



**Nibley City
Planning Commission**
Thursday June 6, 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. Workshop: Conditional Use Permit and Land Use Table
3. Review of upcoming projects and ordinance
4. 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
June 6, 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 and make recommendations
Reviewed By	City Planner, City Manager, Town Center Committee

Background Update

The Planning Commission held a public hearing on this item several weeks ago. The main concern raised at that public hearing was that there were too little guidelines for a developer to pursue. The Planning Commission recommended that the City form a committee to review different aspects of the proposed development. Staff has discussed with the developer about their concerns and will be bringing those to a committee before the meeting with some updates. Some of the items the committee will be considering are as follows:

- Overall density be in the Town Center
- Housing types that should be allowed and in what ratio
- Open space ratio
- What should the open space include and the long-term plans for the open space
- Commercial ratio, area, design
- Commercial uses

Nibley City General Plan

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.

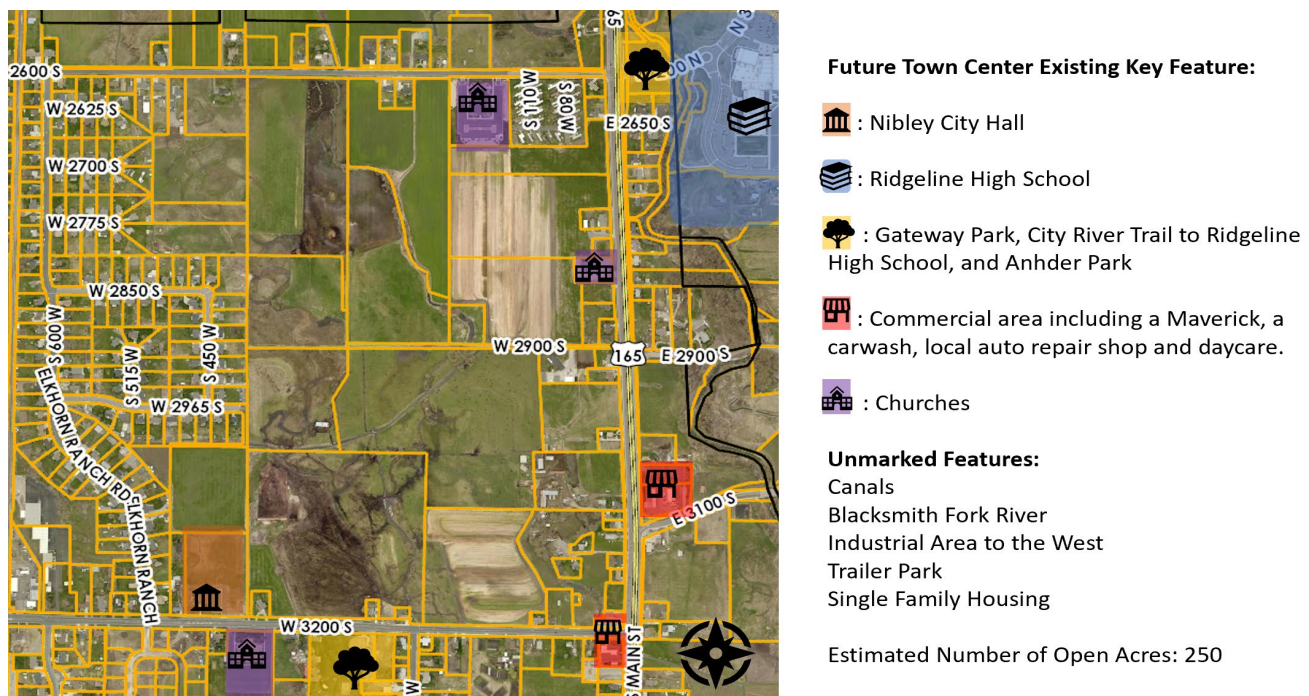
Commercial and Economic Development Principle 1A: Promote small-scale retail and commercial development near City Hall in order to better meet resident’s needs and set the stage for development of the Nibley Town Center.

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 type 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



NIBLEY TOWN CENTER

Design Study and Guidelines Supplement

FEBRUARY 2016

NIBLEY CITY, UTAH



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1. INTRODUCTION

BACKGROUND AND VISION

As part of the General Plan Amendment, the City of Nibley included a vision of potential future development opportunities for a Nibley Town Center, as it relates to the General Plan update. The vision for Nibley Town Center could be to create an active, vibrant, sustainable pedestrian friendly place that supports a broad range of uses and cultural activities, in which people of all ages, incomes and backgrounds could grow as individuals, neighbors and citizens. They realize that, at this point, no determination has been made by the City in planning or developing a town center, but wanted to see what a potential vision might look like as Nibley moves into the future.

Typically a Town Center is a community gathering place that generates excitement, at a community level, and provides a destination where residents and visitors congregate to recreate, shop, dine and generally participate in the life and events of the community.

The current perception is that Nibley does not have a “defined” town center and, perhaps, as the city grows, coming to an agreed commonality and understanding concerning the definition of a Town Center, its functionality and location, may have a direct benefit to

the citizens and future government officials as they plan for the future and respond to development pressures.

In most urban communities a town center is recognized as the *heart of the community*, generally in a vibrant setting with convenient shopping, dining, activity nodes and community facilities such as parks, open space and public gathering places. Nibley, recognized and prized as a more rural, bedroom community, cherishes its rural heritage and, perhaps, may question the need for a “typical” or traditional strong, vibrant town commercial center. In discussions with the city staff, officials and residents, it is obvious, however, that the city could benefit from some kind of recognizable, unifying spaces or series of activity nodes which residents can identify with and which becomes the “heart of the city”.

Generally, the city seems to recognize that through progressive thinking and proper planning, lands and activities can begin to be identified and allocated towards specific locations that, as development and preservation, such as civic, recreation, trails, and open space occurs, through time, efforts towards achieving the goal of an identifiable



“town center” will ensue.

The design concepts and illustrative master plan, shown in this section, depicts a downtown with a strong relationship to the land, integrated nature trails and recreational activities throughout and a strong sense of place making at its core. The scale and design of the streets and blocks, the network of streets and the street frontage are important in achieving the overall vision.

PURPOSE OF A TOWN CENTER



The underlying purpose behind carrying on a dialogue, looking at various examples, and developing ideas for a Nibley Town Center are to:

- Formulate a consensus for a unified definition for the Nibley Town Center
- Analyze possible locations, facilities, functions and options
- Identify existing constraints, opportunities and alternatives
- Determine the necessary course of action for the realization of a future Town Center
- Discuss and illustrate various physical design options for maximum efficiency and opportunities
- Accept and evaluate public opinion that can help guide current and future policy makers
- Create design guidelines and policies for future decisions and development
- Assist in ensuring Nibley's orderly and sustainable growth
- Provide a centralized location as an art, cultural , recreation, and civic center

RECOMMENDATIONS

This Town Center Plan recommends that the city focus its attention for future city center growth in a centralized, accessible area adjacent to the existing Nibley City offices with connectivity to two major satellite "gathering places" or "nodes", one to the north, adjacent to the activities anticipated with the new High School, and the other south, taking advantage of the highly desirable elevated land structure. By encouraging to develop the Town Center as an art, cultural, civic and recreational center, the Plan recognizes and celebrates the power of art, culture and the preservation and enhancement of open space, to regenerate the community and preserve historic values.

The Plan further recommends that the north and south activity areas, or neighborhood nodes be provided with a significant amenity space to serve as a community gathering place or neighborhood square. These "connected" gathering spaces could include plazas, parks, promenades, greens, gardens, arts, cultural and educational uses or other public spaces. The Plan also recommends incorporating additional amenity space where appropriate which would physically connect the Town Center to the two suggested neighborhood squares, including pedestrian and bicycle circulation systems, enhanced streetscapes and revitalizing environmentally sensitive areas as further discussed in this document. As the concepts and master plans illustrate, the Plan specifically recommends preserving a trail and enhanced open space connection from 2600 South to the Town Center on 3200 South, then





continuing this connectivity south to the suggested Southern Neighborhood Center through a series of connected open space, recreation spaces and enhanced streetscape.

In order to create the sustainable environment needed to support the idea of a community Town Center, existing and future public spaces and amenities must be designed, constructed and maintained to the highest standards. The standard of design and the built environment, as suggested further in the design guidelines, for open spaces, plazas, gardens, medians, pedestrian and bicycle systems and street furniture reflect the values of the community and therefore must be of the highest standard.

2. DESIGN PROCESS

SITE SELECTION AND ANALYSIS

The first step in the process of defining a “town center” involves an identification and inventory of the following critical resources:

- Potential available lands within an appropriate location
- Potential vehicular and pedestrian access
- Existing and future predominate activities and uses
- Public buildings, facilities and recreational activities
- Significant natural features to be enhanced and/or preserved
- Adjacent existing commercial, business and other significant activities
- Existing and potential public amenity opportunities
- Transportation corridors and connections
- Existing property location information such as configuration, ownership and land use

By identifying these significant existing features, opportunities and constraints and future development opportunities can more readily be anticipated, along with any pertinent existing features and activities that may affect the location and structure of future town center activities.

Once the most logical parcel or parcels of land are identified through the selection process then the specific opportunities and constraints are defined and analyzed. Through the selection process and with the help of the General Plan Steering Committee the contiguous vacant land areas north of the existing municipal building and directly south were determined to be the strongest candidates.

The significant, identifiable opportunities and constraints of these parcels are:

- Approximately 300 acres of potentially developable available land
- Prominent municipal facilities/activities within the analysis area are Nibley Park and City Offices
- Future High School adjacent to identified potential development area
- Existing business/commercial activity at or near major transportation junction 3200 S. and SR 165
- Potential regional trail corridor along existing railway tracks along 640 West Street
- Nibley River Walk trail planned along Blacksmith Fork
- Significant wetland/drainage corridor exists through the properties



- Need for trail connections between High School, City Offices and adjacent development
- Strategic roadway access available from many locations thereby completing the roadway system
- Strongly connected undeveloped lands provide for excellent activity connectivity
- Potential North-South City-Wide trail system connectivity
- Lands border significant vehicular activity along highway State Road 165, 3200 S. and 2600 S.

The site analysis drawing (next page) illustrates, graphically, the opportunities and constraints mentioned previously. The two most prominent existing man-made features within the study area are the Nibley City Hall and Nibley City Park. These two features are significant because as important community activity centers the public perception is that they begin to form what many consider as the beginnings of a "town center" or community activity and gathering place. The existing connectivity between these uses and facilities is significant and any future development on the adjacent vacant properties should take into account their place in the existing community fabric.

