



**Nibley City
Planning Commission**
Thursday June 20, 2019
625 W. 3200 S.
Nibley, UT

Change of Location: Nibley City Planning Commission will meet in Nibley City's Public Works Building at **625 W 3200 S** because of Heritage Days.

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. Workshop: Fences Ordinance
4. Workshop: Moderate Income Housing Plan
5. Commission and Staff Report and Action Items

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

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



**Nibley City Planning Commission
Agenda Report for
June 20, 2019**

Change of Location: Nibley City Planning Commission will meet in Nibley City's Public Works Building at **625 W 3200 S** because of Heritage Days.

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

After some discussion about the proposed update to the ordinance, a couple of members on the Planning Commission recommended that the Town Center use the R-PUD for their residential development and the City focus on rezoning other parcels for commercial development. There were also some ideas discussed doing an overall Town Center Master Plan so that the City could then prescribe where different uses should be placed based on that Master Plan.

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

19.48.020 Definitions

- A) Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling, or development is subject to the provisions of state and local laws.
- B) Open Space: Any space in a TOWN CENTER OVERLAY ZONE that does not contain any amenities as defined herein, buildings, parking lots or private yards, except for park amenities, as defined herein, buildings, parking lots or private yards. All Open Space must be completely landscaped with sod, trees, xeriscape, gardens or agricultural use. Natural features such as wetlands, meadows, tree stands and Constrained, and Sensitive Lands may also be considered Open Space. Landscaping within the rights-of-way including public sidewalks and trails, and private and public parks shall also be counted as Open Space.
- C) Private Parks: A tract of land presently owned or controlled and used by a private entity or group and to which only members of that private entity or group have access or use rights. Private Parks must contain at least one amenity as defined herein). Private Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. Sod and tree requirement may be altered for approved club houses, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses.
- D) Owners' Association: A community association which is organized within a development in which individual owners share common interest and responsibilities for open space, landscaping, or facilities.
- E) Public Park: A publicly-owned tract of land landscaped and developed for the general public. Public Parks, as defined for TOWN CENTER OVERLAY ZONE, must contain at least one

amenity as defined herein. Public Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. All landscaping must meet Nibley City Standards. Sod and tree requirement may be altered for approved, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses. Public Parks shall be placed on the border of each development so that it may easily be accessed by the community as a whole. Each public park must contain a public bathroom.

- F) Single Family Dwelling Unit: A dwelling unit owned in fee and located on an individual lot and which is not attached to any other dwelling unit by any means.
- G) Townhome: A dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Each townhome unit must be on its own parcel.
- H) Waterway: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.

19.48.030 Use and Regulations

- A) A Town Center Overlay Zone development may be applied for within the area contained on the Future Land Use Map designated as the Town Center. The area maintains its base zoning unless other wise approved by the City Council through an approval process.
- B) Space Regulations

	Single Family Homes	Town-Homes	Condominium Buildings	Commercial	Public Buildings
Minimum Lot Size	4,000	-	-	-	-
Minimum Frontage	50'	-	-	40'	-
Front	20'	20'	30'	0'	20'
Side Yard	5'	10'	10'	0'	5'
Side Yard Porches, Decks, Overhangs	5'	5'	10'	0'	5'
Side Yard Adjacent to Streets	20'	20'	30'	30'	30'
Maximum Height	40'	40'	40'	50'	50'

- 1) Note: All commercial buildings and parking lots must be setback a minimum of 20' from Highway 165.
- C) Commercial and Condominium Development shall be located on the eastern side of the Town Center Area, with Commercial development concentrated within 660 ft. of Highway 165. Condominiums shall be located adjacent to commercial areas and shall have planted buffers planted on every side.

19.48.40 Residential and Housing Standards

- A) The following housing types are permitted within the Town Center Overlay Zone
 - 1) Single Family Homes
 - 2) Town-homes
 - 3) Condominium
- B) Density
 - 1) For Developments of 40 acres or more, an applicant can have a total of 10 units per total acres. No more than 20% can be condominium units, and no more than 60% can be town-home units.
 - 2) For Development of 15 to 39.9 acres, a development may contain 9 units of total acre, no more than 80% can be townhomes.
 - 3) For developments under 15 acres, a development may contain single family homes only meeting the minimum lot size.
 - 4) When calculating density for dwelling units, any commercial area shall be subtracted from the gross acres of the Town Center PUD.
- C) Townhomes and condominium standards
 - 1) General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
 - 2) All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
 - 3) Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.
 - 4) Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may

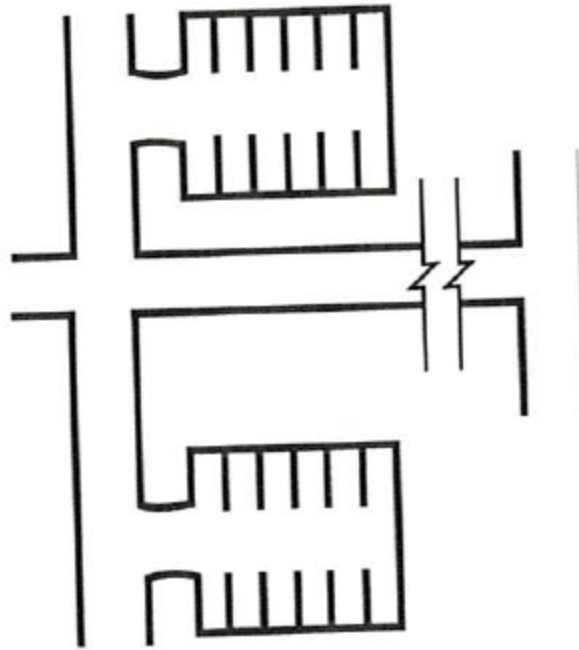
be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods

- 5) Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
- 6) Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the building. The following architectural features shall be incorporated into the design of the building:
 - i) Change in building materials;
 - ii) Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;
 - iii) Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.
- 7) Garages. Townhomes shall be designed oriented toward exterior public roads with rear loading garages accessed by a paved parking area or alleyway, except along Highway 165 as approved. Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes that do not have any portion of the building adjacent to a current or planned public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. At least fifty percent (50%) of units shall contain a two-car garage. Detached garages are prohibited in TOWN CENTER OVERLAY ZONES.

D) Parking

- i) Parking: Each development shall provide two (2) primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An Town Center development shall provide one guest parking spot for every three units. Guesting parking may be located in parking courts or private parking stalls located adjacent to the street but are privately maintained by the owners

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



- ii) A parking court of any length shall consist of no more than one double-loaded parking aisle.
- iii) Parking courts shall be located in the interior of the development and located in the rear of buildings of the developments.
- iv) Parking Courts shall be paved and built to Nibley City parking lot standards.

E) Open Space and Amenities

- 1) A key feature of the Town Center Overlay zone shall be public parks. Public open space shall follow natural water ways and connect to existing public open space with parks or trails. The City Council may require open space and park development in areas to establish public parks, expand public parks, or create interconnecting trails within any Town Center Overlay Zone development.
- 2) Town Center Residential Development must contain a minimum of 30% gross open space.
- 3) Developments within the Town Center Overlay zone must supply the following types of amenities and open space.

Minimum Amenity						
Number of Units	Park Area	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splashpad	Sports Court/Fields
Less Than 100	1.5 Acres	—	—	1	—	—
101-150	2.5 Acres	—	1	1	—	
151-200	3.5 Acres	—	1	2	—	1
201-250	4.5 Acres	1	1	2	—	1
251-300	5.5 Acres	1	1	2	1 of the above options	1
301-400	6.5 Acres	2	2	3	2 of the above options (At least one pool or Splashpad)	2
401-500	7.5 Acres	2	2	3	2 of the above options (At least one pool or Splashpad)	2
501+	*	*	*	*	*	*

- i) Development over 500 units must supply adequate and proportional amenities based on the table above.
- 4) All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.
- 5) This chart does not cover all potential amenities. The applicant may apply for other amenities that would benefit the surrounding community or the development. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the require amenity. An applicant may add additional amenities above and beyond the requirements of this section.

- 6) Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an TOWN CENTER OVERLAY ZONE shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.
- 7) All amenities shall meet any federal, state, city, or other standards that apply.
- 8) Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.
- 9) Picnic Area: Two or more picnic tables for use by 10 or more persons.
- 10) Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
- 11) Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.
- 12) Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.
- 13) Pool: A recreation facility designed and intended for water contact activities that serves an TOWN CENTER OVERLAY ZONE. No pool shall be less than 800 sq. ft.
- 14) Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

19.48.050 Town Center Commercial Standards

- A) Nibley Town Center shall provide a verity of commercial, retail, and entertainment uses within a development.
- B) All Commercial buildings and areas are required to meet Nibley City's Design Standards for Commercial And Institutional Uses as amended.
- C) Each commercial building may contain no more than two attached accessory dwelling units. These dwelling units shall not be place on lower than the second story of the building. These dwelling units shall not count toward the over all units pre-acre of the development and shall be approved as part of the building permit for the commercial building.
- D) Temporary Uses
 - 1) Each commercial area is encourage to have space dedicated for temporary uses, such as food trucks, vendors, snow cone shacks, farmers markets, sidewalk sales, out-door

dining, music performances, and other uses that are temporary in nature and used to draw residents and customers to the commercial site.

