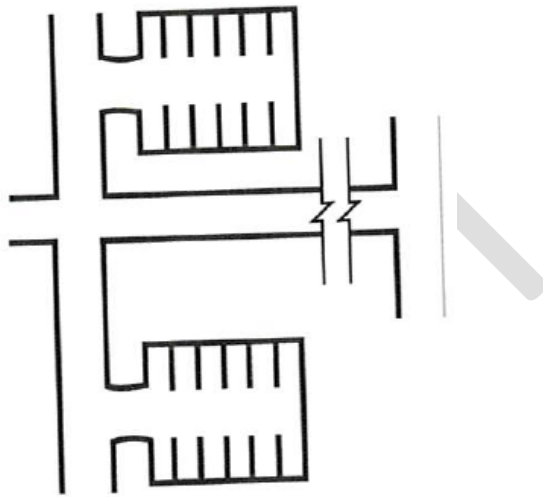
Commented [SN14]: When will we make them do this. Keep it vague.

Commented [SN15]: Street design standards: cross sections should be no parking lines.

Commented [SN16]: How many units should be defined.

Commented [SN17]: Get rid of parking on public streets.

- i. Individual parking courts shall contain no more than 20 parking spaces and shall be physically and visually separated by a landscape area a minimum of 20 feet in width from any adjacent right-of-way. The separation shall be landscaped with grass, trees, or xeriscape plants.



- ii. A parking court of any length shall consist of no more than one double-loaded parking aisle.
 - iii. Parking courts shall be located in the interior of the development and located in the rear of buildings for townhome developments.
 - iv. On-street parking shall be limited to local roads only. On-street parking shall have dedicated and marked spaces and must be approved by the City Engineer,
 - v. Parking Courts shall be paved and built to Nibley City parking lot standards.
6. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.
- i. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer

should plant street trees of an approved species and size along all street. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards, ~~code~~.

- ii. Buffering: R-PUD developments shall provide buffering along any arterial roads, commercial, or industrial roads. Buffering shall meet the standards within this ordinance.
- iii. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.

7. Fences:

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

Commented [SN18]: Add stormwater sections.

