

19.48 Town Center Overlay Zone

19.48.010 Purpose

- A) The purpose of the Town Center Overlay Zone are as follows:
- 1) To create neighborhoods and commercial areas that help to enhance the character of Nibley City, while respecting the rural nature and history of the City.
 - 2) Create public and private open space
 - 3) Create public gathering places that can serve as a location for City and Community events and recreation
 - 4) Allow for a variety of housing densities that surround the more active areas of the center to help reduce the need for automobiles, and provide better access to a greater number of people to ensure the viability of the services offered within the Town Center
 - 5) Create a variety of uses, services and building types that serve the needs of residents, workers and visitors
 - 6) Create transportation corridors for pedestrians and bicycles including trails and bike lanes.
 - 7) Create areas of economic development that have clear access off of 3200 S and Highway 165.
 - 8) Provide a phasing of a variety of land use and development
 - 9) To protect natural features and tree stands

19.48.020 General Design Standards

- A) Natural features. Town Center Development's shall respect, preserve and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.
- B) Town Center Developments shall provide a variety of housing types, including single family homes, town homes and condominium units.
- C) Town Center Commercial development must comply with Nibley City's Design Standards for Commercial and Institutional Uses as amended.
- D) Public Open Space. As part of a Town Center PUD, a developer must dedicate property to public and City uses. This land may contain wetlands, canals, streams or other water ways. The City and Developer shall, as part of the Development Agreement, agree to a plan for the development of said property.
- E) Connectivity. Town Center Development shall provide connectivity throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

19.48.30 Phasing

- A) Phasing: All phases of the final approved overall phasing plan may expire and become null and void after ten (10) years from the original city council approval of the preliminary plat.

- B) 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.

19.48.030 Approval Process

- A. The Town Center 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.
- B. Any Town Center Development application must be in the area contained with the future Town Center as shown on the Future Land Use Map.
- C. Application Submission: An application for Town Center Development shall be submitted to the City with all required documents, maps, plats and plans as listed below.
- D. Procedure:
 - 1. A Town Center Development shall go through the following process to gain approval:
 - a. Development Committee: An applicant shall have a preliminary meeting with the 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.
 - b. Overlay Zone Application: Applicants shall submit an TOWN CENTER DEVELOPMENT 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. A number of residential units per acre.

- v. A tabulation of total land area and the percentage thereof designated for various proposed uses, including residential developments, private open space, public open space, commercial use, right-of-way dedication.
- vi. 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.
- vii. A description of architectural design standards that will apply to all buildings within the development plan.
- viii. 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.
- ix. 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.
- x. Existing physical characteristics of the site including all constrained and sensitive land
- xi. Identify how environmental issues, if any, will be protected or mitigated, i.e., wetlands, historical sites, endangered plants and animals.
- xii. Conceptual information relating to storm drainage including 100-year 24-hour drainage flows, 10-year 24-hour stormwater flows and proposed storm drainage facilities.
- xiii. Major street layout that meets Nibley City standards.
- xiv. 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.
- xv. 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 proposed development.
- xvi. A list of land adjacent in the same ownership.
- xvii. An electronic 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.

- xviii. 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.

c. Approval with Development Agreement:

- i. Before a TOWN CENTER DEVELOPMENT 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 TOWN CENTER DEVELOPMENT Overlay Zone may be approved.

d. 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.

19.20 Land Use Chart

19.20.010	Classification	Of	New	And	Unlisted	Uses
19.20.020	Land			Use		Chart

19.20.010 Classification Of New And Unlisted Uses

For those uses not listed in the following chart as a permitted or conditional use, the applicant shall take such request to the planning commission. The planning commission may determine the appropriate classification if it determines that the new or unlisted use is the same as a use listed under another name in the land use chart. The planning commission shall so document this information and the applicant may proceed under such regulations as are applicable to that use. Should the planning commission determine the use is not considered by the land use chart, the applicant may petition the city council to amend the zoning title to specify and locate an appropriate zone or zones for the new use.