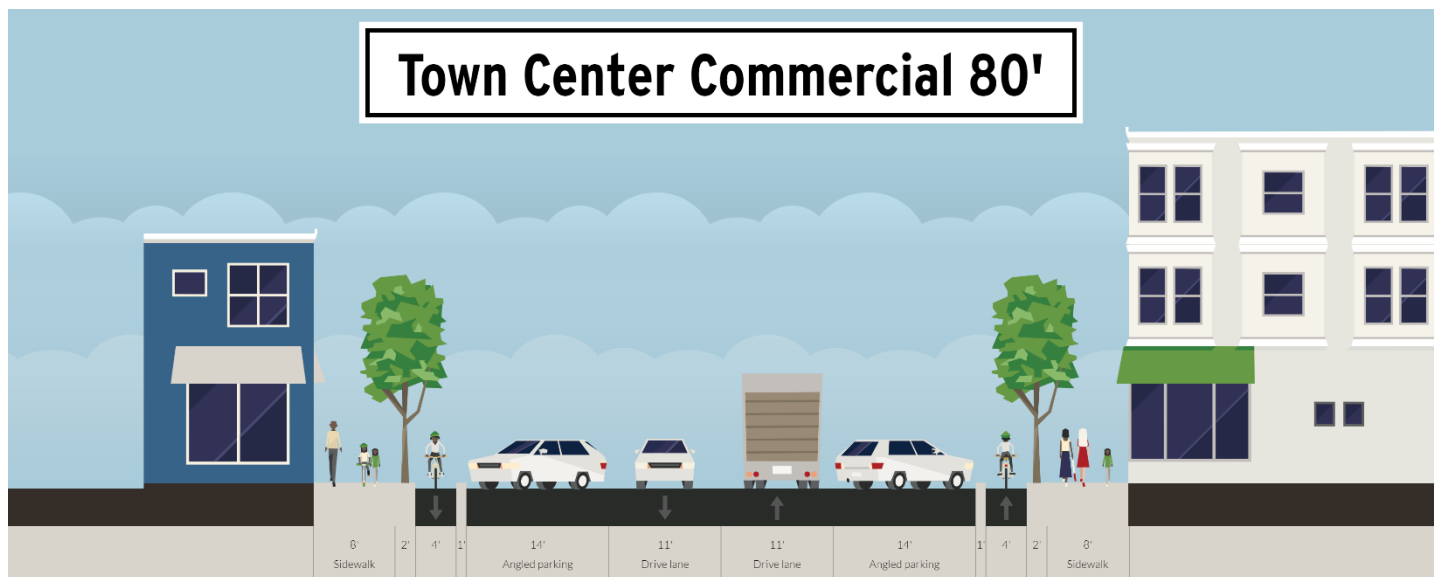
- 2) Temporary uses are allowed in the Public right-of-way with a permit from the City.
 - i) Temporary uses can not impede the normal flow of vehicle, bicycle, and pedestrian traffic, except for local events with a special event permit from the City.
 - ii) Sidewalk sales, out-door dining, and vendors must leave a minimum of 5' of clear sidewalk adjacent to the building.

3)

E) Right-of-way and road cross sections

- 1) All roads in a commercial right must contain two 11' lanes and 10' sidewalk fronting each commercial building. Sidewalk located to side or rear of buildings or adjacent to parking lots may be 8' in width. Any on street parking must be angled parking. Bike lanes are encouraged on all primary access roads to the development except for on Highway 165.
- 2) Following are approved roadway cross sections for Commercial developments:





3) Street Trees shall be planted every 40 ft.

- F) Open Space: Each town center commercial development must contain 20% open space. Trees must be planted for every 600 square feet of landscaped area. These spaces shall include some of the following uses:
- 1) Landscape buffering
 - 2) Landscape Stormwater facilities. These facilities shall be planted with sod or xeriscape

- 3) Public Court Yards paved with cement; or with brick, cement, stone pavers; or planted with sod; or mix of the above. Public Court Yards shall contain some of the following outside dining areas, public benches or tables, lighting, stages, pavilliations, planter boxes, food truck or vendor area, trees and other landscaping, water features.
- 4) Public Trails that connect to adjacent parking, parks, and residential developments. All public trails must comply with Nibley City Trail Master Plan and Nibley City Commercial and Institutional Design Standards
- 5) Planted and landscaped setback areas.
- 6) Park strips within the right-of-way shall not count toward open space, but street trees shall count towards the overall tree number.

G) Signs

- 1) Signs shall comply with NCC 19.24.150
- 2) Blade/Bracket Mounted Signs are encouraged and may hang in the right-of-way. They may be no lower than 7', no higher than 9', and no wider than 42".

H) Parking

- 1) No Parking lot shall be located in front of any building, except for angled street parking. Parking lots may be located to the side of any building that contains no more than 10 spaces. All other parking lots must be located behind each building.
- 2) Parking lots shall be setback a minimum of 8' feet from the any adjacent public right-way. The setback area must be planted with a minimum of one tree for every linear 30 ft adjacent to a right-of-way and other landscaping as approved. Setback areas

19.48.060 General Design Standards

- A) Natural features. TOWN CENTER DEVELOPMENT's shall respect, preserve and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.
- B) A landscaping plan for the front yards shall be included, which shall be installed before occupancy can be given to the home. The landscaping plan shall include at least one (1) tree for every dwelling unit and two (2) shrub of one (1) gallon size for each dwelling units. The coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.
- C) Public Open Space. As part of a Town Center Overlay Zone, a developer must dedicate property to public and City uses. This land may contain wetlands, canals, streams or other water ways. The City and Developer shall, as part of the Development Agreement, agree to a plan for the development of said property. This space shall be counted towards the developers open space requirements.
- D) Connectivity. TOWN CENTER DEVELOPMENT shall provide connectivity throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
 - i) Street Design: All street designs shall comply with Nibley City's street standards and the General Plan and Transportation Master Plan. Each development shall provide at least two working access points that provide access to an existing street right-of-way.

Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.

- ii) All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
 - iii) All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
 - iv) Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
 - (a) Private drives shall be a minimum width of 20 ft.
 - (b) All private drives shall be perpendicular to the street they connect to.
 - (c) Driveways that access a single dwelling unit are not considered private drives or an alleyway
 - v) Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') sidewalk.
- 2) Pedestrian circulation. TOWN CENTER DEVELOPMENT shall provide a circulation map and show the following improvements to for pedestrian circulation and safety:
- (a) Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
 - (b) Walkways shall be hard surfaced with concrete.
 - (c) Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
 - (d) The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.

19.48.070 Approval Process (Maybe make this its own section of code)

1. An TOWN CENTER OVERLAY ZONE is an overlay zone. That is, developers apply for the overlay to be applied, allowing them to receive the density bonuses outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The

City Council, with a recommendation from the Planning Commission, may approve, deny or approve with conditions as a legislative action and no applicant has any entitlement to the approval of an TOWN CENTER OVERLAY ZONE.

2. Application Submission: An application for an TOWN CENTER OVERLAY ZONE shall be submitted to the City with all required documents, maps, plats and plans as listed below.
3. Procedure:
 1. An TOWN CENTER OVERLAY ZONE shall go through the following process to gain approval:
 1. Development Committee: An applicant shall have a preliminary meeting with a development committee composed of applicable City staff, and other elected and appointed official as appointed by the Mayor and approved by the City Council. Overlay Zone Application: Applicants shall submit an TOWN CENTER OVERLAY ZONE Overlay Zone and preliminary plat application with the following:
 1. 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.
 2. A vicinity map showing the approximate location of the subject parcel in relation to other major areas of the city.
 3. 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.
 4. 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.
 5. A description of architectural design standards that will apply to all buildings within the development plan.
 6. A data table showing the total number of lots/units. 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.
 7. Existing physical characteristics of the site including all constrained and sensitive land
 8. Identify how environmental issues, if any, will be protected or mitigated, i.e., wetlands, historical sites, endangered plants and animals.
 9. Conceptual information relating to storm drainage including 100-year 24-hour drainage flows, 10-year 24-hour stormwater flows and proposed storm drainage facilities.

10. Major street layout that meets Nibley City standards.
 11. 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.
 12. A list of property owners' names and addresses within three hundred feet (300') of the subject property and stamped and pre-addressed envelopes (return address to be left blank) for all property owners within three hundred feet (300') of the propose development.
 13. A list of land adjacent in the same ownership.
 14. 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.
2. Preliminary Plat: 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.
 3. Approval with Development Agreement:
 1. Before an TOWN CENTER OVERLAY ZONE 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:
 1. That the development must be developed in a way that is substantially similar to the site plan and proposed amenity improvements.
 2. That the preliminary site plan and all supporting documentation shall be attached to the development agreement.
 3. That any development of the proposed real property shall not exceed the number of units as listed on the preliminary plat.
 2. 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.
 3. Signing and recording of the development agreement, and the subordination to the development agreement of any superior interests on title, must be accomplished before an TOWN CENTER OVERLAY ZONE Overlay Zone may be approved.

4. 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:
 1. An applicant shall follow the standards as listed in NCC §21 for Final Plat approval of a subdivision.
 2. An applicant must submit all construction and civil engineering drawings and detailed plans for all amenities for the proposed phase of the development. These shall include landscape drawings and details. The City Engineer shall review and ensure all plans meet Nibley City standards.
 3. A maintenance plan that complies with the terms of this chapter.
 4. The Planning Commission shall review and make a recommendation for final plat approval, approve with conditions, or denial to the City Council.
 5. The City Council shall approve, approve with conditions, or deny the final plat application base on the standards listed within Nibley City Code, Design Standards, and the applicant's compliance with the Development Agreement.
4. TOWN CENTER OVERLAY ZONE Considerations: In approving with conditions, denying or approving an TOWN CENTER OVERLAY ZONE proposal, the Planning Commission and City Council shall consider the following in addition to all other considerations required by law:
 1. Design of Buildings: The architectural design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
 2. Streets and Parking: Which streets shall be public, and which shall be private, the entrances and exits to the development, and the provisions for internal and external traffic circulation and off-street parking.
 3. Type, Size, and Location of amenities.
 4. Landscaping and Screening: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
 5. Signs: The size, location, design and nature of signs, if any, and the intensity and direction or area of floodlighting.
 6. Ability to Complete Project: The demonstrated ability of the proponents of the TOWN CENTER OVERLAY ZONE to financially carry out the proposed project under total or phase development proposals within the time limit established.
 7. Criteria for Issuing Conditional Use Permit: Criteria used in NCC 19.28 of this title.
5. Revisions: In the event an approved preliminary or final site plan requires revision by the developer, the site plan, and its revision shall be approved by the Nibley City Council with the recommendation of the Planning Commission. In the event revision is for a final site plan, all property owners in the development shall be notified in writing by the Planning Commission that a revision has been submitted and will be considered by the Planning Commission.
6. Building Permit Issuance: The building inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed, including completion of