Nibley

Area 1

Area 2

Area 3

Area 5

Area 4

Area 6

Number of Council
Members that
Marked an Area

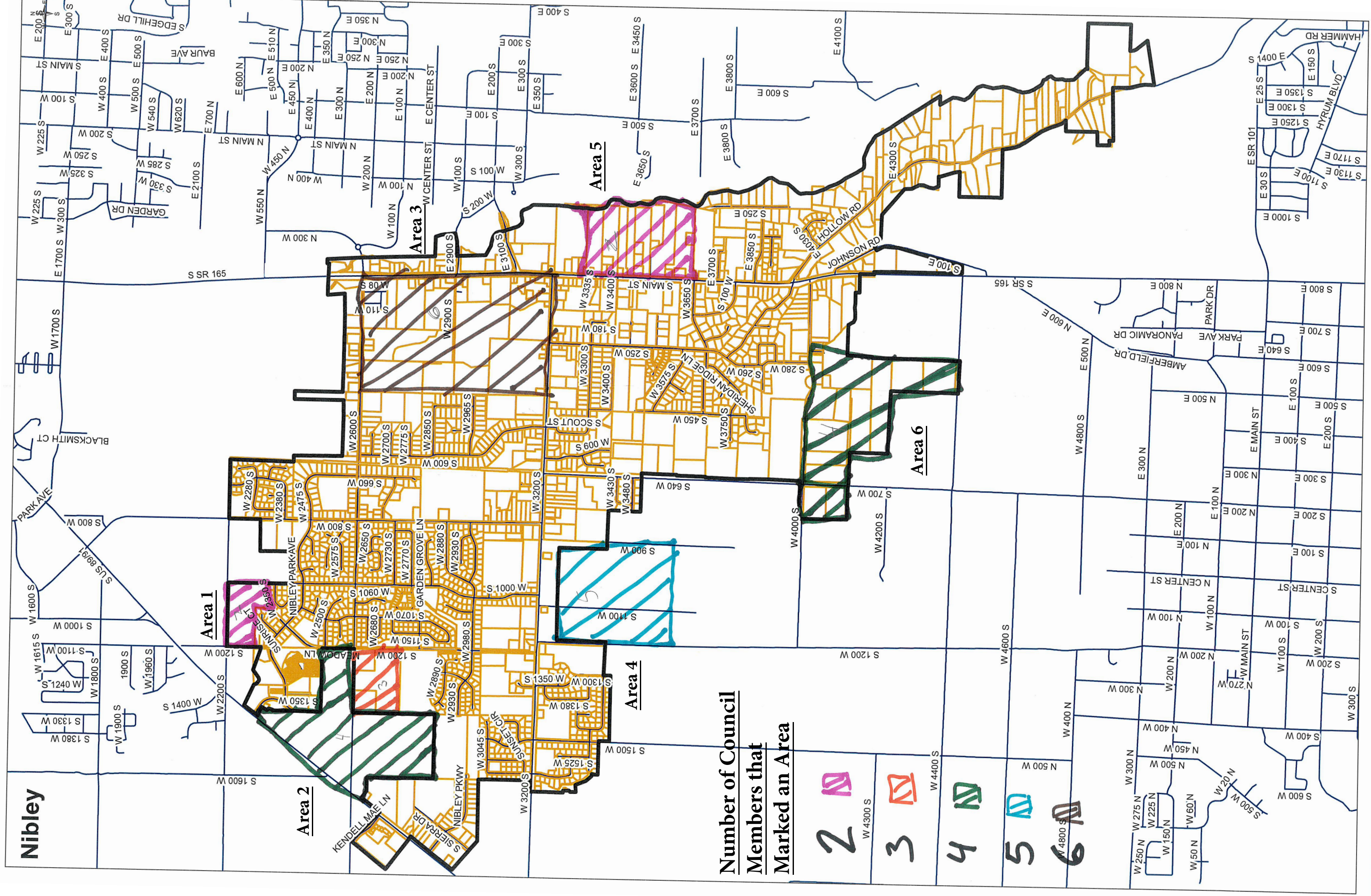
