



Nibley City
Planning Commission
Thursday May 2, 2019
455 W. 3200 S.
Nibley, UT

6:00 p.m. Call to Order
 Approval of Agenda
 Approval of Minutes

1. Discussion and Consideration of a recommendation of the proposed ordinance establishing a Town Center Overlay Zone (formally called Town Center Planned Unit Development Subdivision)
2. Review and Discussion about City Council Changes to the proposed Ordinance 19-03: Residential-Planned Unit Development
3. Workshop: Discussion about Lot Sizes of R-2 and R-2A Zone.
4. Workshop: Conditional Use Permit and Land Use Table
5. Commission and Staff Report and Action Items

*Planning Commission agenda items may be tabled if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning Commission
Agenda Report for
May 2, 2019**

Agenda Item #1

Description	Discussion and Consideration of a recommendation of the proposed ordinance establishing a Town Center Overlay Zone (formally called Town Center Planned Unit Development Subdivision)
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner and City Manager

Background Report from April 18, 2019

Nibley City 2016 General Plan recommends that Nibley City first goal for Commercial and Economic Development should be as follows:

Commercial and Economic Development Goal 1: Provide for potential future development of a Nibley Town Center as the focus of commercial development and community life.

Commercial and Economic Development Principle 1A: Promote small-scale retail and commercial development near City Hall in order to better meet resident's needs and set the stage for development of the Nibley Town Center.

Commercial and Economic Development Principle 1B: As the Town Center develops, invest in the infrastructure improvements and programs/incentives that will attract the kinds of development sought for the Town Center.

Commercial and Economic Development Principle 1C: Encourage comprehensively planned, neighborhood-scale "Anchor Projects" in the City's Town Center.

(Nibley City General Plan, 2016, p.27)

As part of the General Plan, the contractor created the 2016 Town Center Design Study. This design study was never adopted by the City Council, but it still provides guidelines and suggestion for the creation of a new Nibley Town Center. In 2018 the City Council, with the recommendation from the Planning Commission, adopted a new Future Land Use Map which labeled the undeveloped area east of Nibley City Hall, north of 3200 S, South of 2600 S, and west of Highway 165 as the future Town Center area.

95 acres of the future Town Center is under contract by a reputable developer, who has expressed interest in partnering with the City in order to start to create the Town Center. Right now, the City does not have a proper zoning ordinance in place to allow for this type of partnership. The proposed ordinance is a Planned Unit Development like code to allow the City to be able to consider allowing the town center to develop.

The 2016 Town Center Design Study suggest the City follow these general design principles:

- Create a variety of uses, services and building types that serve the needs of residents, workers and visitors
 - Allow for a variety of housing densities surrounding the more active areas of town center to reduce the need for the automobile, provide better access to a greater number of people and ensure the viability of the services offered with the Town Center
 - Buildings should generally line and frame streets, create urban meeting places and/or clearly define the urban from the rural environmental spaces
 - Parking, except for on-street parking should be screened from public view, located behind buildings or treated architecturally to be compatible with adjacent development
 - Where retail uses are to be concentrated on primary pedestrian streets, the ground level of buildings should include shops, restaurants, and similar uses as well as architectural treatments (such as attractive windows, awnings and entrance ways) that activate and enhance the sidewalk zone.
 - Building pads and block lengths should be suitable for the neighborhood in which they are located, but in general should be walkable and easily accessible
 - Streets should be designed to accommodate cars, pedestrians and, bicycles
 - The types, location, design, character and frequency of public recreation and amenity spaces should be suitable to the neighborhood in which they are located. The ecological health of the amenity, open space areas and natural environmental preservation areas should be preserved and enhanced through native planting, rainwater treatment and ecological restoration techniques where possible
- (2016 Town Center Design Study, 2016, p17)

In addition to the general guidelines that are listed above, it is important for the Planning Commission to consider impact of the development on the surrounding area. Some concepts to consider is density, connectivity, use, open space, and public park space.

Density and Use

Within this proposed code has a maximum of 12 units an acre and only states that a developer must use a different types of housing. In addition, it changes the land use chart by adding another column for the Town Center.

19.48 Town Center Overlay Zone

19.48.010 Purpose

- A) The purposes of the Town Center Overlay Zone are ~~to~~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, 2600 S, and Highway 165.
 - 8) Provide transitions between a phasing of a variety of land uses and developments
 - 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, water conveyances as defined in NCC 19.24.230 or other natural features.
- B) Town Center Developments shall provide a variety of housing types, including single family homes, town homes and condominium units.
- 1) No Development may exceed 102 units ~~per~~ acre
 - 2) Developments must have a minimum of 120 residential units ~~for residential~~. Developments with more than 50% of the area ~~is~~ planned for commercial use, may have an exception to this rule.
 - 2)3) Townhomes and condominium units must follow Nibley City Townhome and Condominium Development Standards.
- 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 Overlay Zone Development, a developer must dedicate some open space 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. Open Space

Commented [RP1]: Language is pretty vague. It's often better from a legal and development standpoint to have clearer standards (e.g. 10%, or scaling numbers on size of development). Want to avoid giving the City too much discretion that may lead to unequal treatment.

shall be ~~consolidated~~ ~~grouped~~ together as much as possible. Trails and parks must comply with Nibley City Parks, Trails, Open Space and Recreation Master Plan.

- E) Connectivity: Town Center Development shall provide connectivity throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
- F) Land Use in an approved overlay zone must comply with the adopted NCC 19.20 Land Use Table.

