



**Nibley City
Planning Commission**
Thursday, July 18, 2019
455 W. 3200 S.
Nibley, UT

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

1. Discussion and Consideration of approval for staff to issue a building permit for parcel 03-043-0021
2. A Public Hearing to receive comment on the proposed Mountain Vista Subdivision Preliminary Plat, a proposed 33.04-acre Rural Preservation Subdivision located approximately at 3575 S and 600 W
3. Discussion and Consideration of a recommendation for the proposed Mountain Vista Subdivision Preliminary Plat, a proposed 33.04-acre Rural Preservation Subdivision located approximately at 3575 S and 600 W
4. A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.24.090 Fence Regulation
5. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.24.090 Fence Regulation
6. A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.28 Conditional Uses
7. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.28 Conditional Uses
8. A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.20 Land Use Chart.
9. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.20 Land Use Chart.
10. A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.04 Definitions.
11. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.04 Definitions.
12. Workshop: Moderate Income Housing Plan
13. 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
July 18, 2019**

Agenda Item #1

Description	Discussion and Consideration of approval for staff to issue a building permit for parcel 03-043-0021
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

Mr. and Mrs. Larsen have applied for a building permit on parcel 03-043-0021, located on the south end of 250 E. Because this parcel is not part of an established subdivision, the Planning Commission is the approval authority as stated below.

NCC 19.02.080 (F)

The planning commission shall review all applications for building permits in areas that are not in approved subdivisions, conditional use permits, zoning changes or zoning interpretations to ensure compliance with the regulations described in this title.

Nibley City's building inspector has reviewed the plans and is working with the builder and property owner to ensure the home will be built to International Residential Building Code, the Planning Commission's role is to ensure the home meets zoning code.

Public Improvements, Lots Size and Setbacks

	R-1A Requirements	Lot
Size	.75 Acres	5.67

Frontage	150	Lot is located at the end of a public road with Fire Turnaround making up most of their frontage
Front Setback	30	Sufficient Space
Side Yard	10	Sufficient Space
Rear Yard	30	Sufficient Space

The lot has sufficient space to be considered a building lot. Since they are not proposing to subdivide, there is no requirement to require the property owner to expand the public road further into the lot. However, there are a few requirements that will need to put in place to ensure the lot meets Nibley City Standards.

1. Will need to finish the sidewalk to the end of the right-of-way on the east side
2. Will need to put the cul-de-sac in a permanent easement for emergency and public vehicles, much the same as we would require a flag lot.

Floodplain

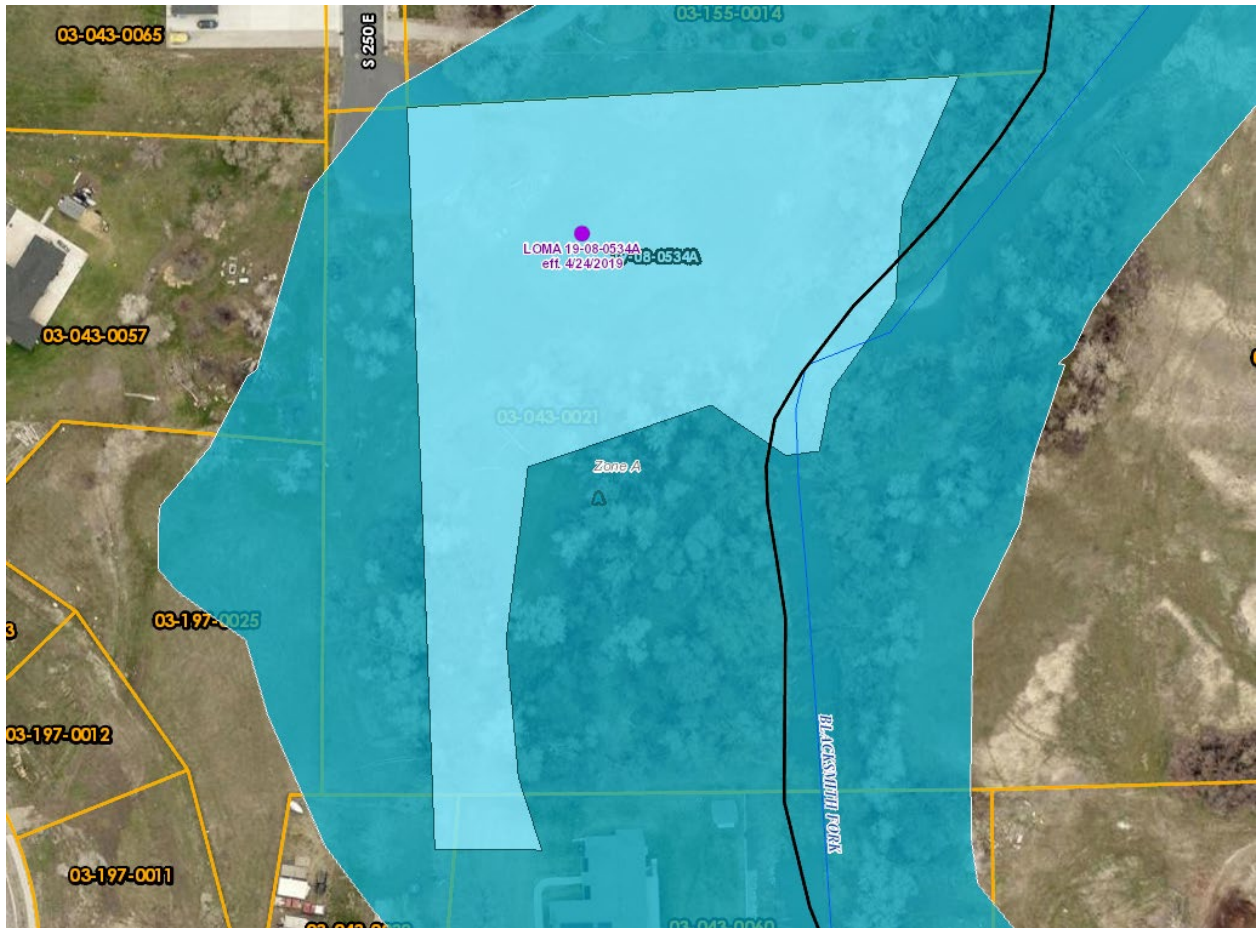
Much of the lot is within the 100-year flood plain. The property has secured a Letter of Map Amendment (LOMA) on the property. A LOMA is defined on the FEMA's website as follows:

A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

(FEMA, n.d.)

Because the home has received a LOMA and section of the property has been pulled out of the 100-year floodplain, the house may be built in that area without taking regularly required mitigations. Staff is currently reviewing the permit to ensure that there are no safety concerns with the application.



A map showing the LOMA on the property.

Agenda Item #2 and 3

Description	A Public Hearing to receive comment on the proposed Mountain Vista Subdivision Preliminary Plat, a proposed 33.04-acre Rural Preservation Subdivision located approximately at 3575 S and 600 W Discussion and Consideration of a recommendation for the proposed Mountain Vista Subdivision Preliminary Plat, a proposed 33.04-acre Rural Preservation Subdivision located approximately at 3575 S and 600 W
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Recommendation to the City Council
Findings	1. Lots meet minimum size and frontages 2. Not all canals are shown on the plat. a. Ensure all canals meet the standards listed below in 19.24.230 (F) b. Piped canal ways should be located in the public utility easement and have access easements shown on the plat c. Will need to get written approval from Nibley Blacksmith Fork Canal Company for alteration to the canal system 3. Midblock crossings should be shown at the trail crossings 4. Ensure 450 W meets the proper standards widths 5. Existing utility lines in 600 W and 450 W needs to be displayed on the preliminary plat. 6. Lift station capacity: can the lift station handle the extra capacity. 7. Make updates to the Maintenance Plan as required 8. No Sensitive Areas Designation Plan Map as required in 21.10.020 (D)(3)
Recommendation	If plat does not address the findings, either continue the item or make a recommendation to approve the plat if it complies with the listed findings.

Reviewed By	City Planner, Public Works Director, and City Engineer
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Background

Mountain Vista Subdivision Preliminary Plat is a Rural Preservation Subdivision application proposed by Visionary Homes. The project is located between 450 W and 640 W and located around 3575 S.

Rural Preservation Subdivision Open Space	
Total Gross Acres	33.04
Total Developable Acres	26.12
Total Open Space Land	9.43
Open Space Percentage	.36
Incentive Multiplier	1.3
Total Lots Allow	68

For the total number of lots allowed, once you go through the full calculations, the calculated amount with 67.912 total lots. Nibley City Code 19.04 Definitions reads as follows:

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.

Staff has interpreted this code to reference that in the case of the Mountain Vista Subdivision, you would round up to the nearest whole number.

Staff finds that the plat meets the zoning requirements for the total number of lots, lot sizes, and setbacks. The Plat generally meets Nibley City standards in NCC 21.08.010 Preliminary Plat with only a couple of exceptions.

	Zoned: R-2 Rural Preservation Subdivision	Mountain Vista Subdivision Preliminary Plat
Minimum Lot Size	9,000 sq. ft.	9,000 sq. ft.
Average Lot Size	10,200 sq. ft.	10,816 sq. ft.
Frontage	85 ft.	Every lot meets the requirements
Side Yard Setbacks	10 ft.	The Plat Complies
Rear Yard Setback	25 ft.	The Plat Complies
Street Side Yard	25 ft.	The Plat Complies

Utility Lines

The Plat contains the proposed water lines and sewer lines. It does not contain lines required in the reference below.

NCC 21.08.010 (C)(5)

Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.

Adding the utility lines would require a minor change to the subdivision plat.

The Subdivision is planning on taking all the sewer from phase 1 and 2, and part of phase 3 under the railroad to the Nibley City lift station on 3480 S. Staff is working with the applicant to ensure that the lift station would be able to handle the extra capacity.

Canals

There are several canals on the property within the proposed subdivision. The plat does not show every canal on the subdivision and the Canal Company has not approved the proposed changes as required NCC 21.08.010 (C)(6).



A map of Canals contained within the proposed subdivision

In addition to those requirements, Nibley City subdivision plats must follow [19.24.230 \(F\)](#). This section of code requires that all open primary canal or waterways within a subdivision have a right-of-way dedicated to the City of “15’ from top of each bank to be identified on the preliminary plat and final plat”. This ROW can be counted as open space within the subdivision. The Applicant can also pipe the canals and recorded a 10 ft easement on each side of the pipe that would allow the canal company and the City to access the waterway. The developer has been made aware of these requirements, and the City is waiting for an updated plat.

Roads



The proposed development shows roads and widths that align with existing roads that have been constructed, and City staff does not have any concerns about right-of-way widths. It is important to note that the 600 W does not align with 3575 S as shown on our street master plan, shown on the left. The developer did a workshop with the City Council and presented the currently proposed project and a plan that aligned the roads on our street master plan. The City Council gave the developer feedback that they preferred the option that is being proposed because it would allow for park space along 450 W, eliminated

cul-de-sacs from the proposal, and shortened the block length on 450 W. An additional important note is that this road alignment is listed as a local road on our Master Plan. [NCC 21.12.050 \(A-B\)](#) gives more discretion to the developer for road alignments for local roads.

Open Space, Sensitive Areas Designation Plan Map and Maintenance Plan

One of the key features of a Rural Preservation Subdivision is the open space required in exchange for the bonus density. Because of the open space requirements, the City requires that the preliminary plat application comes with a Sensitive Areas Designation Plan Map and a preliminary Maintenance Plan. Staff has not received the Sensitive Areas Designation Plan Map as required in [21.10.020 \(D\)\(3\)](#), but a preliminary maintenance plan has been turned in. The maintenance plan, for a preliminary plat, must show the following:

NCC 21.10.020 (L) (2)

2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:

- a) The proposed Ownership of the Open Space Land;*
- b) The party that will be responsible for maintenance of the Open Space Land;*

- c) *The proposed use of the Open Space Land and how each parcel of Open Space Land meets the*
- d) *standards listed within this section;*
- e) *The size of each Open Space Land parcel; and*
- f) *The proposed concept plan for landscaping of the Open Space Land.*

The Plan proposes that all six open space parcels are owned and maintained by a local HOA. The Rural Preservation Subdivision code would require that the stormwater basin, Open Space 3, be dedicated to Nibley City. All the Open Space meet the defined purpose and criteria contained in the following code:

NCC 21.10.020 (B) (1)

OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.

Nibley City staff have requested additional information to ensure that each Open Space Parcel complies with three of the seven criteria required in [NCC 21.10.020 \(I\)](#). The following descriptions of each open space area will contain what criteria are met from [NCC 21.10.020 \(I\)](#).

Open Space 1

Open Space 1 is one of the smallest proposed parcels of open space and is located just to the west of Open Space 2 in the subdivision. The proposed plan is to line the North and West side with pine trees and plant the area with grass. It meets items number 2, 5, and 6 from NCC 21.10.020 (I).

Open Space 2

Open Space 2 is the most significant piece of open space and is located on the hillside. The developer is planning to plant some trees, natural planted grasses which comply with NCC 21.10.020 (B) Meadows, put in a trail system in the open space which will connect to three pieces of open space within the subdivision and a section of open space within the Apple Creek Subdivision and trail. This area meets items number 1, 2, 5, and 6.

Open Space 3

Open Space 3 is the stormwater basin located in the Southwest corner of the subdivision. This parcel is planned to detain stormwater within the community. It will be planted to Nibley City

requirements with well over a hundred trees expected to be planted. This parcel meets number 5, 6, and 7.

Open Space 4

Open Space 4 is a trail that connects to the south property, linking to Open Space 2. This parcel meets 2, 5, and 6.

Open Space 5

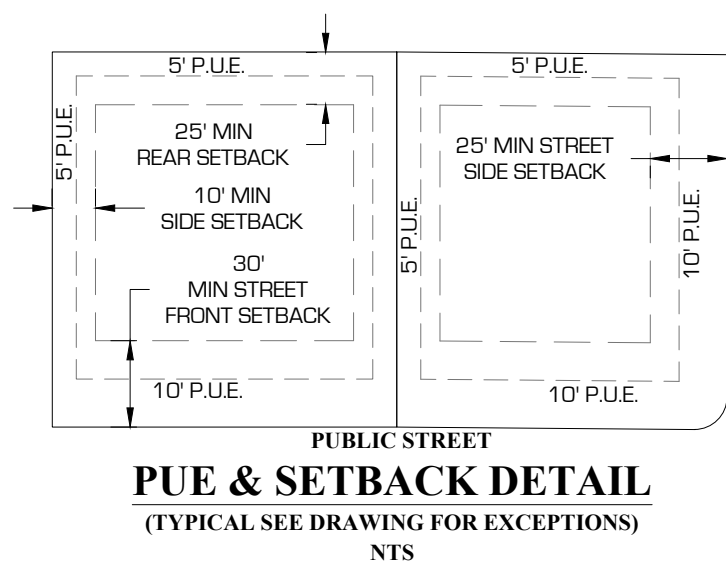
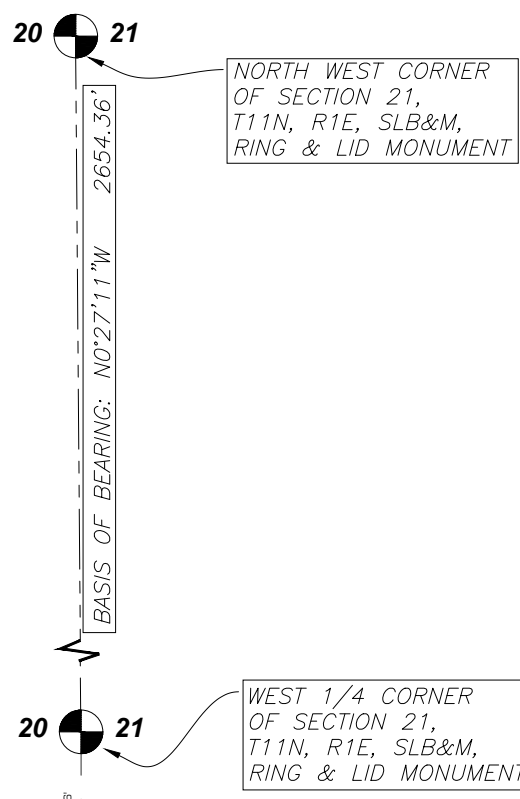
Open Space 5 is planned to be park space. The landscaping plans show there is a plan to plant grass and trees within the park, as well as a trail that links to Open Space 2. This Park is located on the edge of the development adjacent to 450 W. The City Council suggested to the developer that the City may want to take long term ownership maintenance of the park to benefit neighboring residents from outside the proposed subdivision. This park would help the City achieve a goal to have a park within .25-.5 miles of every resident. This parcel meets 2, 5, and 6.

Open Space 6

Open Space 6 is planned to a naturally landscaped parcel with a few trees planted. There is currently a canal that runs through the parcel that is not shown on the plat. Staff has requested more information about the plans of this open space and how it will comply with the needed criteria.



LOCATED IN THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 1 EAST
OF THE SALT LAKE BASE AND MERIDIAN, COUNTY OF CACHE, STATE OF UTAH
SCALE: 1"=100'



A portion of Lots 6 & 7, Block 17, MILLVILLE WEST FARM SUBDIVISION, located in the NW1/4 of Section 28, Township N11 Range 1 East, Salt Lake Base & Meridian, Nibley, Utah, more particularly described as follows:

Beginning at the intersection of the easterly line of the Phase I Subdivision (formerly Oregon Short Line Railroad) and the southerly line of ADAMS ESTATES PHASE I Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence S0°02'00"E along said southerly line of Adams Estates Phase I Subdivision 1,081.97 feet from the West 1/4 Corner of Section 21, T11N, R1E, SLS.B.M. [Basis of Bearing: N0°27'11"W along the Section line between the West 1/4 Corner and the Northwest Corner of said Section 21]; thence S89°02'E along the south line of said Subdivision 626.35 feet to the southwest corner of Lot 35, Phase 1, APPLE CREEK SUBDIVISION, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence S89°03'E along said southerly line of Apple Creek Subdivision 67.00 feet east of the Northwest Corner of the East 1/2 of Lot 7, Block 17, MILLVILLE WEST FARM SUBDIVISION, thence S0°54'21"W parallel with, and 67.00 feet easterly of the west line of the East 1/2 of said Lot 441.13 feet; thence N89°05'40"E parallel with, and 220.40 feet northerly of the south line of said Lot 598.71 feet to the westerly line of Lot 1, ANDERSON LOT SPLIT SUBDIVISION, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence S0°53'34"W [plat: S0°53'34"W] to the SE corner of said Subdivision, thence S0°56'55"E [plat: S89°53'54"E] along said Plat 3.45 feet to the northwest corner of Phase 2, HERITAGE HILLS SUBDIVISION, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence S1°01'42"W [plat: S0°15'00"W] along said plat 666.60 feet; thence N89°03'41"W along the extension of, and along the southerly line of Lot 6, Block 17, MILLVILLE WEST FARM SUBDIVISION 1,275.71 feet to the easterly right-of-way of said subdivision, thence along said right-of-way the following distance: S0°00'00"E 186.17 feet to a rebar & cap [found]; thence N89°00'00"W 8.50 feet to a rebar & cap [found]; thence N1°00'00"E 375.95 feet to the point of beginning.

— LEADERS IN SUSTAINABLE ENGINEERING AND PLANNING

- C-101

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF CIVIL SOLUTIONS GROUP, INC. AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY OTHER PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF CIVIL SOLUTIONS GROUP, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR TO THE DESIGN THEREON WITHOUT THEIR CONSENT. THESE PLANS ARE DRAWN TO SCALE WHEN PLOTTED ON A 24" X 36" SHEET OF PAPER.