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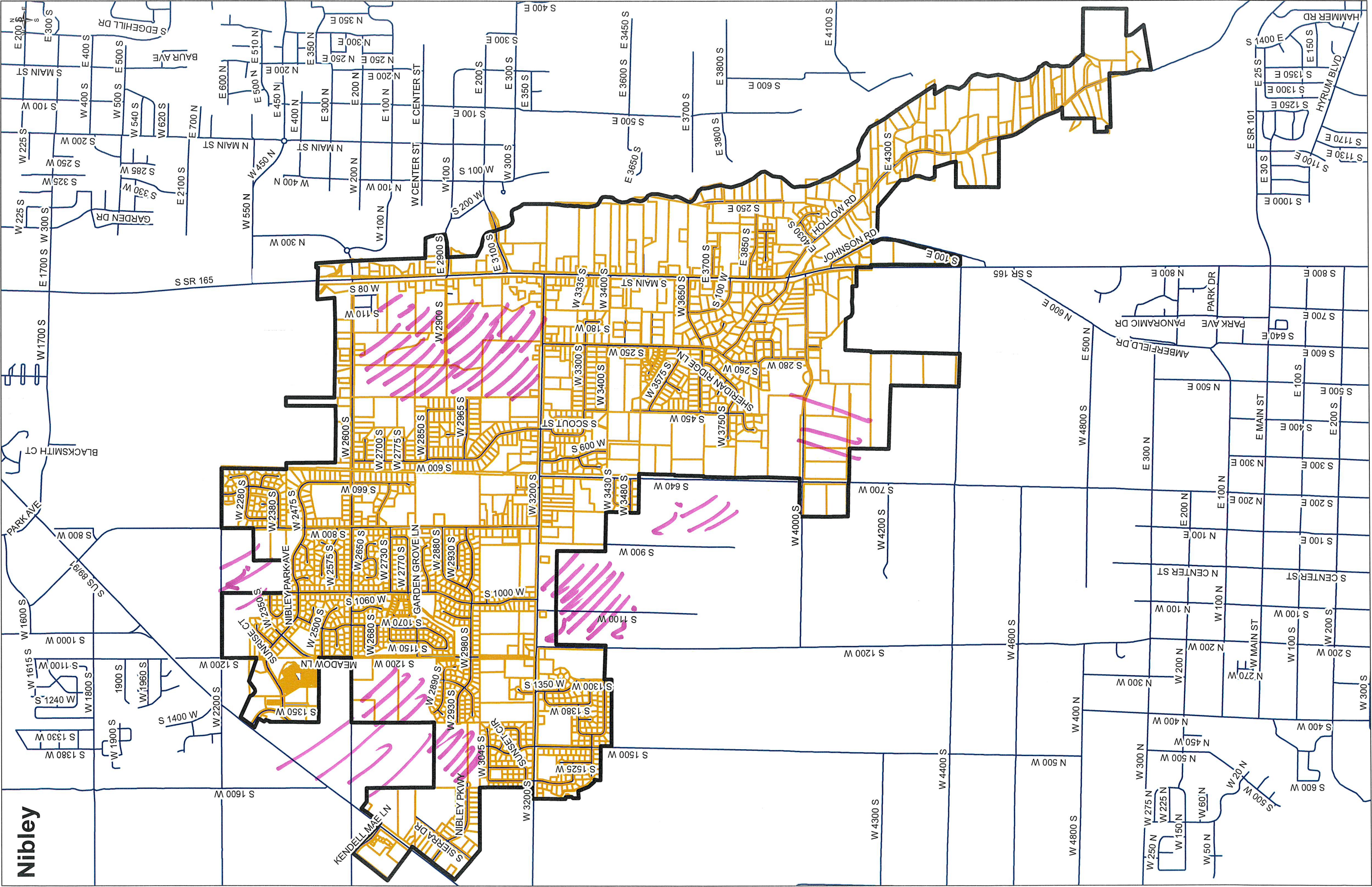