19.48.30 Phasing

A) Phasing: A Town Center Development may be phased as set forth in NCC § 21.02.080, except as such standards are expressly modified by this chapter.

A)B) Timing of Phases and Approvals. All phases of the final approved overall phasing plan ~~may~~ shall expire and become null and void after ten (10) years from the original city council approval of the preliminary plat.

B)C) 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.

Commented [RP2]: May or Shall? I would recommend doing it so they have to come back for extension to make it clear what the obligations/deadlines are. Your subdivision ordinance has it as "shall"

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. The City Council, with a recommendation from the Planning Commission and after holding all applicable public hearings, may approve, deny or approve with conditions as a legislative action.
- B. Any Town Center Overlay Zone 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 Overlay Zone Development shall be submitted to the City with all required documents, maps, plats and plans as listed below for preliminary and final plats.
- 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 a Town Center Overlay Zone Development 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 and complies with the Nibley City transportation master plan.

- 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 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 a Town Center Development Overlay Zone may be approved.

Commented [RP3]: So this needs to come second, even though it's listed in the code third?

- 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, except as such standards are expressly modified by this chapter.
 - 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 and conditions within the Development Agreement.

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)

[illegible]

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, multi-family-including town-homes and condominiums as part of a Town Center Overlay Zone Development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P
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
Mineral extraction	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Mobile home park	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Motor vehicle sales and services	NP	NP	NP	NP	NP	NP	NP	C	NP	NP
Nursing home	C	C	C	C	C	C	C	C	NP	C
Parking, commercial	NP	NP	NP	NP	NP	NP	C	NP	C	C
Personal instruction services	NP	NP	NP	NP	NP	NP	C	C	C	P
Pest control	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Plumbing services	NP	NP	NP	NP	NP	NP	C	NP	C	C
Printing/copying, commercial	NP	NP	NP	NP	NP	NP	C	NP	C	P
Professional offices	NP	NP	NP	NP	NP	NP	C	C	C	P
Protective services	NP	NP	NP	NP	NP	NP	C	NP	C	C

[illegible]

Notes-

1- Group living facilities are govern by NCC 19.42

HISTORY

<i>Adopted</i>	<i>by</i>	<i>Ord.</i>	<i>09-01</i>	<i>on</i>	<i>2/5/2009</i>
<i>Amended</i>	<i>by</i>	<i>Ord.</i>	<i>09-05</i>	<i>on</i>	<i>4/23/2009</i>
<i>Amended</i>	<i>by</i>	<i>Ord.</i>	<i>09-15</i>	<i>on</i>	<i>11/5/2009</i>
<i>Amended</i>	<i>by</i>	<i>Ord.</i>	<i>11-01</i>	<i>on</i>	<i>1/6/2011</i>

Amended by Ord. [14-02](#) on 3/16/2014

Agenda Item #2

Description	Review and Discussion about City Council Changes to the proposed Ordinance 19-03: Residential- Planned Unit Development
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Receive updated information from the City Planner and provide feedback.
Reviewed By	Mayor, City Council, City Council R-PUD Subcommittee, City Manager, City Planner, City Attorney and Planning Commission

Background

The Nibley City Council has been workshopping the Residential-Planned Unit Development over the past few months and has made several recommended changes to the ordinance. At the last City Council Meeting in March, the Council directed staff to review those changes with the Planning Commission to receive any input the Planning Commission might have about the changes. The City Council has scheduled a public hearing for May 9, where the Council will further discuss and may vote on the ordinance. Below is a summary of the main changes.

Map

The reference to the proposed map will be contained in 19.32.030 (A). This section provides that only areas within the map can be approved for an R-PUD. The half mile requirement has also been removed.

Density

In Section 19.32.040, there have been a couple of changes made, including a minimum amount of units for an R-PUD development. The code proposes that a mixed development must contain a minimum of a 120 units and single family developments must contain a minimum of 50 units. There is also required buffering next to single family homes. The proposed change reads as follows:

A proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300 foot width of open space including a landscaped buffered area as defined within this chapter.

Open Space and Amenities

The Tables in 19.32.050 have been updated and the 300 unit cap has been removed. The Amenity Table only goes up to 500 units, with a note that developments over 500 units must supply adequate and proportional amenities based on the table. Staff has also added a minimum acres of open space requirement for single family and mix R-PUD on less than 20 acres. The minimum open space requirement for townhomes is 5.5 acres and for single-family developments the minimum is 3 acres.

HOA and Development

Section 19.32.050 (B)(1) requires the developer to be a member of the Owners Association while the subdivision is being developed. All Mixed developments shall provide an office space for the Owners Association constructed with the development.

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 include features such as picnic areas, walking paths/trails outside of required sidewalks, playgrounds, sports fields, club houses, swimming pools, splash pads, etc.
- B. Buffer: A landscape and planted area along a public right-of-way, street, or neighboring development, a buffer 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, canals, and other geologically or environmentally sensitive features that require mitigation, special insurance, or permits from government authorities to allow

Commented [RP1]: 24 plants per 100 linear foot, 1 plant every 4 feet or so? Am I reading that right? Just want to double check. It seems high, but I'm no plant expert

development. This land may be used as amenities if it complies fully with conditions within 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.

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D.E. 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.

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E.F. 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.
6. Constrained and Sensitive Land, land dedicated along waterways, and other natural landscape or open space land may be considered net developable land when calculating for density if such land can be enhanced with trails, public access, picnic areas, park amenities, or other improvements.