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

19.20 Land Use Chart

19.20.010	Classification	Of	New	And	Unlisted	Uses
19.20.020		Land		Use		Chart

19.20.010 Classification Of New And Unlisted Uses

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

HISTORY

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

19.20.020 Land Use Chart

Nibley City Land Use Chart:

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

Arboretum/nature center	C	C	C	C	C	C	C	C	C	P
Artisan shop	C	C	C	NP	NP	NP	C	C	C	C
Assisted living facility	C	C	NP	NP	NP	NP	C	C	NP	C
Auditorium	NP	NP	NP	NP	NP	NP	C	NP	C	C
Bail bonds/pawnbroker	NP	NP	NP	NP	NP	NP	C	NP	C	NP
Bakery	NP	NP	NP	NP	NP	NP	C	C	C	P
Banks/financial institutions	NP	NP	NP	NP	NP	NP	C	C	C	P
Beauty salon/spa	NP	NP	NP	NP	NP	NP	C	C	C	P
Bed and breakfast inn	C	C	C	C	NP	NP	C	C	NP	P
Building moved from another site	C	C	C	C	C	C	C	C	C	C
Bus/transit terminal	NP	NP	NP	NP	NP	NP	C	C	C	P
Business equipment sales and service	NP	NP	NP	NP	NP	NP	C	C	C	P
Car Wash	NP	NP	NP	NP	NP	NP	C	C	C	P
Cemetery	C	C	C	C	C	C	NP	NP	NP	NP
Check cashing/credit services	NP	NP	NP	NP	NP	NP	C	NP	C	NP
Church/places of worship	C	C	C	C	C	C	C	C	C	P
Club/service organization/lodge	NP	NP	NP	NP	NP	NP	C	NP	C	NP
College/university	C	NP	NP	NP	NP	NP	C	NP	C	C
Construction sales and service	NP	NP	NP	NP	NP	NP	C	NP	C	C
Daycare/preschool, commercial	NP	NP	NP	NP	NP	NP	C	C	C	P

[illegible]

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
Recreation/entertainment, commercial	NP	NP	NP	NP	NP	NP	C	C	C	P
Recycling collection facility	NP	NP	NP	NP	NP	NP	NP	NP	C	NP
Repair service, general	NP	NP	NP	NP	NP	NP	C	C	C	C
Research and development	C	NP	NP	NP	NP	NP	C	NP	C	P
Research service	NP	NP	NP	NP	NP	NP	C	NP	C	P
Restaurant, fast food	NP	NP	NP	NP	NP	NP	C	C	C	P

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

Notes-

1- Group living facilities are govern by NCC 19.42

HISTORY

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

Amended by Ord. 14-02 on 3/16/2014

Agenda Item #2

Description	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



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 ensure their standards are specific enough to ensure they 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 is also a 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 in 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 or 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 ~~ten~~ fourteen (14) 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 ~~City planning 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 council~~City 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.

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HISTORY

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

19.28.050 Basis For Issuance Of Conditional Use Permit

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. 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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~~A. 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~~

~~B. 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 Zones~~Residential Zone:~~

i. All Conditional Use within Residential Zones shall comply with all conditions as for forth in this Title

Commented [SN1]: Add animals to this list.

ii. Traffic and Connectivity

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

iii. Parking

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

b. Other Parking requirement shall comply with NCC 19.24.160

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

v. Short-term rentals

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

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

c. Only one Short-term rental shall be allowed for each property.

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

i. All Commercial Conditional Use Application shall comply with underlying zoning requirements as list in this Title.

ii. All Industrial Conditional Use Application shall comply with underlying zoning requirements as listed in this Title.

iii. Traffic and Connectivity

a. 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.

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

iv. All buildings 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.

v. 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.

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

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1.

- ~~i. Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?~~
- ~~ii. Will the proposed development overload the carrying capacity for which local streets were designed?~~
- ~~iii. Will internal traffic circulation adversely effect adjacent residential property?~~
- ~~iv. Will ingress and egress be sufficient to handle intended traffic?~~
- ~~v. Will parking facilities location adversely effect adjacent residential properties?~~
- ~~vi. Will parking facilities be effectively screened from adjacent residential properties?~~
- ~~vii. Will the relationship of structures and parking be complimentary to the esthetics of the general area?~~
- ~~viii. Will the proposed signs adversely effect the development itself or the overall esthetics of the immediate area?~~
- ~~ix. Will the development help to implement the pedestrian parkway system as defined in the Nibley comprehensive plan?~~
- ~~x. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?~~
- ~~xi. Is the existing public water supply adequate to service the proposed development?~~
- ~~xii. Will the proposed site design provide adequate drainage of storm and surface water so as to not adversely affect other property?~~
- ~~xiii. Have suitable arrangements been made for the disposal of sewage produced by the development?~~
- ~~xiv. Will suitable procedures be used to minimize soil erosion during the construction of the development?~~
- ~~xv. Will water flow be impeded in existing canals or irrigation company ditches in the proposed development?~~

2. Commercial Zone:

- ~~i. Will traffic ingress and egress adversely effect the general traffic patterns in the area?~~
- ~~ii. Will the location of parking facilities adversely effect internal circulation or access to public street circulation?~~
- ~~iii. Will building location create a pedestrian traffic hazard by causing blind approaches to sidewalks?~~
- ~~iv. Will building design be compatible with or complimentary to existing adjacent structures?~~
- ~~v. 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?~~
- ~~vi. Will the proposed signing be complimentary to the development and overall aesthetic nature of the immediate area?~~
- ~~vii. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?~~
- ~~viii. Is the existing public water supply adequate to service the proposed development?~~
- ~~ix. Will the proposed site design provide adequate drainage of storm and surface water so as to not adversely effect other property?~~
- ~~x. Have suitable arrangements been made for the disposal of sewage and other wastes produced by the development?~~
- ~~xi. Will suitable procedures be used to minimize soil erosion during the construction of the development?~~
- ~~xii. Will water flow be impeded in existing canals or irrigation company ditches in the proposed development?~~

~~3. Industrial Zone:~~

- ~~i. Will heavy vehicle traffic adversely effect adjacent residential or commercial property?~~
- ~~ii. Will the landscaping add aesthetic acceptability to the proposed development?~~
- ~~iii. Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties?~~
- ~~iv. Will the building location adversely effect adjacent residential or commercial property?~~

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- ~~v. Will ingress and egress be sufficient to handle intended traffic?~~
- ~~vi. Will the proposed development overload the carrying capacity for which local streets were designed?~~
- ~~vii. Will internal traffic circulation adversely effect the general area traffic circulation?~~
- ~~viii. Have suitable arrangements been made for the disposal of sewage and other waste products produced by the proposed development?~~
- ~~ix. Will water flow be impeded in existing canals or irrigation company ditches in the proposed development?~~
- ~~x. Is the existing public water supply adequate to service the proposed development?~~
- ~~xi. Will the proposed site design provide adequate drainage of storm and surface water so as not to adversely effect other property?~~
- ~~xii. Will suitable procedures be used to minimize soil erosion during the construction of the proposed development?~~
- ~~xiii.a. If flammable products or processes are involved in the proposed development, are adequate firefighting facilities available to protect the proposed development and adjacent properties?_~~

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

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

~~E.C. That t~~~~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

Field Code Changed

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

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.

Field Code Changed

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.

Field Code Changed

HISTORY

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

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.

Commented [SN1]: Separate by time

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, SHORT-TERM RENTAL: Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

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, COMMERCIAL: 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 FOOD VENDOR: The operation of a business on a vacant lot, outside of an enclosed buildings, within a temporary or portable structure, cart, or vehicle or trailer that will be operating from a single location for more than seven consecutive days, or more than 30 days within Nibley City Boundary. These uses included food trucks, snow cone shacks, snack stands, street food vendors, etc. Temporary Food Vendors shall not operate from within a public right-of-way and must be contained on private property.

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.

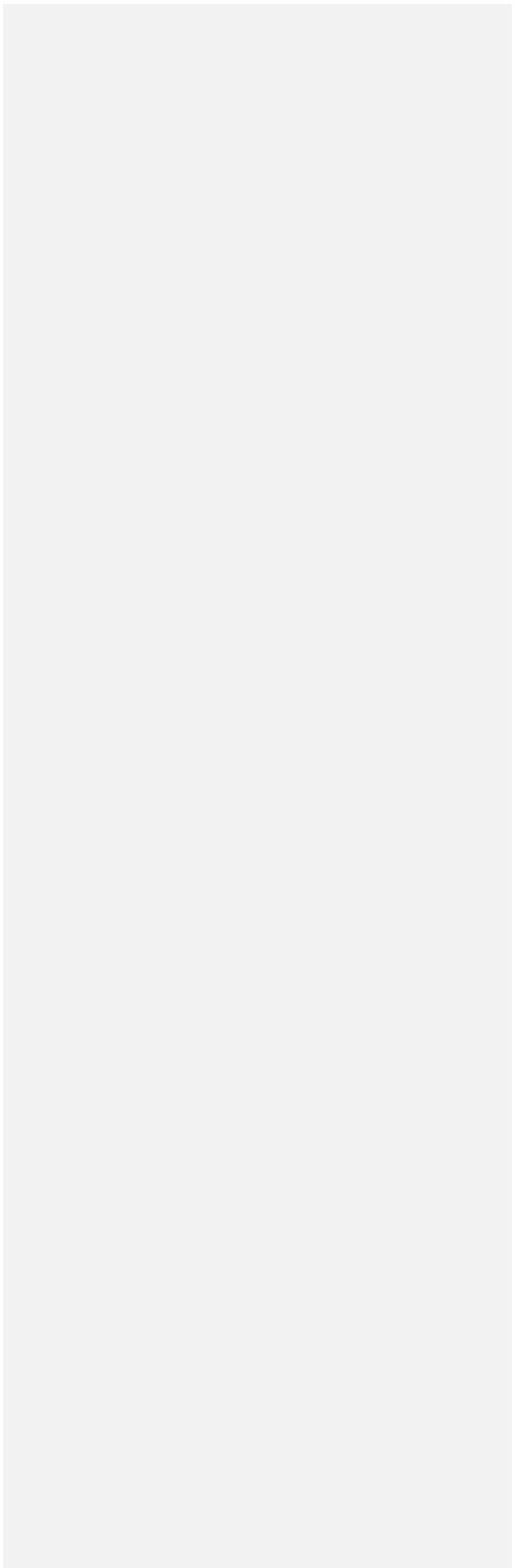
YARD, REAR: An open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot. In the case of a corner lot where the building facade faces on the side street, the rear yard may be established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

Commented [SN2]: What do we do about office's that have warehouse space? Like Stander?