Analyzing the contiguous lands within the identified area there are a number of other significant existing and developing features that need to be considered as the design process begins to suggest form and substance to the town center design. These significant features and/or uses that will play a major role in shaping the future town center master plan are:

- New High School located in the North-East quadrant of the study area
- Prime developable land surrounded by residential development
- Excellent vehicular and pedestrian access throughout the site with a number of stub streets
- Strong trail connectivity options for future trails, trail heads and educational opportunities
- Significant drainage channels begin to define potential open space preservation corridors
- Opportunity to create a major pedestrian/equestrian trail North to South with few limitations
- Education and learning opportunities by preservation of the naturally existing corridor

DEVELOPMENT OPPORTUNITIES OVERVIEW

Upon completion of the site inventory and analysis significant development opportunities are then diagrammed considering existing and potential residential, commercial, business, parks, recreation and trails development, both public and private as well as preservation of significant site and environmental features. Graphically the various opportunity are illustrated with diagrams which suggest activity areas, trail connectivity, open space opportunities, existing and potential vehicular access, both existing and proposed focal points, buffer areas, use relationships and significant environmental preservation considerations. The illustration on the following page identifies these opportunity sites and relationships. (See map following page)

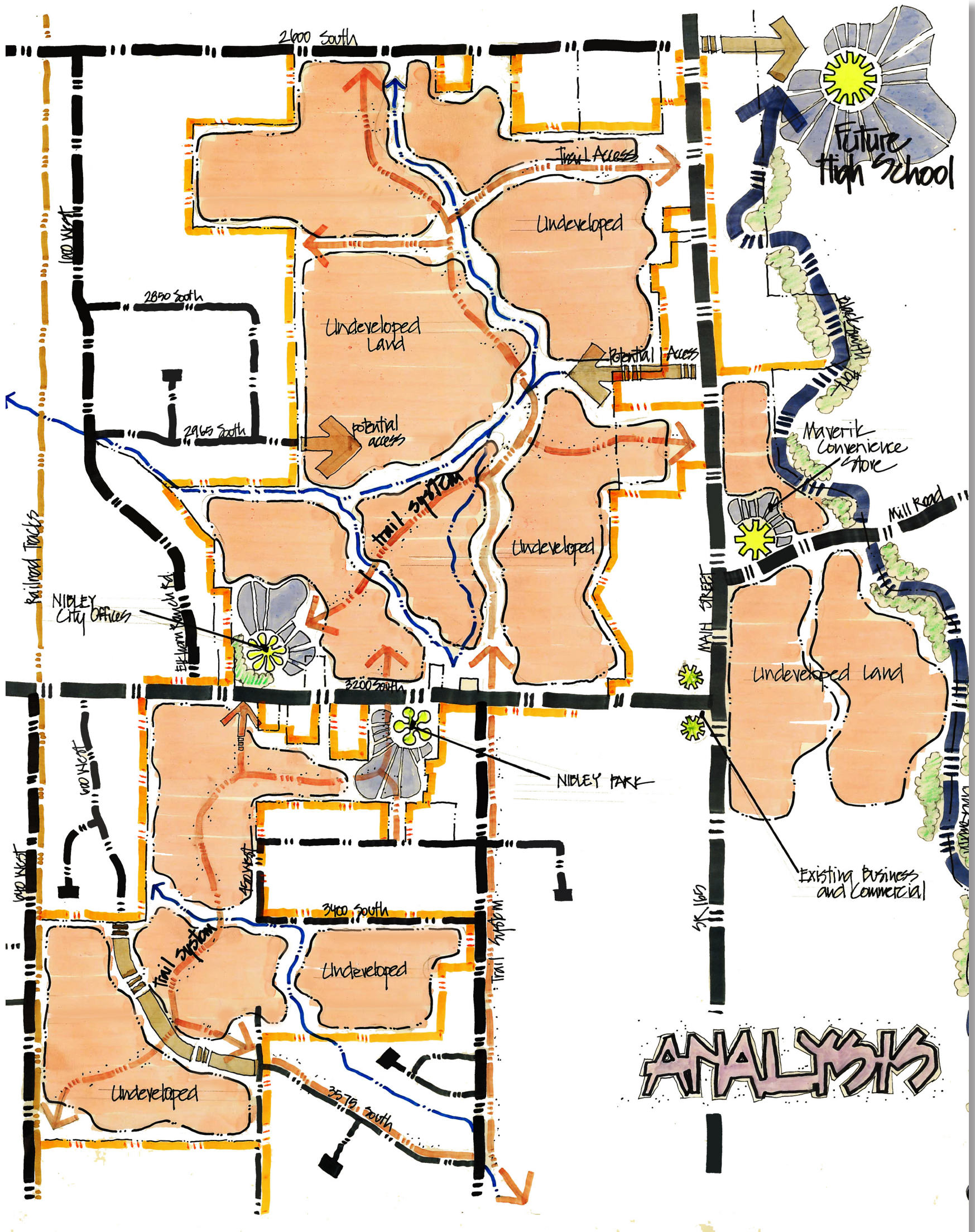
The development opportunities analysis revealed four potential significant activity nodes, primarily due to their adjacency to existing opportunities, these are:

1. HIGH SCHOOL RELATED ACTIVITY NODE

Open space adjacent to or in proximity to the future High School is a potential for commercial, recreation and business activities associated with the predictable High School traffic.

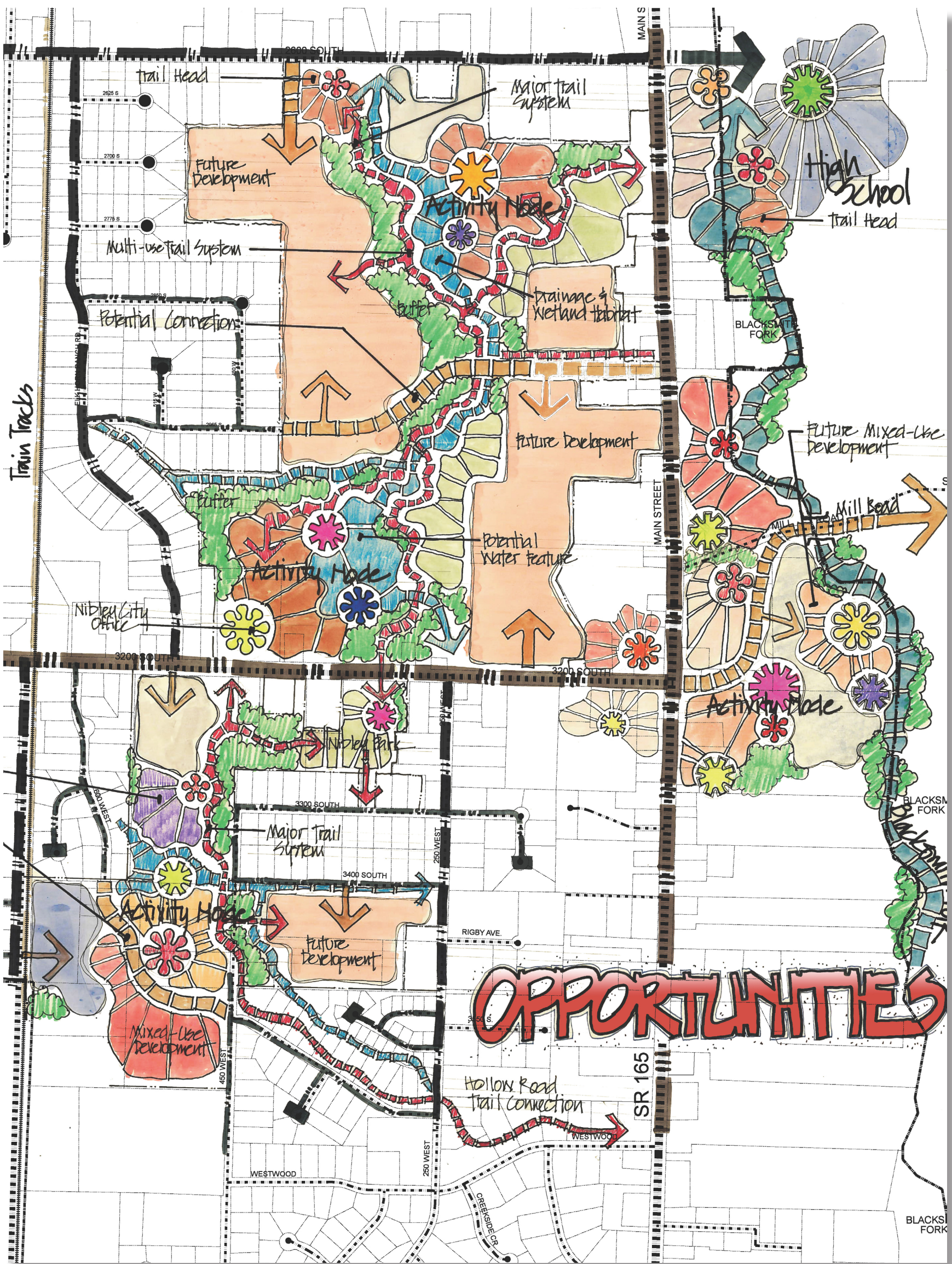
2. CITY HALL ACTIVITY NODE

Because Nibley City Hall becomes a significant community activity area for meetings, weddings, social gatherings, utility payments and other city business, consideration to expand on that sense of community center and define further appropriate activities such as parks and recreation facilities and activities,



Site Analysis Map





Site Opportunities Map





community library, attractive open space features, businesses, restaurants, etc.

3. COMMERCIAL ACTIVITY NODE

With the Maverick Station currently acting as a “community gathering” place, its adjacency and access to Millville, Main Street, and 3200 South Street, the historical building, other existing businesses and the potential for development along this viable commercial corridor this activity node becomes one of the most significant development opportunities in Nibley and should be considered as a potential town center node.

4. ELEVATED LAND FEATURE NODE

Due to the significant land elevation and location directly south of the City Hall, this area becomes highly favorable site to be considered for activities associated with a future town center. The views and vistas that it provides make it a stunning and attractive site that captures the serenity and overall beauty of Nibley. It is important that, as the city officials review areas for their town center that the natural beauty of this parcel be strongly considered.

CONCEPT DESIGN ALTERNATIVES

The next step in the Town Center visioning process is to consider the various development opportunities, define, in more detail, individually and collectively what they might be, how they interact with each other and the specific opportunities that make them unique and how those opportunities may be utilized for the benefit of any future Town Center development.

Each of the three (3) concepts attempt to identify, as a whole, the strongly associated area that could or should be considered for development, preservation or environmental enhancement and identify strong relationships and important connectivity activities and/or opportunities. In reviewing these various options it must be remembered that, between these concepts, the thoughts and ideas communicated in each of the concepts can be mixed and matched and are not necessarily dedicated to one idea alone.