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	20.26	15.00	77.38	N3° 35' 19"E	18.75
C2	6.49	455.80	0.82	N41° 28' 44"E	6.49
C3	23.59	15.00	90.10	N45° 54' 24"E	21.23
C4	25.05	130.00	11.04	N85° 26' 01"E	25.01
C5	57.02	130.00	25.13	N67° 20' 50"E	56.56
C6	63.41	130.00	27.95	N40° 48' 30"E	62.78
C7	58.62	130.00	25.83	N13° 55' 03"E	58.12
C8	88.92	230.00	22.15	N10° 04' 30"W	88.36
C9	56.00	230.00	13.95	N28° 07' 30"W	55.86
C10	116.99	230.00	28.77	N26° 17' 48"E	115.77
C11	44.38	233.00	10.91	N6° 27' 22"E	44.31
C12	6.75	133.00	2.91	N0° 27' 14"W	6.75
C13	184.78	133.00	79.60	N41° 42' 32"W	170.27
C14	17.53	133.00	7.55	N85° 17' 05"W	17.51
C15	23.56	15.00	90.00	S44° 03' 41"E	21.21
C16	75.94	230.00	18.92	S8° 31' 10"E	75.59
C17	8.71	230.00	2.17	S19° 03' 44"E	8.71
C18	12.50	170.00	4.21	S18° 02' 23"E	12.50
C19	50.06	170.00	16.87	S7° 29' 50"E	49.88
C20	23.55	15.00	89.97	S45° 55' 20"W	21.21

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C21	44.81	130.00	19.75	S81° 01' 50"W	44.59
C22	74.50	130.00	32.83	S54° 44' 20"W	73.48
C23	66.59	130.00	29.35	S23° 38' 55"W	65.86
C24	18.23	130.00	8.04	S4° 57' 25"W	18.22
C25	30.69	15.00	117.23	S59° 33' 11"W	25.61
C26	43.47	230.00	10.83	N67° 14' 47"W	43.40
C27	65.49	230.00	16.31	N80° 49' 03"W	65.27
C28	80.53	170.00	27.14	S75° 24' 13"E	79.78
C29	80.91	230.00	20.16	S72° 30' 46"E	80.49
C30	26.11	230.00	6.50	S85° 50' 33"E	26.09
C31	28.42	130.00	12.52	N84° 38' 37"E	28.36
C33	59.26	130.00	26.12	N39° 37' 50"E	58.75
C34	58.16	130.00	25.63	N13° 45' 19"E	57.68
C35	34.46	269.40	7.33	N3° 21' 16"W	34.44
C37	19.44	181.54	6.13	N17° 43' 34"W	19.43
C38	62.56	170.00	21.09	N9° 36' 14"W	62.21
C39	23.56	15.00	90.00	N45° 56' 19"E	21.21
C40	23.57	15.00	90.03	S44° 04' 40"E	21.22
C41	109.92	70.00	89.97	S45° 55' 20"W	98.97
C42	23.57	15.00	90.03	N44° 04' 40"W	21.22

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C43	109.92	70.00	89.97	N45° 55' 20"E	98.97
C44	105.32	67.00	90.06	S44° 01' 50"E	94.80
C45	147.20	167.13	50.46	S26° 15' 10"W	142.49
C46	9.89	164.90	3.44	S53° 12' 11"W	9.89
C48	23.54	15.00	89.90	N44° 05' 36"W	21.20
C49	109.90	70.00	89.95	S45° 58' 38"W	98.96
C50	104.05	170.00	35.07	S16° 32' 00"E	102.43
C51	23.56	15.00	90.00	S80° 05' 59"E	21.21
C52	95.27	167.00	32.69	N38° 33' 27"E	93.98
C53	62.25	167.00	21.36	N11° 32' 12"E	61.89
C54	6.61	233.00	1.62	S54° 05' 17"W	6.61

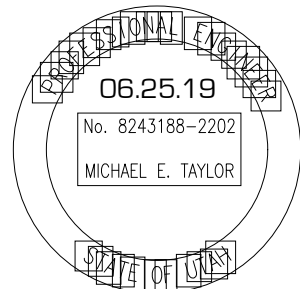
[illegible]

PROJECT #: 17008

DRAWN BY: B. REES

REVIEWED BY: M. TAYLOR

ISSUED: 6.25.2019



PRELIMINARY
PLAT

C-101

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Native Grasses Seed Mix

BOTANICAL NAME	COMMON NAME	P.L.S. lbs./acre
Distichlis spicata	Inland Saltgrass	7.0
Bouteloua rothrockii	Rothrock's Grama	2.0
Festuca pratensis	Meadow Fescue	8.0



Distichlis spicata



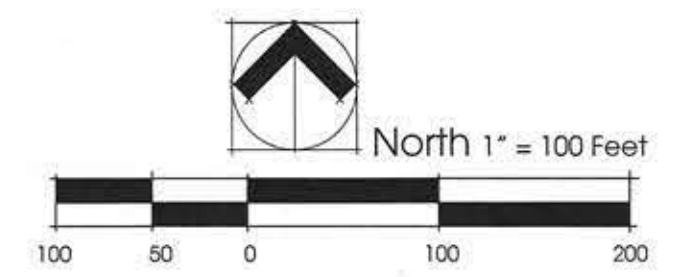
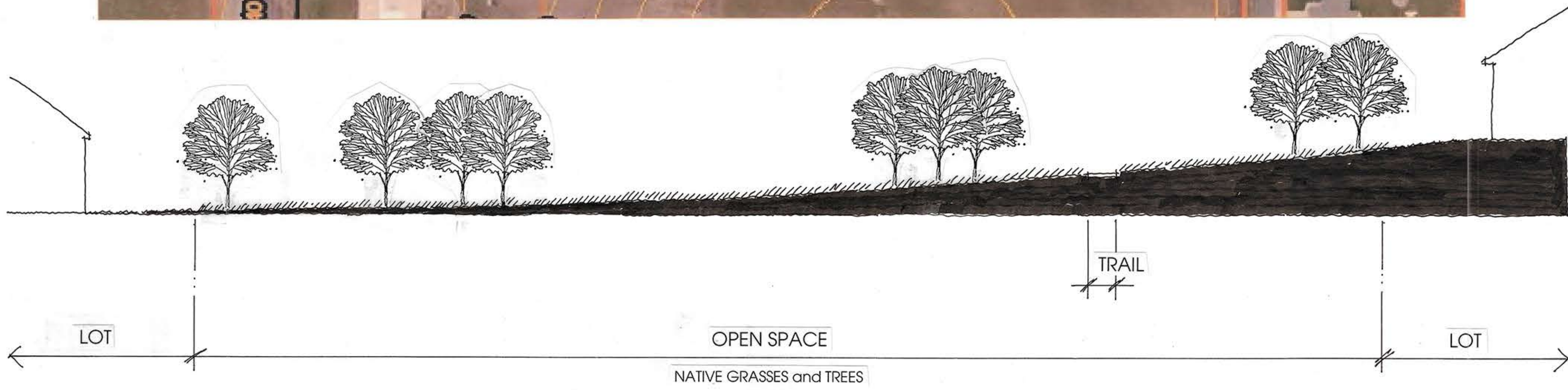
Bouteloua rothrockii



Festuca pratensis

Preliminary Plant List

KEY	PLANT TYPE	BOTANICAL NAME	COMMON NAME	SIZE
Orange circle	Street Trees	Acer t. x Acer p. 'Warrenred'	Pacific Sunset Maple	2" cal.
Blue circle	Street Trees	Fraxinus p.l. 'Palmore'	Palmore Ash	2" cal.
Green circle	Street Trees	Pyrus calleryana 'Bradford'	Bradford Flowering Pear	2" cal.
Dark green circle	Shade Trees	Celtis occidentalis	Common Hackberry	2" cal.
Light green circle	Shade Trees	Tilia cordata 'Greenspire'	Little Leaf Linden	2" cal.
Purple circle	Accent Tree	Malus 'Prairie Fire'	Prairie Fire Crabapple	1 1/2" cal.



3 JULY 2019
Conceptual Planting Plan

MOUNTAIN VISTA

Ironwood Construction, 50 East 2500 North, North Logan, Utah



PRELIMINARY MAINTENANCE PLAN

FOR THE

MOUNTAIN VISTA SUBDIVISION

LOCATED AT APPROXIMATELY

3530 SOUTH 450 W

NIBLEY, UT

July 1, 2019



Introduction

The following preliminary maintenance plan was prepared in accordance with section 21.10.020(L)(2) of the Nibley city municipal code. The intent of this document is to outline the ownership and maintenance plans for the open space that is proposed as a part of the Mountain Vista Rural Preservation Subdivision. A copy of the proposed preliminary plat is attached as exhibit 'A' to the end of this document.

Proposed Ownership

Each parcel of open space contained within this subdivision will be held in perpetuity by an entity, to be created, that will be known as Mountain Vista Home Owners Association, Inc. (Association). The proposed open space parcels will be subject to a perpetual conservation and access easement granting the public access to the open space parcels.

Maintenance Responsibility

For all open space parcels privately owned by the Association, all maintenance will be the responsibility of said entity, or its assigns. The cost of maintaining the open space as proposed will be supported by dues that are paid to the HOA by residents of the proposed subdivision.

Proposed Open Space Use

Open Space Area 1: This parcel will be primarily used as a visual buffer to provide vehicles and pedestrians in the area a visual break from the surrounding residential homes. It will also be landscaped and fully manicured to allow residents to comfortably utilize the space.

Open Space Area 2: This is the largest open space parcel in the subdivision at over 5.4 acres. This parcel will be used as a wide and comfortable section of trail corridor as well as a visual buffer that will provide a nice separation between homes on the top and bottom of the natural bluff.

Open Space Area 3: This parcel contains the storm water storage area. The parcel will be landscaped per all code requirements to be eligible to be counted towards the required open space area.

Open Space Area 4: This parcel is a trail corridor connection to the property to the south of the proposed subdivision.

Open Space Area 5: Also known as the park parcel. This parcel is 1.99 Acres and will be an area that will be enjoyed by both residents of this subdivision and the surrounding properties. This parcel would be an excellent candidate for a local city park if the city chose to pursue that option.

Open Space Area 6: This parcel will provide continuity as open space to the neighboring parcels to the north. This area will provide an additional buffer between this subdivision and the larger lots to the east.

Open Space Standards

Each parcel of open space within the proposed subdivision meets the open space design standards as outlined in section 21.10.020(l) of the Nibley municipal code. Each open space parcel is identified below with a brief description of how it contributes to meet the code section referenced above.

Open Space Area 1: Area 1 will be landscaped in such a way that it will provide a small, but still useable park area. The area will be manicured grass with deciduous and evergreen trees densely planted to create an area that is not only a great visual buffer for those on the go, but also an inviting area to stop at during a leisurely walk with the kids. This area meets standards 5 (pedestrian access) and 6 (Recreation space).

Open Space Area 2: Area 2 meets standards 1 and 5 by preserving a significant feature on the property which is the hillside that traverses the north-south along the entire project. There will be a public trail that will traverse the parcel for approximately 1200 feet. While enjoying the trail and accompanying corridor, which is up to 320 feet wide, trail users will enjoy native grass landscapes along with deciduous and evergreen trees planted along the corridor. The parcel will also provide a large swath of open space that runs nearly the length of the project from north to south, thus satisfying standard 2.

Open Space Area 3: Standard 7 requires that if a parcel containing a storm water basin is to be used open space it must meet certain criteria. The proposed storm basin parcel will be landscaped with a tree for every 300 square feet of area, resulting in planting over 100 trees on this parcel.

Open Space Area 4: This parcel will provide pedestrian accessibility to adjoining properties per standard 5.

Open Space Area 5: The park parcel. This 2-acre parcel provides great public access to a large park area. The city's park master plan shows this park as being in an area that is not currently being served by a city park. Residents of the Mountain Vista Subdivision, as well as neighboring property owners will enjoy the recreation space (standard 6) that this park provides.

Open Space Area 6: The location of parcel 6 provides for less development fronting on the future 450 West Street. Residents now, and in the future will enjoy this landscaped break in the residential housing. This parcel also provides an opportunity for the adjoining parcel to the north to provide open space contiguous to this parcel when they develop.

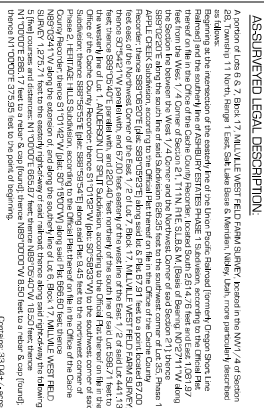
Open Space Parcel Information

The area and proposed landscape concept for each of the proposed open space parcels are attached as exhibit 'B' to the end of this document.

Exhibit 'A'

Preliminary Subdivision Plat

LOCATED IN THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 1 EAST
OF THE SALT LAKE BASE AND MERIDIAN, COUNTY OF CACHE, STATE OF UTAH
SCALE: 1"=100'

[illegible]

	Approximate Number of Fish
Total fish in the pond	33-34 Acres
Dead fish in the pond	10-12 Acres
Not diseased fish	26-12 Acres
Average of 100 fish per acre	8-13 Acres
Open space ratio	0.36
Bush number of fish	52-23
Invasive number	3-8
Dead fish in the pond	38
Total fish needed	10-20 Acres
Minimum fish size	9.00-9.67
Average fish size	10.20-9.67
Maximum fish size	10.66-9.67
Water flow	7-25

[illegible]

MOUNTAIN VISTA SUBDIVISION
PRELIMINARY PLAT
600 WEST 3500 SOUTH
NIBLEY, UTAH 84321

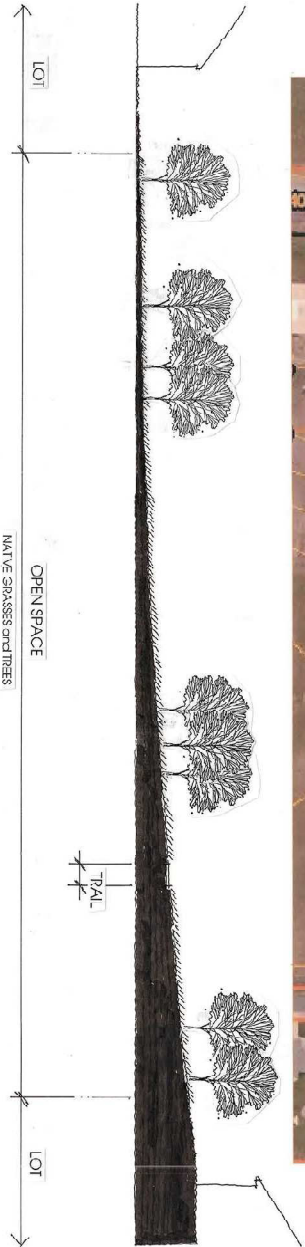
civilsolutionsgroup inc.

540 W GOLF COURSE RD SUITE B1
PROVIDENCE, UT 84332
P: 435.213.3762
F: 435.213.3762
www.civilsolutionsgroup.net



Exhibit 'B'

Proposed Open Space Landscape Concept Plans



Native Grasses Seed Mix

Botanical Name	Common Name	Fl. Color
<i>Andropogon scoparius</i>	Hardy Bluegrass	7/8
<i>Bouteloua curtipendula</i>	Butterfly Grass	2/3
<i>Festuca ovina</i>	Sheep Fescue	8/3



Preliminary Plant List

Plant	Quantity	Notes
Street Trees	100	100' x 100' x 100'
Shade Trees	100	100' x 100' x 100'
Native Grasses	100	100' x 100' x 100'
...	...	...

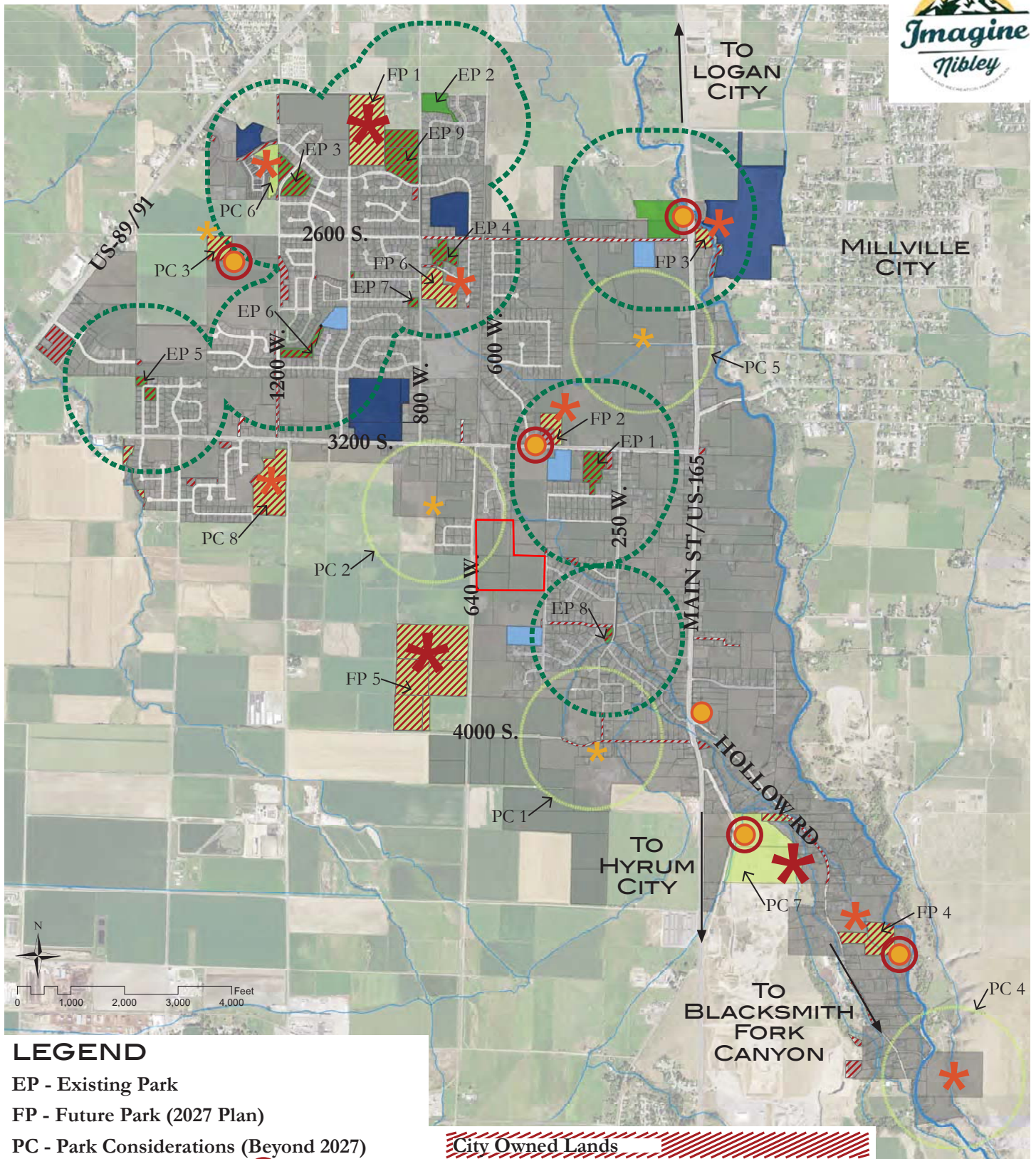
MOUNTAIN VISTA

Ironwood Construction, 60 East 2500 North, North Logan, Utah

R. MICHAEL KELLY
CONSULTANT

LAND PLANNING - LANDSCAPE ARCHITECTURE
1100 East 1000 North, UT 84302

PARKS MAP



LEGEND

EP - Existing Park

FP - Future Park (2027 Plan)

PC - Park Considerations (Beyond 2027)

Future Trailhead

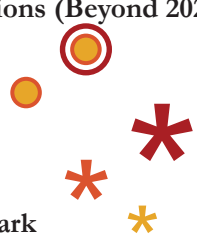
Existing Trailhead

Future Regional Park

Future City Park

Future Community Park

Water Way



City Owned Lands

Identified Need for Future Park

1/4 Mile Radius from Existing Park

Future Park

Existing Park

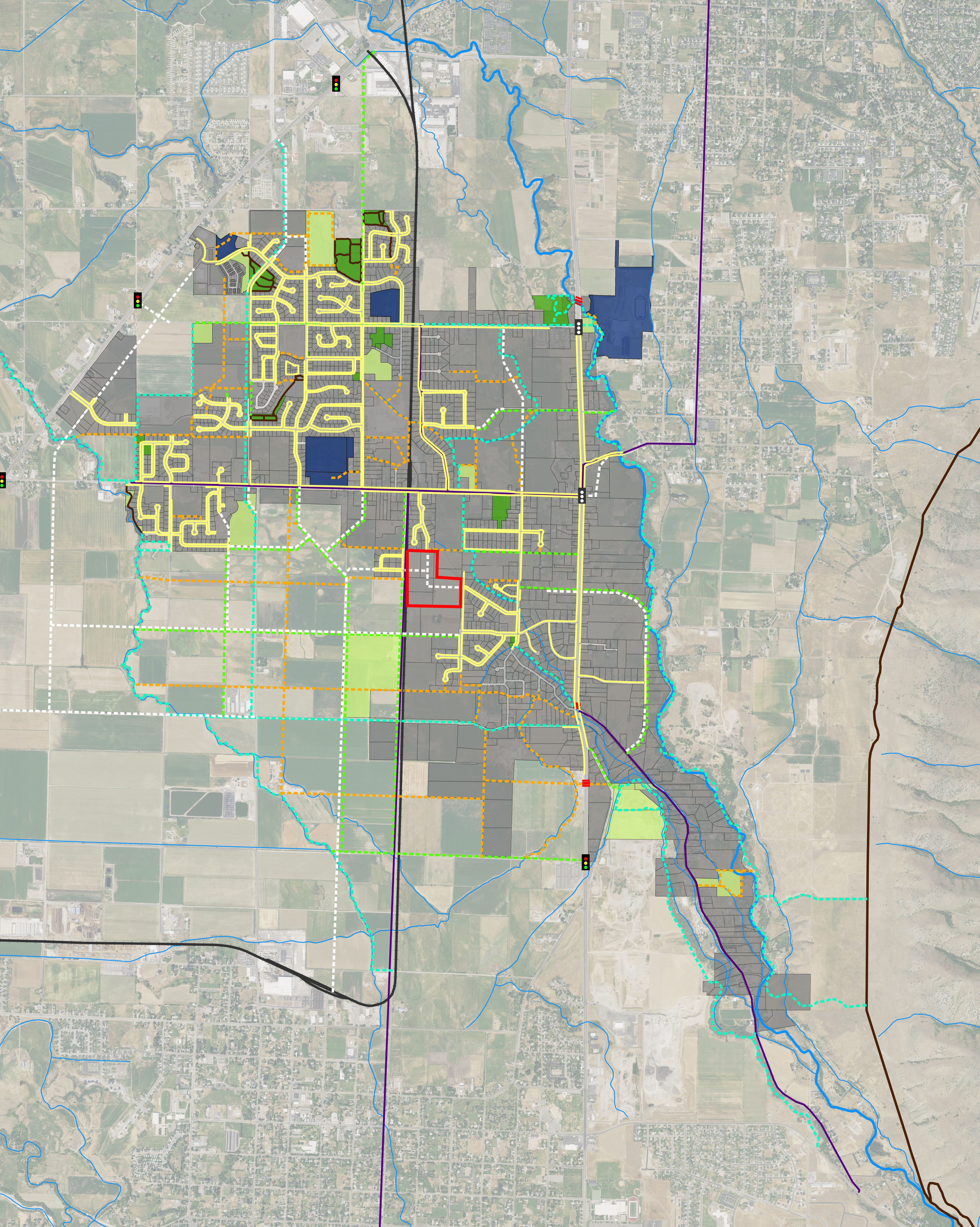
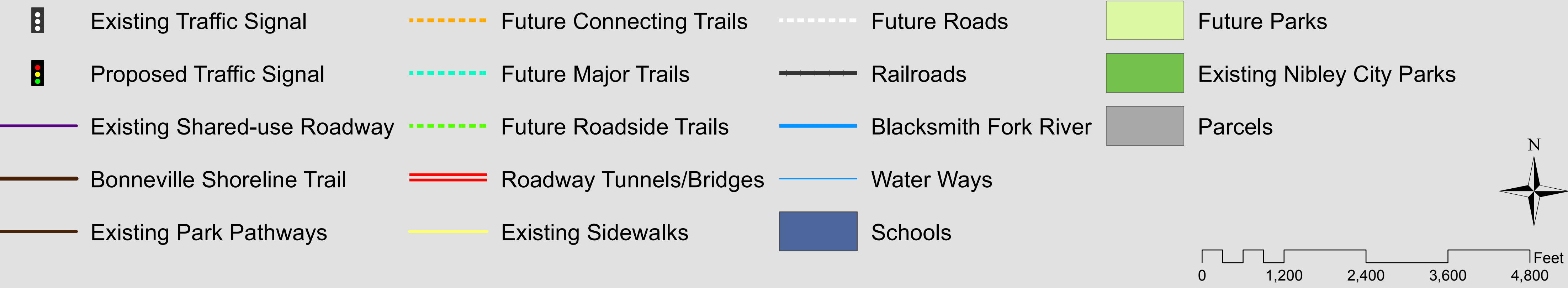
School

Church



civilsolutionsgroupinc

Trails Map



Agenda Item #4 and 5

Description	1. A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.24.090 Fence Regulation 2. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.24.090 Fence Regulation
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner, City Engineer, and City Attorney.