ZONING TITLE: The zoning title of Nibley City.
HISTORY



Use	A	R-E	R-1	R-1A	R-2	R-2A
Residential						
Assisted living facility	C	C	NP	NP	NP	NP
Artisan shop	C	C	C	C	C	C
Bed and breakfast inn	C	C	C	C	NP	NP
Building moved from another site	C	C	C	C	C	C
Group living facility ¹						
Home occupation	C	C	C	C	C	C
Home office	P	P	P	P	P	P
Housing, Short-Term Rental	C	C	C	C	C	C
Housing, single-family	P	P	P	P	P	P
Housing, two-family	P	P	P	P	P	P
Mobile home park	NP	NP	NP	NP	NP	NP
Nursing home	C	C	C	C	C	C
Temporary office/model home	NP	C	C	C	C	C
Agricultural/Animal						
Ag implement sales and service	C	NP	NP	NP	NP	NP
Agricultural production	P	P	P	P	P	P
Animal Crematorium	NP	NP	NP	NP	NP	NP
Arboretum/nature center	C	C	C	C	C	C
Farmers' market	C	C	C	NP	NP	NP
Florist/garden center	C	C	NP	NP	NP	NP
Slaughterhouse	C	NP	NP	NP	NP	NP
Veterinary clinic, large animal	P	NP	NP	NP	NP	NP
Veterinary clinic, small animal	P	NP	NP	NP	NP	NP
Public, Institutional, and Civic Uses						
Bus/transit terminal	NP	NP	NP	NP	NP	NP
Cemetery	C	C	C	C	C	C
Church/places of worship	C	C	C	C	C	C
Club/service organization/lodge	NP	NP	NP	NP	NP	NP
College/university	C	NP	NP	NP	NP	NP
Government services	P	NP	NP	NP	NP	NP
Hospital	NP	NP	NP	NP	NP	NP
Public Park	P	P	P	P	P	P
Private Park	P	P	P	P	P	P
Utility substation	C	C	C	C	C	C
School	C	C	C	C	C	C
Commercial						
Auditorium	NP	NP	NP	NP	NP	NP
Bail bonds/pawnbroker	NP	NP	NP	NP	NP	NP
Bakery	NP	NP	NP	NP	NP	NP

Banks/financial institutions	NP	NP	NP	NP	NP	NP
Beauty salon/spa	NP	NP	NP	NP	NP	NP
Business equipment sales and service	NP	NP	NP	NP	NP	NP
Car Wash	NP	NP	NP	NP	NP	NP
Check cashing/credit services	NP	NP	NP	NP	NP	NP
Construction sales and service	NP	NP	NP	NP	NP	NP
Daycare/preschool, commercial	NP	NP	NP	NP	NP	NP
Funeral home	NP	NP	NP	NP	NP	NP
Gasoline service station	NP	NP	NP	NP	NP	NP
Gasoline, wholesale	NP	NP	NP	NP	NP	NP
Hotel/motel	NP	NP	NP	NP	NP	NP
Laundry service	NP	NP	NP	NP	NP	NP
Liquor store	NP	NP	NP	NP	NP	NP
Low power radio service/cell tower	NP	NP	NP	NP	NP	NP
Medical/dental offices and clinic	NP	NP	NP	NP	NP	NP
Medical sales and service	NP	NP	NP	NP	NP	NP
Personal Instruction Services: Commercial	NP	NP	NP	NP	NP	NP
Motor vehicle sales and services	NP	NP	NP	NP	NP	NP
Parking, commercial	NP	NP	NP	NP	NP	NP
Plumbing services	NP	NP	NP	NP	NP	NP
Printing/copying, commercial	NP	NP	NP	NP	NP	NP
Professional offices	NP	NP	NP	NP	NP	NP
Protective services	NP	NP	NP	NP	NP	NP
Recreation/entertainment, commercial	NP	NP	NP	NP	NP	NP
Restaurant, fast food	NP	NP	NP	NP	NP	NP
Retail	NP	NP	NP	NP	NP	NP
Repair service, general	NP	NP	NP	NP	NP	NP
Research and development	C	NP	NP	NP	NP	NP
Research service	NP	NP	NP	NP	NP	NP
Sexually oriented business	NP	NP	NP	NP	NP	NP
Transportation services	NP	NP	NP	NP	NP	NP
Temporary Vendor/Food Trucks	C	NP	NP	NP	NP	NP
Industraial						
Housing, multi-family -- as part of a conservation subdivision residential	€	€	€	€	€	€
Junk/salvage yard	NP	NP	NP	NP	NP	NP

Manufacturing, heavy	NP	NP	NP	NP	NP	NP
Manufacturing, industrial	NP	NP	NP	NP	NP	NP
Manufacturing, light	NP	NP	NP	NP	NP	NP
Mineral extraction	NP	NP	NP	NP	NP	NP
Pest control	NP	NP	NP	NP	NP	NP
Recycling collection facility	NP	NP	NP	NP	NP	NP
Sign shop	NP	NP	NP	NP	NP	NP
Sports facilities	NP	NP	NP	NP	NP	NP
Storage facility	NP	NP	NP	NP	NP	NP
Warehousing	NP	NP	NP	NP	NP	NP
Warehousing, Residentaial Storage	NP	NP	NP	NP	NP	NP
Welding/machine shop	NP	NP	NP	NP	NP	NP

P/S	C	C-N	I
NP	C	C	NP
NP	C	C	C
NP	C	C	NP
C	C	C	C
NP			
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	C	NP	C
NP	NP	NP	C
NP	NP	NP	C
NP	NP	NP	C
NP	NP	NP	C

Agenda Item #3

Description	Workshop: Fences 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

Background

Nibley City last reviewed and updated the Nibley City Code 19.24.090 Fence Regulations in early 2017. The last change goal was to preserve a clear view of intersections, defining what a transparent fence is, and placing restrictions on fences along trails. Staff has received significant feedback about the updated changes and is bringing forth ideas of how to address concerns that many residents raised. Attached is a presentation of fences in Nibley City that show different types of fences within the City.

Staff would recommend that the Planning Commission review the different pictures and come prepared to discuss fence regulations for:

- Corner Lots
- Next to driveways
- Next to trails



Nibley City Fences Workshop

Need for Change

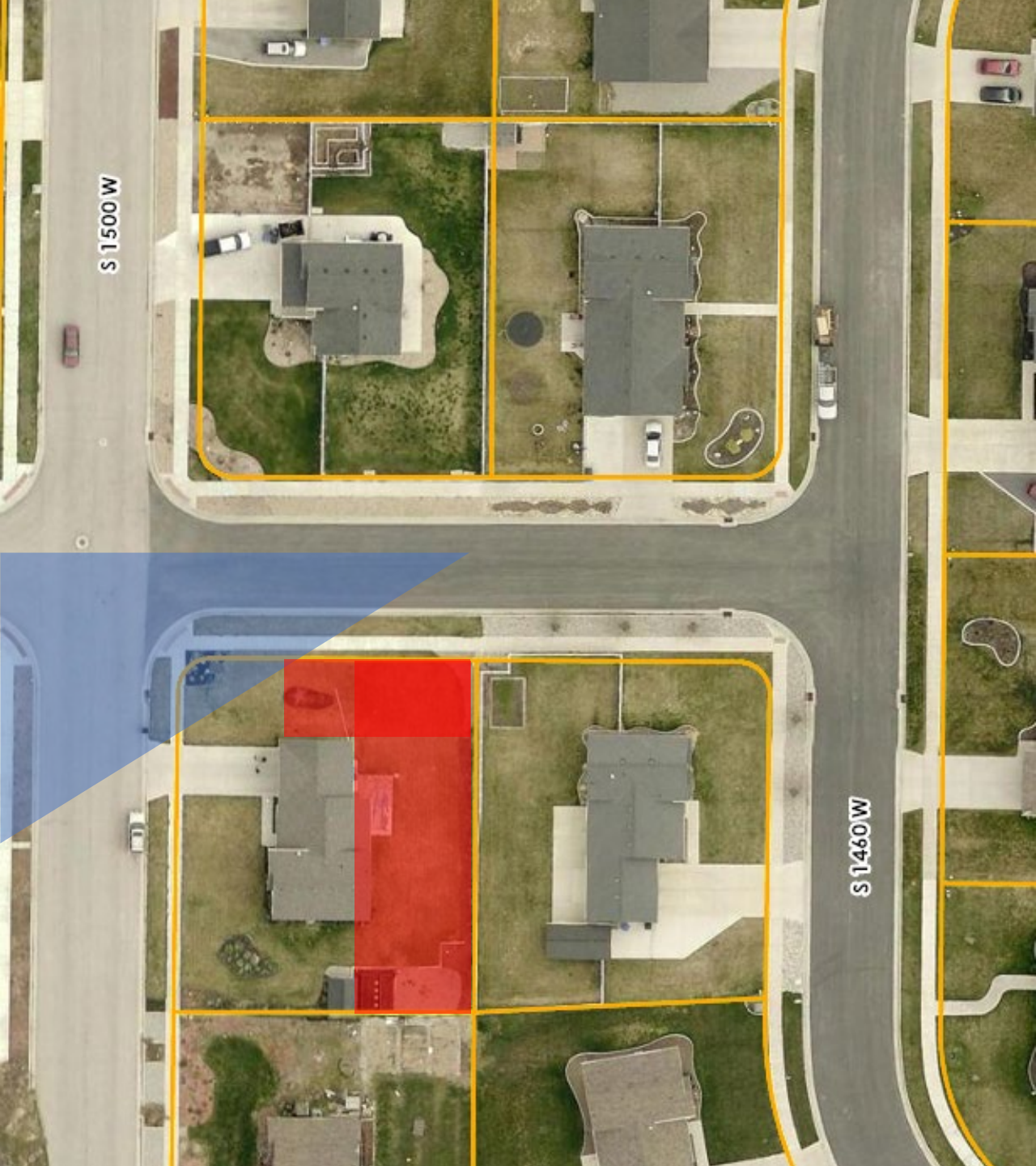
- Nibley City staff has received several complaints about current fence ordinance
- Biggest Concerns
 - Corner Lots
 - Lots next to trails
 - Fences next to canals
- A couple of variance request, one dragged out settlement