DESIGN ALTERNATIVE 1 (See following page)

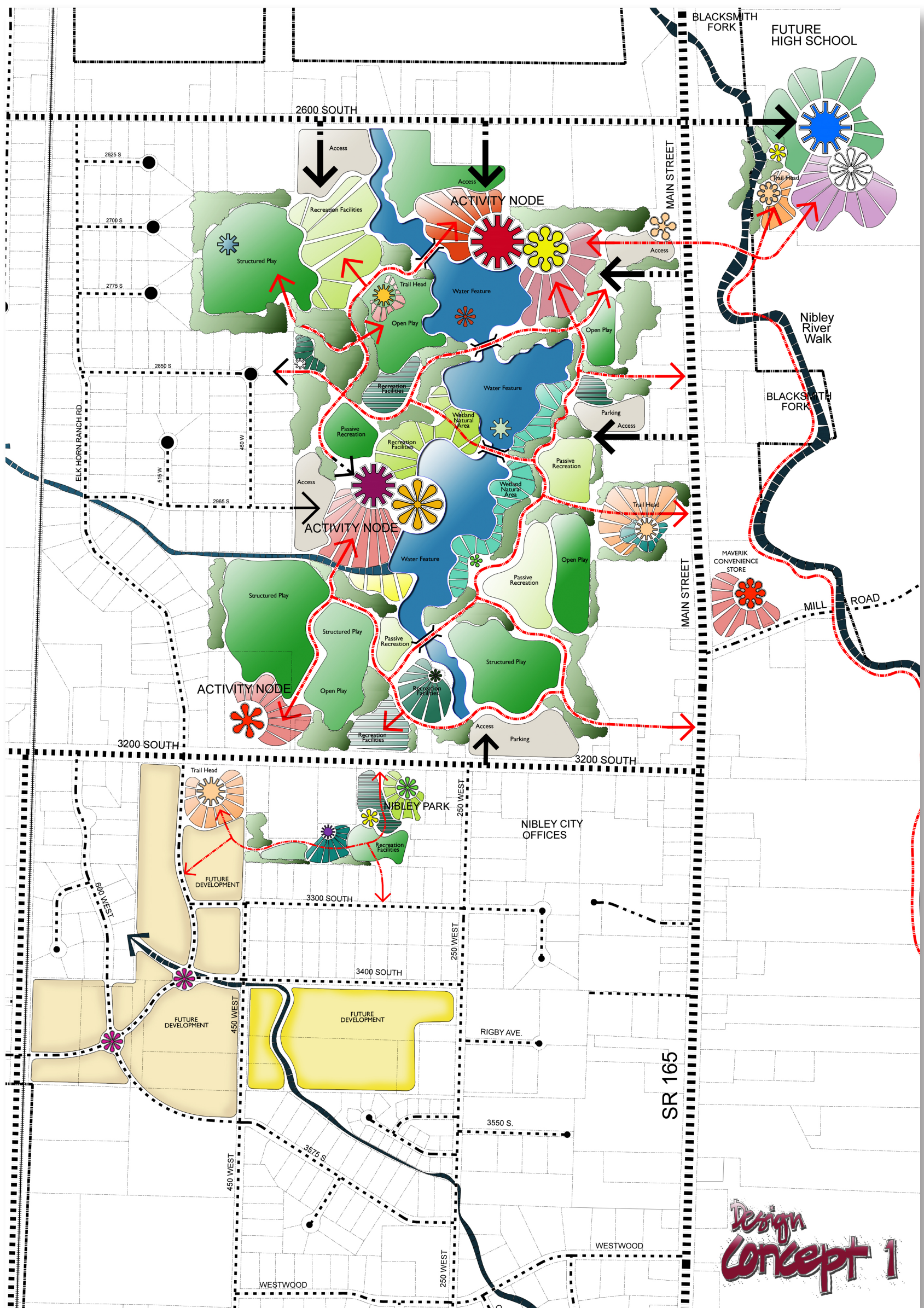
Design Alternative 1 identifies the potential to preserve and develop the area north of City Hall, which should retain a major connection to the future High School. This concept assumes that the City may want to concentrate all or, certainly, most of its future parks and recreation activities and facilities within this potential corridor because of its intrinsic and environmental value. Preserving a significant open space corridor through this area should be a priority and central to every concept.

This would then create the potential for a magnificent regional park and open space centrally located within the “heart of the city” thereby creating a “town center” with three significant activity nodes, regional trail access, environmental education areas, public amenities with enormous recreational potential.

The area south of City Hall is identified as future potential residential development areas and a major trail head to ensure the trail connectivity to the City-Wide trail system.

The existing Nibley Park is identified as an attractive adjacent use to the south and ties in nicely with the expanded open space and recreational activities to the north. This park becomes an adjunct to the expansive recreational activities to the north.

The significant features of this concept include:



Design Concept I Map



- Strong, direct pedestrian trail connections between the High School and City Hall activity node
- Preservation and enhancement of the existing wetland, canal and open space corridor
- Using the available water courses as major parks and recreation enhancement features connected to activity nodes, trails and open space
- Preservation of the natural beauty of the area and provides for needed educational opportunities
- Dedication of potential land for future recreational facilities
- Significant water bodies, which could act, not only as water retention basins, but potential recreation and leisure activities
- Adequate buffering of adjacent residential development
- Preserves the existing open feeling which Nibley is currently identified with and with the preservation of this entire area this open, spacious feeling is preserved in perpetuity
- Allows for smaller commercial and public service activities to be included in the activity areas
- Provides for adequate vehicular access to all parts of the area
- Enriches and enhances the adjacent property values by creating permanent open space
- Provides for a significant amount of all types of trails which can be designated and separated as needed

DESIGN ALTERNATIVE 2 (See following page)

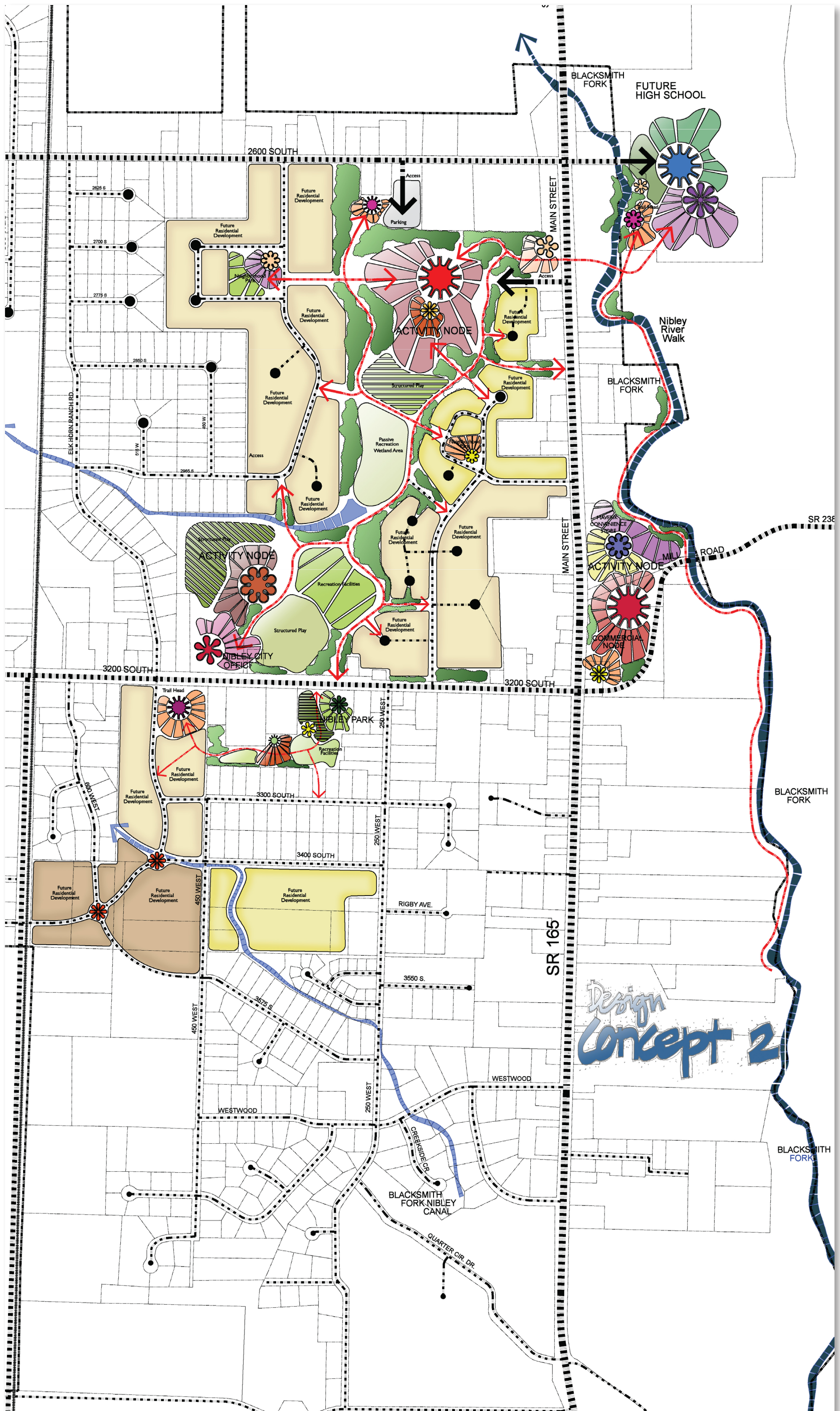
Concept two, although similar to concept one, in that it focuses on the area north of Nibley City Hall and the opportunities generated by the inclusion of the future High School, is significantly different because it allows for the natural inclusion of future residential development within the potential improvement area, thereby significantly reducing the amount of potential open space, parks and recreation space. The two colors of residential development suggest the consideration of similar but differing residential density types which will complement the existing land development and/or the proposed development area. It should be noted that, in all of the concepts, the potential is shown for the Nibley River Trail, running parallel to the Blacksmith Fork River which takes advantage of the beautiful, natural environment along this corridor.

Because of the substantial reduction of “town center” land, only two distinctive activity nodes, within the main body of land, suggest a reduction in activities such as parks, trails, recreation and open space. Another significant, more commercial, activity node is suggested at the confluence of SR 165 and 3200 south, augmenting the commercial activity adjacent to the Maverick Convenience Store.

One feature that allows for this commercial district to expand and become more viable is the suggestion that Mill Road be re-configured to better intersect with 3200 south. This concept provides for a limited amount of additional commercial activity north of Mill Road and consolidates the commercial activity into a more manageable configuration.

The features of this concept include:

- Significant regional trail connectivity north, south, east and west
- Adequate and enhanced residential access and infill development
- Providing open space and trail connectivity provides for enhanced property values along the corridor
- Buffering of adjacent residential development



Design Concept 2 Map



- More limited but good potential for recreation development along the town center corridor
- More identified lands for future commercial development along major transportation corridors
- Adequate residential development south of the Nibley City Offices
- Preservation and enhancement of wetlands within the zone
- More recreational activities and facilities adjacent to 3200 south street
- Separation of commercial activity and more leisure activities within park and open space locations

DESIGN ALTERNATIVE 3 (See following page)

Concept three takes the activity node development to the next level of organization and improvement suggesting that two of the three activity nodes become more structured and designed around a more formal theme. It also takes the approach that the nodes be expanded both from a civic and commercial perspective.