HISTORY

Adopted by Ord. 09-01 on 2/5/2009

19.20.020 Land Use Chart

Nibley City Land Use Chart:

P	=	Permitted use									
NP	=	Not permitted use									
C	=	Conditional use (permitted with conditions imposed by planning and zoning commission)									
Use		A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I	TC
Ag implement sales and service		C	NP	NP	NP	NP	NP	C	NP	C	C
Agricultural production		P	P	P	P	P	P	C	C	C	P
Animal Crematorium		NP	NP	NP	NP	NP	NP	C	NP	C	NP
Arboretum/nature center		C	C	C	C	C	C	C	C	C	P
Artisan shop		C	C	C	NP	NP	NP	C	C	C	C
Assisted living facility		C	C	NP	NP	NP	NP	C	C	NP	C

Auditorium	NP	NP	NP	NP	NP	NP	C	NP	C	C
Bail bonds/pawnbroker	NP	NP	NP	NP	NP	NP	C	NP	C	NP
Bakery	NP	NP	NP	NP	NP	NP	C	C	C	P
Banks/financial institutions	NP	NP	NP	NP	NP	NP	C	C	C	P
Beauty salon/spa	NP	NP	NP	NP	NP	NP	C	C	C	P
Bed and breakfast inn	C	C	C	C	NP	NP	C	C	NP	P
Building moved from another site	C	C	C	C	C	C	C	C	C	C
Bus/transit terminal	NP	NP	NP	NP	NP	NP	C	C	C	P
Business equipment sales and service	NP	NP	NP	NP	NP	NP	C	C	C	P
Car Wash	NP	NP	NP	NP	NP	NP	C	C	C	P
Cemetery	C	C	C	C	C	C	NP	NP	NP	NP
Check cashing/credit services	NP	NP	NP	NP	NP	NP	C	NP	C	NP
Church/places of worship	C	C	C	C	C	C	C	C	C	P
Club/service organization/lodge	NP	NP	NP	NP	NP	NP	C	NP	C	NP
College/university	C	NP	NP	NP	NP	NP	C	NP	C	C
Construction sales and service	NP	NP	NP	NP	NP	NP	C	NP	C	C
Daycare/preschool, commercial	NP	NP	NP	NP	NP	NP	C	C	C	P
Farmers' market	C	C	C	NP	NP	NP	C	C	C	P
Florist/garden center	C	C	NP	NP	NP	NP	C	P	C	P
Funeral home	NP	NP	NP	NP	NP	NP	C	C	C	P

Gasoline service station	NP	NP	NP	NP	NP	NP	C	C	C	P
Gasoline, wholesale	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Government services	C	NP	NP	NP	NP	NP	C	C	C	P
Group living facility ¹										
Home occupation	C	C	C	C	C	C	NP	NP	NP	C
Home office	P	P	P	P	P	P	NP	NP	NP	P
Hospital	NP	NP	NP	NP	NP	NP	C	NP	C	C
Hotel/motel	NP	NP	NP	NP	NP	NP	C	NP	C	C
Housing, multi-family - as part of a conservation residential subdivision	C	C	C	C	C	C	C	C	C	
Housing, single-family	P	P	P	P	P	P	C	C	C	P
Housing, two-family	P	P	P	P	P	P	C	C	C	P
Junk/salvage yard	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Laundry service	NP	NP	NP	NP	NP	NP	C	C	C	P
Liquor store	NP	NP	NP	NP	NP	NP	C	NP	C	NP
Low power radio service/cell tower	NP	NP	NP	NP	NP	NP	C	NP	C	NP
Manufacturing, heavy	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Manufacturing, industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, light	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Medical/dental offices and clinic	NP	NP	NP	NP	NP	NP	C	C	C	P
Medical sales and service	NP	NP	NP	NP	NP	NP	C	C	C	C

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Sign shop	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Slaughterhouse	C	NP	NP	NP	NP	NP	NP	NP	C	NP
Sports facilities	NP	NP	NP	NP	NP	NP	C	NP	C	P
Storage facility	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Temporary office/model home	NP	C	C	C	C	C	C	C	C	C
Transportation services	NP	NP	NP	NP	NP	NP	C	NP	C	C
Utility substation	C	C	C	C	C	C	C	C	C	C
Veterinary clinic, large animal	P	NP	NP	NP	NP	NP	C	NP	C	NP
Veterinary clinic, small animal	P	NP	NP	NP	NP	NP	C	C	C	P
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Welding/machine shop	NP	NP	NP	NP	NP	NP	NP	NP	C	NP

Notes-

1- Group living facilities are govern by NCC 19.42

HISTORY

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