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 proposed ordinance changed based on the presentation of fences in Nibley City that show different types of fences within the City and discussion from the Planning Commission at the last meeting.

The main change contained within the proposed ordinance is an elimination of the side yard street fence setback requirements in exchange for sight triangles around intersections and driveways adjacent to corner lots. There has also been some clarifying language added to the document about fences along trails, and definition for transparent/open fences and opaque fences.

19.24.90 Fence Regulations

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.

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A. Definitions

1. Fence: An enclosure of barrier, such as wooden post, wire, iron, aluminum, vinyl, shrubs, bushes uses as a boundary, means of protection, privacy screening or confinement.
2. Opaque Fence: A Fence, including any gates, prevents direct vision through less than 75% of any one section/panel including post. Examples would include vinyl, wood, cement, brick or blocks.
3. Public 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
4. Transparent/Open Fences: A Fence, including any gates, that permits direct vision through at least 75% of any one section/panel fence including post. Examples include chain link, hog wire, metal rod, and some post and rail fences.

2.5.

B. General Requirement

1. Fence: Front Yards: 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 C;
2. Back and sideyards: ~~nor shall any~~ No 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-fence (eighty percent (80%) or more opaque), e.g., solid wood,~~ and eight feet (8') for a ~~transparentnon-opaque (less than twenty percent (20%) opaque)~~ fence, e.g., chain link, subject to the limitations identified herein for fences bordering Public Trails, ~~corner lots, and adjacent to streets. Public Walkways and Public Easements for non-motorized vehicles (collectively Public Trails hereafter). Public Trails located in Public Parks are excluded from the fence regulations, conditions and provisions of subsection C of this section.~~
3. 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.

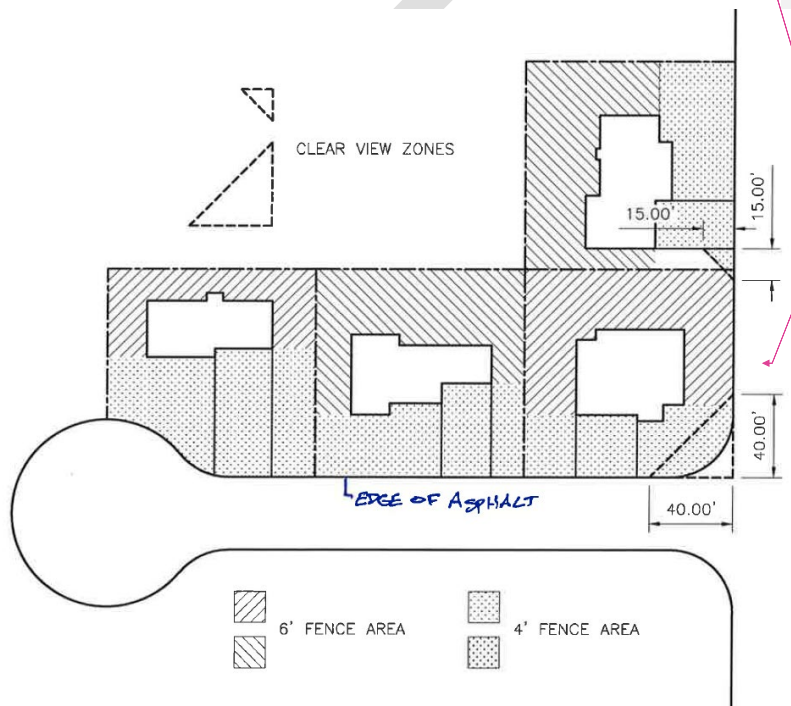
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C. Corner Lots and clear view triangles:

1. Street Side Yards: No fences, wall, hedge or other visual obstructions in excess of four feet (4') shall be placed on any corner lot within a triangular area formed by the intersecting points of the street 40 feet from the intersection of the streets or roadway, except a reasonable number of trees pruned appropriately to permit automobile drivers an unobstructed view.
2. Driveways: Fencing in the street side yards adjacent to a driveway shall not exceed four feet (4') for a distance of fifteen feet back from the intersection of driveway and sidewalk, or driveway and property line where no sidewalk exists as shown on the drawing below.
3. Clear View Fencing Diagram:



4. This section shall apply to all fences as defined herein; other obstructions shall comply with NCC 19.24.110.

C.

1. Corner lot fences shall comply with one of the following:
 - i. No opaque fence, wall or other similar structure shall be erected 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.

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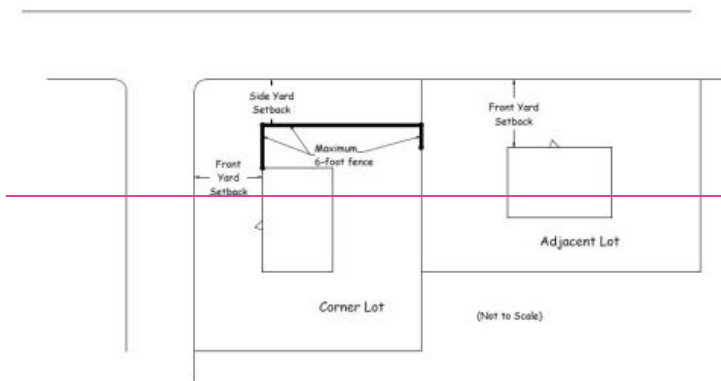
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- ii. Six foot (6') tall opaque fences adjacent to a street are allowed at the side yard setback line, starting at the corner lot's front yard setback line and running to the corner lot's rear property line. When the rear yard of a corner lot is adjacent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

- D. 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 ~~six~~^{six} feet (~~6'~~^{8'}) in height:
 - i. Post and rail fencing;
 - ii. Field fencing;
 - ~~iii.~~ Chain-link Fence
 - ~~iv.~~ High-tension wire fencing; and

Commented [SN1]: Change for to match sight triangles.

Commented [SN2]: Make more clear about what type of fencing is allowed along trails.

~~iv.v.~~ Any other fencing or landscaping elements that meet the transparent/open fence requirement contained within this chapter. not exceeding twenty percent (20%) opaque.

2. Fencing or hedges that may not exceed four feet (4') in height:

- i. Vinyl Chain link fencing; and
- ii. Any Opaque Fencing other fencing or hedges are 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.~~

~~4.~~ 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.

5. Public Trails located in Public Parks, within or adjacent to a public or private street right-of-way, or contained over existing railroad tracks are excluded from the fence regulations, conditions and provisions of this subsection.

- E. 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.
- F. 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.~~
- G. 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).
- H. Fences shall not be built within one foot (1') of a sidewalk or the projected location of a future sidewalk.
- I. Access to a rear yard is required for emergency purposes and shall be at least four feet wide.
- J. 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.



Nibley City Fences Workshop

Need for Change

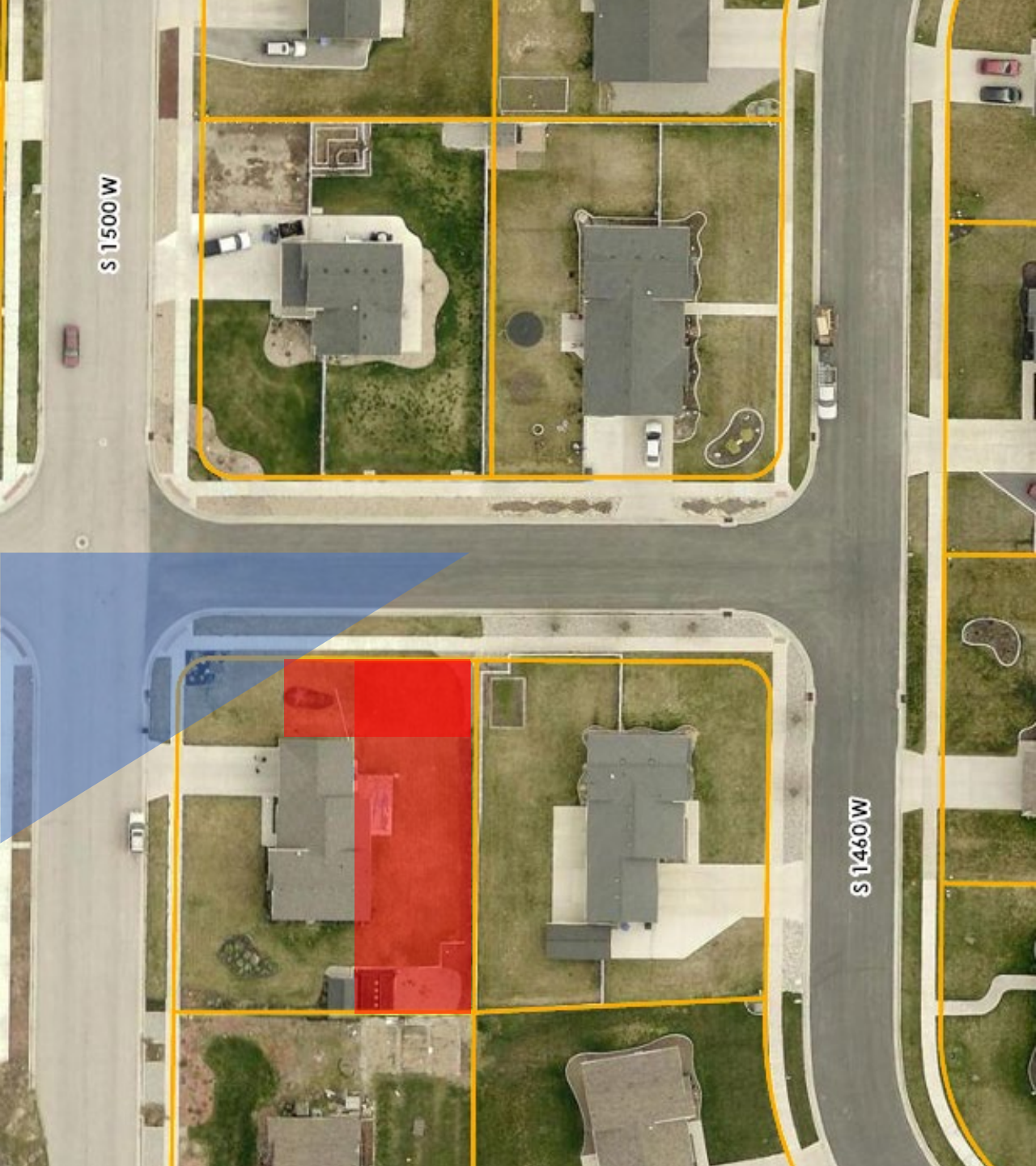
- Nibley City staff has received several complaints about current fence ordinance
- Biggest Concerns
 - Corner Lots
 - Lots next to trails
 - Fences next to canals
- A couple of variance request, one dragged out settlement



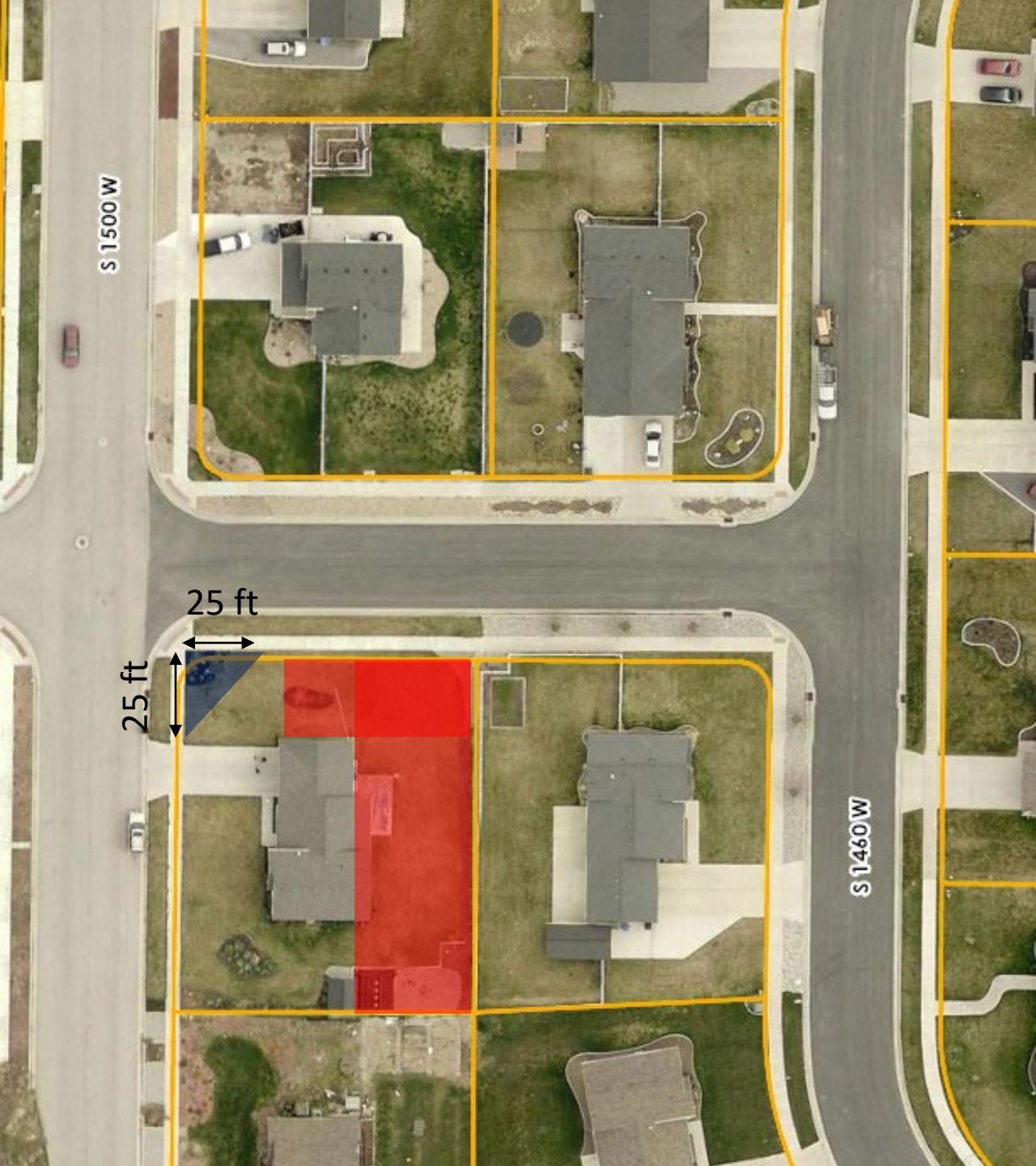
Fence Sight
Triangle for a requested
application