The most dramatic suggestion is the development of a “true” commercial center with associated mixed use development focused on the intersection of 3200 south and Main Street. If Nibley were to ever develop a stronger commercial core, this concept suggests the best approach and the prime location.

The following is a more detailed explanation of the elements of this alternative concept:

Northern Activity Node

Defined by its proximity to the future High School, this activity node could provide for some limited commercial, leisure activities, parks and recreation and environmental education facilities, direct access to a major trail system and is strategically located near the open space connector system.

Open Space Corridor

One of the critical aspects of the town center development is the preservation and enhancement of the north-south drainage/open space corridor. This corridor provides for trail access, environmental education, wetland preservation, as well as a multitude of passive and active recreational activities. Proposed residential development adjacent to the open space corridor will also benefit from more stable and enhanced land values because of their adjacency to natural preserved open space.

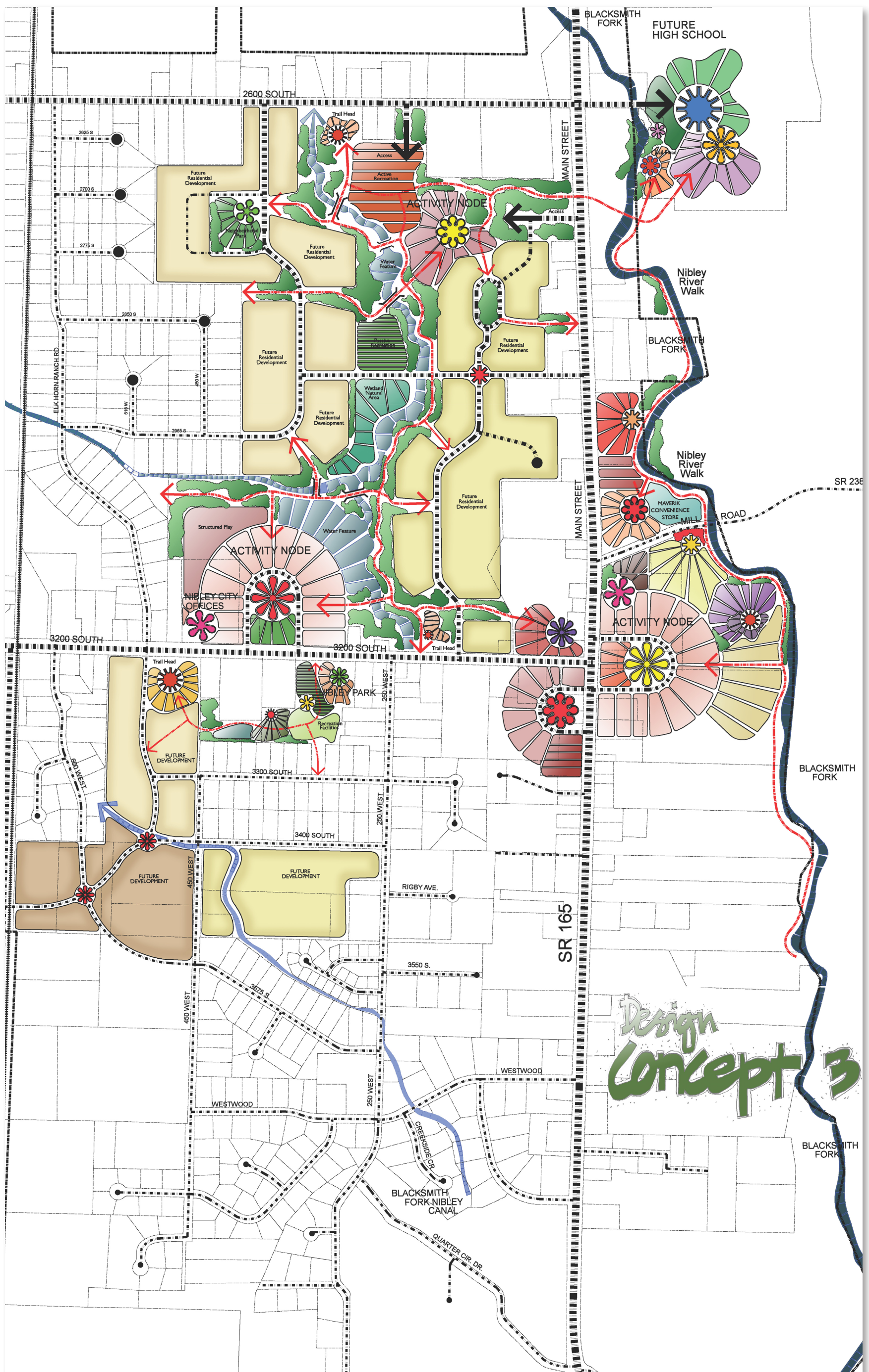
As this concept illustrates, a minimal amount of improvement and redefinition of the canal and drainage system would provide a natural amenity adjacent to the trail system, which would give the entire corridor a unique environmental setting and visually and physically connecting the two activity nodes. Picnic areas, rest areas, observations zones and wetland habitat educational areas would also be a tremendous augmentation.

Civic Activity Node

Creating spaces and uses to which people are drawn and participate actively in, on a regular basis, produces a dynamic “critical mass” that is sustainable. This illustrated “critical mass” would thrive by taking advantage of: additional civic uses, businesses, and restaurants focusing on significant, well designed water, parks and open space opportunities.

Commercial Center

A natural evolution of creating a civic center “critical mass” is the expansion of a center of activity that is more geared towards service and neighborhood commercial. With adjacency to the Blacksmith Fork Trail and Open Space system and the need to create residential uses for all demographics as the key ways of achieving the necessary critical mass for a successful town center, this “node” suggests, not only the expansion of commercial uses, but



Design Concept 3 Map



also the inclusion of residential development associated with and taking advantage of the natural open space corridor, views and vistas.

As this concept suggests, the "critical mass" can be achieved by creating more variety, a walkable scale and a more welcoming environment for development throughout the town center district. It is well known that people walk greater distances if they have an interesting and safe streetscape, trail system or environment along the way, therefore developing a "walkable scale" environment is one of the key elements to the vitality and sustainability of any town center.

A successful town center is defined by the features of the street or walkway, including the street furniture (lighting, benches, landscaping), the mix of street-related activities (land uses), and the scale and urban design of buildings that face the street. The primary pedestrian corridor needs to have a variety of activity and destinations that anchor the key routes.

To be viable, the town center must be a safe place to live, work and play, offer financially viable development opportunities (synergy), provide more enhanced public spaces and overall promote a more positive image of the community as a whole. The town center has to be a vibrant, exciting, interesting, and safe environment for it to draw people to it, not just for special events and occasions, but on a regular basis, therein providing the necessary interactions between people, retail, business, leisure activities and the environment.

SUMMARY CONCLUSIONS

Perhaps none of the concept alternatives is a "magic bullet" that answers all of the questions, solves all of the potential problems or satisfies every opinion of what the future of the Nibley Town Center is, however a fairly strong consensus of the City officials, staff and citizens which should be noted for future reference. As the Town Center concept evolves in the foreseeable future the following salient points should be considered and incorporated as change and development pressures occur:

- Preserve a significant open space/trail corridor through the study area
- Preserve and enhance the environmentally sensitive wetland/water courses
- Consider the corridor as a nature/environment education opportunity
- Require future developers to dedicate open space in return for higher density cluster developments
- Consider establishing and managing a PUD ordinance which should lead to better design
- Create a major north-south trail system connecting to the City-Wide Trail System
- Facilitate the growth of the Town Center by positioning all future city offices and cultural opportunities with respect to an approved concept and create a downtown zone to accommodate future uses
- Encourage a less rigid transportation system which takes advantage of exposure to the open space corridor as indicated on the Preliminary Concept Master Plan
- Preserve lands through development controls, as illustrated, for associated Neighborhood Center activity nodes and encourage developers to adopt the concept of Town Center connectivity throughout new development
- Use natural features as much as possible to augment the Town Center character to create enhanced water features, streams, nature center, wetlands, natural habitat restoration, vegetation preservation, etc.
- As new cultural, civic, commercial and recreational facilities are planned, use the approved Town Center concept to make critical decisions regarding location, design, architectural and landscape character, connectivity and future opportunities
- Revise, update and continually refine the Town Center concept, making it a "working document" that changes as the City grows and matures



- Incorporate the Town Center concept into the upcoming Trails, Open Space and Recreation Master Plan to ensure the viability of both

3. DESIGN GUIDELINES

These Guidelines establish criteria for development within the Nibley Town Center development area to:

- Ensure that new development contributes to the overall vision of Nibley Town Center as a sustainable pedestrian-oriented environment with a desirable urban character through the design and placement of new buildings, streets and public amenity spaces and facilities
- Create high quality urban spaces with structures and landscape that form pleasant, convenient, safe and exciting environments designed for both people and vehicles
- Provide for additional high quality recreational opportunities for the citizens in an environment and setting that has been preserved and/or enhanced to retain the vision of Nibley's overall General Plan
- Provide a reference and framework for the officials and staff of Nibley City to guide them in future decision making regarding commercial, residential, and open space developments and improvement
- Provide a degree of certainty and predictability to adjacent property owners and citizens on what can be built within their neighborhoods, while allowing for flexibility to ensure that the mixture of land uses and resultant design may evolve in response to market factors and good urban design practices

These Design Guidelines are intended to be used in conjunction with the updated General Plan for future Nibley City growth, including, updating the Zoning Ordinance on an as needed basis, defining the desirable land uses within the Town Center District, and future considerations for development proposals. In light of the City adopting such Design Guidelines to direct the growth of one of the key aspects of the city, it is recommended that a Review Board be established under the guidance and tutelage of the Planning Commission, whose sole responsibility is to administer the Design Guidelines for all future development, ensuring that the principles defined within the guidelines are not only continually updated, but administered on a consistent and reasonable basis.

The Review Board should work with the applicants (property owner, builder, developer, etc.) to develop an acceptable design response that meets the intent of these Design Guidelines. Modifications or exceptions to the Design Guidelines for specific development plans may be granted by the Planning Commission with recommendations from the Review Board based on specific requirements, peculiar site or economic constraints, architectural and site design merit, or as otherwise permitted under the Zoning Regulations. All applicable Nibley City and Utah State regulations and permitting processes must be adhered to and are not superseded by these Design Guidelines.

Since these Design Guidelines are preliminary in nature, it is also recommended that the City develop them further and in greater detail where necessary.

The Design Guidelines include general provisions for all neighborhoods and specific design criteria for building height, setback and other design standards.

The Street Design Guidelines identifies characteristics of public and private streets, including street widths, number of travel lanes, on-street parking and sidewalks. The intention is to provide consistent, integrated, and coordinated development, assuming that multiple developers and investors will be involved throughout the process.