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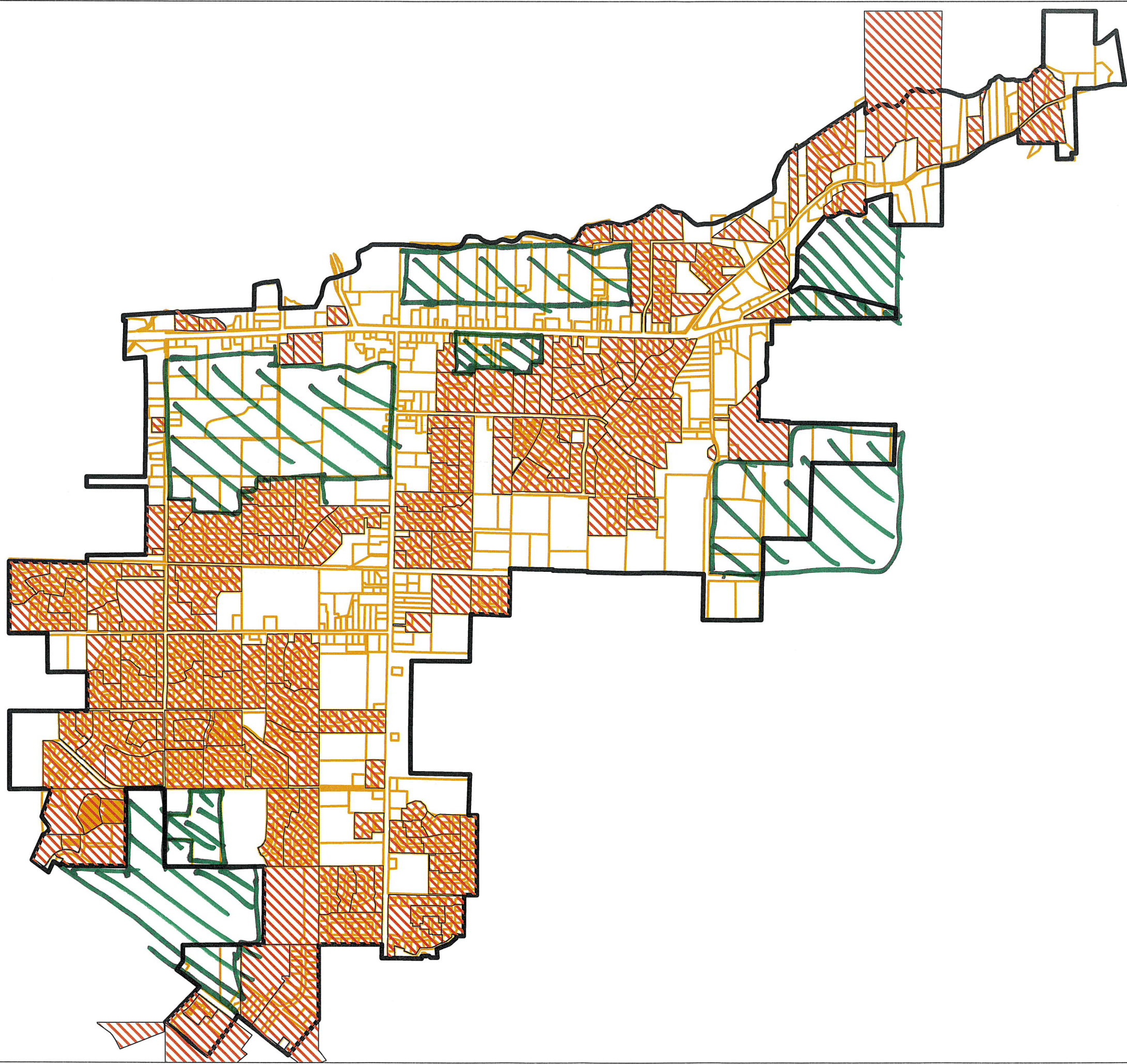
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Nibley