Commented [RP2]: private and public?

F.G. Open Space: Any space in an R-PUD that does not contain any amenities, except for park 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. Private and public parks shall also be counted as Open Space.

G.H. 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.

H.I. 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.

~~H~~J. **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 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.

~~J~~K. **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.

~~K~~L. **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.

~~L~~M. **Tree Stand:** A group or cluster of trees within a geographic location that are occurring naturally or artificially.

~~M~~N. **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.

~~N~~O. **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 ~~(B)~~~~(A)(1)~~. These areas keep their base zoning, with that zoning's standards, conditions, and restrictions, unless the City Council approves the use of the R-PUD 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 R-PUD Application Map by following proper ordinance change procedures.
- B. R-PUD Application Map (insert map or link to map)
- C. 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, unless otherwise specified within this ordinance.
- D. Any uses not specifically permitted or conditionally permitted are prohibited.
- E. Animal Use: All animal uses shall be in accordance with Nibley City Code.

Commented [RP3]: Looks like you've identified subsection B as the map

- F. 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.
- G. When calculating density for dwelling units, any commercial area shall be subtracted from the **gross acres** of the R-PUD.

Commented [RP4]: Related to the "gross acres", the ordinance uses a lot of similar terms for what I think is the same concept: "net developable area" "net developable acres" "developable acre" etc. Since "net developable land" is the defined term, it should be used or these terms should be clarified as to how they relate to the defined term

Commented [RP5]: How does "gross acres" which doesn't seem to be defined relate to "net developable land," which is defined above? Is it a different calculation? the same?

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**
 - i. Single Family Home R-PUD must contain a minimum of 50 units.
 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 R-PUD 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 unless otherwise buffered by an arterial roadway or 300 foot width of open space including a landscaped **buffered area** as defined within this chapter.

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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%

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
301-400	6.5	2	2	3	2 (At least one pool or Splashpad)	2
401-500	7.5	2	2	3	2 (At least one pool or Splashpad)	2
501 +	*	*	*	*	*	*

1. Development over 500 units must supply adequate and proportional amenities based on the table above.
2. Development containing under 20 gross acres must provide a minimum open space as follows:
 - a. Single Family: 20% open space as defined within this Chapter or 3 acres of open space, whichever is greater
 - b. Mix: 35% Open space as defined within this Chapter or 5.5 acres of open space, whichever is greater
3. ~~Development may be phased according to NCC 21.02.080 and the Development Agreement. 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.
4. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must

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review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.

5. This chart does not cover all potential amenities. The applicant may apply for 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 or is greater than the require amenity. An applicant may add additional amenities above and beyond the requirements of this section.
 6. Public and Private 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.
 7. All amenities shall meet any federal, state, city, or other standards that apply.
 8. 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.
 9. Picnic Area: Two or more picnic tables for use by 10 or more persons.
 10. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
 11. 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.
 12. 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.
 13. 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.
- C. Maintenance of Amenities
1. 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. The Developer shall be a member of said Owners Association while the subdivision is being developed. The Owners Association for Mix developments shall have office space for the Owners Association constructed a part of the development.

2. 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.
3. 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 and responsibility for maintenance of the amenities;
 - b. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
 - c. The size of each amenities parcel; and
 - d. The proposed concept plan for landscaping of the amenities.
4. 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., 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.
5. 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.
6. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements [as set forth in NCC 21.14](#).
7. 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

Commented [RP6]: I made a reference to the subdivision ordinance for performance guarantees, but is this a different kind of guarantee specific to the maintenance of amenities?

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.

8. 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 be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.
9. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
10. 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 the 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.

Commented [RP7]: Is this different than "net developable land" defined above? It doesn't seem to be. I would recommend using the one term throughout

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.

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	Single-Family Home	Townhome
Minimum Lot Size (sq. ft.)	4,500	-
Minimum Frontage	50'	-
Primary-Use Setbacks		
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Yard Porches, Deck, Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	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'
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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.
 3. All buildings and landscaping shall comply with NCC 19.24.110 Clear View of Intersecting Streets as amended.
- 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.
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, outside professional management or -onsite 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 in the City Council's discretion:
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
 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.
- G. Bond: For each phase, the developer shall be required to provide aguarantees as set forth in NCC 21.14. 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 as detailed in NCC 21 Subdivision Regulations. 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 and the standards, conditions, and restrictions of the base zoning, unless superseded for by the provisions listed within of this ordinance.

Commented [RP8]: There is less risk of conflicting requirements if general requirements for bonding, phasing, etc. just point to the standard subdivision ordinance requirements, unless you're making specific changes.

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 City Council, with a recommendation from the Planning Commission, 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.
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 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.
 - 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.
- 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 R-PUD Overlay Zone may be approved.
 - 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. 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.
 7. 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. 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 within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block

(CMU), fiber cement siding, concrete, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building. Vinyl siding is prohibited.