The Open Space and Amenity Guidelines provide design criteria and illustrative examples of each type of open space and recreational facility. The preliminary Town Center Master Plan suggests locations for urban amenity areas, including parks, plazas, promenades, squares, greens, special development sites and natural areas within the Town Center defined area. The Architecture Guidelines do not prescribe an architectural style, but rather a design approach to create a high quality, pedestrian oriented environment that conducive to the vision of the Town Center being the "heart of the city".



4. GUIDING PRINCIPLES

The vision for the Nibley Town Center is to create an active, vibrant, sustainable pedestrian friendly urban town center that supports a broad range of uses, recreational opportunities and cultural activities. The scale of the streets and blocks and the network of various streets and frontages are important in achieving this vision and must be considered carefully. The Design Guidelines provide preliminary development standards that promote this vision.

The following important design principles generally apply throughout the town center:

- 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.

The Design Guidelines specify those elements of the plan that collectively establish the physical character and visual appearance of the town center as viewed from the perspective of the public realm. They describe the mix of uses, indicate how buildings and streets should relate, and define building heights and bulk regulations. The Design Guidelines include descriptions of the relationship of buildings to streets.

5. GENERAL PROVISIONS

BLOCK CONFIGURATION

- Maintaining consistent building facades along street frontages is important, especially along primary pedestrian corridors
- Variations in building setbacks should occur in an orderly fashion. Buildings should align at the front facade
- Blank facades, loading docks, service entrances and dumpsters are prohibited on front facades facing a primary street or amenity space

PRIMARY BUILDING ENTRANCE



The principal structure, including the primary entrance, shall face a public street or public amenity space, not a parking structure or parking lot. Where possible, dual access from both the street and parking areas is encouraged.

PARKING AND SERVICE

A. Parking structures should be designed to minimize their visibility from streets. They should be located internal to blocks, where possible. Buildings for which structured parking is the sole use should be discouraged. Sloped ramps should be located internal to the structure so that they are not visible along front facades. Attention should be given to the design of parking garage interior lighting so that light sources are not visible from the street. If approved by the Planning Commission, parking structures may be located along the street if they provide retail or commercial space on the ground floor facing the street.

B. Vehicular access to and from parking garages should be designed to minimize pedestrian conflicts. If possible, access should be from streets or alleys which are not primary pedestrian streets. If vehicular access is provided directly from Primary Pedestrian Streets, a minimal opening in the building should be provided at the sidewalk level. Pedestrian access to and from parking garages should be from pedestrian-oriented streets.

C. On streets other than boulevards and primary pedestrian streets, views of parking structures should be minimized. The structures should be designed to be architecturally compatible with adjacent structures.

D. If surface parking is located adjacent to a street, the parking lot shall be set back a minimum of 20 feet from the curb or set back 5 feet from the street wall of adjacent buildings, whichever is greater. If the parking is a temporary use, a continuous, low, native evergreen hedge planting and trees should be installed between the parking lot and the adjacent sidewalk and/or buildings. If the parking is for permanent use, a decorative wall or fence and planting should be provided along all sides of the parking.

E. Mechanical and utility equipment should not be located in setbacks between buildings and streets, nor should it be visible from the public realm.

CIVIC, CULTURAL AND SIGNATURE BUILDINGS

A. Buildings that terminate at a street or important vista should have distinctive articulation and massing, such as a unique façade, lobby entrance, vertical element or other special treatment. Civic, cultural or Signature Buildings are encouraged on such prominent sites.

B. In order to encourage the distinctiveness of civic, cultural, and signature buildings, these structures are not required to adhere to the build-to-line or frontage coverage requirements. Signature Buildings are also encouraged to pursue green building certification, equivalent to or exceeding LEED Gold. Such buildings may include, but are not limited to, libraries, museums, fire stations, civic and association headquarters, visitor or exhibit centers, art buildings, and other civic or cultural buildings. One-story buildings are not allowed unless they are a minimum of 30 feet high.

STREET LIGHTING

A. Adequate levels of street lighting shall be provided on all streets for visibility and safety. Light levels and quality of light should be appropriate for the street type, character, and use. In each neighborhood, streets, alleys, avenues, and boulevards should have lighting selected from a family of the same design related fixtures. There should be at least 2 or 3 options for both pedestrian lights and street lights to respond to the character of different streets



and neighborhoods. Amenity spaces including parks and plazas adjacent to streets and avenues should consider selections from the family of design related fixtures; however, there also should be special lighting opportunities within these highly visible areas. All lighting fixtures, except low wattage decorative lamps shall meet night sky standards (to be determined) to limit light pollution that harms nocturnal wildlife and limits view of stars.

B. Primary pedestrian streets should have pedestrian scale light fixtures, typically 14'-16' high, along sidewalks on each side of the street. Taller street lights at intersections, typically 18' to 26' with two poles arranged diagonally at opposite corners, provide additional illumination at crosswalks and intersections for safety.

C. Boulevards should have parallel series of street lights on both sides of the divided roadway. This arrangement of poles creates repetition and continuity and provides light to both sides of the boulevard. Spacing of poles is typically 80' to 120'. Some boulevards may be planned with sidewalks as significant pedestrian routes, which may suggest including pedestrian lights on one or both sides, spaced between street lights.

D. Other streets and avenues, depending on their use and character, may have pedestrian lights and/or street lights. Street lights on 2 to 4 lane streets and avenues are typically arranged on alternating sides for balanced coverage.

E. Light fixtures that are at a height between the pedestrian lights and street lights might be considered for some Streets and Alleys, helping to reduce the number of poles that are required, simplifying the sidewalk design, and striking a balance between the scale of pedestrian and street lights.

F. Alleys and pedestrian ways may have pedestrian scaled fixtures on poles or fixtures mounted directly on buildings.

G. Signs, banners and hanging plants are allowed on light fixtures.

STREET FURNITURE

A. Street furniture, including benches, trash receptacles, recycling bins, and planters, should be provided on all streets. Distribution shall be appropriate to the function of the street and furniture should be placed in a manner that does not obstruct pedestrian movement.

B. Streets, avenues, and boulevards should have street furniture selected from a family of related furnishing designs. There should be several options for benches, trash receptacles, and planters which can relate to the scale and character of different streets and neighborhoods.

C. Style, finishes, and colors should be consistent for a particular street.

D. Permanent, freestanding building and tenant signs are not allowed in the sidewalk zone unless allowed by the Zoning Ordinance or Sign Ordinance. Directional signs (providing directions to locations and not specific tenants) and location maps are allowed in the sidewalk zone as are approved temporary commercial signage such as menu boards for outdoor dining areas which must be kept outside of the primary pedestrian passage area.

Agenda Item #2

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.

19.28.010 Purpose And Intent

The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, ~~but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or~~ upon certain conditions which make the uses suitable, ~~and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner.~~

HISTORY

Adopted by Ord. No Source on 6/3/1993

19.28.020 Conditional Use Permit

A conditional use permit shall be required for all uses listed as conditional uses in NCC 19.20. A conditional use permit may be revoked by the ~~Planning Commission-city council~~ **City Council**, after review ~~and~~ **and recommendation by the planning commission**, upon failure to comply with the conditions imposed with the original approval of the permit.

HISTORY

Adopted by Ord. No Source on 6/3/1993

19.28.030 Review Procedure

~~1. The Planning Commission is the land use authority for Conditional Use Permit, but may appoint staff to review and approve conditional use permit application according to NCC 3.02.040.~~

~~2. Application: Application for a conditional use permit shall be made to the- City planning commission.~~

~~3. Proposed Use: The applicant shall provide sufficient detail of the proposed use to allow the City to properly classify the use and gage the proposed impact the use.~~

~~4. Plans Required: Detailed location, site and any applicable building plans shall accompany the complete application forms provided by the city.~~

~~5. Consideration By- the City Planning Commission: The application, together with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting according to application deadline as adopted by the Planning Commission, or be reviewed by staff within a timely fashion.~~

~~6. Public Hearing: The planning commission may call a special public hearing on any application after adequate notice if it is deemed in the public interest. If a public hearing is deemed in the public interest, it shall be the responsibility of the applicant to pay a fee as set by the city council City Council to cover the costs incurred in advertising and notifying residents and neighbors. All property owners within three hundred feet (300') of the applicant's property must be notified by mail at least tenfourteen (104) days before the public hearing. A record of the hearing, together with a recommendation for the denial or issuance of the conditional use permit with conditions of approval or reasons for denial, shall be forwarded to the city council.~~

~~5.6. HISTORY~~

Adopted by Ord. No Source on 6/3/1993

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19.28.040 Determination

~~The Cityplanning commission may deny or permit a conditional use based on standards within Nibley City Code, Design Standards, or Commercial and Institutional Design Standards to be located within any zone in which the particular conditional use is permitted. The Planning Commission shall impose conditions according to standards adopted and established by the City. If a conditional use is not permitted in any zone, the planning commission can not act on a request, but the individual may present their proposal to the city councilCity Council for consideration of any conditional use. In authorizing any conditional use, the planning commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.~~

Field Code Changed

HISTORY

Adopted by Ord. No Source on 6/3/1993

19.28.050 Basis For Issuance Of Conditional Use Permit

Field Code Changed

~~A. A conditional use permit shall be approved if reasonable conditions are proposed or can be imposed, to mitigate the reasonable anticipated detrimental effects of the proposed use in accordance with applicable standards. 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, then the conditional use may be denied. The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the Nibley City, or other state, federal, fire or building standards. The planning commission shall not authorize a conditional use permit unless evidence is presented to establish~~

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~~B. That the proposed use will comply with the regulations and conditions specified in this title for such use;~~

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~~A.C. The City shall consider the following, plus other adopted standards in order to mitigate any detrimental effects of a conditional use application:~~

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- ~~1. That the proposed 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; and~~
- ~~2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering the following:~~

1. Additional Standards for Conditional Uses for Residential ZonesResidential Zone:

1. All Conditional Use within Residential Zones shall comply with NCC 19.14

2. Traffic and Connectivity

1. Roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.

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2. Site plans must comply with the Transportation and Trails Master Plan.

3. Parking

1. Applicant shall provide off-street parking for proposed use. Parking may be contained in a driveway, RV pad, or parking lot.

2. Other Parking requirement shall comply with NCC 19.24.160

4. Hours of operation: Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m.

5. Short-term rentals

1. All short-term rentals shall be inspected by the Fire Marshal annually to insure each home meets residential fire standards.

2. Shall provide a minimum of two 90 gallon garbage can and one recycling can issued by Logan Environmental Services.

2. Additional Standards for Conditional Uses in Commercial and Industrial Zones

1. All Commercial Conditional Use Application shall comply with underlying zoning requirements as list in NCC 19.14.

2. All Industrial Conditional Use Application shall comply with underlying zoning requirements as listed in NCC 19.16.

3. Traffic and Connectivity

1. Roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.

2. Site plans must comply with the Transportation and Trails Master Plan.

4. All building shall comply with fire code and are subject to inspection of the Fire Marshall before a business license and conditional use permit is given. New buildings shall be inspected by the Fire Marshal before Occupancy can be given.