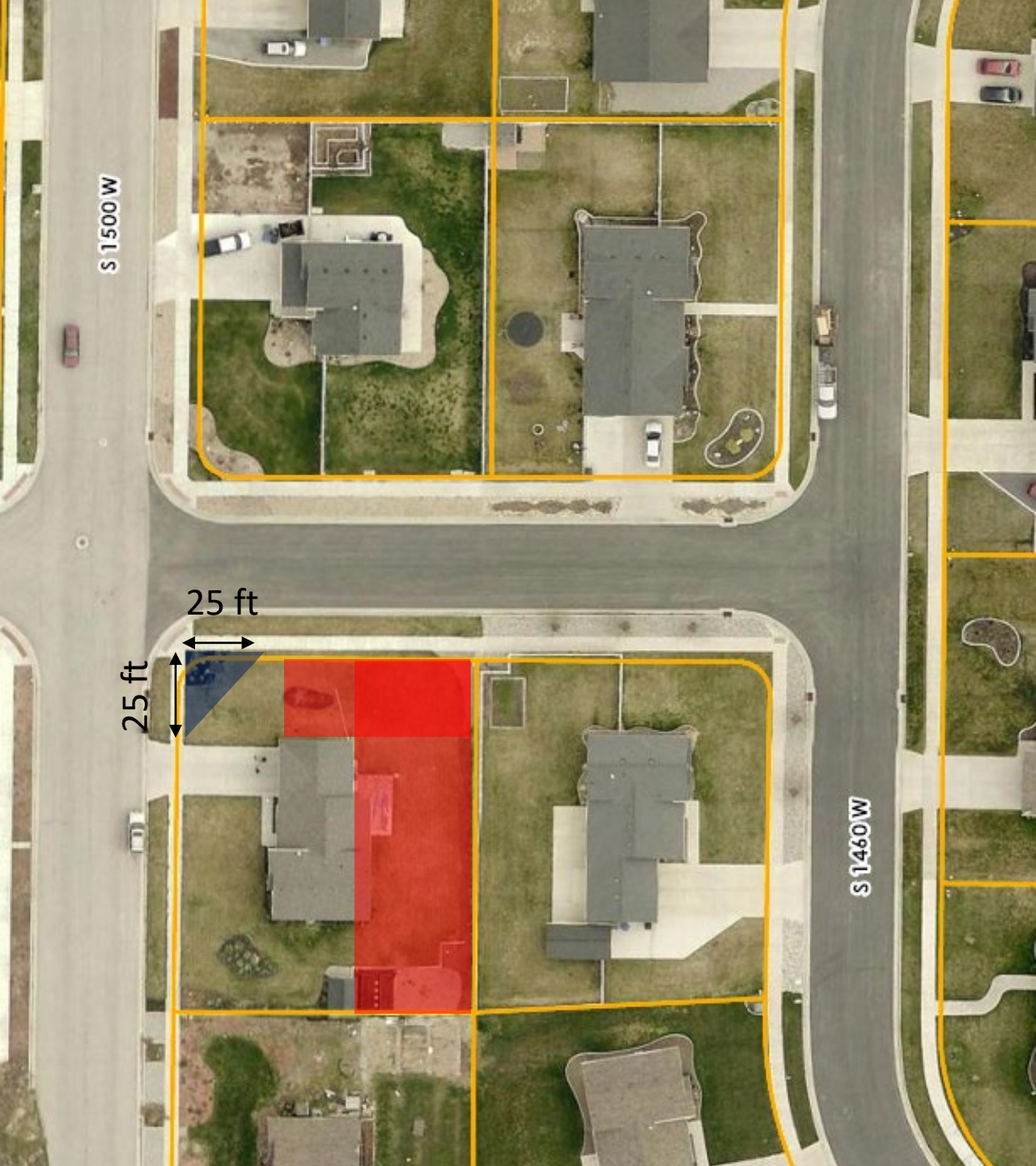
Fence Sight
Triangle for a requested
application