Fence Sight
Triangle for a possible
application

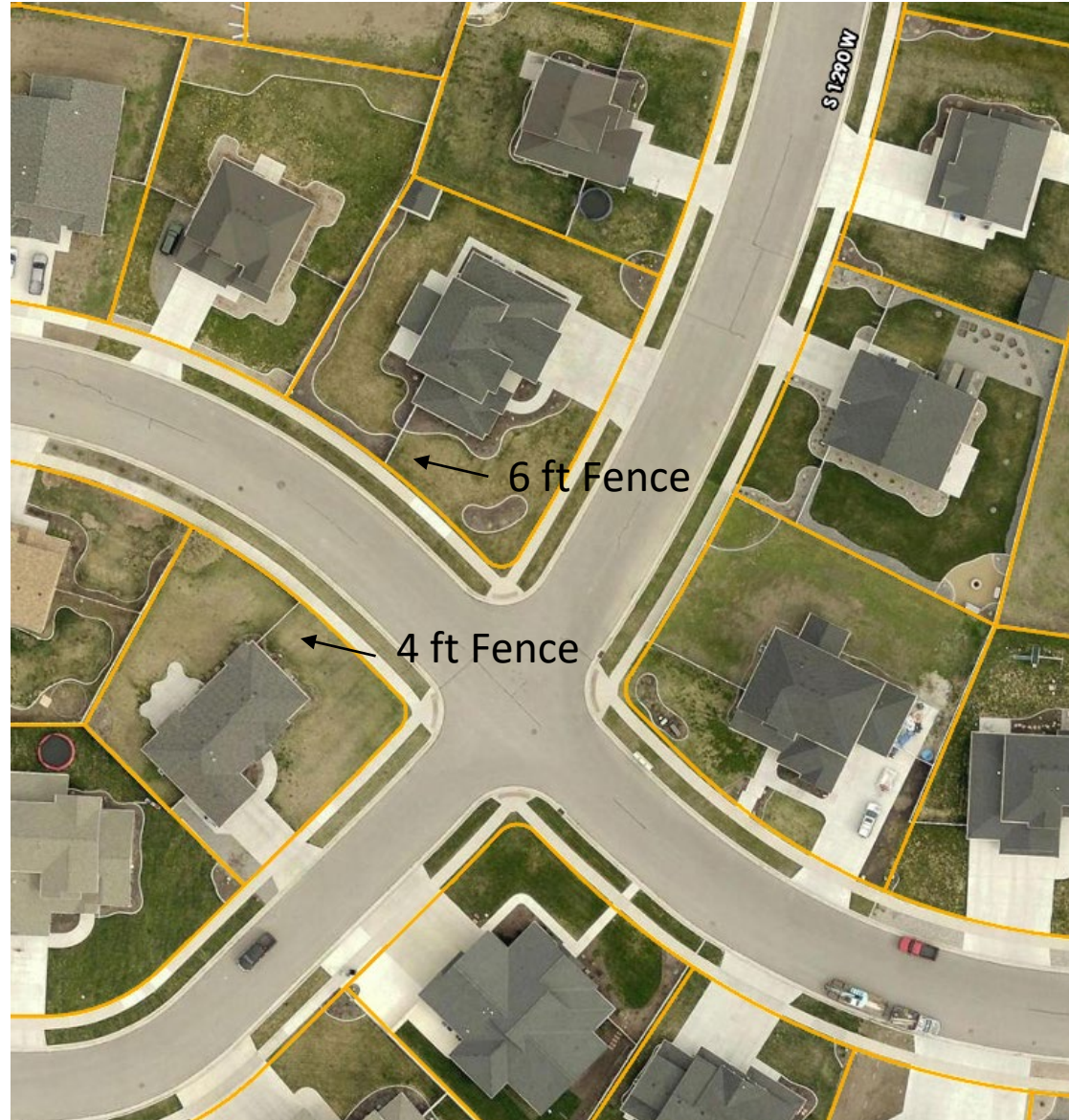


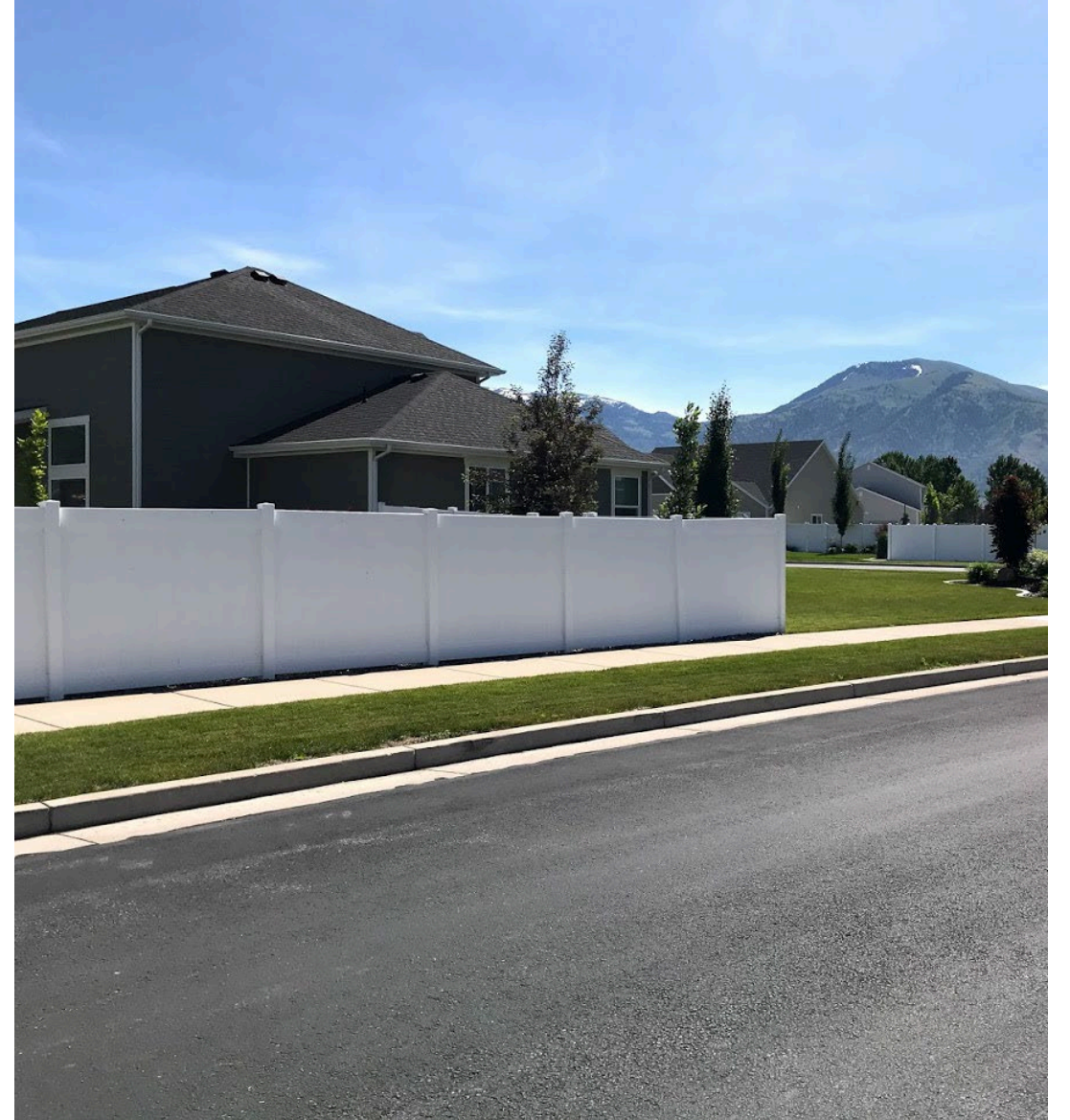
Nibley City's current sight triangle





Corner Lot Fences



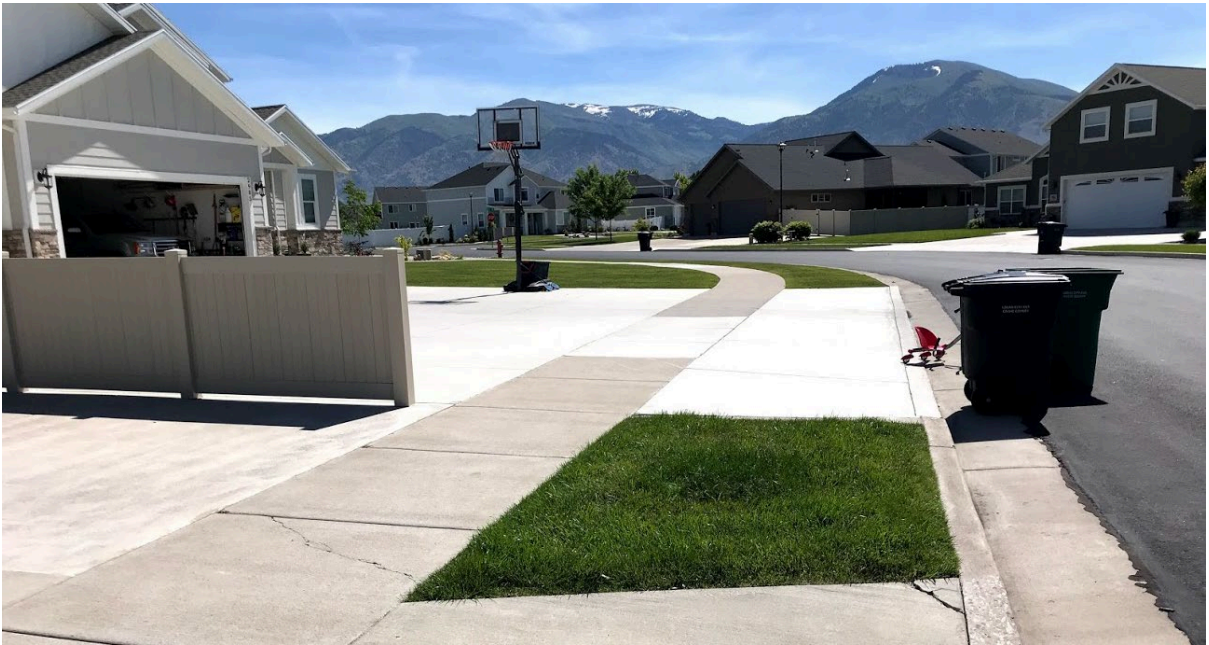








Fences Next to driveways





Fences next to trails







Allowed fencing types for corner lots and trails

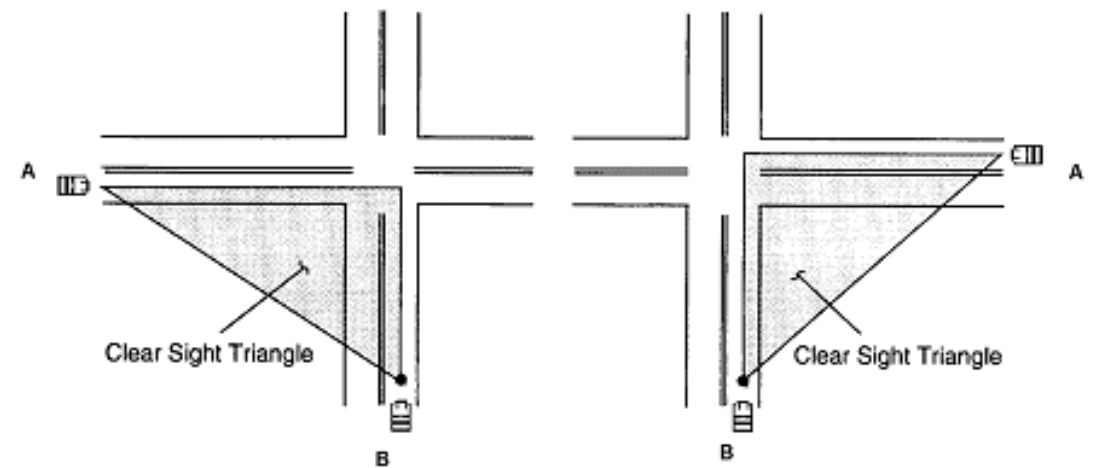
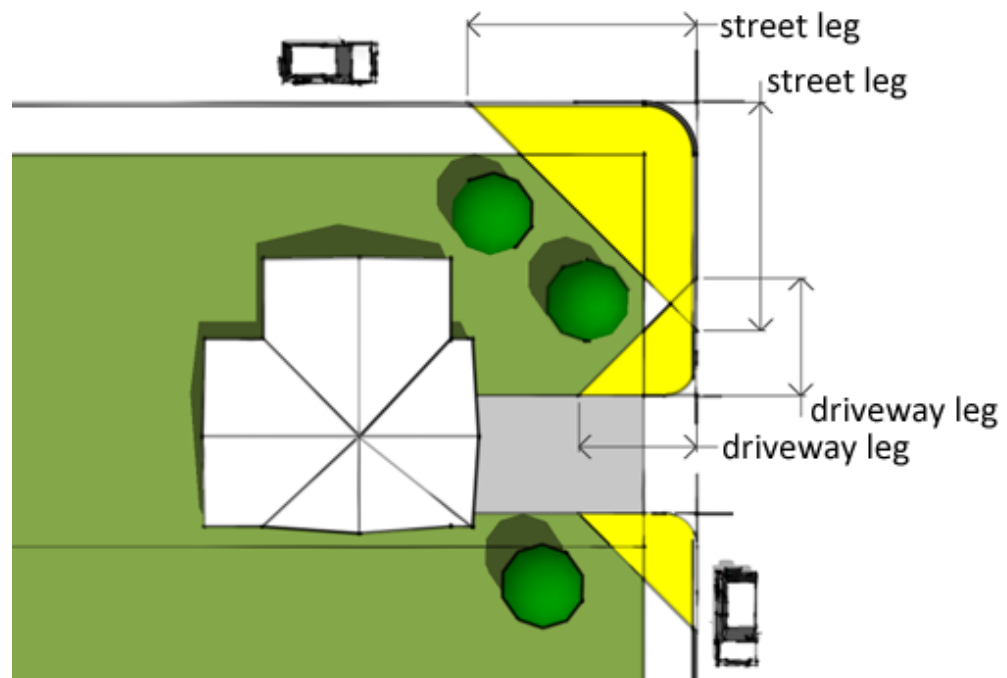




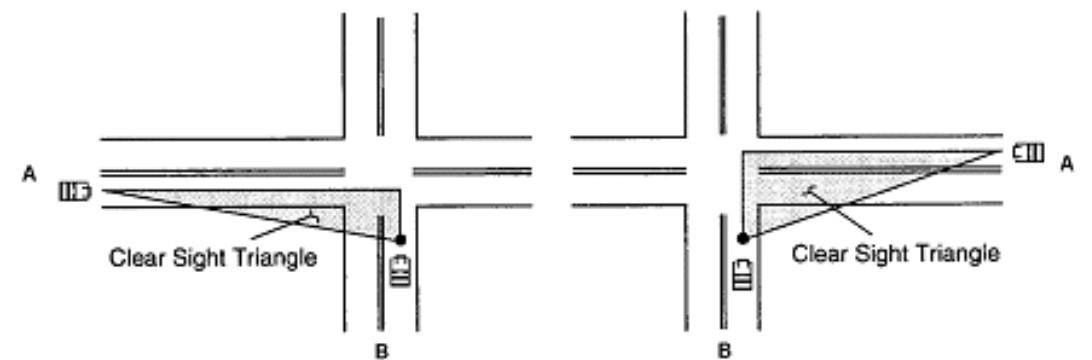


What should we do?