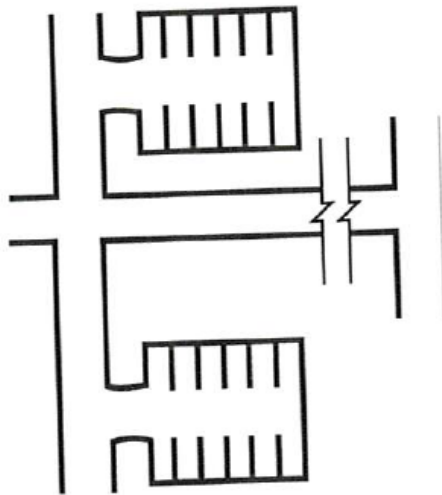
4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof 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.
6. Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the project. 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;
 - c. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.
7. Garages. Townhomes shall be designed oriented toward public roads with rear loading garages accessed by a paved parking area or alleyway. 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

B. Site Design Standards.

1. Natural features. R-PUDs shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.
2. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, 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.
 - ii. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
 - 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 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.

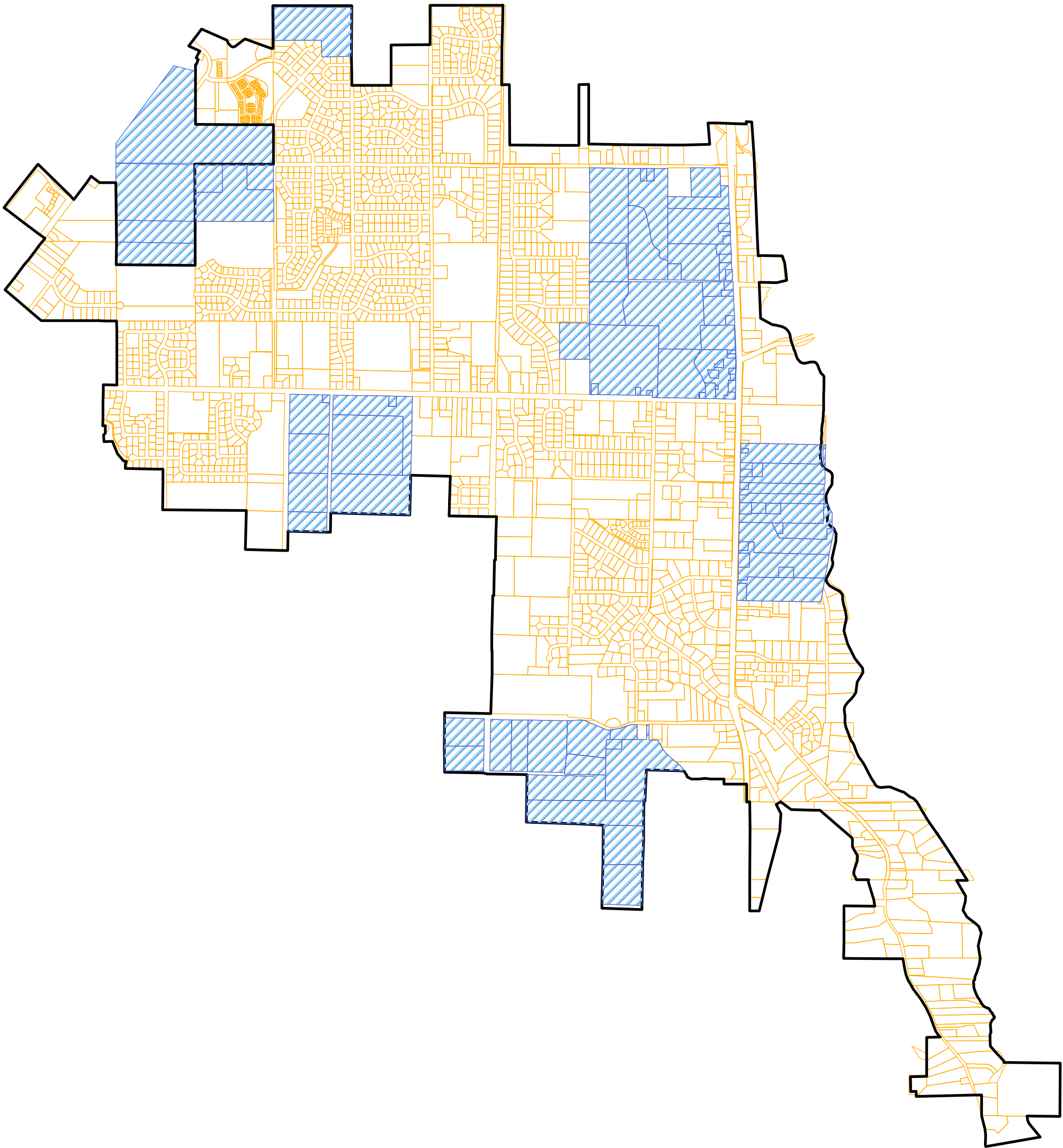
5. Parking: Each R-PUD shall provide 2 primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-PUD shall provide one guest parking spot for every three units. Guesting parking may be located in parking courts or on street parking maintained by the owner association.
- 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 10 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.
 - 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.
 - ii. 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.

19.32.030 (B)(1) R-PUD Application Map



Agenda Item #3

Description	Workshop: Discussion about Lot Sizes of R-2 and R-2A Zone
Department	Planning
Presenter	Stephen Nelson, City Planner and Planning Commissioner Garrett Mansell
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner and Planning Commission Chair

Background Report from April 18, 2019

Planning Commissioner Mansell ask staff to include this item on the agenda to be a discussion about creating or changing lot size requirements for our R-2 or R-2A zones, in part so we could maybe require open space as a default. These changes could include smaller lot sizes, different frontages, other open space requirements, etc. Our current zoning and size requirements are outlined in [Nibley City Code 19.22.010 Space Requirements Chart](#).