Fence Sight
Triangle for a possible
application

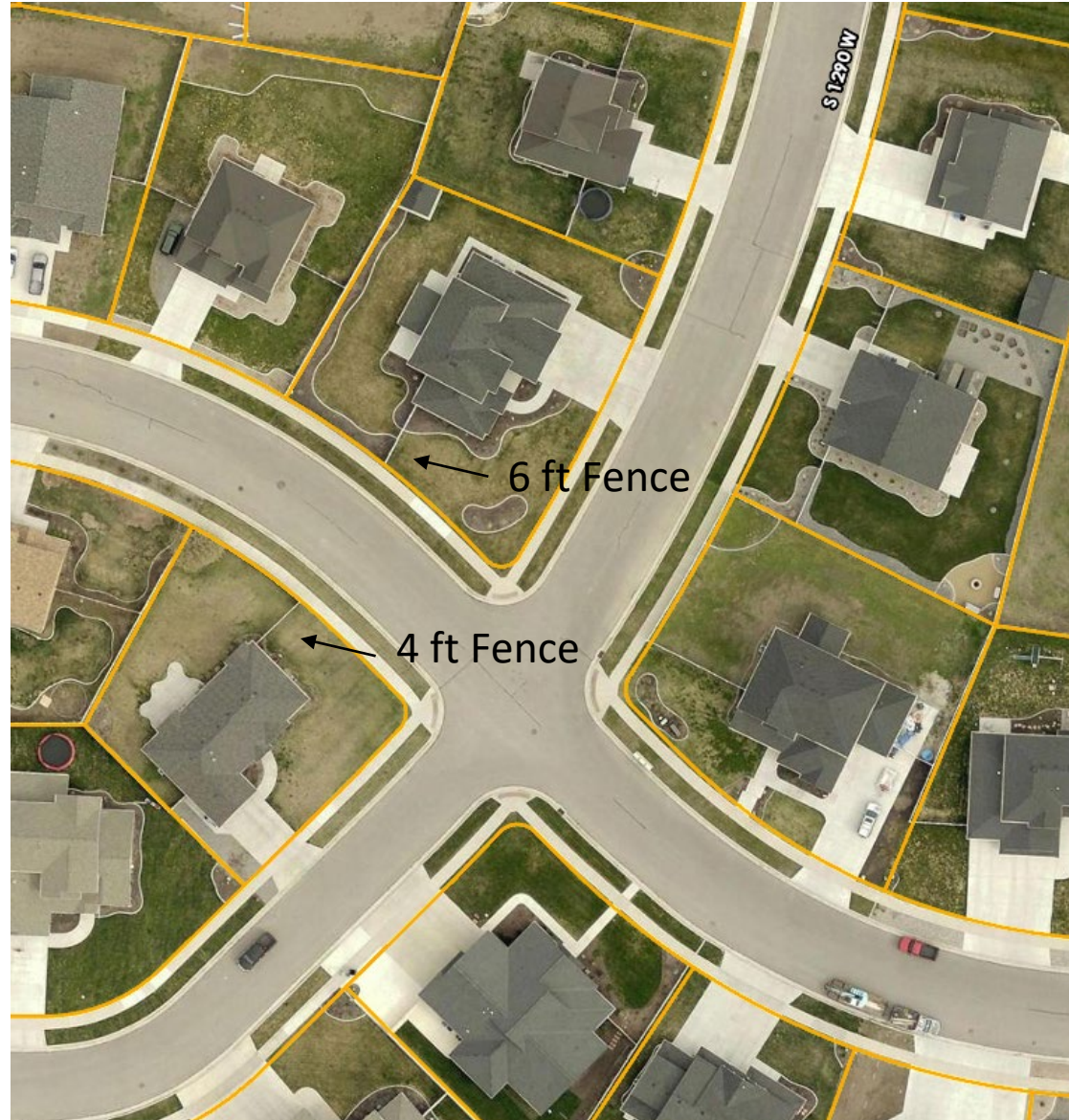


Nibley City's current sight triangle





Corner Lot Fences











Fences Next to driveways





Fences next to trails







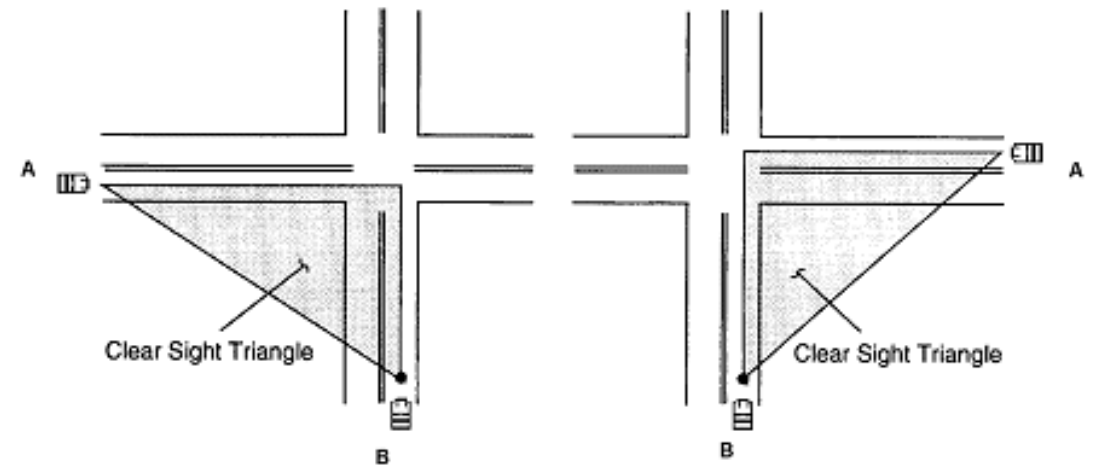
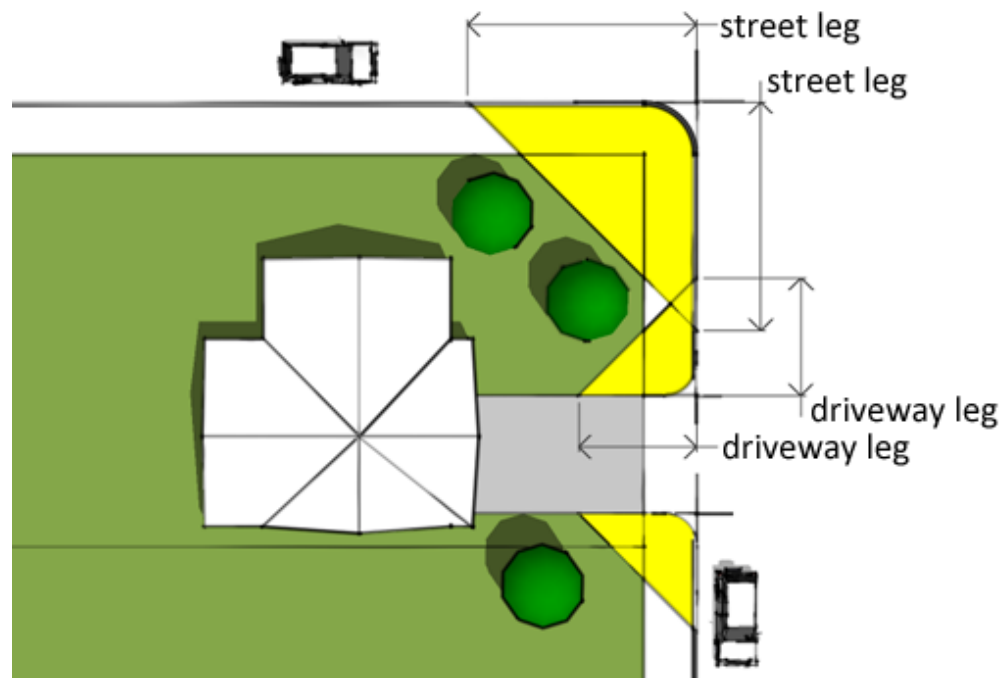
Allowed fencing types for corner lots and trails



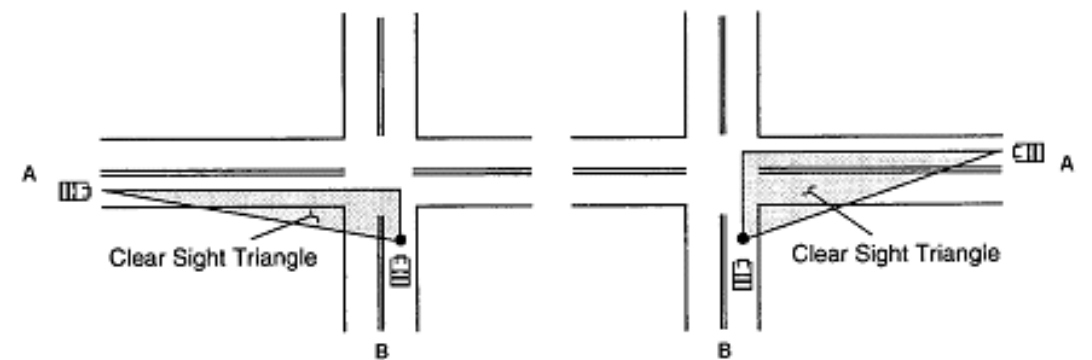




What should we do?



A -- Approach Sight Triangles

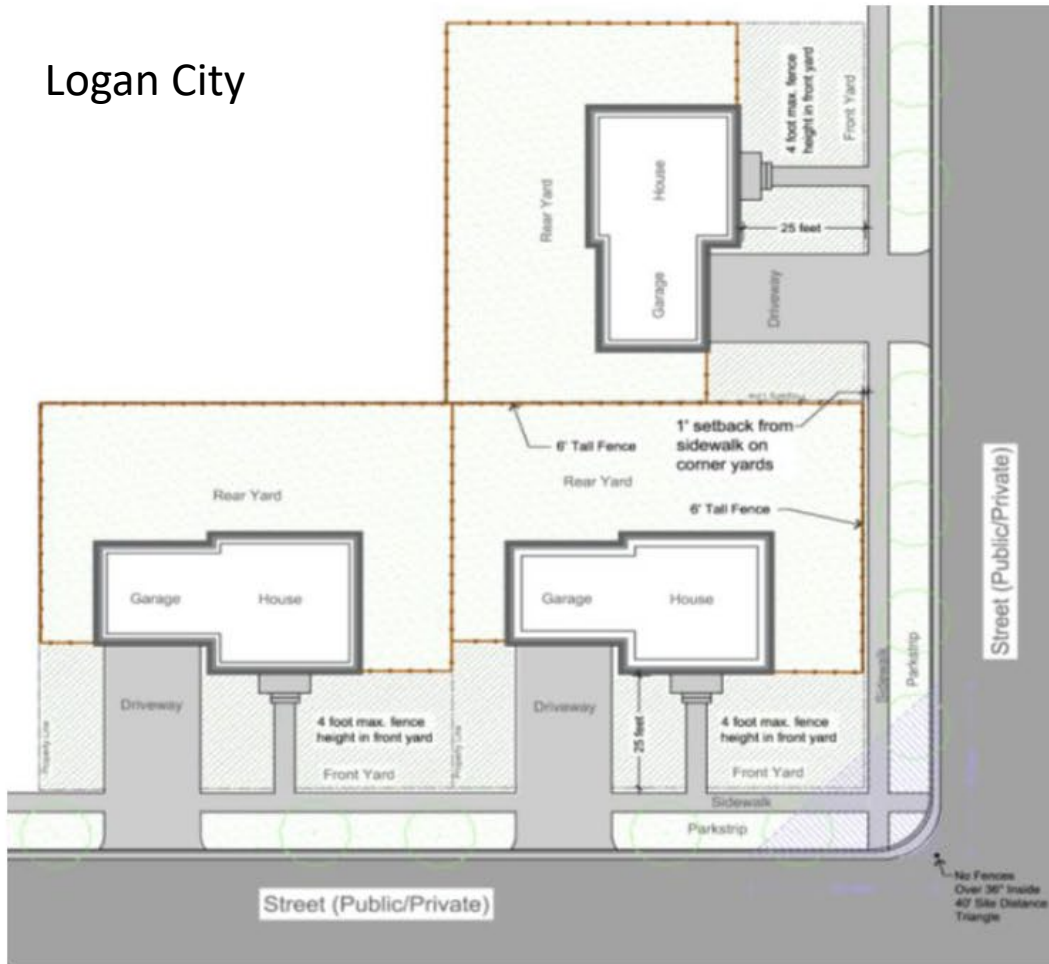


B -- Departure Sight Triangles

Eagle Mountain



Logan City



Fence Regulation Summary

For complete fence regulations see Land Development Code 17.37.110

Residential Height:

Front yard = 4' max.

Rear & side yard = 6' max.

Corner yard = 6' max. (behind front of home)

Residential Material:

Chain link and barbed wire (similar) are prohibited in the front yard

Com. & Ind. Height

Front yard = 4' max.

Rear & side yard = 8' max.

Corner yard = 6' max. (behind front of primary building)

Commercial Material:

barbed wire (similar) is prohibited in the front yard

No fence or wall is allowed within the 40' sight distance triangle of street intersections.