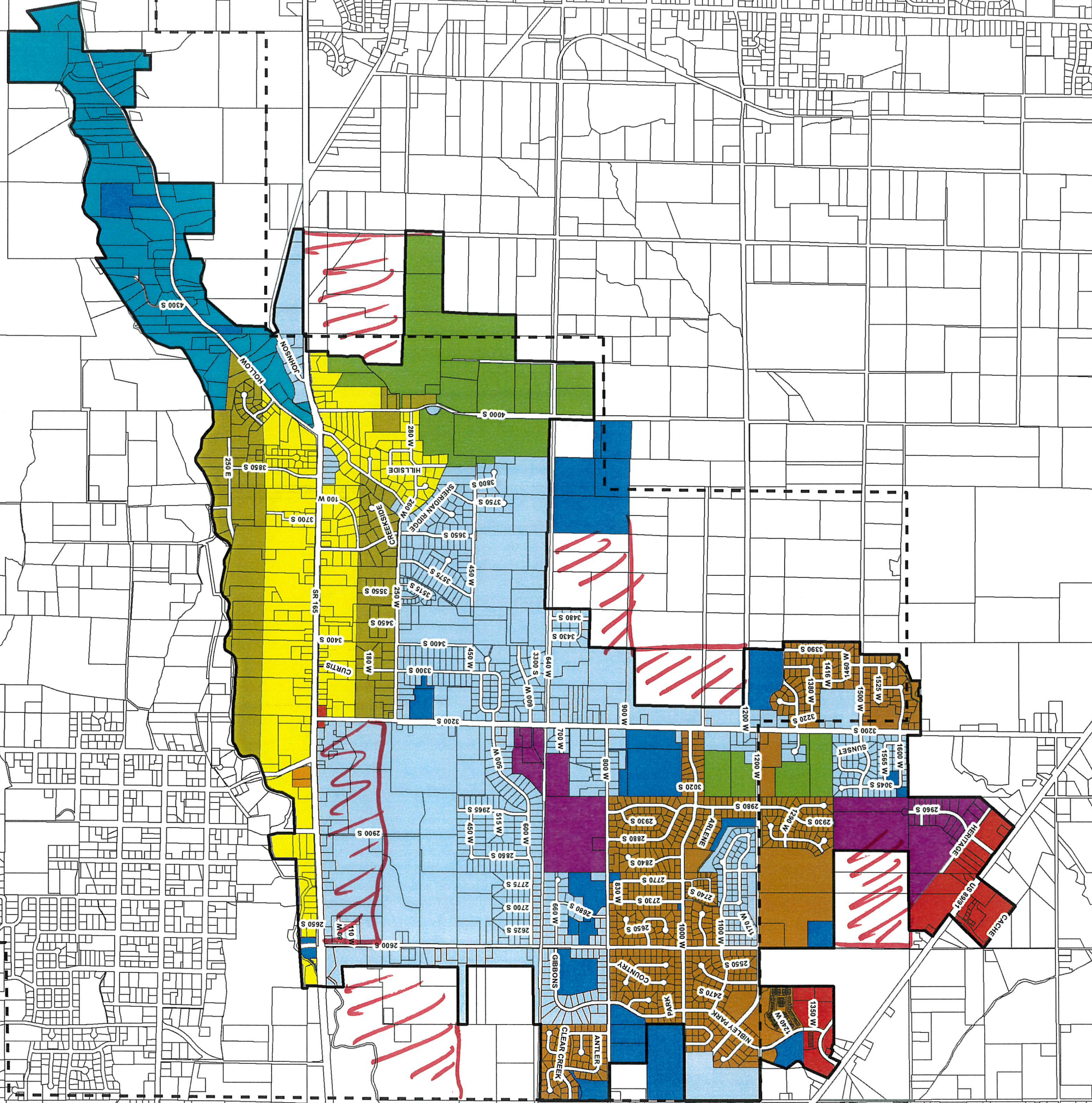
Nibley Subdivisions



This is a detailed street map of Nibley, Utah. The map shows a grid of streets with various names and addresses. Several areas are highlighted in yellow, indicating specific zones of interest. Three of these yellow-highlighted areas are circled in red:

- A small area in the upper left quadrant, near the intersection of N Main St and W Center St.
- A larger area in the center of the map, bounded by W Center St to the west and E 1000 S to the east.
- A small area in the lower right quadrant, near the intersection of W Center St and E 1000 S.

The map also includes a large red 'X' drawn over the bottom right portion, and a blue circle with a crosshair in the upper right corner. Street names visible include N Main St, W Center St, E 1000 S, W 1000 S, W 2000 S, W 3000 S, W 4000 S, W 5000 S, W 6000 S, W 7000 S, W 8000 S, W 9000 S, W 10000 S, W 11000 S, W 12000 S, W 13000 S, W 14000 S, W 15000 S, W 16000 S, W 17000 S, W 18000 S, W 19000 S, W 20000 S, W 21000 S, W 22000 S, W 23000 S, W 24000 S, W 25000 S, W 26000 S, W 27000 S, W 28000 S, W 29000 S, W 30000 S, W 31000 S, W 32000 S, W 33000 S, W 34000 S, W 35000 S, W 36000 S, W 37000 S, W 38000 S, W 39000 S, W 40000 S, W 41000 S, W 42000 S, W 43000 S, W 44000 S, W 45000 S, W 46000 S, W 47000 S, W 48000 S, W 49000 S, W 50000 S, W 51000 S, W 52000 S, W 53000 S, W 54000 S, W 55000 S, W 56000 S, W 57000 S, W 58000 S, W 59000 S, W 60000 S, W 61000 S, W 62000 S, W 63000 S, W 64000 S, W 65000 S, W 66000 S, W 67000 S, W 68000 S, W 69000 S, W 70000 S, W 71000 S, W 72000 S, W 73000 S, W 74000 S, W 75000 S, W 76000 S, W 77000 S, W 78000 S, W 79000 S, W 80000 S, W 81000 S, W 82000 S, W 83000 S, W 84000 S, W 85000 S, W 86000 S, W 87000 S, W 88000 S, W 89000 S, W 90000 S, W 91000 S, W 92000 S, W 93000 S, W 94000 S, W 95000 S, W 96000 S, W 97000 S, W 98000 S, W 99000 S, W 100000 S.



Nibley