One of the ideas behind this discussion is to help preserve open space by requiring either dedication of land or paying a fee to support that effort. One thing that we will need to consider is impact for the development and what we then can force a developer to pay. State law governs that we are only able to force a developer to pay for improvements based on the impact of the development. One item that we will need to consider is that we charge a \$4,500 in Park Impact Fees which get assessed on the building permit which is typically paid for by the builder and passed on to the homeowner, which was the highest the City could charge based on the last impact fee study. This current impact fee would make it difficult for the City to justify requiring extra fees for standard subdivisions. The City has created the old PUD, Conservation Subdivision and the current Cluster Subdivision and Rural Preservation Subdivision to allow a subdividers to either cluster their units or get a density bonus to incentives a developer to dedicate open space or park space and still allow the City to collect the impact fee from each lot. Another reason for this discussion is R-2 and R-2A make up about 80% of our developable land in our Future Land Use Map and one of the main concerns is that ½ acre lots may not be the most effective use of that space. Especially since most or all of these lots are maintained with

culinary water resources which is a heavy use of that limited resource. Therefore consideration of smaller lot sizes would be best for the reasons listed above, in addition to the need to preserve open space either by dedication from the developer of land or a fee in exchange so we can accomplish the goal of better use of resources and preserving open space for public use.

The following was proposed in the Rural Preservation Subdivision a couple of years ago, but was latter removed because the Planning Commission in early 2017 recommended that all open space be contained within the Rural Preservation Subdivision.

10-18-5 Fee in Lieu; Conservation Land Dedication:

In the event a proposed conservation land dedication does not, in the city's legislative discretion, produce sufficient public benefit, the city may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the city shall be established as follows:

A. Amount: The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of the value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the applicant.

B. Appraisal Report: In the event that applicant disagrees with the City's determination of the amount of the fee in lieu, the applicant may, at its sole expense, submit an appraisal report from a licensed and certified general appraiser to establish the value of the proposed conservation land dedication. The value, as established in a qualifying appraisal, shall be the amount of the fee in lieu of conservation land dedication.

Use of Fee: Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park and/or trails acquisition.

The City could also look at creating a Transfer of Development Rights (TDR) Ordinance which would allow a developer to buy additional building rights or sell a building right on a lot. This would allow some lots to remain open while other would get increased density. A TDR concept has had support of the Mayor and City Manager in the past.

Agenda Item #4

Description	Workshop: Conditional Use Permit and Land Use Table
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner and Planning Commission Chair

Background

One of the main goals that the Planning Commission established for this year was to review and update our Conditional Use and Land Use Table code sections. Utah law gives Cities authority to control different types of land uses within their City. Utah Cities can control those with Permitted Uses, Conditional Uses, and Not Permitted Uses; and other zoning standards. A Permitted Use means that a land use is allowed in any zone that is listed as permitted. A couple of examples of this would be homes in residential zones, or pasture land in agriculture zones. A city may establish rules to govern and define permitted use. A Permitted Use has no need to obtain a permit unless otherwise stated in City Code. A Not Permitted Use is also very simple to understand, it is a use that is not allowed within a certain zone. It is recommended that uses are defined so that the City can apply the code equally to all applicants. A city also may, and it is recommended, have wording that any use not listed is not permitted.

Conditional Use: Found in Nibley City Code 19.28

Conditional Use are more complicated to understand with the law ever changing regarding the application of a conditional use. Generally in land use planning across the country a Conditional Use may be defined as follows:

A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review...and granting of a conditional use approval imposing such conditions as necessary to make the use compatible with the other uses permitted in the same zone or vicinity. (A Planners Dictionary 2004, p 434)

However, Utah law is stricter in the interpretation and application of a conditional use permits. The Land Use Development and Management Act (LUDMA) defines and put the following requirements for conditional uses:

10-9a-507. Conditional uses.

- (1) (a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.*
- (b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.*
- (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*
 - (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.*
- (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.*
- (c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.*
- (3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.*

The [Utah Ombudsman website](#) summarizes as follows:

A local government has authority to designate uses as conditional, but that designation must also refer to performance standards that guide decisions on what conditions may be applied. The designation must be in the local government's land use ordinance. A use may be listed as permitted in one zone or area, but be conditional in another zone or

area.

~

The local government also establishes the method to consider applications for a conditional use permit. Consideration should focus on facts and applicable standards, and avoid “public clamor,” or emotional arguments for or against a permit. An application may be denied only if the detrimental impacts cannot be mitigated by reasonable conditions. (Ombudsman, n.d.)

In Utah, we are obligated to follow the state law and do not have the authority to contradict the requirements in LUDMA. In many ways, a conditional use is not very different from a permitted use, under LUDMA, other than some enhance flexibility based on adopted standards

Utah law requires cities to be able to justify any conditions placed on an application for a conditional use permit and to be support by Nibley City Code or adopted design standards. It is important that Cities insure their standards are specific enough to ensure the can be applied to an application. Standards that are too vague may reasonably be augured by an applicant that it does not apply to their property.

Nibley City Conditional Use Standards can be found in [19.28 Conditional Uses](#). The main changes the City needs to make to ensure our code matches state law. The code section 19.28.050 states that the City will only issue a Conditional Use Permit if:

That the propose use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;

This section is in clear violation of Utah standards. In this section, there are also list of standards that the Planning Commission should review and add more details.