A -- Approach Sight Triangles

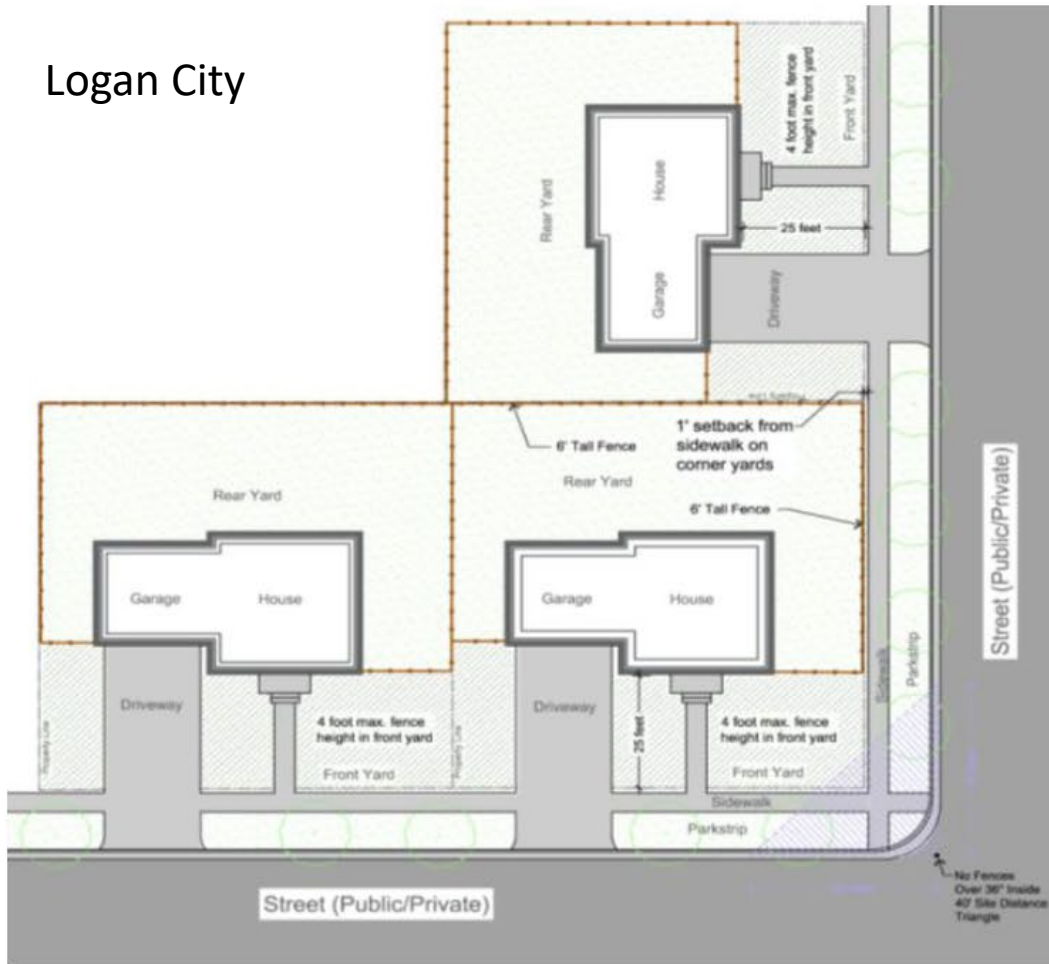


B -- Departure Sight Triangles

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

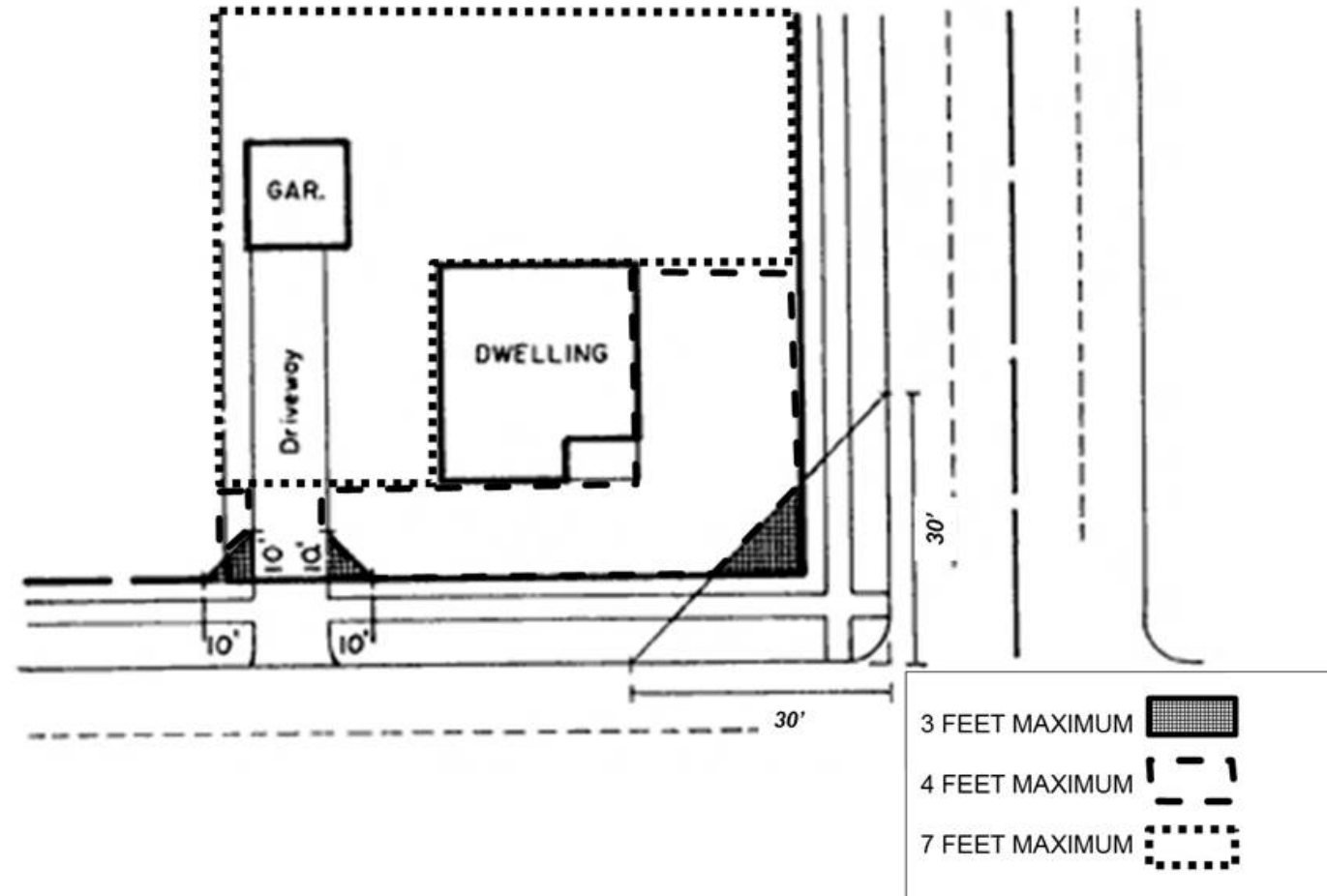


Figure 6.1
Saratoga Springs

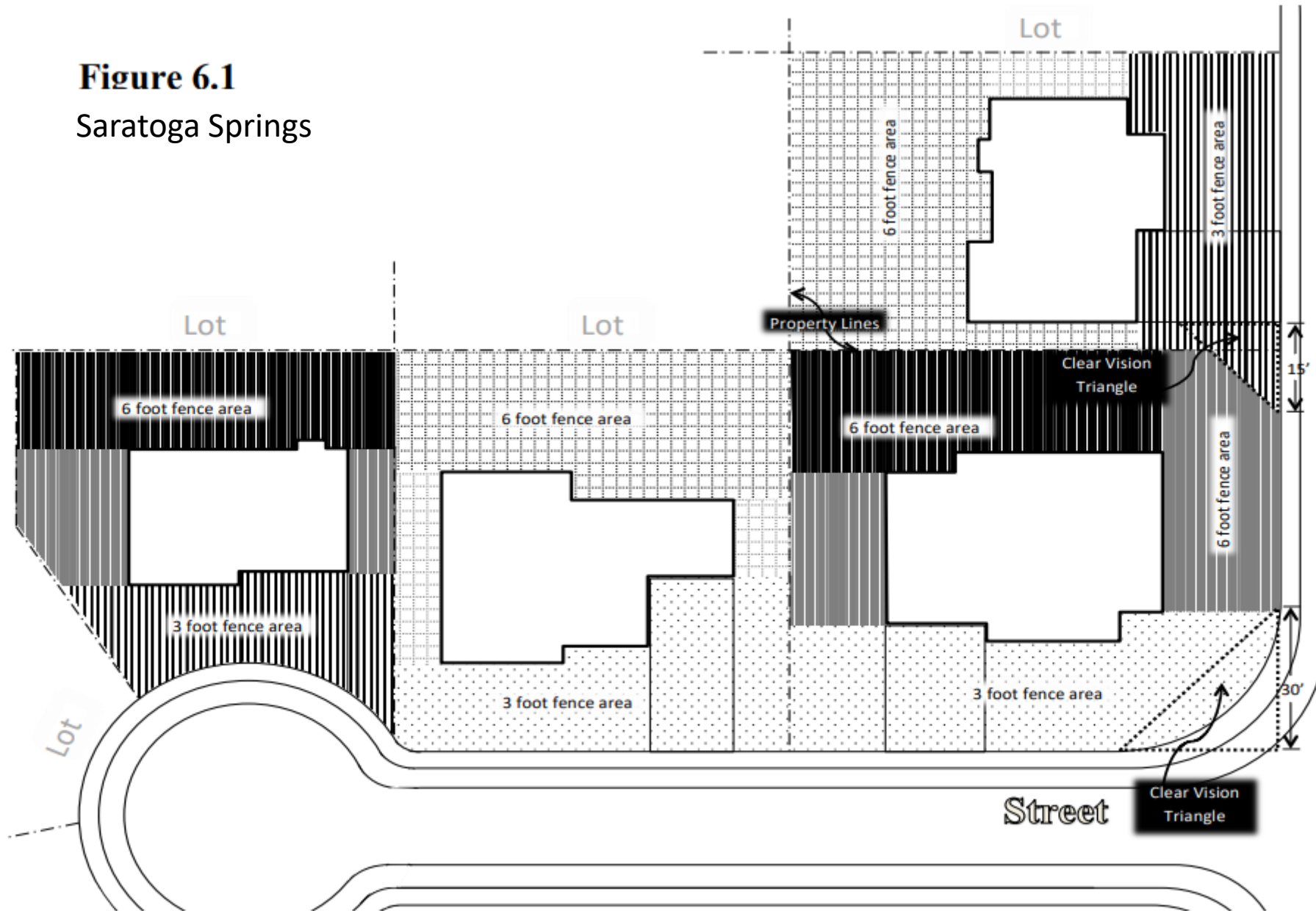
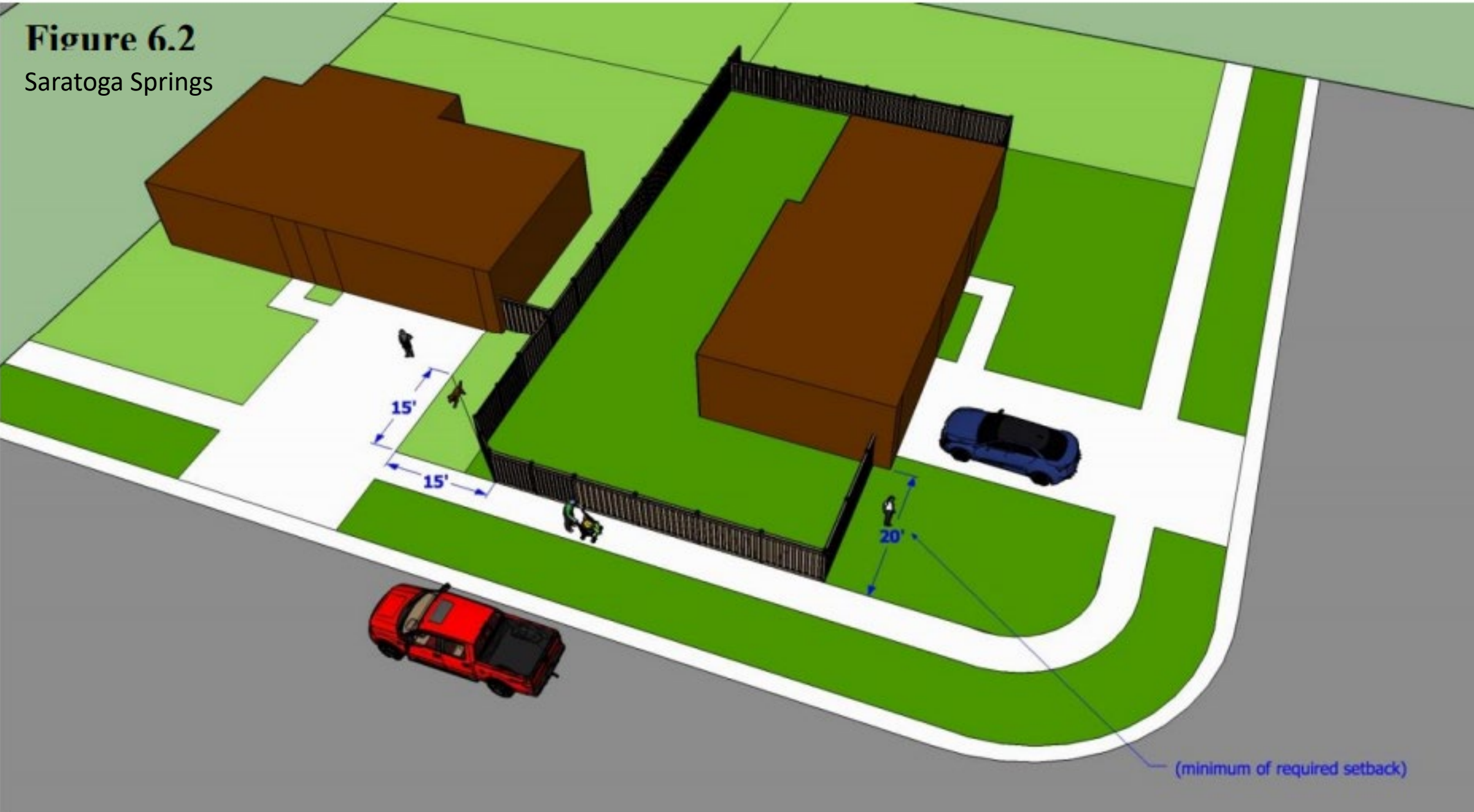


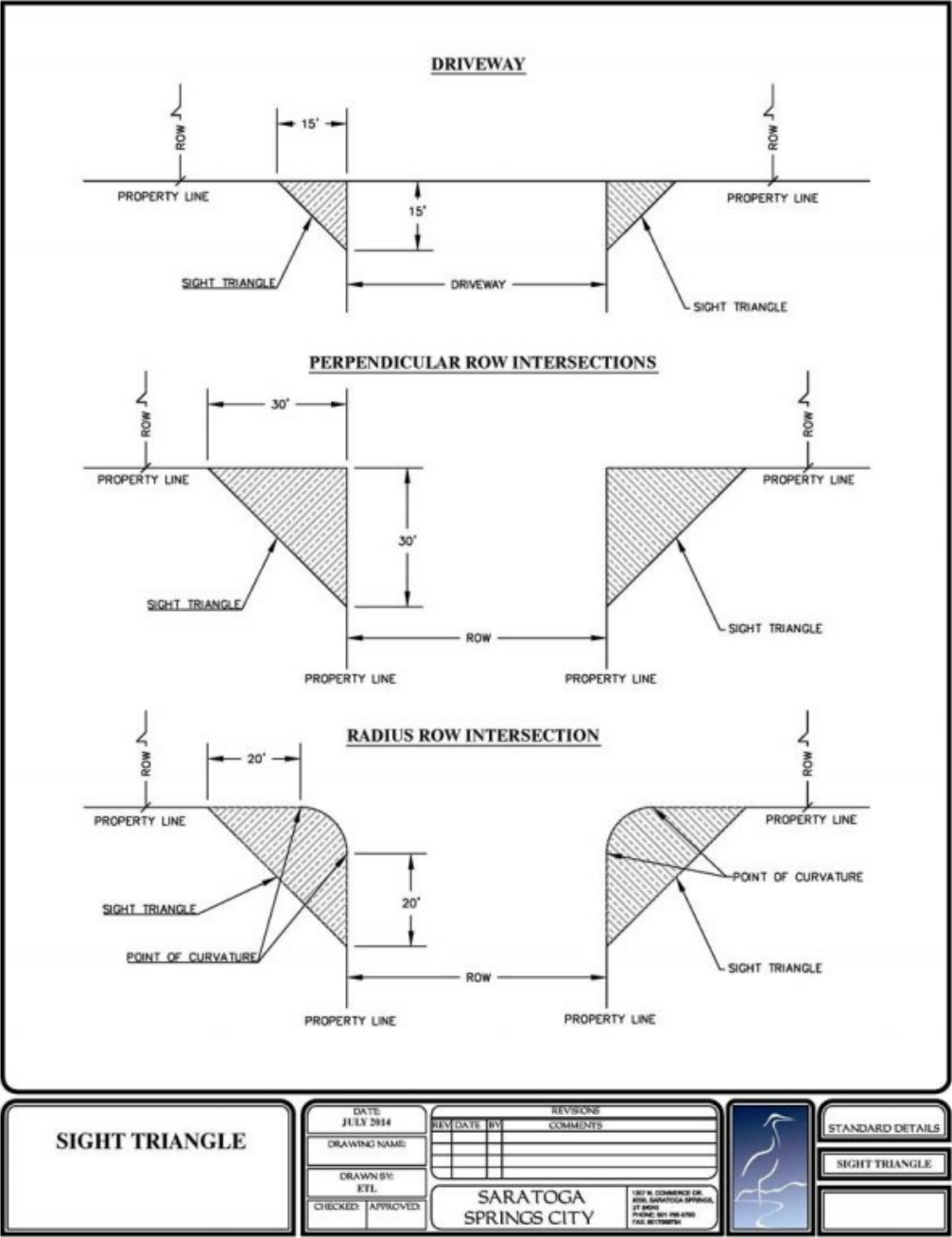
Figure 6.2

Saratoga Springs



Clear Sight Triangle:

Saratoga Springs



Agenda Item #6 and 7

Description	A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.28 Conditional Uses Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.28 Conditional Uses
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review and make a recommendation to the City Council
Reviewed By	City Planner, City Attorney, City Manager, and Utah Property Rights Ombudsman



Background

One of the main goals that the Planning Commission established for this year was to review and update our Conditional Use, Zoning Definition, and Land Use Table code sections. The Planning Commission has worked on these updates over the past couple of months and made several recommended changes as it has been worked on as a

single item. At the recommendation from the City Attorney, staff has broken the proposal up into three different ordinances.

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 pastureland 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 straightforward to understand; it is a use that is not allowed within a particular 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, Cities are obligated to follow 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

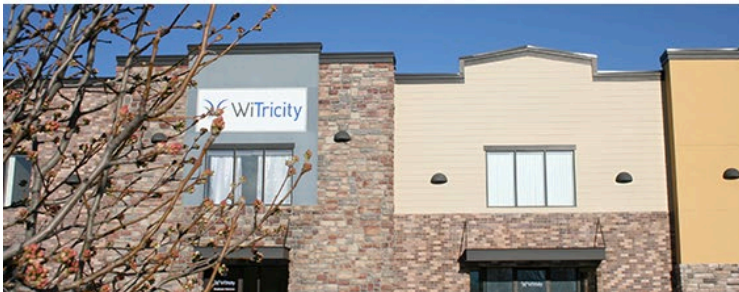
Utah law requires cities to be able to justify any conditions placed on an application for a conditional use permit and to be supported by Nibley City Code or adopted design standards. It is essential that Cities ensure their criteria are specific enough to ensure they can be applied to an application. An applicant may reasonably argue standards that are too vague that they do 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 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;

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

The proposed ordinance has been reviewed the Utah Ombudsman and the City Manager and those suggested edits have been added to the proposed ordinance.



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 upon certain conditions which make the uses suitable.

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 for failure to comply with the conditions imposed with the original approval of the permit as follows:

1. Notice of the alleged noncompliance and the date and time of the public meeting on the potential revocation shall be given to the permittee no later than ten (10) days before the meeting.
2. The permittee shall be given an opportunity during the public meeting to address the alleged noncompliance, demonstrate why the permit should not be revoked, and submit any desired evidence.
3. After reviewing the evidence and arguments, the Planning Commission or City Council shall issue a written decision with its factual findings and legal conclusions.

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 Permits, 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.
3. Proposed Use: The applicant shall provide sufficient detail of the proposed use to allow the City to properly classify the use and gauge 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: The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting according to application deadlines 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 by the planning commission or staff to be 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 to cover the costs

Commented [BB1]: This is very problematic. The purpose of CUP is not the make the uses suitable. That sounds too much like a subjective "use that we like" standard. The purpose should read that the CUP exists to mitigate any detrimental effects that may arise from the use.

Commented [BB2]: I like this option.

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 (10) days before the public hearing. HISTORY
Adopted by Ord. No Source on 6/3/1993

19.28.040 Determination

~~The City may deny or permit a conditional use based on standards within Nibley City Code, Design Standards, or Commercial and Institutional Design Standards. The Planning Commission shall impose reasonable conditions according to standards adopted and established by the City. The determination and all conditions shall be stated on the record through a written decision.~~

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 ~~imposed~~proposed or can be imposed to mitigate the reasonably 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. Substantial mitigation shall not mean complete elimination of all detrimental effects.
- B. 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. All proposed uses shall comply with the regulations and conditions specified in this title for such use.
- C. The City shall consider the following, plus other adopted standards in order to mitigate any detrimental effects of a conditional use application

1. Additional Standards for Conditional Uses for Residential Zones:

- i. All Conditional Uses within Residential Zones shall comply with all conditions as for forth in this Title, Nibley City Code, Nibley City Design Standards and Specifications, and any applicable state or federal law.
- 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.
 - b. Site plans must comply with the Transportation and Trails Master Plan.
- iii. Parking
 - a. Applicant shall provide off-street parking for the proposed use. Parking may be contained in a driveway, RV pad, or parking lot.

Commented [BB3]: The state law is very specific about the standard for denial, and what you have here does not conform to state law. Since you do cite and closely follow the state law below (well done), I suggest that you do not even need this section. Including it creates kind of a conflict.

Commented [SN4R3]:

- 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. All buildings located in Commercial and Neighborhood Commercial Zone must comply Nibley City Design Standards for Commercial and Institutional Uses
 - iv. 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.
 - v. 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 and inspection must be passed annually thereafter.
 - vi. 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.
 - vii. All site plans shall be approved by the City's Engineer and Public Works departments. All sites plans shall comply with Nibley City Design Standards and all projects located in Commercial and Neighborhood

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Commercial Zone shall comply with Nibley City Design Standards for Commercial and Institutional Use.

- viii. The City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas.

3. Animals

- a. NCC 19.34 shall govern what animals are permitted or are required to obtain a conditional use permit.
 - b. Applicants must provide a plan on how to mitigate noise, waste, dust or other neighborhood impacts, including proper housing and waste disposal.
 - c. Applicant must also provide sufficient information that the proposed property is sufficiently sized to house ~~the~~ the proposed animal.
 - d. All animals must be contained on the property. The Land Use Authority may require that animals that cause noise at night or early morning, like roosters, must be contained inside a structure or building that blocks the sound between 10:00 p.m. ~~and~~ 7:00 a.m.
- B. The proposed use ~~shall~~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, or the health and safety of persons in the immediate vicinity of the community or area as a whole.

HISTORY

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

19.28.060 Appeal

1. Authority; Time Limit: The decision of the planning commission may be appealed to the City Council 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 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 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.

HISTORY

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

19.28.080 Expiration Of Permit

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

HISTORY

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

Agenda Item #8 and 9

Description	A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.20 Land Use Chart. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.20 Land Use Chart
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review and make a recommendation to the City Council
Reviewed By	City Planner, City Attorney, City Manager, and Utah Property Rights Ombudsman

Background

As the Planning Commission has been working on updating the Conditional Use section of the Nibley Code, the City Planner 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.

The format for the Land Use chart has been updated, so that items are broken down by use, instead of alphabetically in order to help the Land Use Chart be easier to use.

Some of the main changes include adding Housing, Short-Term Rental, Temporary Vendor/Food Trucks. The Park/School Zone has also been added.

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

Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C	C-N	I
Residential										
Assisted living facility	C	C	NP	NP	NP	NP	NP	C	C	NP
Artisan shop	C	C	C	C	C	C	NP	C	C	C
Bed and breakfast inn	C	C	C	C	NP	NP	NP	C	C	NP
Building moved from another site	C	C	C	C	C	C	C	C	C	C
Group living facility ¹							NP			
Home occupation	C	C	C	C	C	C	NP	NP	NP	NP
Home office	P	P	P	P	P	P	NP	NP	NP	NP
Housing, Short-Term Rental	C	C	C	C	C	C	NP	NP	NP	NP
Housing, single-family	P	P	P	P	P	P	NP	C	C	C
Housing, two-family	P	P	P	P	P	P	NP	C	C	C
Mobile home park	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Nursing home	C	C	C	C	C	C	NP	C	C	NP
Temporary office/model home	NP	C	C	C	C	C	NP	C	C	C
Agricultural/Animal										
Ag implement sales and service	C	NP	NP	NP	NP	NP	NP	C	NP	C
Agricultural production	P	P	P	P	P	P	P	C	C	C
Animal Crematorium	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Arboretum/nature center	C	C	C	C	C	C	C	C	C	C
Farmers' market	C	C	C	NP	NP	NP	C	C	C	C
Florist/garden center	C	C	NP	NP	NP	NP	NP	C	P	C
Slaughterhouse	C	NP	NP	NP	NP	NP	NP	NP	NP	C
Veterinary clinic, large animal	P	NP	NP	NP	NP	NP	NP	C	NP	C
Veterinary clinic, small animal	P	NP	NP	NP	NP	NP	NP	C	C	C
Public, Institutional, and Civic Uses										
Bus/transit terminal	NP	NP	NP	NP	NP	NP	P	C	C	C

[illegible]

Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C	C-N	I
Mineral extraction	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Pest control	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Recycling collection facility	NP	NP	NP	NP	NP	NP		NP	NP	C
Sign shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sports facilities	NP	NP	NP	NP	NP	NP	C	C	NP	C
Storage facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing, Residential Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Welding/machine shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	C

Notes

1. Group living Facilities are governed by NCC 19.42
2. Any land use not listed is not permitted

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

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

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

Table 3-2-A: Table of Allowed Uses

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

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

Table 3-2-A: Table of Allowed Uses

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

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

Table 3-2-A: Table of Allowed Uses

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

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

Agenda Item #10 and 11

Description	A Public Hearing to receive comment on the proposed ordinance update to Nibley City Code 19.04 Definitions. Discussion and Consideration of a recommendation for the proposed ordinance update to Nibley City Code 19.04 Definitions.
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review and make a recommendation to the City Council
Reviewed By	City Planner

As the Planning Commission has been working on updating the Conditional Use section of the Nibley Code, the City Planner suggest that the Planning Commission reviews the Land Use Chart and Zoning Definition.

The main changes have been made to the following definitions

- Home Occupation: The difference is to allow a home occupation to have at most one employee report to the home.
- Housing, Short-Term Rental: New definition that was not previously defined
- Personal Instruction Services: Further clarifies what is allowed in a residential zone and commercial and intertrial zones
- Planning commission Appointment, Chairperson and Term of Office: Removed
- Temporary Food Vendor: New definition that was not previously defined
- Warehouse, Residential Storage: New definition that was not previously defined

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, sales of crops or animals, or similar uses.

Commented [RP1]: Should this be included or excluded?

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 residential dwelling~~family dwelling unit~~~~building~~ 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, and other lending institutions that do not qualify as —and— check cashing/credit services facilities. This term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

Commented [RP2]: Check cashing/credit services are a separate thing under your ordinances that under your current and proposed land use table have different authorizations

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 primarily 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~~ other facilities where religious worship and associated activities are incidental to the facilities' primary uses.

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 single 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.~~

Commented [RP3]: Don't know that you need a definition for easement, as it is a pretty standard legal term. Having a definition suggests you're trying to limit or change the normal meaning of the word, which I don't think you are

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) unrelated 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.

Commented [RP4]: Not really a definition, more just a guide to interpretation or construction of ordinances

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.

Commented [RP5]: Not really a definition, more just a requirement.

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.

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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: 1) Child daycare/preschool for more than eight (8) children at a time shall be classified as a commercial daycare rather than a home occupation; and 2) In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

Commented [SN6]: 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 businesses es who that 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

Commented [RP7]: Unclear

two-family dwellings and multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

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

MANUFACTURING, HEAVY: A place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. This term includes furniture production, apparel manufacturing, printing, publishing, and the like.

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

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

MASTER STREET PLAN: The Nibley City transportation master plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERSONAL INSTRUCTION SERVICES: Those services intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the- like. Personal Instruction Services located in within R-E, R-1, R-1A, R-2 and R-2A and in any other residential structure shall be limited to 8 students at a time.~~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.~~

Commented [RP8]: As far as I can tell, your code doesn't use the term "public facilities" except as a reference for public infrastructure/amenities (as opposed to buildings) and "public facility" isn't on your land use list, whereas each of the building types included in this definition are. This definition seems unnecessary and possibly confusing.

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~~minimum allowed 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~~that 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 that the city owns, including thoroughfares has~~ acquired by deed, 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 dedication by public use by right of use and~~ which affords access to abutting property; including highways, roads, lanes, avenues and boulevards.

Commented [RP9]: Don't want to have arguments regarding whether this imposes additional requirements for dedicating or accepting roads beyond Utah code/caselaw

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 or public 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: A 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.

Commented [SN10]: What do we do about office's that have warehouse space? Like Stander?