5. Hours of Operation: The city may put limits of hours of operation from 7:00 a.m. to 10:00 p.m. on a conditional use application to mitigate noise and traffic to nearby residential zones.

6. All site plans shall be approved by the City's Engineer and Public Works departments.

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1.

1. ~~Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?~~
2. ~~Will the proposed development overload the carrying capacity for which local streets were designed?~~
3. ~~Will internal traffic circulation adversely effect adjacent residential property?~~
4. ~~Will ingress and egress be sufficient to handle intended traffic?~~
5. ~~Will parking facilities location adversely effect adjacent residential properties?~~
6. ~~Will parking facilities be effectively screened from adjacent residential properties?~~
7. ~~Will the relationship of structures and parking be complimentary to the esthetics of the general area?~~
8. ~~Will the proposed signs adversely effect the development itself or the overall esthetics of the immediate area?~~
9. ~~Will the development help to implement the pedestrian parkway system as defined in the Nibley comprehensive plan?~~
10. ~~Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?~~
11. ~~Is the existing public water supply adequate to service the proposed development?~~
12. ~~Will the proposed site design provide adequate drainage of storm and surface water so as to not adversely affect other property?~~
13. ~~Have suitable arrangements been made for the disposal of sewage produced by the development?~~
14. ~~Will suitable procedures be used to minimize soil erosion during the construction of the development?~~
15. ~~Will water flow be impeded in existing canals or irrigation company ditches in the proposed development?~~

2. ~~Commercial Zone:~~

1. ~~Will traffic ingress and egress adversely effect the general traffic patterns in the area?~~

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- ~~2. Will the location of parking facilities adversely effect internal circulation or access to public street circulation?~~
- ~~3. Will building location create a pedestrian traffic hazard by causing blind approaches to sidewalks?~~
- ~~4. Will building design be compatible with or complimentary to existing adjacent structures?~~
- ~~5. If the development is adjacent to a residential zone or use, will the building location, lighting, parking or traffic circulation adversely effect the adjacent residential zone or use?~~
- ~~6. Will the proposed signing be complimentary to the development and overall aesthetic nature of the immediate area?~~
- ~~7. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?~~
- ~~8. Is the existing public water supply adequate to service the proposed development?~~
- ~~9. Will the proposed site design provide adequate drainage of storm and surface water so as to not adversely effect other property?~~
- ~~10. Have suitable arrangements been made for the disposal of sewage and other wastes produced by the development?~~
- ~~11. Will suitable procedures be used to minimize soil erosion during the construction of the development?~~
- ~~12. Will water flow be impeded in existing canals or irrigation company ditches in the proposed development?~~

~~3. Industrial Zone:~~

- ~~1. Will heavy vehicle traffic adversely effect adjacent residential or commercial property?~~
- ~~2. Will the landscaping add aesthetic acceptability to the proposed development?~~
- ~~3. Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties?~~
- ~~4. Will the building location adversely effect adjacent residential or commercial property?~~
- ~~5. Will ingress and egress be sufficient to handle intended traffic?~~

- ~~6. Will the proposed development overload the carrying capacity for which local streets were designed?~~
- ~~7. Will internal traffic circulation adversely effect the general area traffic circulation?~~
- ~~8. Have suitable arrangements been made for the disposal of sewage and other waste products produced by the proposed development?~~
- ~~9. Will water flow be impeded in existing canals or irrigation company ditches in the proposed development?~~
- ~~10. Is the existing public water supply adequate to service the proposed development?~~
- ~~11. Will the proposed site design provide adequate drainage of storm and surface water so as not to adversely effect other property?~~
- ~~12. Will suitable procedures be used to minimize soil erosion during the construction of the proposed development?~~

~~13.1. If flammable products or processes are involved in the proposed development, are adequate firefighting facilities available to protect the proposed development and adjacent properties?_~~

~~3.2. That the proposed use will comply with the regulations and conditions specified in this title for such use; and~~

~~4. That the proposed use conforms to the goals, policies and governing principles and land use of Nibley comprehensive plan; and~~

~~5.3. That the proposed use will not lead to the deterioration of the environment of the general area, nor will produce conditions or noises or emit pollutants of such type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties, including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.~~

HISTORY

Adopted by Ord. No Source on 6/3/1993

19.28.060 Appeal

1. Authority; Time Limit: The decision of the planning commission may be appealed to the ~~city council~~City Council by filing such appeal within fifteen (15) days after the date of the notice of decision sent the applicant.
2. Decision Final: The ~~city council~~City Council may uphold or reverse the decision of the planning commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the ~~city council~~City Council shall be final.

HISTORY

Adopted by Ord. No Source on 6/3/1993

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Field Code Changed

19.28.070 Building Permit

Upon receipt of a conditional use permit, the developer shall take such permit to the building inspector who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the building inspector may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with said permit and conditions pertaining thereto.

HISTORY

Adopted by Ord. No Source on 6/3/1993

19.28.080 Expiration Of Permit

Unless there is substantial action, meaning completion of sixty percent (60%) of the proposed development, under a conditional use permit within a period of one year of its issuance, as determined by the planning commission, the conditional use permit shall expire. The planning commission may grant a maximum extension of six (6) months under exceptional circumstances.

HISTORY

Adopted by Ord. No Source on 6/3/1993

Field Code Changed

Field Code Changed

19.04.010 Definitions

ACCESS STRIP: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

ACRE: A measurement of area equal to forty three thousand five hundred sixty (43,560) square feet.

AG IMPLEMENT SALES AND SERVICE: A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. This term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like.

AGRICULTURAL PRODUCTION: Commercial agriculture, animal husbandry or poultry husbandry, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or any combination of such husbandry or production. It also includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry or production.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

ALLEY: A public thoroughfare less than twenty six feet (26') wide and not intended for general traffic circulation.

ANIMAL CREMATORIUM: An establishment intended for cremation and mortuary services for animals, both domestic and agricultural.

APARTMENT: A single-dwelling unit within a family dwelling unit and constituting a separate housing unit, including at least a bathroom, kitchen area and living and sleeping accommodations and is owned by one of the main dwelling unit occupants.

ARBORETUM/NATURE CENTER: A public or private establishment intended for use as a botanical garden containing living collections of primarily woody plants intended at least partly for scientific study and which is an organization with a visitor center designed to educate people about nature and the environment. Also, a public or private establishment set aside for the preservation of habitat for study of birds, plants or other species of animal or vegetation.

ARTISAN SHOP: A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.

ASSISTED LIVING FACILITY: Facilities that provide supervision or assistance with activities of daily living and coordination of services by outside healthcare providers for more than eight (8) unrelated persons.

AUDITORIUM: A performance space, outdoor or indoor, where the audience is located in areas surrounding a stage in order to hear and participate in a live performance.

BAIL BONDS: A business where any person or corporation acts as a surety and pledge money or property as bail for the appearance of a criminal defendant in court.

BAKERY: An establishment which produces and/or sells bread, pies, pastries, cakes, biscuits, cookies, etc., possibly serving coffee, tea or other nonalcoholic beverages to customers who wish to consume the freshly baked goods on the bakery's premises.

BANKS/FINANCIAL INSTITUTIONS: A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services. This term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. This term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

BARN: A structure whose primary use is for the housing, shelter or breeding of livestock, poultry or other fowl, or other large animals.

BASEMENT: A story partly underground and having at least one-half (1/2) its height above the average level of the adjoining ground. Abasement shall be counted as a story, for purposes of height measurement.

BEAUTY SALON/SPA: A place where patrons go to get their hair cut, styled, highlighted or colored or is an establishment dealing with cosmetic facial and body treatments for men or women, including massages.

BED AND BREAKFAST INN: A single-family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner.

BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the city council.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

BUILDING, AGRICULTURAL ACCESSORY: A building whose primary use is for the storage of agricultural implements, equipment, fodder, etc., but not used to house agricultural or domesticated animals.

BUILDING, HEIGHT OF: The vertical distance from the grade elevation measured from center of street line running in front of the building or structure to the highest point of the roof.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use of the lot.

BUILDING, PUBLIC: A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the state of Utah, or any of its subdivisions, or of the city of Nibley.

BUILDING, SETBACK LINE: A line designating the distance which a building is set back from a street line or lot line.

BUILDING: Any structure built or erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

BUS/TRANSIT TERMINAL: A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

BUSINESS EQUIPMENT SALES AND SERVICE: A place and/or building, or portion thereof, that is used or is intended for the sales and service of business equipment, such as personal computers, typewriters, copy machines, facsimile machines or other similar equipment.

CAR WASH: A place and/or building, or portion thereof, that is used or is intended to clean the exterior and in some cases, the interior of motor vehicles, whether self-service or automatic.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all the regulations prescribed for a garage.

CELLAR: A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

CEMETERY: A place and/or building, or portion thereof, that is used or is intended for burial purposes. Accessory uses include columbariums and mausoleums when operated in conjunction with and within the boundaries of such area.

CHECK CASHING/CREDIT SERVICES: A business whose primary function is to engage in small, short term loans that are intended to cover a borrower's expenses until his or her next payday.

CHURCH/PLACES OF WORSHIP: A place and/or building, or portion thereof, that may have tax exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. This term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other on site accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and daycare centers within the same structure. This term does not include community recreation facilities, dormitories, private educational facilities, emergency shelters, healthcare facilities, and the like.

CITY COUNCIL: The governing body of the city of Nibley [as established in NCC 1.10-](#)

CITY ENGINEER: The person appointed by the city of Nibley to be the city engineer.

CLUB/SERVICE ORGANIZATION/LODGE: A place and/or building, or portion thereof, that is used or is intended for large gatherings of people, which is sponsored by a civic organization (i.e., Elks, Rotary, etc.), and where there are no sleeping facilities. If there are on site sleeping facilities, such lodge will fall under the "hotel/motel" regulations.

CLUSTER SUBDIVISION: A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot area and lot width requirements of the zone in which the

subdivision is located and where equivalent common open space areas are provided to compensate for such lot reduction.

COLLECTOR STREET: See definition of Street, Collector.

COLLEGE/UNIVERSITY: Any place and/or building, or portion thereof, that offers or is intended to provide secondary education. This term includes colleges, universities, community colleges, and vocational schools.

COMMON AREA: An area designed to serve two (2) or more dwelling units or separate uses with convenient access to the area.

COMMUNITY CENTER: A central social and recreational building as part of a housing development.

COMPREHENSIVE PLAN: The adopted Nibley City General Plan.

CONDITIONAL USE: A use of land for which a conditional use permit is required pursuant to NCC 19.28.