Land Use Chart and Zoning Definition: Found in 19.04 and 19.20

The City Planner also suggest that the Planning Commission reviews the Land Use Chart and Zoning Definition. The goal of reviewing these sections are attached to our Conditional Use because the Land Use Chart defines what is a Permitted Use, Not Permitted Use, and a Conditional Use; while the Zoning Definition described what each use is and contain many standards. Most uses listed are either Not Permitted or Conditional, and staff would recommend that the Planning Commission consider more uses to be listed as permitted.

Staff would like the Planning Commission to consider a reorganization of the Land Use Chart to sort it by use, instead of by alphabetical order. Attached to this report is Northglenn Colorado's Land Use Chart as an example.

Staff will also present ideas of uses and changes of standards and definitions.

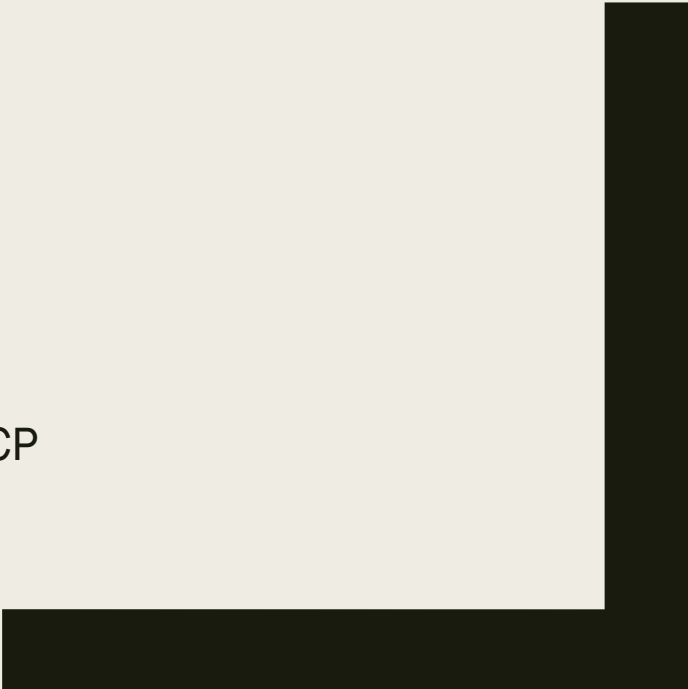


APA FALL CONFERENCE

SANDY, UT

October 5, 2018

Wilf Sommerkorn, John Janson AICP



Let's change
our Conditional
Use Chapters!

Session Goals

- Learn the State Law principles that have changed for Conditional Uses
- Highlight issues in a typical ordinance
- Consider language changes that need to be made
- Take home your marked up code!

LAND USE DECISION	TIME	NOTICE TYPE
Preparation, Adoption or Amendments of the General Plan	Upon inception of the initial process to generally plan or the process for any comprehensive plan amendment	(A) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and notice of each public meeting on the subject.
	10 days prior to first public hearing	(B) notice of a public hearing must be published in a newspaper of general circulation in the area; and published on the Utah Public Notice Website; mailed to each affected entity; and posted in at least three public locations within the municipality; or on the municipality's official website.
	C. 24-hour notice of each public meeting	(C) notice of a public meeting must be published in a newspaper of general circulation in the area; and published on the Utah Public Notice Website; mailed to each affected entity; and posted in at least three public locations within the municipality; or on the municipality's official website.

Conditional Uses

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require **compliance with standards set forth in an applicable ordinance**.

(2) (a) A conditional use **SHALL be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects** of the proposed use in accordance with **applicable standards**.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve **compliance with applicable standards**, the conditional use **may** be denied.



Conditional Uses Administrative Action

It's rarely ever a no....

- They **Shall** be approved, but.....
- Can be “mitigated” to lessen the impact on underlying/adjacent uses
- You must have criteria to support how you want those uses to develop. Standards for lighting, parking, noise, traffic, etc...
- Reducing the number of CU's should result in more clear standards for your permitted uses (think Home occupations for example.....)



Conditional Uses: Processing options

- Since they are “administrative” they no longer require public hearings
- Since they are “administrative”, they no longer require mail outs
- Staff can process (if they want to)
- Public clamor is not a part of these decisions (the uses belong there)

Typical layout and content

■ Purpose

- Procedures
- Approval considerations
- Duration/Expiration/Revocation/Violations
- Amendments

■ Purpose

- *Necessary and desirable*
- *Compatible with the General Plan*
- *Harmonious with the neighborhood (safety)*
- *Proper integration*
- *Might be ok here but not there*
- *Consistent with the zoning district*

Typical layout and content

- Purpose
- Procedures
- Approval considerations
- Duration/Expiration/Revocation/Violations
- Amendments
- Procedures
 - *Fill out an application*
 - *Pay fees*
 - *Public hearing with PC*
 - *Sometimes a hearing with the CC*

Typical layout and content

- Purpose
 - Procedures
 - Approval considerations
 - Duration/Expiration/Revocation/Violations
 - Amendments
- Shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height. Shall comply with all other applicable laws and ordinances.
 - Shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the transportation master plan.
 - Shall not pose a serious threat to the safety of persons by failing to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
 - Shall not adversely impact nearby properties through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

Typical layout and content

- Purpose
 - Procedures
 - Approval considerations
 - Duration/Expiration/Revocation/Violations
 - Amendments
- Duration/Expiration/Revocation/Violations **(not always covered!)**
 - *Duration – as long as the owner is the owner*
 - *Expiration – usually a time period of 1 to 2 years if no activity or abandoned*
 - *Revocation/Violations – failure to follow the approval conditions*