Midvale

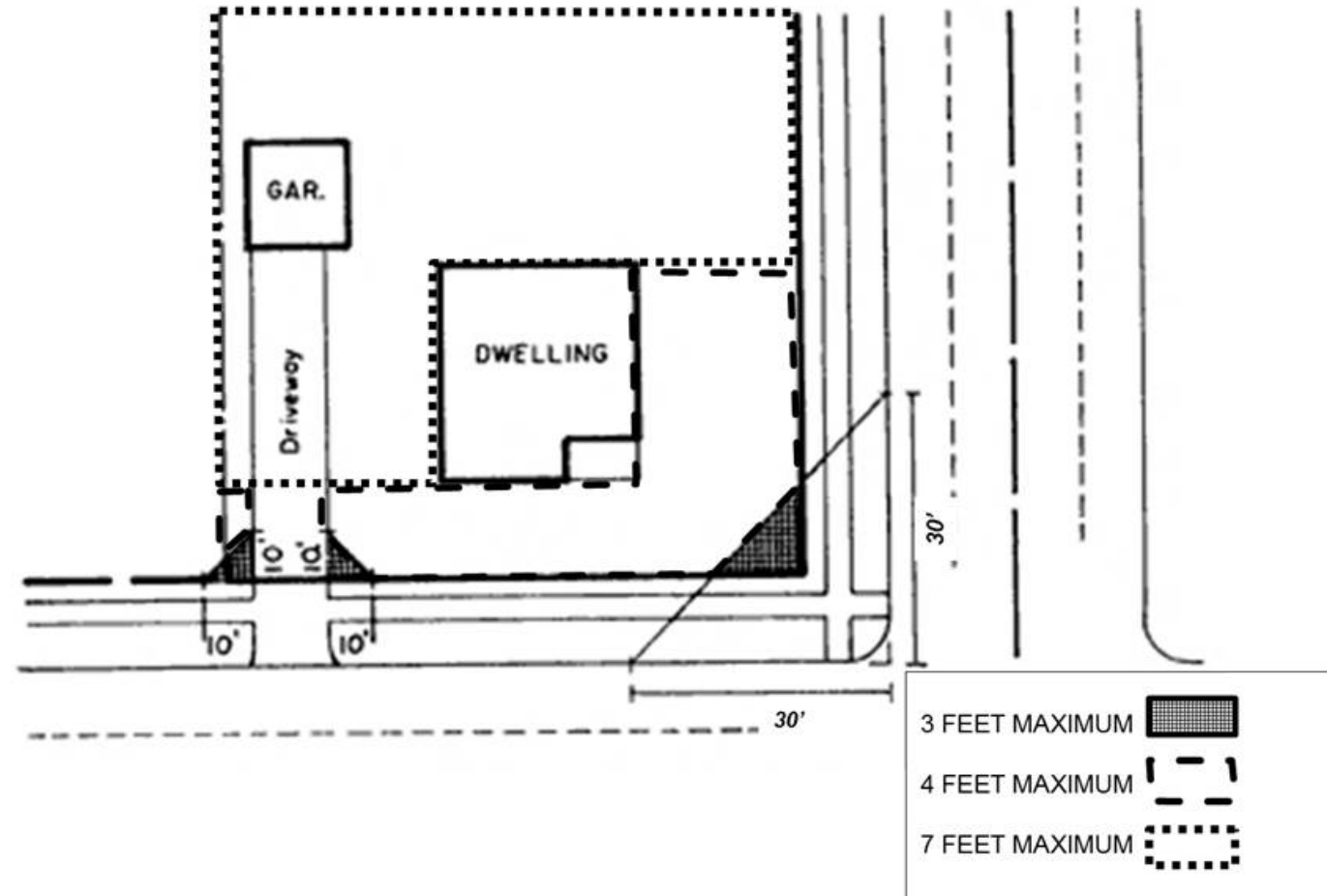


Figure 6.1
Saratoga Springs

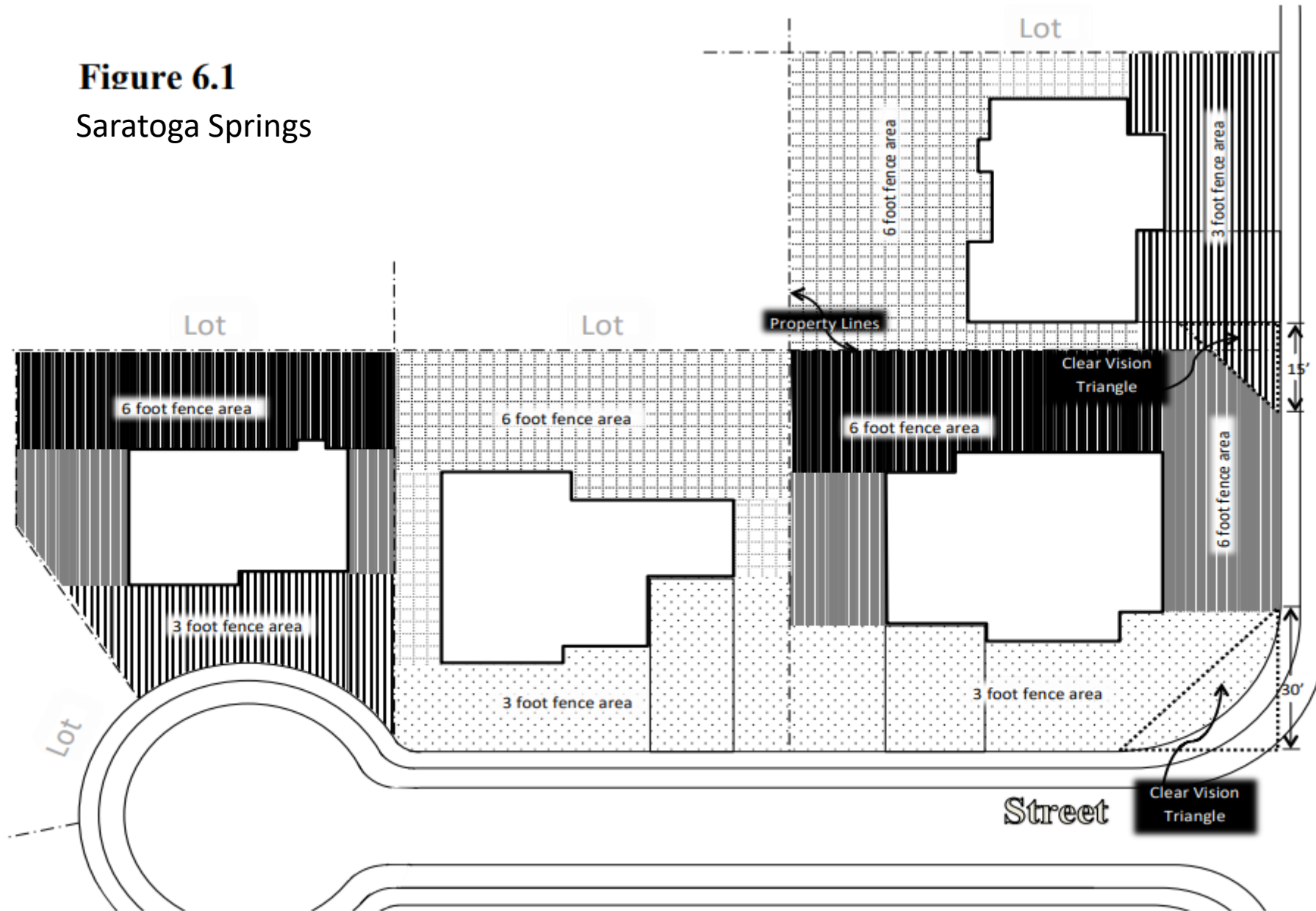
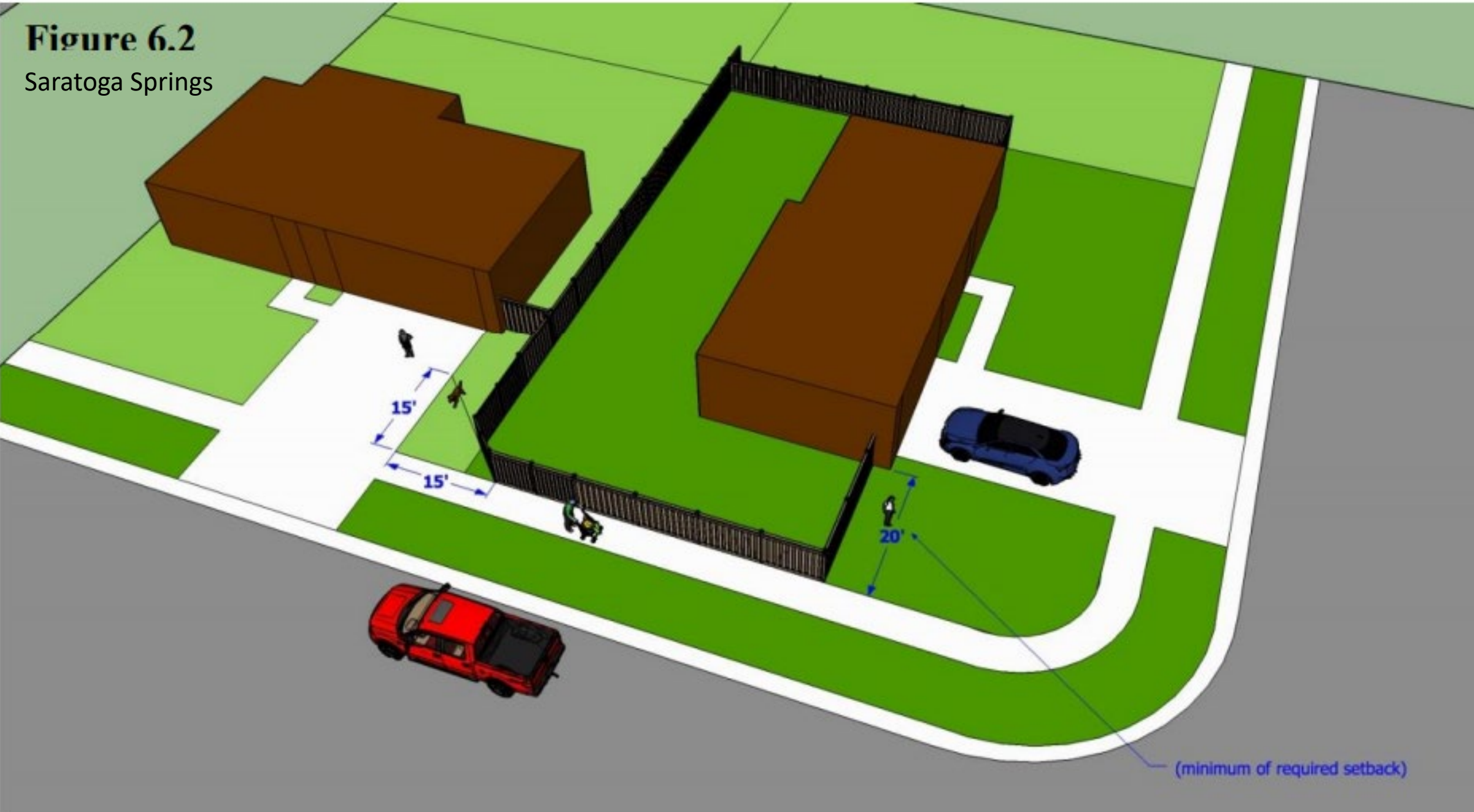