CONSTRUCTION SALES AND SERVICE: A place and/or building, or portion thereof, used or is intended for wholesale or retail sales or rental of bulk construction materials and equipment, such as roofing, lumber, bricks, component parts (trusses), HVAC components and the like. This term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONSTRUCTION STANDARDS: The standards and specifications adopted by this title.

CORRAL: A permanent fenced enclosure other than a building for the confinement of large animals on which the large animal density is greater than one large animal per ten thousand (10,000) square feet of corral area.

COVERAGE LOT: The percentage of the lot area covered by the main and accessory buildings.

CUL-DE-SAC: See definition of Street, Cul-De-Sac.

DAYCARE/PRESCHOOL, COMMERCIAL: A place and/or building, or portion thereof, that is used or is intended to provide daycare on a regular basis for more than eight (8) children at any one time and where the children do not live at the same location where the care is provided.

DUPLEX: See definition of Housing, Two-Family.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping and/or eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit or their nonpaying guests. 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.

DWELLING: Any building or portion thereof which is designed for use for residential purposes, except hotels, apartment hotels, boarding houses, lodging houses, tourist courts and apartment courts.

EASEMENT: The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

ENVIRONMENTAL IMPACT STATEMENT: A statement prepared by an engineer, geologist or other person qualified by training or experience, as determined by the planning commission, which indicates or describes the impact that the development will likely have on the natural features of the immediate area, and which describes the measures that will be taken to lessen the occurrence of adverse conditions with respect to:

1. Control of erosion within the area to be developed.
2. Reseeding of cuts and fills.
3. Provision for potable water.
4. Disposition of any geologic hazards or soil conditions which may cause injury to persons or injury or damage to improvements which may be constructed in the development, such as buildings, water and sewer lines, and streets.
5. Provisions for the proper disposal of solid and liquid wastes that will likely come from the occupants of the development when it is fully developed.
6. Prevention of the destruction of vegetation or else the establishing of new vegetation.
7. Prevention of the accumulation of weeds and debris.
8. Disposal of surface water and disposition of flood hazards.

FAMILY: One or more persons related by blood, marriage or adoption, plus domestic servants employed for service on the premises, or a group of bachelor and/or bachelorettes of not more than four (4) persons who need not be so related, living together as a single nonprofit housekeeping unit.

FARMERS' MARKET: A market, usually held out of doors, in a public space, where local merchants can sell locally grown, fresh produce and small handcrafted items to the public.

FENCE: A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls.

FINAL PLAT: A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

FLOOD PLAIN: Land adjacent or near to a body of water which has been designated as flood plain by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency or another federal agency.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use.

FLOOR-LOT AREA RATIO: The total floor area of a building divided by the area of the lot on which it is located.

FLORIST/GARDEN CENTER: A retail firm that sells flowers and plants and products related to gardens as its primary business. It is open to the public, with facilities to care for and display plants.

FRACTIONAL NUMBERS OR MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit; where the fraction is less than one-half (1/2), said fraction shall not be included in determining requirements.

FRONT LOT LINE: The property line of the lot toward which the front line of a main building faces or may face, and which abuts a public dedicated street or a right of way approved by the city council.

FRONTAGE, MINIMUM: Every building lot must have frontage on a public highway, street, public right of way, or alley or private lane.

FRONTAGE: All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

FUNERAL HOME: A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial. This term includes funeral homes, mortuaries and crematoriums.

GARAGE, PRIVATE: An enclosed space or accessory building for the storage of one or more motor vehicles; provided, that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

GASOLINE SERVICE STATION: A facility which sells fuel and lubricants for motor vehicles and which also may house a small store for the sale of convenience items (snacks, beer, soda, cigarettes, etc.).

GASOLINE, WHOLESALE: A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage and sales of petroleum products or any other fuel.

GOVERNMENT SERVICES: A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. This term includes post offices, City office buildings, public community recreation centers, courthouses, correctional facilities and the like.

GRADE: A. The elevation of the sidewalk or center line of the nearest fronting street to the primary building, whichever is higher, at right angles to the midpoint of the fronting wall of the primary building on the lot. B. For buildings having no wall fronting the street, the average level of the sidewalk or center line of the nearest street, whichever is higher.

HALF STREETS: The portion of a street within a subdivision comprising one-half (1/2) the minimum required right of way on which improvements are constructed and in accord with one-half (1/2) of an approved typical street cross section.

HOME OCCUPATION: The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who own and operate the business must also live at that residence who perform occupation-related activities at the home-occupation residence must also live at that residence; 2) each home occupation may not have more than one employee who does not live at the residence report to that residence at a time~~individuals who do not live at the home-occupation residence must not report to that residence for occupation-related activities~~; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children at a time shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

HOME OFFICE: The use of a portion of a dwelling as an office for a business where: 1) no client visits are conducted and 2) no persons not living in the home are employed by the business. Home-based business who do not meet these requirements may still be conducted but shall be classified as a home occupation rather than a home office.

HOSPITAL: A place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals. This term does not include offices of private physicians or dentists.

HOTEL/MOTEL: A building that is used, intended, kept, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests (as defined in state law) with or without meals, excluding a bed and breakfast, as defined herein.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a "kennel" as defined in this section.

HOUSING, MULTI-FAMILY: A single building situated on one lot and that contains three (3) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium. Multi-family units may only be developed as part of a conservation residential subdivision.

HOUSING, SINGLE-FAMILY: A single building that is situated on one lot, contains one dwelling unit, and is not attached to any other dwelling unit. This term includes factory built homes, manufactured homes, and stick built homes, but excludes mobile homes.

HOUSING, TWO-FAMILY: A single building that is situated on one lot and that contains two (2) dwelling units. ~~The main unit shall be owner occupied.~~

IMPROVED LOT: A lot which has all of the improvements required by this title.

IMPROVEMENTS: Includes roads, streets, curbs, gutters, grading, landscaping, water and sewer systems, drainage systems and public facilities required by this title.

JUNK/SALVAGE YARD: A place and/or building, or portion thereof, that is used or is intended for collecting, selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials, or for the dismantling, demolition or abandonment of motor vehicles or machinery or parts thereof.

KENNEL: The land or buildings used in the keeping of three (3) or more dogs over the age of six (6) months.

LANDSCAPING: Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not qualify as landscaping.

LAUNDRY SERVICE: A business intended for laundering items for restaurants, hotels, conference centers or other similar commercial scale enterprises or for small-scale personal use of laundry or dry cleaning facilities.

LIQUOR STORE: A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off site consumption. This term includes package liquor stores.

LOT AREA: For purposes of computation of lot area, all contiguous land shall be included, regardless of whether or not a portion of the land is outside the city limits.

LOT DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title as indicated in NCC 19.02.020.

LOT, CORNER: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

LOT: The contiguous land in the same ownership, as recorded in the County Recorder's office, which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway, street, public right of way or alley. Any land severed from another lot. If that severance makes the latter lot or structures on said latter lot nonconforming, such lot shall or may be occupied by a main building or group of buildings (main and accessory) together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a street or public right of way or private lane. Except for two-family dwellings and multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

LOW POWER RADIO SERVICE/CELL TOWER: A site where antennas and electronic communications equipment are placed to create a cell in a mobile phone or radio network.

MANUFACTURING, HEAVY: A place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental

storage, sales and distribution of such products, but excluding basic industrial processing. This term includes furniture production, apparel manufacturing, printing, publishing, and the like.

MANUFACTURING, INDUSTRIAL: A place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

MANUFACTURING, LIGHT: A place and/or building, or portion thereof, that is used or is intended for manufacturing and/or assembly of goods where no air contaminants or potentially offensive odors are emitted outside of the building or area of manufacture/assembly; no radioactive materials or hazardous substances or hazardous wastes or regulated substances are handled or produced. Such uses do not produce offensive noises outside of the building or area of manufacturing/assembly. Such uses typically have relatively small volumes of products shipped in and out, so as to not adversely impact neighboring uses (such as residential, office or commercial in mixed use zones). Typical uses include assembly of computers; testing, producing and/or packaging software; packaging of pre-made goods, etc.

MASTER STREET PLAN: The Nibley City transportation master plan.

MEDICAL SALES AND SERVICES: A place and/or building, or portion thereof, that is used or intended to provide for the sale of healthcare products and services. This term includes pharmacies, vision care facilities, hearing aid facilities, prosthetic facilities, etc. It also includes facilities where tests are done on clinical specimens in order to get information about the health of a patient or where medical and/or dental supplies and devices are made and/or repaired.

MEDICAL/DENTAL OFFICE AND CLINIC: A place and/or building, or portion thereof, that is used for providing medical services including prevention, diagnosis, treatment, or rehabilitation. This term includes dental clinics, doctors' offices, and sports medicine facilities. This term does not include those uses as classified as a hospital.

MINERAL EXTRACTION: A business whose primary function is the extraction of valuable minerals or other geological materials from the earth, usually (but not always) from an ore body, vein or seam.

MOBILE HOME PARK: A place providing two (2) or more mobile home lots for lease or rent to the general public.

MOBILE HOME: A movable living unit designed to be transportable, after fabrication, on its own wheels, attached wheels or low boy, suitable for year-round occupancy. Presectionalized, modular or prefab housing not placed on a permanent foundation shall be regarded as a mobile home whether or not such units meet the city's building and housing codes. Presectionalized, modular or prefab housing which meets the city's applicable building and housing codes and which is placed on a permanent foundation is controlled by this title and other applicable ordinances the same as dwelling units constructed in the conventional manner.

MOTOR VEHICLE SALES AND SERVICE: A place and/or building, or portion thereof, that is used or is intended for sales, maintenance, service, and/or repair of vehicles and/or their components.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the building inspector and in which areas no buildings shall be constructed.

NONCONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time any applicable zoning regulation or regulations become effective, the design, erection, use, height, area and yard dimensions of which do not conform to the provisions of such regulation or regulations.

NONCONFORMING LOT: A parcel of land in separate ownership at the time of the adoption of this title and which did not then meet the lot area or lot width requirements and whose size or shape has not been diminished or changed by sale or lease since the time of the adoption of this title.

NONCONFORMING USE: The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.

NURSING HOME: A place that provides twenty four (24) hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OPEN GREEN SPACE: An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open green space may be traversed by necessary sidewalks.

OWNER: Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or any combination thereof.

PARCEL OF LAND: A contiguous area of land in the possession or ownership of one person.

PARKING LOT: An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers, designed so that access to the parking spaces in the lot is, where possible, by means of private interior roadways or alleys and not by direct access from a public street.

PARKING, COMMERCIAL: Off street parking intended to temporarily store vehicles, not accessory to any principal use, and for which a fee may be charged.

PAWNBROKER: A business which lends money for a fee or at a high interest rate and holds some of the borrower's personal goods as collateral, to be sold to the public (in a pawnshop) in the event of default.

PERSON: An individual, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership or association of individuals however styled or designated.