Typical layout and content

- Purpose
- Procedures
- Approval considerations
- Duration/Expiration/Revocation/Violations
- Amendments
- Amendments *(not always covered!)*
 - *Covers how an applicant, after approval, usually in operation, can make site plan changes*
 - *Usually a percentage of the site or building*
 - *Usually a ZA responsibility*

State Law upgrades - Purpose

- The purpose of this chapter is to provide for a reasonable application, review, and approval **process** for land uses that are specified as "conditional," such that proposed new land uses meet City ordinances, Federal and State Law, and are properly integrated into the community through the **imposition of conditions, based on standards, intended to mitigate, the reasonably anticipated detrimental effects of a particular conditional use.** Mitigate, as defined in State Law, means reduce, and does not mean eliminate. Conditional uses **shall be approved** on a case-by-case basis provided the applicant adequately demonstrates that the reasonably anticipated detrimental effects of the proposed use can be mitigated through the imposition of reasonable conditions, based on standards in the City ordinances. Uses designated as conditional uses **require approval by the planning commission, acting as the Land Use Authority.**

State Law Upgrades - Process

- Establish who is responsible for review to assure completeness and to determine potential detrimental effects – ZA
- Compare to standards in the ordinances – we need written standards
- Pre-application, complete ap with fees, site visits, additional studies (if needed), staff report, agenda item, and PC hearing or meeting (no hearing required)
- Mail outs? (not required, all uses named in the ordinance should already be compatible within the zone) – maybe call this a “courtesy notice”
- PC decision based on **written standards!**

State Law Upgrades - Approval Standards (not just considerations!)

- PC can impose conditions based on “written standards” to address the “detrimental effects”
- List as a minimum all the standards you can think of – maybe based on past decisions and reviewing your uses for what might be potential detrimental effects
- Typical lists include: street impacts (congestion, access, peds, bikes), utility availability and service capacities, environmental issues, light, hazards (slope related, etc.), site design (building location, hours, height, scale, transitions between uses, etc.), graffiti prevention,

State Law Upgrades – Duration, etc.

■ Duration/Expiration/Revocation/Violations

- *Runs with the land – can be transferred*
- *No work done within a time frame – define “work”*
- *Provide a means for extension of the approval*
- *Revoke or fine, if they don’t do what their approval requires*

■ Amendments

- *Allow for minor changes – maybe 10% of the site or building*
- *Major changes go back to the PC*

Examples

- Millcreek
- Bluffdale
- Midvale
- Layton
- Your neighboring communities may not be up to date!
- Thank you!



(d) Table of Allowed Uses**Table 3-2-A: Table of Allowed Uses**

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential						Mixed-Use			Other Nonresidential						Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	
Residential																
Household Living																
Dwelling, Duplex				√	√		√									
Dwelling, Live/Work							√+	√+	√+			S+				11-3-3(c)(2)
Dwelling, Multifamily				√	√		S+	√+	√+							11-3-3(c)(3)
Dwelling, Single-Family Attached				√+	√+		√+	S+								11-3-3(c)(4)
Dwelling, Single-Family Detached	√	√	√				√							√		
Manufactured Home Park, HUD-Code						√+										11-3-3(c)(5)
Group Living																
Assisted Living Facility	S	S	S	√	√	S	S	√	√							
Group Home, FHAA	√+	√+	√+	√+	√+	√+	√+	√+	√+					√+		11-3-3(c)(6)
Group Home, Supportive Housing	√+	√+	√+				√+							√+		11-3-3(c)(7)
Independent Living Facility				√	√		√									
Public, Institutional, and Civic Uses																
Community and Cultural Facilities																
Assembly	S	S	S	S	S	S	S	S	S	S	S	S				
Cemetery or Interment Facility												S		S	√	
Club or Lodge							S	S	S	S	S	S				
Community Center	S	S	S	S	S	S	S	√	√	√	√	√	√	√		
Daycare	S	S	S	S	S	S	S	S	S	√	√	A+	A+			11-3-3(d)(1)
Emergency or Community Operations Facility	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Funeral Facility								S	S	S	S	S		S		
Park and Open Space, Active	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Park and Open Space, Passive													√	√	√	
Educational Facilities																
School, Public or Private	S	S	S	S	S	S	√	√	√	√	√	√	√	√		
School, Vocational or Trade								√	√	√	√	√				
Healthcare Facilities																
Hospital								√	√	√	√	√	√			
Medical or Dental Clinic							S	√	√	√	√	√	√			
Commercial Uses																
Agricultural and Animal Uses																
Agriculture, General												√+	√+	√+		11-3-3(e)(2)
Agriculture, Urban	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	√+	A+	11-3-3(e)(3)