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

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

ZONING TITLE: The zoning title of Nibley City.

HISTORY

Agenda Item #12

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 specific 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-four options as listed in the law.

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

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

- (3) (a) The general plan of a municipality, other than a town, shall plan for moderate income housing growth.
- (b) On or before December 1, 2019, each of the following that have a general plan that does not comply with Subsection [\(3\)\(a\)](#) shall amend the general plan to comply with Subsection [\(3\)\(a\)](#):
- (i) a city of the first, second, third, or fourth class;
 - (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; and
 - (iii) a metro township with a population of 5,000 or more.
- (c) The population figures described in Subsections [\(3\)\(b\)\(ii\)](#) and [\(iii\)](#) shall be derived from:
- (i) the most recent official census or census estimate of the United States Census Bureau; or
 - (ii) if a population figure is not available under Subsection [\(3\)\(c\)\(i\)](#), an estimate of the

Utah Population Committee.

What is Moderate Income Housing and Affordable Housing?

Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, the cost-burdened household is that household whose housing expenses exceed 30% of their monthly income.

Moderate Income Housing is based on the Area Median Income (AMI). Below is the Cache County's Area Median Income

	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2024 Projection	Difference between 2017 and 2024
Median HOUSEHOLD income (ACS Table B19019)	\$0	\$53,812	\$3,925	\$87,693	\$ 33,881

The Moderate-Income Housing Plan should contain how our City's will address our future growth and provide affordable housing for those making 30%, 50%, and 80% of the AMI.

The following highlighted sections will be the three requirements included in the recommended plan.

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
 - (ii) a transportation and traffic circulation element that:
 - (A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and

other modes of transportation that the planning commission considers appropriate;

- (B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;
 - (C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and
 - (D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan; and
- (iii) for a municipality described in Subsection [10-9a-401\(3\)\(b\)](#), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.
- (b) In drafting the moderate income housing element, the planning commission:
- (i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
 - (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;
 - (ii) for a town, may include, and for other municipalities, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;
 - (iii) 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; and
- (iv) in addition to the recommendations required under Subsection [\(2\)\(b\)\(iii\)](#), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in Subsection [\(2\)\(b\)\(iii\)\(G\)](#) or [\(H\)](#).



Nibley City Moderate Income Housing Plan



INTRODUCTION

Nibley City is located on the south end of Cache County and located close to major employment areas in Logan City and is adjacent to Highway 89/91 which serve as the primary roadway to the Wasatch Front. Nibley City is also home to a young and growing population Nibley City is a bedroom community and most land use contains residential homes or agricultural use. There are four areas within the City that contain industrial and commercial business and activities. The remainder of the community is made up of residential use.

POPULATION AND FUTURE GROWTH

Nibley City population as of July 1, 2018, was 7,087 people, with a population of 5,466 as of April 1, 2010. That is a 29.7% growth over the course of 9 year. Nibley City's 2016 General Plan predicts that Nibley City will grow by 300% by 2060.

Census	Projections					Absolute Change 2010-2060	Percent Change 2015-2065
2010	2020	2030	2040	2050	2060		
5,438	8,796	14,136	15,725	18,597	21,905	16,467	303%

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

Nibley City location south of Logan and located next to Highway 89/91 and large future annexation area will allow for the continued growth of the City into the future. Nibley City currently contains over 900 acres of undeveloped property contain within Nibley City boundary's, most of which is currently under farm use; and just under 40,000 acres contain within Nibley City's annexation area. Nibley City anticipates that much of the land will be developed as property adjacent to exciting communities and subdivision will subdivide first and land adjacent to those developments will continue to develop.

Cache County and the surrounding City's are also anticipating large growth over the same time period.

County	2015	2025	2035	2045	2055	2065	Absolute Change 2015- 2065	Percent Change 2015- 2065
Cache	121,855	146,338	171,969	195,325	212,908	234,744	112,890	93%

Source: (Kem C Gardner Policy Institute The University of Utah, July 2017)

Every County in Utah is anticipated to experience some level of a growth over the next 40 years. The main components of this population growth are four fold:

- *Utah's total fertility rate (average number of children born to a Utah woman in her lifetime) is projected to continue the existing trend of a slow decline. From 2015-2065, rates are projected to decline from 2.32 to 2.29. These rates are projected to remain higher than national rates that move from 1.87 to 1.86 over a similar period.*
- *In 2065, life expectancy in Utah is projected to be 86.3 for women and 85.2 for men. This is an increase of approximately 4 years for women and 6 years for men. The sharper increase for men narrows the life expectancy gap traditionally seen between the sexes.*
- *Natural increase (births minus deaths) is projected to remain positive and account for two-thirds of the cumulative population increase to 2065. However, given increased life expectancy and declining fertility, the rate and amount of natural increase are projected to slowly decline over time.*
- *Net migration accounts for one-third of the cumulative population increase to 2065. Projections show the contributions of natural increase and net migration converging over time.*

(Kem C Gardner Policy Institute The University of Utah, July 2017)

These factors are apparent in Cache County and have direct impact on projected population growth in Nibley City.

CURRENT HOUSING

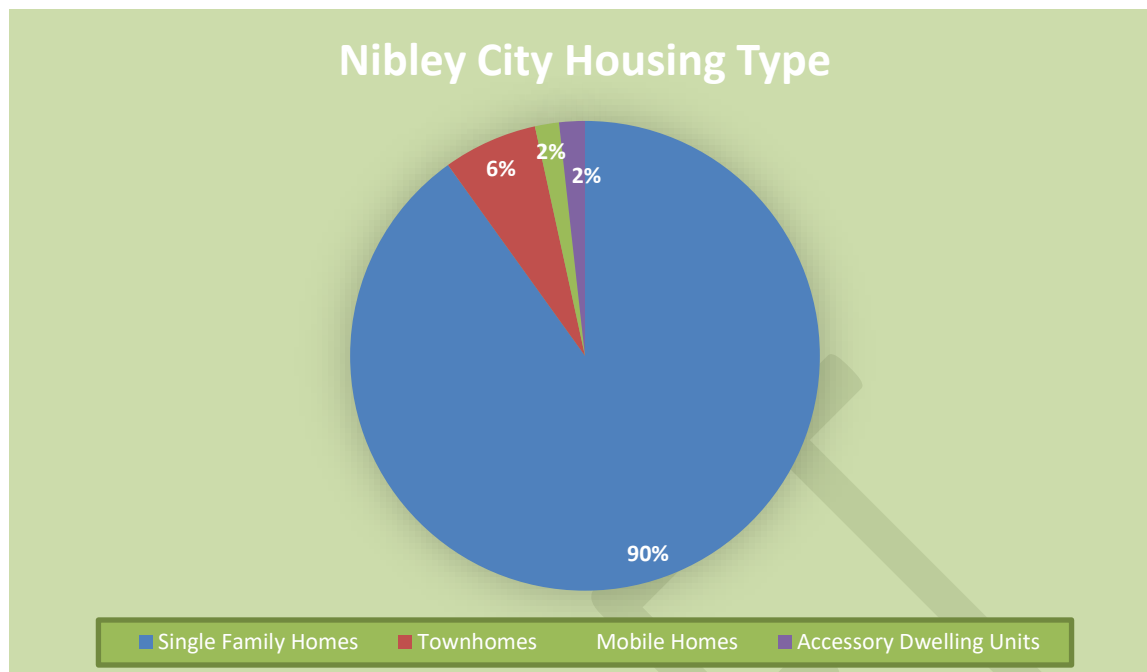
With the increase in population, it is important to evaluate Nibley City's current housing supply and housing stock.

Nibley City's 2017 Housing

Housing Type	Number of Units
Single Family Homes	1527
Townhomes	110
Mobile Homes	28
Accessory Dwelling Units	20-30*

Source 1: U.S. Census Bureau. Table B25001: Total housing units. American Community Survey.

*ADU number is an estimate based on the 2016 General Plan Update.



As shown in the table and graph above, 90% of homes within Nibley City are single family homes. Single-family homes make up the majority of developed land use within Nibley City, they range from anywhere to be located on 5,000 sq. foot lot to five-acre lots, however, the vast majority of single-family homes are located on third to half acre lots, with the majority of residential zoning on undeveloped parcels zoned for half-acre lots minimum.

Nibley City Residential Lots Sizes	
Average	.993 Acres
Mode	.28 Acres
Median	.38 Acres

Source: Data taken for Cache County Recorder's Office on July 2, 2019

Nibley City has two housing development that are not traditional single-family homes

Spring Creek Crossing PUD: Townhomes



Spring Creek Crossing townhomes first started to be developed in 2007 and contains 120 units. The last four units are anticipated to be finished the summer of 2019. The development is located at on Nibley Park Ave. (2350 S) and around 1250 W. The

Development was approved as an R-PUD. This is the only development within Nibley City that contains townhomes.

Nibley City Mobile Home Park



This trailer park contains 28 units and is located on 2600 S and around 100 W. The park is fully developed and is currently listed as a non-conforming use within Nibley City. The City does not anticipate any further expansion of the park.

Housing Age

An assessment of structure age can, in some cases, reveal whether there is a need for housing rehabilitation. In Nibley 3.4% of residential structures were built in 1959 or earlier, 13% percent were built between 1960 and 1979, and 22.6% were built between 18980 and 1999, and 61% were built in the year 2000 or later.

FUTURE HOUSING NEEDS

Because of Nibley City's location within Cache Valley, large annexation area, many acres of undeveloped land, and housing growth pressure in the surrounding area, Nibley City expected to continue to grow in population. The 2017 American Community Survey showed that an average household size of 4.04 people which decline slightly from 2009 which was 4.23 people, while Utah has an average household size of 3.14 people, which is the largest of any state in the nation.

In order for to provide housing for the anticipated population until 2030, with an average of 4.04 people per-household, Nibley City would need to have an additional 1,745 homes built in that time period. Nibley City over the past 5 years on average has issued 68 building permits a year, meaning in the same time period, if the City stayed true to that pattern only 816 homes would be constructed. This is a shortfall of 929 homes. The problem is exaggerated further if the number of people per-household continues to fall and comes in line closer to the state's average number of people per-household.



MODERATE INCOME AND AFFORDABLE HOUSING

In addition of a potential housing shortage in the future with current growth rates, those seeking moderate income and affordable housing will likely have the hardest time finding housing within Nibley City. Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, the cost-burdened household is that household whose housing expenses exceed 30% of their monthly income. Nibley City Median Household income in the 2017 American Community Survey was at \$80,125, compared to Cache County's Area Median Income (AMI) which was at \$53,812. The projections for for Nibley's Medium Household Income is to increase to \$95,979, while the AMI is projected to increase to \$87,693. When planning for Moderate Income and Affordable Housing, it is important to use the AMI instead of the City's Medium Household Income, since AMI is a more acratuate picture of the needs of housing.

By 2025, Nibley will need to add

Summary of Affordability		
Household Income	Maximum Monthly Income for Housing Expenses	Maximum Mortgage Loan Amount
≤30% AMI	\$437	\$75,149
>30% to ≤ 50% AMI	\$729	\$125,249
>50% to ≤80% AMI	\$1,166	\$200,398
>80% to ≤100% AMI	\$1,458	\$250,497

NIBLEY CITY ZONING AND SUBDIVISION OPTIONS

Nibley City currently provides for a few zoning options for residential development. The table below shows the standard by right zoning with the minimum lot size, frontage, and setbacks.

NCC 19.22.010 Space Requirement Chart

		A	R-E	R-1	R-1A	R-2	R-2A
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre	12,000 sq. ft. average size of 14,000 sq. ft.
	Minimum lot width, measured at setback line	200	200	200	150	100	100
B.	Setback principal uses						
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³
	Side yard, interior	15 ³	15	10	10	10	10
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³
	Rear yard	30	30	30	30	25	25

Within these standard zones, single-family units are the main housing type, but duplexes and attached Accessory Dwelling Units are both permitted as long as they comply with standards listed in Title 10. In addition to standard zoning, Nibley City allows for three other forms of subdivisions that are currently allowed and one type that has been repealed.

CLUSTER SUBDIVISIONS

A cluster Subdivision allows for a developer to be able to decrease their lot size in exchange for preserved open space. This open space can take the form of a park or aggricultural land. There is no density bonus that accompanies these types of developments within Nibley City.

Current Cluster Subdivision

- Stonebridge located at 1200 W and 2980 S

PLANNED UNIT DEVELOPMENT (PUD) REPEALED

Nibley City's Planned Unit Development Code was repealed in 2011. Nibley City has approved a new Residential-Planned Unit Development in May of 2019 that will be discussed below. This ordinance allowed for greater density

and flexibility for developers to negotiate with the City for density and open space. There are three subdivision that have been approved and developed under the former PUD Ordinance.

- Spring Creek Crossing located at Nibley Park Ave. (2350 S) and around 1250 W
- Sunset Parks located at 1000 W and 2770 S
- The Cottages Community located at 250 W and 3515 S

RURAL PRESERVATION SUBDIVISION/CONSERVATION SUBDIVISION

The Rural Preservation Subdivision (renamed from Conservation Subdivision) is a subdivision option that allows for development in R-1, R-1A, R-2, and to some extent R-2A to receive a higher density and smaller lot size in exchange for preserved open space. The lot size and density bonus are tiered based on the percentage of the project that is dedicated as open space.

- Maple View Estates Located east of 1200 W and south of 2600 S
- The Cottonwoods located at Hollow RD and 4030 S
- Apple Creek located south of 3200 S and at 500 W
- Meadow Creek located at 2850 S and 150 E



GOALS, PROJECTS, AND ACTION ITEMS

Contents of a Model Housing Element for a Comprehensive General Plan

Excerpted from:

American Planning Association. (2002). Section 4-208.9: Contents of a housing element. In Stuart Meck (ed.), *Growing smart legislative guidebook, 2002 Edition* (pp. 4.92-4.95). Chicago, IL: American Planning Association.

Contents of a Housing Element

- 1) The housing element of the local government's comprehensive plan is intended to provide an analysis and identification of existing and prospective housing needs, especially for middle-, moderate-, and low-income housing, in its housing region and to set forth implementing measures for the preservation, improvement and development of housing. The housing element shall include all of the following, none of which may serve as a basis for excusing a local government from fulfilling its regional fair-share obligation:
 - a) an inventory of the local government's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to middle-, moderate-, and low-income households and the number of substandard housing units capable of being rehabilitated;
 - b) a projection of the local government's housing stock, including the probable future construction of middle-, moderate-, and low-income housing for the next [5] years, taking into account, but not necessarily limited to, construction permits issued, preliminary as well as final approvals of applications for development, and all lands identified by the local government for probable residential development;
 - c) an analysis of the local government's demographic characteristics, including but not necessarily limited to, household size, income level, and age of residents;
 - d) an analysis of the existing and probable future employment characteristics and opportunities within the boundaries of the local government, especially those jobs that will pay moderate or low wages;
 - e) an analysis of the existing and planned infrastructure capacity, including, but not limited to sewage and water treatment, sewer and water lines, and roads;
 - f) a statement of the local government's own assessment of its present and prospective housing needs for all income levels, including its regional fair share for low- and moderate-income housing, and its capacity to accommodate those needs. The regional fair share as determined by the [Council *or* regional planning agency] shall form the minimum basis for the local government's determination of its own fair share;
 - g) an identification of lands within the local government that are most appropriate for the construction of low- and moderate-income housing and of existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income

housing, including a consideration of lands and structures of developers who have expressed a commitment to provide low- and moderate-income housing and lands and structures that are publicly or semi-publicly owned;

h) a statement of the local government's housing goals and policies;

♦ As part of the housing element, the local government can provide for its fair share by any technique or combination of techniques which provides a realistic opportunity for the provision of its fair share. The housing element should contain an analysis demonstrating that it will provide such a realistic opportunity. The local government should review its land-use and other relevant ordinances to incorporate provisions for low-and moderate-income housing and remove any unnecessary cost generating features that would affect whether housing is affordable. The model legislation provides, in (i) below, for the elimination or reduction of unnecessary cost generating features for all housing or affordable housing (on the theory that such action would reduce housing costs overall) or for only inclusionary developments (on the theory that it would ensure project feasibility).

- i) the text of adopted or proposed ordinances or regulations of the local government that are intended to eliminate or reduce unnecessary cost generating requirements for [all housing *or* affordable housing *or* inclusionary developments]; and
- j) the text of adopted or proposed ordinances or regulations of the local government that are intended to provide a realistic opportunity for the development of low- and moderate-income housing. Such ordinances or regulations shall consider the following techniques, as well as others that may be proposed by the local government or recommended by the Council as a means of assuring the achievement of the local government's regional fair share, removing barriers to and providing incentives for the construction of low- and moderate-income housing and generally removing constraints that unnecessarily contribute to housing costs or unreasonably restrict land supply:
 - 1. expanding or rehabilitating public infrastructure;
 - 2. reserving infrastructure capacity for low- and moderate-income housing;
 - 3. establishing a process by which the local government may consider, before adoption, policies, procedures, ordinances, regulations, or plan provisions that may have a significant impact on the cost of housing;
 - 4. designating a sufficient supply of sites in the housing element that will be zoned at densities that may accommodate low- and moderate-income housing, rezoning lands for densities necessary to assure the economic viability of any inclusionary developments, and giving density bonuses for mandatory set-asides of low- and moderate-income dwelling units as a condition of development approval;¹³⁰
 - 5. establishing controls to ensure that once low- and moderate-income housing is built or rehabilitated through subsidies or other means, its availability will be maintained through measures such as, but not limited to, those that establish income qualifications for low- and moderate-income housing residents, promote affirmative marketing measures, and regulate the price and rents of such housing, including the resale price, pursuant to Section [4-208.22] below;

6. establishing development or linkage fees, where appropriate, authorizing such other land dedications or cash contributions by a nonresidential developer in lieu of constructing or rehabilitating low- and moderate-income housing, the need for which arises from the nonresidential development, generating other dedicated revenue sources, or committing other financial resources to provide funding for low- and moderate-income housing. Such development or linkage fees, land dedications, cash contributions, and dedicated revenue sources may be used for the following activities or other activities approved by the Council: rehabilitation; new construction; purchase of land for low- and moderate-income housing; improvement of land for low- and moderate-income housing; and assistance designed to render units to be more affordable;
7. modifying procedures to expedite the processing of permits for inclusionary developments and modifying development fee requirements, including reduction or waiver of fees and alternative methods of fee payment;
8. using funds obtained from any state or federal subsidy toward the construction of low- and moderate- income housing; and
9. providing tax abatements or other incentives, as appropriate, for the purposes of providing low- and moderate-income housing.

MODERATE INCOME HOUSING

State code 10-9a-403* requires:

*for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a realistic opportunity to meet the need for additional **moderate income housing***

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live in the community; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) for a town, may include, and for other municipalities, shall include, an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the next five years, which means or techniques may include a recommendation to:

(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) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; [and]

(G) consider utilization of affordable housing programs administered by the Department of Workforce Services; and

(H) consider utilization of programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

The housing section of the general plan highlights the quality, affordability, and types of housing that currently exist in the community, and which the community hopes to develop. Your housing plan should coordinate with your land use and transportation plans.

* 10-9a-403 was amended by HB 259, Moderate Income Housing Amendments in the 2018 legislative session. This bill also changed the population threshold from 1,000 or greater to 5,000 or greater, if the city is located in a county of the first, second, or third class; a metro township of 5,000 or more; a metro township with a population of 5,000 or less if located in a county of the first, second, or third class—effective May 8, 2018.

SECTION CONTENTS:

HOUSING

Introduction

Current Moderate-Income Population

Current Housing Stock

Current Availability and Need

Forecast of Moderate-income Housing Need

Plans to Meet Need

Moderate-income housing: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

Plan for moderate income housing:

a written document adopted by a city legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the city;

(b) an estimate of the need for moderate income housing in the city for the next five years as revised biennially;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the city's program to encourage an adequate supply of moderate income housing.

UTAH CITY / COUNTY CLASSIFICATIONS

Class	Municipalities	Counties
1st	>100,000	>700,000
2nd	65,000–100,000	125,000–700,000
3rd	30,000–65,000	31,000–125,000
4th	10,000–30,000	11,000–31,000
5th	1,000–10,000	4,000–11,000
Town / 6th	< 1,000	< 4,000

NOTE: Some of the content suggested here may be found already in the plan background section. You may need to repeat the information. We encourage communities conducting moderate income planning to use tools available through the Housing and Community Development's Affordable Housing shared Google Drive folder: <https://goo.gl/z4bm8Y>.

PRO TIP : AMI GROUPS

Area Median Income is the midpoint of a region's income distribution. This means that half of households in the area of examination earn less and half earn more than the median. These different groups are typically grouped by percentages of that area median income: ≤80%, ≤50%, ≤30%.

THIS SECTION SHOULD ANSWER...

- What's the current population of target income groups?
- How has it changed over time?

THIS SECTION SHOULD ANSWER...

- What is the amount, availability, and condition of the current moderate-income housing stock?
- How many units have received Low Income Housing Tax Credit (LIHTC) or Olene Walker Housing Loan Fund (OWHLF) money?
- How many households have a Section 8 voucher?