PERSONAL INSTRUCTION SERVICES: Those services intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

PEST CONTROL: A business whose primary function is the regulation or management of a species commonly known as a pest (fleas, mosquitoes, boll weevil, etc.).

~~PLANNING COMMISSION APPOINTMENT, CHAIRPERSON AND TERM OF OFFICE:~~

- ~~1. Members of the planning commission are appointed by the mayor with the consent of the city council for a term of five (5) years. The terms of office should be arranged so that one new member is appointed each year.~~
- ~~2. The chairperson is elected by the members of the planning commission for a term of one year.~~

PLANNING COMMISSION: The planning commission of Nibley, Utah as established in NCC 3.02.

PLUMBING SERVICES: A business whose primary function is working with pipes, tubing and plumbing fixtures for drinking water systems and the drainage of waste, both residential and commercial, and which includes the sale of related parts and supplies.

PRELIMINARY PLAT: A map or plan of a proposed subdivision.

PRINTING, COMMERCIAL: A store that provides printing, copying and binding services for commercial, industrial and other large-scale businesses.

PROFESSIONAL OFFICES: A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis. This term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PROTECTION STRIP: A strip of land of less than the minimum depth required by the zoning title for a building lot bordering the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision along the street.

PROTECTIVE SERVICES: Any place and/or building, or portion thereof, which is used or is intended for housing private protective services. This term includes private investigators, private security, social work, etc.

PUBLIC FACILITIES: Structures for the use and benefit of the community, including, but not limited to, schools, hospitals, churches, parks or cultural buildings.

RECREATION/ ENTERTAINMENT, COMMERCIAL: A place and/or building, or portion thereof, that is used or is intended for fee based, indoor or outdoor recreation of all types. This term includes, but is not limited to, bowling alleys, skating rinks, billiard and pool halls, dance hall, amusement center, movie theaters, arcades, athletic clubs, equestrian facilities, indoor tennis/racquetball courts, miniature golf courses, athletic training centers, gyms, and the like.

RECREATIONAL VEHICLE: A vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is

mounted on or pulled by another vehicle, including, but not limited to, travel trailer, camp trailer, folding tent trailer, truck camper or motor home.

RECYCLING COLLECTION FACILITY: A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. This term shall not include a junkyard.

REPAIR SERVICE, GENERAL: A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, musical equipment, and the like. This term does not include repair of vehicles or industrial equipment.

RESEARCH AND DEVELOPMENT: A business whose primary function is to engage in the development of new products and services for commercial clients.

RESEARCH SERVICE: Businesses whose primary function is to engage in direct marketing in which a salesperson solicits to prospective customers to buy products or services, to service already existing accounts or to engage in responding to survey questions.

RESTAURANT: A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for consumption on or off site, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. This term does not include a grocery or convenience store with a food service section. Such establishments may include a drive-through window, and may or may not include on site seating.

RETAIL: A place and/or building, or portion thereof, which is used or is intended for retail sale of a diverse product line. This term includes full scale grocery stores, warehouse retail outlets, comparison shopping stores, full line department stores, and the like. It also includes retail uses such as secondhand stores, copying/printing stores, services and video rental.

RIGHT OF WAY: A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks and other public utilities or service areas.

ROD: A measurement of length equal to sixteen feet six inches (16'6").

SCHOOL, K-12: A place and/or building, or portion thereof, which is used or is intended for use as a preschool, elementary, middle school, junior high, or high school. This includes charter schools and private/parochial schools.

SETBACK LINE: A line running parallel to the front of the principal structure on the lot, at the setback distance.

SETBACK: The shortest distance between the property line and the foundation, wall or main frame of the building.

SEXUALLY ORIENTED BUSINESS: Includes the following types of uses: adult arcades, adult bookstores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters. Must conform to Nibley City's ordinance regulating this type of business.

SIGN SHOP: A business whose primary function is to engage in the commercial production and installation of custom signs, sign letters, metal plaques, wooden signs, custom decals, banners and vinyl lettering.

SIGN: Any device used for visual communication to the general public and displayed out of doors. All signs are regulated by Nibley City Code 10-12-15, Permitted Signs.

SLAUGHTERHOUSE: A building used for the killing, butchering and/or processing of animals for human consumption, except that the killing and butchering of animals for family food production is not considered a slaughterhouse.

SPORTS FACILITIES: A place, or venue, for sports, concerts or other events, consisting of a courts, fields or stages and which are partly or completely surrounded by a structure designed to allow spectators to stand or sit and view the event. Examples include, but are not limited to: swimming pools, golf courses, a country club, basketball arenas and baseball stadiums.

STABLE: A detached, accessory building for the keeping of horses.

STORAGE FACILITY: A place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. This term includes a tract of land used to store vehicles that are not for sale or trade.

STORY, HALF: A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STORY: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

STREET, COLLECTOR: A street, existing or proposed, which is the main means of access to the major street system.

STREET, CUL-DE-SAC: A minor terminal street provided with a turnaround.

STREET, MAJOR: A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, MARGINAL ACCESS: A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

STREET, PRIVATE: A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the city of Nibley and maintained by the subdivider or other private agency.

STREET: A thoroughfare which has been dedicated and accepted by the city council, which the city has acquired by prescriptive right or which the city owns, or offered for dedication on an approved final plat, or a thoroughfare ~~of at least twenty-six feet (26') in width~~ which has been

abandoned or made public by right of use and which affords access to abutting property; including highways, roads, lanes, avenues and boulevards.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

TEMPORARY OFFICE/MODEL HOME: A building placed on a construction site that is used by the contractor as a field office and removed when construction is complete or a residential dwelling in a residential development that is temporarily used as a sales office for other on site residential dwellings.

TRANSPORTATION SERVICES: A business whose primary function is to engage in for profit transportation of air freight (i.e., UPS, FedEx, DHL, etc.). Also includes businesses where the primary use is storage, loading, unloading or transfer of cargo from tractor trailers and/or rail stock.

USE, ACCESSORY: A use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

USE, CONDITIONAL: A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit and subject to the limitations and conditions specified therein, as provided in NCC 19.28, intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

USE, EXISTING: Any use legally existing at the time of adoption of this title.

USE, PERMITTED: Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, and other public uses as may be defined by the city of Nibley.

UTILITY SUBSTATION: Any aboveground device of a culinary water, irrigation, sewer, natural gas, electrical, telecommunications (excluding low power radio service/cell tower), cable television, or other public or private utility system. Excluded from this definition are: 1. Conventional utility poles, features or equipment to be placed on such a pole, light poles; and 2. Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located.

VETERINARY CLINIC, LARGE ANIMAL: A veterinary clinic that specializes in the care and treatment of large animals and livestock. May include office space, medical labs, appurtenant

facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian.

VETERINARY CLINIC, SMALL ANIMAL: A veterinary clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals. May include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian.

WAREHOUSING: A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. This term does not include fuel tank farms.

WAREHOUSE, RESIDENTIAL STORAGE: An storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long term storage of their household goods or personal property.

WELDING/MACHINE SHOP: A room, company or building where power driven machine tools are used with a sharp cutting tool to mechanically cut or shape the material to achieve the desired geometry or where materials are welded together by melting the separate pieces and joining them together by pressure or heat, including metal fabrication.

WIDTH OF LOT: The distance between the side lot lines measured along the front yard setback line.

YARD, FRONT: An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. On a corner lot, the front yard may be applied to either street.

YARD, REAR: An open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot. In the case of a corner lot where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.

YARD, SIDE: An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings or structures, except as otherwise provided herein. **ZONE:** The geographical area of the city within which the zoning regulations are uniform.

ZONING TITLE: The zoning title of Nibley City.

HISTORY

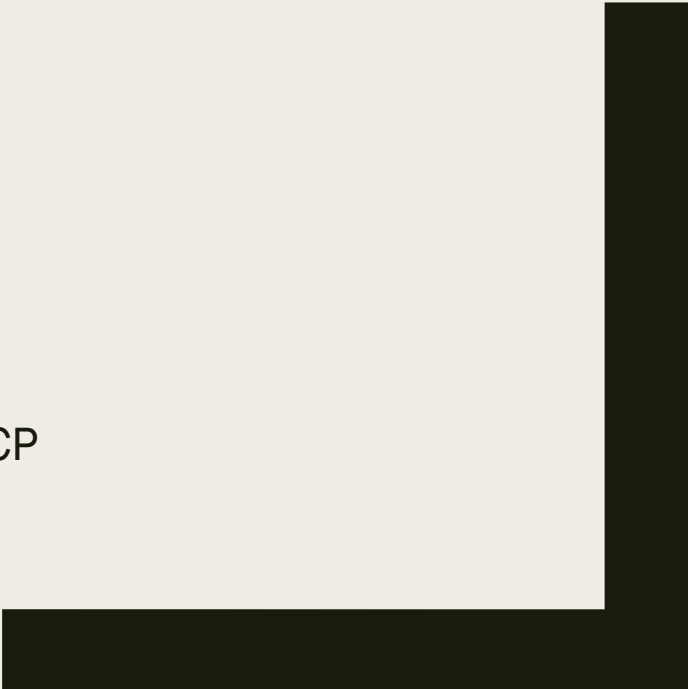


APA FALL CONFERENCE

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)

Agenda Item #3

Description	Review of upcoming projects and ordinance
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

At the beginning of the year the Planning Commission and staff made several goals of items we would want to accomplish. As we are reaching the midpoint in the year, staff wanted to review a few items to start over the next couple of months and wanted the Planning Commission's feedback.

Items needing addressed

- Moderate Income Housing Plan
- Neighborhood Commercial Standards
- Fencing Code
- Conditional Use Permit, Land Use Table and Definitions
- Town Center
- Zoning Map: Fix Zoning Lines, Future Zoning on 165 and 3200 S

A couple of these items will be complicated and bigger projects, like the Town Center and the Moderate Income Housing Plan, other could be rather simple like adjusting the Neighborhood Commercial Standards and some of the Fencing Code changes.

Below is a list of the Planning Commission's 2019 goals:

Master Plans

- Update Zoning Map
- Update Affordable Housing Plan
- Town Center Master Plan and Code
- Water Master Plan

Ordinances and New Codes

- Propose new residential housing code or zones based on Town Center Plan and Affordable Housing Plan
 - Multifamily Housing Zone
 - Accessory Dwelling Units Code Update
 - Allow Apartments in Neighborhood Commercial
- Update Subdivision Ordinance
- Code Enforcement Issues
- Fencing Code for Corner Lots
- Draft Dark Sky Ordinance
- Animal Code
- Commercial Code and Standards review
- Update Neighborhood Commercial Zone
- Review and Update Land Use Table and Conditional Use Permit Code
- ~~Trails Ordinance~~
- Create better landscaping standards
- Review the entire code and make needed changes
 - Including non-business-friendly laws

Other

- Recreate Subdivision Checklist for new code