Table 3-2-A: Table of Allowed Uses

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential						Mixed-Use			Other Nonresidential						Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	
Community Garden	√	√	√	√	√	√	√	√	√				√	√	√	
Kennel, Commercial										S+	√+	√+		√+		11-3-3(e)(4)
Stable, Commercial														S+	S+	11-3-3(e)(5)
Veterinary Hospital or Clinic							S+	√+	√+	√+	√+	√+	√+	√+		11-3-3(e)(6)
Recreation and Entertainment																
Indoor Recreation Facility							S	√	√	√	√	√			S	
Outdoor Recreation Facility									S	S	S	S		S	√	
Food and Beverage Services																
Bar, Tavern, or Lounge							S+	√+	√+	√+	√+	√+				11-3-3(e)(7)
Catering Establishment							S	√	√	√	√	√				
Microbrewery, Distillery, or Winery							S+	√+	√+	√+	√+	√+				11-3-3(e)(8)
Restaurant							√+	√	√	√	√	√				11-3-3(e)(9)
Restaurant, with Drive-Through								√+	√+	√+	√+	√+				11-4-6(i)
Office, Business, and Professional Services																
Administrative, Professional, and Government Office							√+	√	√	√	√	√	√			11-3-3(e)(10)
Financial Institution							√+	√	√	√	√	√				11-3-3(e)(11)
Research and Development								√	√	√	√	√	√			
Personal Services																
Laundry Facility, Commercial										√	√	√				
Laundry Facility, Self-Service				A+	A+	A+	√+	√	√	√	√	√				11-3-3(e)(12)
Personal Services, General							√+	√	√	√	√	√	A			11-3-3(e)(13)
Retail Sales																
Building Materials and Supply Store							√+	√+	S+	√	√	√				11-3-3(e)(14)
General Retail, Less than 10,000 Square Feet							√+	√	√	√	√	√	A			11-3-3(e)(15)
General Retail, 10,000 Square Feet or More								√	√	√	√	√				
Liquor Store								√	√	√	√	√				
Marijuana Establishment, Medical	Subject to Licensing Requirements in Article 18-14															11-3-3(e)(16)
Marijuana Establishment, Retail	Subject to Licensing Requirements in Article 18-16															11-3-3(e)(17)
Nursery or Garden Supply Store								√	√+	√	√	√	√	√		11-3-3(e)(18)
Lodging Facilities																
Bed and Breakfast				S+	S+		√+	√+	√+	√+	√+			√+		11-3-3(e)(19)
Boarding or Rooming House					√		√	√	√							
Hotel/Motel							S	√	√	√	√	√				
Short-Term Rental	√+	√+	√+	√+	√+		√+	√+	√+					√+		11-3-3(e)(20)

Table 3-2-A: Table of Allowed Uses

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential						Mixed-Use			Other Nonresidential						
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	Use-Specific Standards
Transportation																
Rail Yard												S				
Transit Terminal or Station				S	S		√	√	√	√	√	√	√	√	√	
Vehicles and Equipment																
Auto Wash								S	S	S	√	√	√			
Automotive Fuel Sales								S+	S+	√+	√+	√+	√+			11-3-3(e)(21)
Automotive Repair, Major										S+	√+	√+				11-3-3(e)(22)
Automotive Repair, Minor								S+	S+	√+	√+	√+				11-3-3(e)(23)
Automotive Sales and Leasing									S+		S	S				11-3-3(e)(24)
Equipment and Machinery Sales and Rental										S+	√+	√+				11-3-3(e)(25)
Parking Facility								√+	√+	√	√	√	√		√	11-3-3(e)(26)
Sexually Oriented Businesses																
Sexually Oriented Business												√+				11-3-3(e)(27)
Industrial Uses																
Manufacturing and Processing																
Food Processing											√+	√+				11-3-3(f)(1)
Oil and Gas Operations	See Section 11-3-6															
Manufacturing, Artisan							S+	√+	√+	√	√	√	√			11-3-3(f)(2)
Manufacturing, Light										S+	S+	√+				11-3-3(f)(3)
Mining and Extraction										S+	S+	S+	S+	S+		11-3-3(f)(4)
Storage and Warehousing																
Contractor Office or Equipment Storage Yard										√+	√+	√+				11-3-3(f)(5)
Outdoor Storage												√+	√+			11-3-3(f)(6)
Salvage Yard												S				
Self-Service Storage												√+				11-3-3(f)(7)
Warehousing and Wholesale Facility												√				
Public and Semi-Public Utility Uses																
Utilities																
Public Utility, Major								S+	S+	S+	S+	S+	S+	S+	S+	11-3-3(g)(1)
Public Utility, Minor	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-3(g)(1)
Water Storage Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S+	11-3-3(g)(2)
Wireless Service Facilities																
Wireless Service Facilities	See Section 11-3-3(g)(3)															11-3-3(g)(3)
Accessory Uses																
Accessory Dwelling Unit	A+	A+	A+	A+	A+		A+							A+		11-3-4(d)(1)

Table 3-2-A: Table of Allowed Uses

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential						Mixed-Use			Other Nonresidential						Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	
Caretaker Dwelling Unit												A+	A+	A+	A+	11-3-4(d)(1)(E)(ii)
Drive-Through Facility								A+	A+	A+	A+	A+				11-4-6(i)
Home Occupation	A+	A+	A+	A+	A+	A+	A+	A+	A+							11-3-4(d)(4)
Outdoor Dining							A+	A+	A+	A+	A+	A+	A+			11-3-4(d)(5)
Outdoor Sales and Display							A+	A+	A+	A+	A+	A+	A+	A+		11-3-4(d)(6)
Outdoor Storage, Accessory	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	11-3-4(d)(7)
Sale of Produce and Plants Raised on Premises	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	11-3-4(d)(8)
Temporary Uses																
Construction Support Activity	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(1)
Farmer's Market or Open Air Market							√	√	√	√	√	√	√	√	√	
Mobile Food Vending								√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(2)
Seasonal Sales							√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(3)
Special Event	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(4)