INTRODUCTION

Begin by stating the purpose of the moderate income housing section. Since state law requires a moderate income housing plan for many communities, legal compliance is often cited as a primary purpose. All towns should consider including a housing section. Some towns under 5000 embrace the benefits of understanding and planning for moderate income and workforce housing. You can also describe how the moderate-income housing plan fits within the general plan's context and how these planning efforts fit within regional efforts.

If not previously addressed, it may be helpful to describe current community background information: growth patterns, community sentiments towards housing, local economic conditions, or other factors which may influence the supply or demand for moderate income housing.

Examine your current land use ordinances, and regulations for how they impact the availability of affordable housing. Discuss any other potential barriers to affordable or moderate income housing.

EXAMPLE // Affordable housing for towns // Torrey

As a town with a population of less than 1,000, this particular section of the Utah Code does not technically apply to Torrey. However, in keeping with the spirit of the law, Torrey Town wants to serve all present and future residents and businesses by ensuring that an adequate supply of affordable homes and rental units exist within town and the annexation area.

CURRENT MODERATE-INCOME POPULATION

In order to determine the current demand for moderate income housing, include current demographic data, how it has changed over time, and the number of households which fall into targeted income groups (≤80% AMI, ≤50% AMI, and ≤30% AMI). When combined with current moderate income housing supply, this will be used later to calculate current and anticipated moderate income housing need.

CURRENT HOUSING STOCK

In order to calculate the total supply of moderate income housing units, list the total number of housing units available, then break down the data by occupancy (renter-occupied or owner-occupied), size (number of bedrooms), and quality ("new," "dilapidated," etc.). This might be best accomplished by using a simple table (see below). This should include the number of Low Income Housing Tax Credit units and the number of housing vouchers.

# AVAILABLE HOUSING UNITS	RENTER-OCCUPIED	OWNER-OCCUPIED	# BEDROOMS	AGE	#	# LIHTC	# VOUCHERS
19,879	5,622 (28.3%)	9,513 (47.9%)	Studio: 270 1bd: 761 2bd: 1616 3bd: 2101 4bd: 503 5bd: 247	>2000: 1980-1999: 1960-1979: 1940-1959: <1939:	1236 2020 1396 429 417	2125	1436

CURRENT AVAILABILITY AND NEED

After defining the number of housing units, you must determine the **availability of existing housing** for targeted income groups ($\leq 80\%$ AMI, $\leq 50\%$ AMI, and $\leq 30\%$ AMI). This can be done through searches on real estate listing websites like realtor.com or zillow.com.

Next by using household growth estimates and current housing availability, determine the number of current moderate income **units available** and **additional units needed**, breaking it down by targeted income groups (homeless, disabled, veterans, elderly, youth aging out of foster care, victims of domestic violence, etc.), race and ethnicity, housing size, and special needs groups.

FORECAST OF MODERATE-INCOME HOUSING NEED

Using the current statistics as a baseline, project low, medium, and high **household growth** for the next five and ten years. Then estimate the percentage of the population that will fall within targeted income levels and special needs groups over the next five and ten years.

Next compare the projected growth of households and expected housing construction for the next five and ten years. Note that optimal housing is to have one household per housing unit. If the average household size is 3.15 people, you'd need one housing unit per 3.15 people. Housing production that significantly lags behind household formation is a key affordability indicator.

Estimate of the **number of housing units needed** by residents within targeted income levels and special needs groups for the next five and ten years.

DEVELOPMENT PLAN TO MEET NEED

After understanding all the previous data, draft **goals, objectives, and plans** to strategically meet forecasted affordable housing needs, and to eliminate regulatory barriers to affordable housing. This should include the number of affordable housing units to be built, possible locations for new affordable housing units, and community resources that can be used to support development (RDA/EDA housing set-aside funds, fee waivers, local CDBG funds, donated land, etc.).

EXAMPLE // Moderate income housing plan //

The Meropis City Moderate-Income Housing Plan is held up as an example of a well structured plan. This plan is available at <https://goo.gl/z4hm8Y>.

PRESERVATION PLAN TO MEET NEED

Communities should not rely on new development to meet housing needs. Units exiting subsidy programs are the second biggest cause of affordable housing loss. Older housing stock is one of the primary sources for affordable housing. Communities should make efforts to keep current housing affordable.

THIS SECTION SHOULD ANSWER...

- What is the current demand for moderate-income housing?
- What is the current supply of moderate-income housing?
- How many additional units are required to meet current demand?

THIS SECTION SHOULD ANSWER...

- What is the demand for moderate-income housing in the near future?
- How many units are needed to meet future demand?

THIS SECTION SHOULD ANSWER...

- How will your community meet moderate-income housing demand in the future?

FAIR HOUSING SECTION

This section is an explicit statement of the city's fair housing policies and practices. It should expressly acknowledge support of the State's fair housing laws and U.S. fair housing laws. This section should include a base map of the city with residential zoning layers (excluding other layers). The section should also include basic maps of the city broken into census block groups, if possible. Including the following:

- Minority owner median income
- Minority renter median income
- Median rental costs
- Median ownership costs

Cities that are too small to have more than one census block do not need these maps.

THIS SECTION SHOULD ANSWER...

- What types of housing exist in our community? What types do we want to see?
- Are we aware of any threats to housing, such as floodplains or fault lines?
- Do we understand the housing needs of our residents?
- Can people of different financial means afford to live here?
- Are there areas where we should not allow housing?
- How does our housing element coordinate with our land-use and transportation section?

BEYOND AFFORDABILITY

Beyond addressing moderate-income housing, this section can include discussions on treatment of subdivisions, encouragement or discouragement of certain housing types, and projected housing build out. This section should also address the coordination and collaboration efforts of local governments to ensure that no single community bears a disproportionate share of regional moderate income housing needs.



American Planning Association

Making Great Communities Happen

Housing Policy Guide

Approved by APA Delegate Assembly, April 14, 2019

Ratified by APA Board of Directors, May 14, 2019

planning.org/policy

The American Planning Association advocates for public policies that create just, healthy, and prosperous communities that expand opportunity for all through good planning. APA's advocacy is based on adopted positions and principles contained in policy guides. These guides address the critical policy issues confronting planners and communities by identifying solutions for local, state, and federal policy makers. Policy guides are led by the APA Legislative and Policy Committee, ratified by the APA Board of Directors, and developed through the careful and extensive involvement of planners across the country. APA policy guides articulate and advance the principles of good planning in law and regulation.

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Cover: Westlawn Gardens in Milwaukee, recipient of a 2018 APA National Planning Excellence Award, created 250 new affordable housing options in a community where they were needed most. Born out of a master-planning process, Westlawn Gardens is an example of the type of housing options possible when planners, community members, and public and private partners work together to create a shared vision.

Introduction

“In order for communities to function, there must be an adequate supply of housing in proximity to employment, public transportation, and community facilities, such as public schools. The housing stock must include affordable and accessible for sale and rental units, not only to meet social equity goals, but in order to ensure community viability. The development of a diverse and affordable housing stock must be carried out without sacrificing sound regulations that are in place to protect the environment and public health.”

— Housing Policy Guide, 2006

While the goals of the 2006 Housing Policy Guide remain as valid as ever, progress has been mixed over the past 13 years. Many of the same challenges remain and some, particularly housing availability and affordability, have worsened. Many desirable communities are out of reach for those earning an average wage and too many Americans must spend an inordinate amount of their income on housing expenses. In addition, the long-term adverse effects of discriminatory financial lending practices and exclusionary zoning—including redlining—continue to impact the social, cultural, ethnographic, and economic diversity of our urban, exurban, and suburban regions in ways that negatively impact low-income and minority households disproportionately.

Emerging Trends

1. Inventory and conditions

The nation's housing supply has continued to rise from 122.7 million units in 2004 to 134.1 million in 2016 but at a slower rate than previous years. While housing stock keeps ahead of overall household growth, it fails to meet the needs of changing socioeconomic characteristics of the population.

Housing starts have slowed, with an average of 0.8 million units built annually from 2010 through 2016 compared to a 1.1 million average previously. The percentages of unit types in the national housing supply varied slightly: The number of single-unit structures rose from 67 percent to 67.4 percent; multiunit structures were constant at 26 percent; and mobile homes declined from seven to 6.3 percent.

According to the U.S. Census Bureau's *Characteristics of New Single-Family Houses Completed*, the average size of single-family homes constructed nationally declined during the Great Recession from a high of 2,528 square feet in 2008 to a low of 2,402 in 2009, then steadily increased to 2,637 square feet in 2016. Beyond increased space, most of these new homes contain additional amenities such as multiple bathrooms.

The national average single-family home price was \$356,160 in 2016, increasing 34 percent over a five-year period. While there are variations in household income, cost burden is measured as not paying more than 30 percent on housing costs. For an average owner not to be cost burdened, their income would have to be \$103,200 annually to have afforded the "average" single-family home constructed in 2016. Renters can face an even higher burden.

Average home lot sizes decreased from a high of 18,871 square feet in 2009 to a low of 15,167 in 2013, rising the following years to 16,381 in 2015 and dropping to 15,641 in 2016. The National Association of Home Builders/Wells Fargo Housing Market Index found that the percentage of builders reporting a low or very-low supply of lots in their markets rose to 64 percent in 2017 from nine percent in 2009.

National annual average multifamily housing construction more than doubled from 2010 (155,000 units) to 2016 (358,000 units). Newly constructed units, unless subsidized as affordable housing, had higher sales and rental prices consistent with increased pricing of the newly constructed single-family homes. The deviation of construction and land cost increases and stagnating incomes put much of the newly constructed multifamily dwelling units beyond the reach of even those of median income.

According to the *State of the Nation's Housing 2018*, there are four primary impediments to stronger housing construction. The first is a deficient supply of skilled workers. The second is a rise in cost of building materials. Third is the depletion of developable lots and fourth, the impact of land-use regulations and zoning on the density and type of construction. Productivity gains in housing construction have lagged

against other industries, an additional impediment to the market.

Lowered vacancy rates from 2010 to 2016, 2.4 to 1.8 percent in owner-occupied housing and 7.8 to 6.2 percent in rental housing, signal a tightening of the housing market. Vacancy rates are lowest in lower-cost housing, relaxing as the price of units increase.

Overcrowded conditions are reported slightly higher in the 2016 American Community Survey data, rising from 3.4 to 3.9 percent. The survey shows 3.3 percent of households live with more than one person per room while 1.2 million households or 1.1 percent live with more than 1.5 persons per room.

The National Housing Preservation Database indicates that of the nearly 4.7 million publicly supported rental homes, more than 10 percent with affordability restrictions will expire in the next five years. With more than 8.1 million extremely low-income households spending more than half of their income on rent, there is a shortage of approximately 7.4 million homes affordable to the extremely low-income households in need.

There has been an uptick in a loss of older housing inventory. A Hudson Institute analysis found that about 60 percent of low-cost units in 1985 were lost from the U.S. housing stock by 2013 through a combination of permanent removals (27 percent), conversions to other uses (18 percent), and upgrading to higher rents (12 percent). Moreover, just under a third of affordable rentals in 2013 had been low-cost units in 1985, underscoring the importance of affordable housing preservation.

2. Affordability

Perhaps the most significant economic trend of the last 12 years is the widening gap between the highest earners and the average wage. Those at the top of the income curve have seen their earnings increase while the majority has experienced stagnation or reduction. This has directly affected the housing supply, which is steadily bifurcating into strong or weaker markets while the middle range is shrinking.

Over 41 million households in the United States (approximately 35 percent) are described as cost burdened, meaning these households are spending more than 30 percent of their income on housing expenses. The numbers are increasingly dire for those households that earn roughly a minimum wage income. Assume the breadwinner in a household earns \$10 per hour at a full-time job; this equates to an annual household income of \$20,000 per year. This income cohort represents 15 percent of U.S. households and more than 80 percent of these low-income households are cost burdened.

Further complicating the issue is the fact that wages have not increased proportionally to housing costs. After adjusting for inflation,

wages are only 10 percent higher in 2017 than they were in 1973 (with annual real wage growth just below 0.2 percent). During that same period, the cost of housing increased almost 30 percent nationally and at significantly higher percentages in markets such as New York City, Los Angeles, San Francisco, Seattle, and Washington, D.C. According to the *State of the Nation's Housing 2018* report by the Joint Center for Housing Studies of Harvard University, "In 1988, when the first *State of the Nation's Housing* report highlighted historically high homeowner-ship costs, the national home price-to-income ratio was 3.2, with just one metro posting a ratio above 6.0. In 2017, the national price-to-income ratio stood at 4.2, and 22 metros had ratios above 6.0." As a rule of thumb, most banks consider a home price-to-income ratio in the 3.0–3.5 range generally financeable (assuming minimal outstanding debt obligations for car loans, student loans, credit cards, etc.).

As the cost per square foot to build housing continues to increase, a greater number of units built by the private market have moved to higher rent or for-sale units while losing lower rent or for sale units. With the average cost per square foot for new construction in the \$150 to \$300 range (geography dependent), it is impossible to build a new 1,500-square-foot single-family house that is affordable to households earning the U.S. median income of \$57,652 (in 2017) without a public subsidy in the form of land, money, or both. Unfortunately, many of the state and federal programs are limited to assisting only those households at 60 percent area median income (AMI) or less. The reality is that housing is often unaffordable to households earning up to 120 percent AMI (and higher in many markets). A tiered approach to the provision of subsidies and economic incentives, especially at the local level, is necessary to ensure the construction and preservation of a wide range of affordable housing types in our nation's communities.

Scaling back the size of newly constructed housing offers some cost savings provided the minimum buildable lot size is reduced accordingly to realize a savings on land acquisition. Homes in the 900- to 1,200-square-foot range are becoming more commonplace, but the trend in America is still toward larger houses. According to the U.S. Census, the size of the average single-family house increased from 1,535 square feet in 1975 to 2,169 square feet in 2010—an increase of 41 percent.

3. Housing Location

There is an increasing disconnect between job location and housing supply, placing greater demands on our transportation system and causing a greater proportion of time and income to be spent on commuting.

Long Commutes. Driven in part by the search for affordable housing, rising commute times are an issue both regionally and nationwide, adding even more expenses to full-time workers. Brookings Institution research found that between 2000 and 2012, more Americans took on outsized commutes: The number of jobs within the typical commute distance for residents in a major metro area fell by seven percent nationwide. The 2015 American Community Survey found that the country's average commute rose to 26.4 minutes in 2015, and the number of Americans who live in one county and work in another soared

from 23.5 million to 40.1 million between 1990 and 2014, a 71 percent increase. More time behind the wheel or on a bus or train is taking more money from the working poor.

The census data shows the longest commutes are also the fastest growing. The number of workers who are over the age of 16 grew by roughly 1.7 percent from 2014 to 2015 (a total of 148.3 million workers). But the number of workers with 45-minute commutes grew even faster (3.5 percent). The number with hour-long commutes grew even faster than that (5.1 percent). And workers with extreme commutes—90 minutes or more—grew by the fastest rate of all (eight percent). At the other end of the spectrum, the number of workers with commutes less than 10 minutes actually shrank.

But research increasingly finds that for many, longer drives are a direct result of a dearth of housing near jobs, especially in increasingly expensive downtown districts. Our dreary national commute reflects larger choices about zoning, housing development, and infrastructure investments which add to the affordability crisis that has gotten worse over the last decade, especially for the poor and the middle class.

The median commute distance for those earning \$15,000 a year or less has jumped from 12 to 21 miles between 2006 and 2013. There's also a pronounced racial dimension to the increase in commuting time: Brookings Institution research found that as more lower-income urban Americans are pushed to suburban areas due to rising rents, the number of jobs near the typical Hispanic (17 percent decline) and black (14 percent decline) resident in major metro areas declined much more steeply than for white residents (six percent decline).

Production. Nationally, the number of households grew by 11.2 million between 2005 and 2015, while only 9.9 million new housing units were constructed during the same period. Only 10 of the nation's 50 largest metros have produced enough new housing to keep pace with job growth in recent years. Job growth tends to be centered in the counties containing a core city while a greater share of housing units is added to the surrounding suburbs—leading to heightened levels of undersupply in the core cities.

There is a strong correlation between the number of jobs and rent growth from 2005 to 2015. Real estate values plummeted following the Great Recession and construction came to a near halt across the country, with the number of new housing units permitted to be constructed dropping to the lowest level on record in May 2009. Since then, the housing market and the overall economy have recovered, but new construction continues to lag. The number of companies building homes dropped by 50 percent from 2007 to 2012, and the construction industry is currently facing a serious labor shortage. The resulting lack of new construction is contributing to rising rents, which are creating an affordability crisis in many parts of the country.

In the postrecession period, most large metros areas are lacking in housing supply but are high in demand. When we focus on the postrecession period from 2010 to 2015, only 10 of the 50 largest metros added fewer than two jobs per residential building permit.

Cost/Income. Out of 30 metro areas that increased economic productivity, average wages, and standard of living since 2010, only 11 were able to distribute that growth across income groups.

4. Housing Needs for All

Over the past 12 years, home design has evolved to building homes that accommodate the changing demographics of our nation. More housing is being developed for a mix of life stages and at a range of price points, including extended families and caretakers, those who may need first-floor living and zero-step entries, larger families, and single-person households. A diversity of housing types accommodates all needs.

Universal Design and Visitability Principles. Creating a range of housing options for residents in a community is one way for older adults to not only remain in their homes, but also remain in their communities. Over the past decade, builders have implemented more Universal Design and Visitability elements in housing design as standard rather than as an option. The principles emphasize the design of buildings and environments that are accessible to all people, regardless of age, disability, or other factors.

Aging in Community. According to AARP's Public Policy Institute, the vast majority of people age 50 and older want to stay in their homes and communities for as long as possible. However, Fannie Mae's research anticipates that aging baby boomers will trigger an exodus in the housing market. Fannie Mae states: "The beginning of a mass exodus looms on the horizon, fueling fears of a 'generational housing bubble.'" Such a scenario "would reverberate through the housing market and economy." Fannie Mae's report states that "the number of homeowners who reach age 65 by the year 2026 will drop by 10.5 million to 11.9 million, more than the loss of 9.2 million in that age bracket from 2006 to 2016." A broader range of housing options benefits a broader range of people and households, including accessory dwelling units and smaller rental homes. Community planning should incorporate access to amenities such as parks, trails, and transportation networks near existing housing for older populations.

Cost Burden. Housing and transportation are the two biggest expenses in a typical U.S. household. Statistics suggest that the combination of housing affordability and affordable transportation is an issue for more than two-thirds of Americans, with the nation's lowest-income households absorbing the greatest costs. Access to alternative modes of affordable transportation, particularly transit, is critical to these households.

Future Home Owners. More than 32 percent of Americans age 18 to 35 currently reside with their family. There may be a number of reasons for this. The first is the lack of a range of housing options in regions throughout the United States. The second is the increased economic instability of young adults due to increased personal debt burden and, in some locations, lack of access to job growth opportunities. These two issues combined present barriers to future home ownership and economic stability.

Impacts of Immigration. For decades, immigration has affected communities throughout the United States. According to Joint Center

for Housing Studies data, immigrants currently make up 20 percent of renter households and 12 percent of home owners. From 2006 through 2016, these households have been shown to stabilize both urban and rural communities that might have otherwise lost populations.

Sustainable Design. In the past few years, efforts to create more sustainable homes have increased. There has been progress in the use of cleaner fuels and renewable energy for home heating. From 2010 to 2016 electric heat increased from 34.2 percent of the market to 37.7; solar increased from 1.26 to 1.82 percent. Utility gas/bottled/LP gas decreased from 63.1 percent to 62.5; however, fuel oil/kerosene increased from 15.6 to 16.1 percent and use of wood from 9.3 to 10.3 percent.

Increased interest in carbon reduction leads to greater focus on energy efficiency of lighting, plug loads, HVAC systems, and water-saving devices as well as improved building codes. While there is considerable variation in state policies, most encourage use of the measures cited above.

This factor and carbon reduction strategies in all other sectors is reflected in the steady decline of annual per capita energy use (300 million BTU) and CO₂ emissions (15.8 metric tons of CO₂) in 2017, lower than any year after 1970.

Clear indications of the energy market transformation is the rapid increase in the number of passive house and net-zero building projects in the country. Projects exist in states with more stringent building codes such as California and Florida, but are gaining traction in other states and localities that are committed to reducing greenhouse gases substantially by 2030 and 2050.

A passive house combines a high level of comfort with very low energy consumption through an efficient envelope requiring less heating and cooling. The number of passive house projects certified or in construction rose from 25 in 2011 to 350 in 2016, providing approximately 3,000 housing units. Net-zero buildings, very efficient buildings with solar and batteries that produce as much energy as they use, are increasing as states adopt more stringent energy codes. Currently the Net-Zero Energy Coalition estimates there are more than 5,000 NZE single-family homes and 7,000 NZE multifamily units nationwide. For example, by 2020 all new buildings in California will meet these standards, producing 100,000 NZE homes annually.