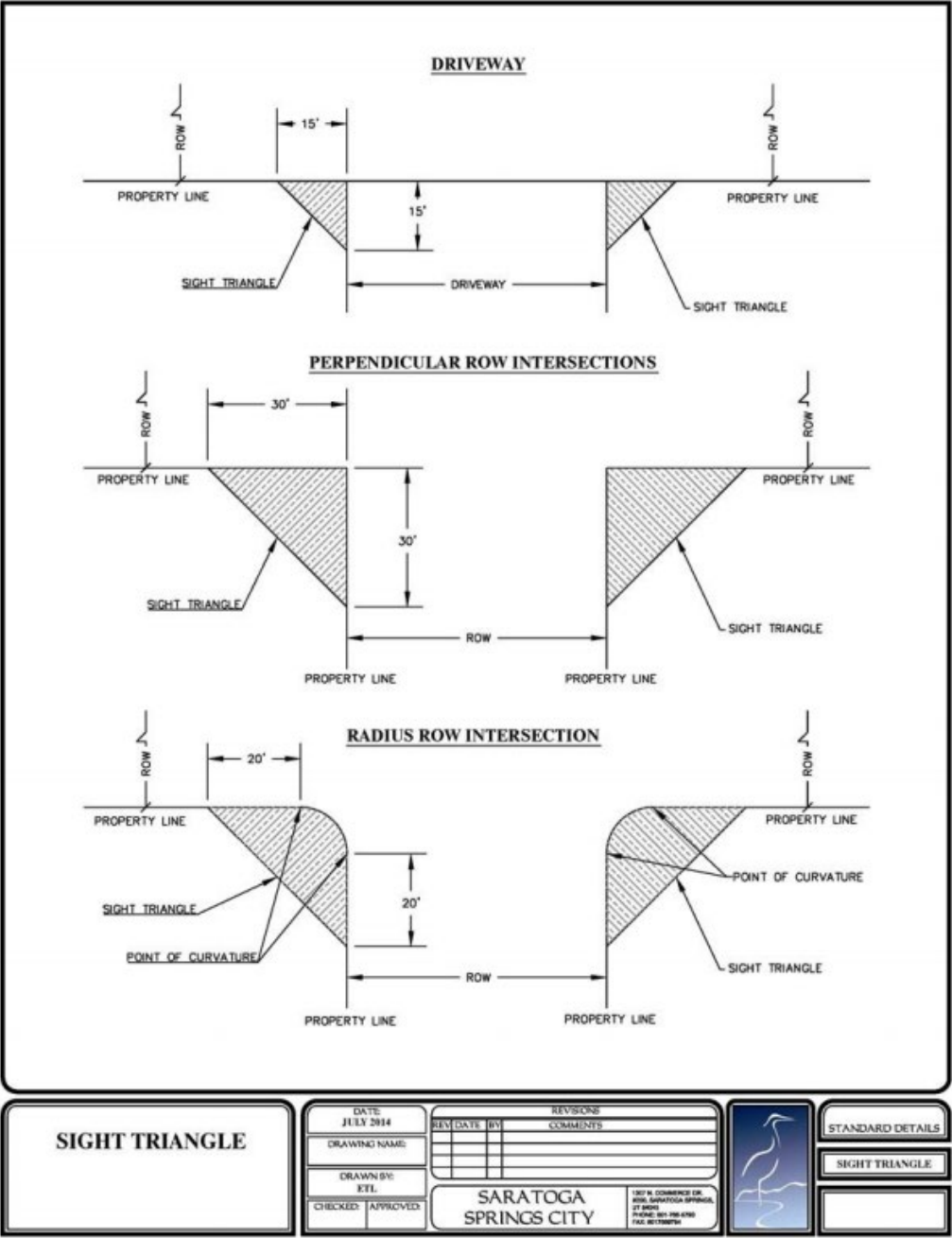
Figure 6.2

Saratoga Springs



Clear Sight Triangle:

Saratoga Springs



19.24.090 Fence Regulations

Definitions:

TRAIL: A corridor of property maintained by the City for the purposes of non-motorized transportation, such as hiking, walking, jogging, running, horseback riding, cycling, or other similar uses, including any trails identified in the City's Parks, Trails, Recreation, & Open Space Master Plan or in a recorded subdivision plat, whether now constructed or planned for future construction

Commented [RP1]: This is a better definition of trail than the one use in the fence ordinance

Commented [RP2]: Linear has a couple of meanings, and I wouldn't want confusion over whether a trail that curves is a linear trail

Public Trail: A public trail shall be defined, for the purpose of this ordinance, as a multi-use path, whether improved or unimproved, used primarily for muscle-powered activities such as, but not limited to, bicycling, walking, jogging or cross-country skiing, and which is used by the public, or to which the public has legal right of access, or as designated on the City's Trails Master Plans or a subdivision plat. Sidewalks that do not meet the definition above are not considered a Public Trail.

- A. Fence: No fence, wall or other similar structure shall be erected in any front yard setback area to a height in excess of four feet (4') except as allowed under section B; nor shall any fence, wall or other similar structure or landscaping element be erected or maintained in any side or rear yard to a height in excess of seven feet (7') for an opaque fence (eighty percent (80%) or more opaque), e.g., solid wood, and eight feet (8') for a non-opaque (less than twenty percent (20%) opaque) fence, e.g., chain-link, subject to the limitations identified herein for fences bordering Public Trails, Public Walkways and Public Easements for non-motorized vehicles (collectively Public Trails hereafter). Public Trails located in Public Parks or contained over existing railroad tracks are excluded from the fence regulations, conditions and provisions of subsection C of this section. Under all circumstances, no structure or landscaping element may interfere with property address identification. Landscaping elements exclude varieties of trees approved by the City Planner or Planning Department. Any conflicts between this Chapter and NCC 19.22.010 shall be governed by the more restrictive or limiting provision.

B. Corner Lots:

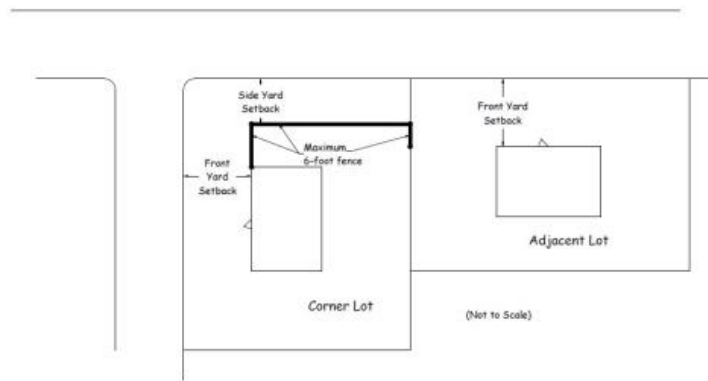
1. Corner lot fences shall comply with one of the following:

- i. No opaque fence, wall or other similar structure shall be erected within the described sight triangle in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'). These four-foot fences may be built on the property line.

- ii. Six-foot (6') tall opaque fences adjacent to a street are allowed at outside of the sight triangle, the side yard setback line, starting at the corner lot's front yard setback line and running to the corner lot's rear property line.

When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, the maximum fence height is six feet (6') in the part of corner lot's rear yard that is adjacent to the neighboring lot's front-yard setback area. The following figure shows where six-foot fences are allowed on corner lots. Although this figure shows the front of each house placed at the front-yard setback line, houses may also be placed behind the front-yard setback lines. In this case, the six-foot fence placement is still defined by the setback lines, not by the houses. Setback lines defining the

placement of corner-lot fences adjacent to private streets are referenced from the edge of the private-street easement or from the property line, whichever is further from the center of the private street.



- iii. Transparent fences shall conform to the guidelines of section 10-11-1 of this chapter.
- 2. All fences on corner lots shall comply with the clear view of intersecting streets as defined in NCC 19.24.110.
- C. Fencing or landscaping elements along Public Trails: All fences or landscaping elements adjacent to Public Trails, shall be limited to the following:
 - 1. Fencing or hedges that may exceed four feet (4') but not be more than eight feet (8') in height:
 - i. Post and rail fencing;
 - ii. Field fencing;
 - iii. High-tension wire fencing; and
 - iv. Any other fencing or landscaping elements not exceeding twenty percent (20%) opaque.
 - 2. Fencing or hedges that may not exceed four feet (4') in height:
 - i. Chain-link fencing; and
 - ii. Any other fencing or hedges exceeding twenty percent (20%) opaque.
 - 3. Fencing or hedges may be combined so long as non-permitted elements do not exceed four feet (4') in height.
 - 4. All heights under this subsection shall be determined based upon the centerline of the Public Trail.
 - 5. Nothing in this subsection shall be interpreted to limit the height of fences or hedges that are adjacent to a street as identified in subsection (E) below.

Commented [SN3]: Change for to match sight triangles.

Commented [SN4]: Make more clear about what type of fencing is allowed along trails.

- D. Elevation Changes: Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (10') on either side of the fence.
- E. Opaque fences in rear yards that are adjacent to a street or adjacent to the front yard setback of another lot, shall not exceed six feet (6") in height. Wherever possible and feasible, Nibley City will negotiate a minimum ten-foot (10') public easement between the placement of these six-foot fences and the rear property line.
- F. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or public easements shall open inward (toward the property owner's yard).
- G. Fences shall not be built within one foot (1') of a sidewalk or the projected location of a future sidewalk.
- H. Access to a rear yard is required for emergency purposes and shall be at least four feet wide.
- I. A permit is required to build a fence. Nibley City staff shall have the authority to review and grant applications for fences. Citizens disagreeing with City staff decisions may appeal those decisions to the Nibley City Planning and Zoning Commission within (10) calendar days after approval or denial of a permit.

Agenda Item #3

Description	Workshop: Moderate Income Housing Plan
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

This year, the State Legislature passed a bill requiring all municipality's that meet a certain size to update their Moderate Income Housing Plan as part of their General Plan. These Cities would need to adopt this update by December 1, 2019. Since Nibley City is located within a County of the third class and has a population of over 5,000 people, Nibley City is required to do this as well. The bill requires that the City state within the plan that the City will pursue three out of twenty-three options as listed in the bill.

Full Bill: [S.B. 34 Affordable Housing Modifications](#)

Nibley City staff has started to draft the plan, but is wanting to workshop which items that Planning Commission believes should be incorporated. Listed below is a list of those options contain within the new law. The City Planner has highlighted a few items that he recommends for the Planning Commission to consider.

10-9a-401. General plan required – Content

“for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following strategies:

- (A) **rezone for densities necessary to assure the production of moderate income housing;**
- (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
- (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;
- (D) consider general fund subsidies or other sources of revenue to waive construction

related fees that are otherwise generally imposed by the city;

- (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;
- (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;
- (G) encourage higher density or moderate income residential development near major transit investment corridors;
- (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
- (I) allow for single room occupancy developments;
- (J) implement zoning incentives for low to moderate income units in new developments;
- (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;
- (L) preserve existing moderate income housing;
- (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate income housing;
- (N) participate in a community land trust program for low or moderate income housing;
- (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality;
- (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;
- (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;
- (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;
- (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under [Title 11, Chapter 13, Interlocal Cooperation Act](#);
- (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;
- (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;
- (V) utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and
- (W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income;