Homelessness. In 2017, the U.S. Department of Housing and Urban Development (HUD) reported that 553,742 people experienced homelessness in the United States on a single night. Two-thirds of the homeless were located in transitional housing or emergency shelters, with the remaining third in unsheltered locations. Thirty-three percent of the homeless were in families with children; the remaining 67 percent were single individuals. Most of the families were in sheltered situations.

From 2016 to 2017, there was an overall increase in the homeless population of one percent, consisting of a rise in homeless individuals counterbalanced by a five percent decline in the number of homeless families. This is the first reported increase in national homelessness in seven years. The increase occurred in major cities, with a decrease in the homeless in smaller towns and statewide. Across the nation there was an increase in the persons experiencing homelessness who were

unsheltered. On a particular night in January 2017, approximately 24 percent of those experiencing homelessness were chronically homeless, a decline of five percent from 2007. However, the share of unsheltered chronically homeless increased from 65 percent to 69 percent.

Approximately half of the homeless are located in one of five states: California (25 percent), New York (16 percent), Florida (six percent), and Texas and Washington (four percent). There are also wide variances by state in the percentage of homeless unsheltered, ranging from a high of 77.8 percent in California to a low of 6.9 percent in Iowa.

Policy Positions

POSITION 1 Modernize state and local laws to ensure housing opportunities are available, accessible, and affordable to all.

Position 1A The American Planning Association and its Chapters and Divisions support the modernization of state planning laws to ensure that state enabling statutes for zoning promote local planning efforts and provide housing resources to solve our most pressing affordability challenges. State involvement and resources are needed to ensure consistency and universal participation among municipalities. States should require binding comprehensive plans or a specific community-wide housing plan that both understand current and future housing trends and actively plan for the availability and affordability of housing. Further, states should not prohibit jurisdictions from establishing inclusionary housing and zoning programs and related rules and regulations aimed at creating and preserving housing. Mandates, funding, technical assistance, or other incentives may be used. Further, states should designate a single agency to oversee housing policy, support local planning, and achieve key production and affordability goals.

Position 1B The American Planning Association and its Chapters and Divisions support the modernization of local zoning bylaws and ordinances to increase housing production, while taking local context and conditions into account. While challenging to confront and, ultimately, amend or dismantle exclusionary zoning, rules, and practices, planners must take the lead in modernizing zoning. Local jurisdictions should adopt bylaws or ordinances, policies, and incentives that facilitate a range of housing types and densities and that serve a diversity of housing needs. Local jurisdictions should review and modernize bylaws and ordinances and planners need resources to make updates happen and to ensure adequate public engagement occurs.

Updates to bylaws and ordinances should address mixed use and multifamily development, including affordability. Updates should also include rezoning for higher densities where there may be existing lower densities. Local jurisdictions should consider reducing or eliminating minimum lot-size requirements, reducing minimum dwelling unit requirements, allowing greater height and density and reducing or eliminating off-street minimum parking requirements, and they should specifically identify and eliminate or minimize regulatory obstacles to the establishment of accessory dwelling units, whether attached to or detached from the principal dwelling unit. Local jurisdictions should also allow for and encourage adaptive reuse and use conversions to encourage housing production. Local jurisdictions

should also research and analyze, and as part of any zoning amendment, preempt all restrictive covenants and barriers to fair housing and access to housing choice, including barriers to on-street, overnight parking.

Location should be addressed without compromising equity or resiliency. Local jurisdictions should consider incorporating into bylaws and ordinances transit-oriented development principles and principles that address the importance of housing location in relation to access and proximity to schools, jobs, parks, transportation, and other critical amenities and resources. States should consider moving to a Housing + Transportation Index when determining affordability.

Position 1C The American Planning Association and its Chapters and Divisions support a better regional location balance for jobs, schools, and housing. Planners should support a regional fair-share distribution of housing, in general, and affordable housing, in particular, in proximity to employment opportunities. Planners recognize that housing markets closely align with labor markets, and function on a regional scale. Addressing any misalignment between them calls for interjurisdictional dialogue and cooperation. Local jurisdictions should amend zoning and regulations to encourage better balance of jobs and housing, including an increase of mixed uses in downtown and commercial areas, and establishing home occupation standards that have a low regulatory burden.

Position 1D The American Planning Association and its Chapters and Divisions recognize and support ongoing and expanded efforts to build market-rate and workforce housing in rural locations. Aging demographics and declining wages, combined with an older unmaintained housing stock, contribute to the need to ensure an equitable supply of safe housing in these areas. State, county, and local planners must ensure that resources, including capital, are directed to housing efforts in these locations, including funding for utilities and infrastructure, such as water and wastewater systems and roads, particularly in areas with lower-income populations.

Position 1E The American Planning Association and its Chapters and Divisions emphasize the importance of having an adequate supply of housing, and especially affordable housing, in economic development strategies. State and local jurisdictions should engage with business leaders to provide public messaging on the importance of housing and housing development to meet the needs of economic growth. Examples of potential strategies include: preserving existing mixed-income, multifamily housing stock near major employers and transit hubs in order to create housing opportunities in close proximity

to new suburban, exurban, and rural employment and service centers; performing housing impact studies, in conjunction with large employers, to analyze the availability of affordable housing for their workforce in proximity to work locations; encouraging employers to invest in their workforce and neighborhoods by supporting employer-assisted housing programs; and supporting transportation and transit improvements to increase job access and tracking and managing impacts from short-term rentals.

Position 1F The American Planning Association and its Chapters and Divisions support inclusionary growth to ensure fair opportunities to access affordable housing and economic prosperity, while addressing the negative effects of gentrification. Fair share increases opportunity such as access and proximity to jobs, accredited schools, community centers, and mobility options. State should remove barriers and create enabling legislation to allow local jurisdictions to adopt inclusionary growth and related requirements which may: mandate a minimum percentage of affordable units in a development are set aside in exchange for greater density, allow for a prorated number of affordable units that may be provided off-site, allow for payment to a dedicated fund for use by other developers, and require a diversity of housing unit sizes, including housing units with at least three bedrooms in support of families and households that include caregivers.

Position 1G The American Planning Association and its Chapters and Divisions should eliminate barriers to affordable and multifamily housing development and exclusionary zoning, rules, and practices, especially in areas where such development is supported by the necessary transportation, social, cultural, utility, and economic infrastructure. Local jurisdictions should allow multifamily, mixed-income housing as a by-right use and reduce permitting barriers that create development uncertainty, increase the cost of land and development, and stimulate opposition. Local jurisdictions should streamline approval processes that coincide with identified housing needs and demand and establish higher thresholds that are subject to special permit reviews.

Position 1H The American Planning Association and its Chapters and Divisions support “enabling design”—design that enables residents of varying levels of physical ability to live in all multifamily housing and single-family residential, and recommends requiring its use in housing assisted with federal subsidies.

Position 1I The American Planning Association and its Chapters and Divisions should work to transform the community engagement process relative to multifamily and mixed-income housing preservation and development. Local jurisdictions should move to active implementation of housing policy and development and build public support for housing affordability. Local jurisdictions should consider developing outreach and engagement strategies to establish a framework and guide dialogue with the public and key stakeholders about housing need, demand, and trends, as well as the consequences of inaction. Local jurisdictions should be inclusive and responsive to a broad range of constituents, while

promoting best practices and educating the public with attention to ensuring all populations have access to information in a variety of formats.

Position 1J The American Planning Association and its Chapters and Divisions support efforts to combat housing discrimination and support efforts that foster racial and economic integration. This includes support for the inclusive goals of the National Housing Act of 1949 and the Fair Housing Act of 1968, specifically including the latter’s objective of affirmatively furthering fair housing. It also includes support for the adoption of federal and state laws that would prohibit and provide additional protections against housing discrimination based on the source of income/ receiving public assistance and other protected classes, including but not limited to additional protections for ancestry, age, gender identity, genetic information, marital status, sexual orientation, and veteran/ military history. Finally, APA supports the dismantling of exclusionary land use and zoning practice and policies that contribute to and continue historic patterns of segregation, which includes discriminatory definitions of family in local zoning and ordinances.

Position 1K The American Planning Association and its Chapters and Divisions support better understanding of the variations in acceptable housing occupancy standards across cultures to encourage and support flexibility in housing occupancy standards while ensuring safe, humane, and reasonable standards of living. Housing occupancy varies across different sociocultural groups including different preferences for multigenerational and larger households.

Position 1L The American Planning Association and its Chapters and Divisions have a special responsibility to establish affordable, accessible and available housing as core values in states and localities. Engagement of community leaders, elected officials, and the public in support of these core values can lay the groundwork for modernization of state enabling statutes and reform of local plans and codes that may inhibit housing affordability and availability. Effective engagement can also diminish concerns regarding increased density and new housing forms in existing neighborhoods.

POSITION 2 Preserve existing housing to maintain the quality and overall supply of affordable housing.

Position 2A The American Planning Association and its Chapters and Divisions recognize that preservation of the existing affordable housing stock is critical for protecting older owner-occupied and renter-occupied housing. These types of housing units are often the dominant building fabric and largest source of naturally occurring affordable housing for many inner-ring neighborhoods. Communities should develop plans for substandard and abandoned housing and identify properties that risk falling into substandard conditions. Local jurisdictions should ensure that comprehensive housing plan policy

recommendations support the preservation of existing housing stock as a key component of those plans. Incentivizing and/or mandating the preservation of existing affordable housing is also often the most sustainable way a municipality can ensure housing provision. The only exception to this position would be in the case of existing housing that is substandard, the removal of which would give way to higher-density multifamily developments.

Position 2B The American Planning Association and its Chapters and Divisions support the preservation of existing affordable housing. In order to stem the loss of existing affordable units in gentrifying neighborhoods due to permanent removal, conversion to other uses, and rent increases, local jurisdictions should support the preservation or replacement of these units. Planners and local policy makers should consider a package of incentives to ensure some level of affordability remains associated with these units. Planners should encourage models to preserve affordable housing units, such as low-equity cooperatives and community land trusts. Local jurisdictions should consider the impact of redevelopment proposals on existing neighborhoods, particularly with regard to the potential for residential displacement of low- to middle-income households. Planners should encourage adoption of inclusionary zoning and regulatory measures that proactively preserve housing that is affordable to low- and very-low income households along current and future transit corridors, downtowns, and village or community centers. This ensures that transit-dependent populations in developing or redeveloping areas will have continued access to amenities such as jobs, schools, health care, and goods and services.

Position 2C The American Planning Association and its Chapters and Divisions support monitoring of existing affordable housing units in state and local jurisdictions. Many communities nationwide have successfully used inclusionary zoning as a means to ensure that a specified percent of new market units developed are rent- or sale-restricted for households earning less than 100 percent of Area Median Income. Planners should ensure that units remain affordable through the term of their deed restriction.

Position 2D The American Planning Association and its Chapters and Divisions support options for older adults to age in community. Local jurisdictions should encourage the maintenance and modernization of existing housing by providing or identifying options for financial assistance from loan and grant programs, home modification programs for people with disabilities, and weatherization and home energy assistance programs.

Position 2E The American Planning Association and its Chapters and Divisions support options for public education on home ownership, maintenance, and repair. First-time home owners should understand the benefits and responsibility of home ownership.

POSITION 3 Encourage environmental sustainability and resiliency as critical elements of housing availability and affordability.

Position 3A: The American Planning Association and its Chapters and Divisions encourage sustainability, resiliency, and energy and water efficiency in the housing sector. States and local jurisdictions should investigate opportunities to amend zoning and building requirements to increase production of net-zero and passive homes, and homes with water harvesting and gray water systems. Planners should work with the developers to educate energy end users about choosing renewable energy, water conservation and reuse, and sustainable lifestyles.

Position 3B The American Planning Association and its Chapters and Divisions encourage additional housing to be located in walkable, transit-rich areas to support broader low-carbon emission choices and goals.

Position 3C The American Planning Association and its Chapters and Divisions encourage the siting and design of housing away from flood-prone areas and areas prone to natural disasters and hazards, incorporating green infrastructure into future development. Planners should encourage compact development and mixed use housing to reduce impacts on watersheds and environmentally sensitive areas and in areas prone to natural disasters and hazards.

Position 3D The American Planning Association and its Chapters and Divisions should work to ensure that environmental sustainability and resilience are incorporated into the design and construction of all housing typologies.

POSITION 4 Ensure that public and private finance keeps pace and innovates to support increased housing availability and affordability.

Position 4A The American Planning Association and its Chapters and Divisions support increased financial resources from the federal government to support the preservation and production of housing. Planners should advocate for the continued reauthorization and increased funding for federal housing programs, such as the HOME Investment Partnerships Program, the Community Development Block Grant, Housing Choice Vouchers, and the Native American Housing and Self-Determination Act funding. Planners should support the continued allocation of funds to the National Housing Trust Fund from the profits of Fannie Mae and Freddie Mac. Planners should support increases to the Low-Income Housing Tax Credit Program and reforms to simplify that program. Planners should support the preservation and modernization of federally assisted housing for older residents, including

Section 202 Supportive Housing for the Elderly and the U.S. Department of Agriculture 515 and 521 programs. Finally, planners should support full federal funding for public housing capital and administrative funds.

Position 4B The American Planning Association and its Chapters and Divisions support reforms to private financial resources to support the preservation and production of housing. Lending institutions often have inflexible standards or periods of restricted lending. Planners should encourage lending institutions to support mixed use and other nontraditional development formats while avoiding risky lending practices and lax regulation. Lenders also can support housing affordability by reducing requirements for parking spaces. Planners should advocate for reforms to the Community Reinvestment Act to ensure fair lending practices and greater investment in lower-income communities. Lenders must address historic patterns of discrimination practices, particularly against mortgage applicants who are black and Hispanic to ensure that the opportunity of home ownership is available to all.

Position 4C The American Planning Association and its Chapters and Divisions support the establishment and growth of creative and flexible housing programs, such as the Rental Assistance Demonstration Program (recapitalization of public housing) and the Moving to Work Program (flexible use of housing choice vouchers). As much as possible, planners should seek to use regulatory tools to leverage the power of private capital to create affordable housing, and significant gains can be made through robust inclusionary zoning incentives in areas where the market supports new housing development.

Position 4D The American Planning Association and its Chapters and Divisions should support the continued role of the federal government in ensuring access to residential mortgage capital support to the housing market either indirectly through existing government sponsored enterprises (Fannie Mae and Freddie Mac), or through some other similar mechanism that also provides ongoing market stability. Planners should support the Duty to Serve program of the Federal Housing Finance Agency as a means of providing access to mortgage financing for low-income home purchasers, including purchasers of manufactured housing. Planners should support the establishment and use of innovative approaches that create home ownership opportunities, such as shared-equity home ownership, resident-owned manufactured housing communities, life-cycle underwriting, and portable and assumable mortgages. Planners should support changes to the mortgage interest tax deduction that directly benefit low- and moderate-income home owners.

Position 4E The American Planning Association and its Chapters and Divisions support increased coordination among existing federal planning programs, such as the Consolidated Plan required for HUD funds, with state and local plans. Planners should support the alignment of funding cycles among different programs and matching regulatory requirements to simplify developer compliance and to expedite both reviews and approvals of funding applications. Unified application processes will reduce developer regulatory burdens and increase program utility to improve the efficiency of funds deployed. Planners

should advocate to their federal representatives the importance of restoring and increasing HUD funding. Further, planners should advocate for federal representatives to address the impacts of recent tax reform on a range of tax credits and related financing tools for housing.

Position 4F The American Planning Association and its Chapters and Divisions support innovations to government assessment and tax policies. State and local jurisdictions should work together to create reforms to tax assessment policies, creating model frameworks and local assessment categories. Planners should educate assessors and others engaged in local tax policy setting with affordable housing assessment policies. At the federal level, planners should support the establishment of a project-based low-income renters' tax credit, to be administered at the state level to maximize coordination with other programs such as the Low-Income Housing Tax Credit. Planners should also support the establishment of a middle-income housing tax credit.

Position 4G The American Planning Association and its Chapters and Divisions should support the establishment of programs at the state and local levels to provide financing for or subsidize development of accessory dwelling units that are targeted for occupancy by lower-income households, including those with Housing Choice (Section 8) and Veterans Affairs Supportive Housing Vouchers, or that have below-market rents.

Position 4H The American Planning Association and its Chapters and Divisions continue to support the federal Low Income Housing Tax Credit program that provides equity for new and rehab housing developments directed at households earning below 60 percent or 50 percent of Area Median Income. Planners should support the ongoing reform of the associated Qualified Allocation Plans that are a requirement for each state for the allocation of these tax credits. In particular, states should consider the inclusion of criteria that ensure equal representation for rural and urban housing as well as additional locational preferences.

Position 4I The American Planning Association and its Chapters and Divisions support the ongoing creation and funding of Housing Trust Funds (HTFs) around the country, specifically and solely for the purpose of housing-related expenditures. Whether these funds are established at the local, county, or state level, they are designed to receive ongoing sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access decent affordable homes. Planners support funding HTFs via direct allocation from general funds (budgetary line items) as well as the issuance of housing bonds at both the local and state level. Planners should prioritize dedicated funding streams to fund HTFs when possible in addition to annual allocations from general funds. Dedicated funding streams prevent volatile changes in funding based on an administration's political views. All HTF funds should be limited to expenditures related to creating or preserving affordable housing; use of these funds should not be directed to other projects or budget items.

Position 4J The American Planning Association and its Chapters and Divisions support the cultivation of partnerships to best utilize the full

range of available resources to develop affordable housing. Local jurisdictions should seek to pair potential partners to broaden community involvement in the production of affordable housing. Organizations and individuals that are not typically involved in housing production, such as arts groups, medical associations, or education coalitions, should be sought out for potential partnerships in addition to nonprofit community foundations.

POSITION 5 Support funding and program flexibility to provide services, shelters, and permanent supportive housing for people experiencing homelessness, veterans, immigrants, and the formerly incarcerated.

Position 5A The American Planning Association and its Chapters and Divisions support continued reauthorization and full funding of federal programs that directly benefit America's homeless population, including the HUD Continuum of Care Homeless Assistance and Emergency Solutions Grant Programs, and also continued funding of the National Housing Trust Fund, which is used to produce new housing that targets extremely low-income people. Planners should also support the creative and flexible use of other federal, state, and local housing resources that are used to establish and operate shelters and permanent supportive housing for people experiencing homelessness, including but not limited to veterans, immigrants, and the formerly incarcerated.

Related Policy Guides

In addition to housing, APA has recently or is currently issuing guides on topics as diverse as social equity, water, food policy, and autonomous vehicles. Almost no topic stands completely apart from the others and housing touches upon every other topic. A sampling of relevant Policy Guides includes the following:

Equity

The **Planning for Equity Policy Guide**, adopted in 2019, is a comprehensive assessment of the growing disparities in income, opportunity, mobility and choice. Specific to housing, the Policy Guide cites the principal goal of the National Housing Act of 1949 as “realization as soon as feasible of the goal of a decent home and suitable living environment for every American family” and examines where we, as a nation, have fallen short.

Public Health

The **Healthy Communities Policy Guide**, adopted in October 2017, defines healthy communities as “places where all individuals have access to healthy built, social, economic, and natural environments that give them the opportunity to live to their fullest potential regardless of their race, ethnicity, gender, income, age, abilities, or other socially defined circumstances.” The Policy Guide emphasizes neighborhood design that is conducive to walking and bicycling.

Sustainability

The Sustainability Policy Framework, adopted in January 2016, is intended to supersede the **Planning for Sustainability Policy Guide** adopted in 2000. Among the key elements of the Framework is the goal to “ensure that all elements of the built environment, including land use, transportation, housing, energy, and infrastructure, work together to provide sustainable, green places for living, working, and recreation, with a high quality of life” and specifically that local development codes include “provisions for a variety of housing types (e.g., accessory dwelling units, cohousing, multiplexes, row houses, and mixed use buildings) for neighborhood residents of all ages, with different incomes, needs, and physical abilities.”

Water

The **Water Policy Guide**, second update adopted July 2016, stressed the need to evolve from planning for hazard mitigation and flood control to considering the supply, demand, and quality of our drinking water. The recommendations for integrated resource management include community land-use planning that seeks to achieve development that results in sustainable land-use patterns coupled with the efficient use of scarce and/or oversubscribed water supplies. Beyond the obvious recommendations to avoid or minimize housing construction within flood hazard areas, the Policy Guide emphasizes the need to consider proximity to water supply and to incorporate sustainable design practices to reduce water demand.

Aging in Community

Implementing housing policies is critical to advancing the Aging in Community Policy Guide, adopted in April 2014. The guide states that planners should aim to “provide a range of affordable and accessible housing options. Promote housing development of differing sizes and costs. Better utilize existing housing resources, and advance universal design and visitability standards to promote accessibility in new housing.”

Surface Transportation

The **Surface Transportation Policy Guide**, adopted in 2019, emphasizes the role of transportation in mitigating the effects of climate change, how data can be leveraged to make equitable and effective transit decisions, and transportation revenue amid a changing policy landscape. The location of housing relative to job sites is undoubtedly the single most important factor in assessing transportation needs.

Please refer directly to these closely allied policy guides for additional information on these topics: <http://planning.org/policy>.