Nibley City
Planning Commission Meeting
Thursday, December 5, 2019
455 W. 3200 S.
Nibley, UT

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

1. A Public Hearing to receive comment on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W

2. A Public Hearing to receive comment on Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W

3. Discussion and Consideration of a recommendation on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W

4. Discussion and Consideration of a recommendation on a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W

5. Workshop: Dark Sky Ordinance

6. Workshop: Neighborhood Commercial Zoning

7. Staff Report and Action Items

    a. Canceling Planning Commission Meeting for Dec 19, 2019

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
Dec 5, 2019

Agenda Item #1, 2, 3, and 4

Description	A Public Hearing to receive comment on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W A Public Hearing to receive comment on Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W Discussion and Consideration of a recommendation on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W Discussion and Consideration of a recommendation on a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 S and 1200 W
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Legislative/Recommendation to the City Council for R-PUD Administrative for preliminary plat
Findings	Listed at the end of the report
Recommendation	Review Plat, accept the findings and make a recommendation to the City Council based on those findings.
Reviewed By	City Planner, City Engineer, Public Works Director, and City Manager

Background

Nibley City Code 19.32 established the Residential Planned Unit Development Overlay Zone. NCC 19.32.010 states the following:

19.32.010 Purpose And Intent

1. *Intent: This section provides enabling authority and standards for the review and approval of applications for Residential Planned Unit Developments (R-PUD's). The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering some flexibility in the design of residential developments, which may incorporate the permanent preservation of amenities, agricultural lands and other valuable natural and cultural resources, as well as providing a variety of amenities for the enjoyment and benefit of the citizens of Nibley.*
2. *Purpose: An R-PUD is an overlay rezone. That is, applicants apply for the overlay to be applied, allowing them to receive the density outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve the R-PUD with conditions, and no applicant has any entitlement to the approval of an R-PUD.*

Unlike other developments and subdivisions, the applicant does not have a right to the desnisty as listed in the overlay zone unless approved by the City. Therefore, the Planning Commission should evaluate the application on two grounds.

1. Legislative: Is this a good location and design for an R-PUD?
2. Administrative: Does the Application meet the R-PUD, zoning, and subdivision requirements?

The applicant has also decided to turn in both an R-PUD application and Preliminary Plat application at the same time. Because it involves the same development, both reports will be listed together, but there will need to be two different motions, one for the overlay application and another for the preliminary plat.

The Planning Commission is a recommending body for an R-PUD and preliminary plat, while the City Council is the land-use authority.

Zoning

	R-PUD Requirements	Firefly Estates
Listed on R-PUD Application Map	Parcels need to be listed on the map	Yes
Total Gross Acres	N/A	20.11
Net Developable Acres	N/A	15.5
Total Open Space Land	35%	43.5%
Units Per Net Developable Acre	12 Max Units	8.2 Units
Total Number of Single Family Lots	20% min	24%
Min Lot Size for Single Family Lots	4,500 sq. ft.	6,000 sq. ft.
Total Lots		127
Total Park Space Required	2.5 Acres with one swing set and one playground	Unclear, need more information
Parking	2 spaces for each unit (254), and one guest parking for every 3 units (42)	Each unit had a two-car garage plus driveway for single-family homes. The Development has 72 guest parking spots, but parking courts are too large(limited to 20 spots each), will have 60 once sized right.

Zoning

As you can see from the table above, the general lot sizes, open space, parking, density, and most other general zoning requirement are met. There are a couple of items that still need to be addressed that are listed in the findings below.

Surrounding Zoning and Land Use



Above is a picture from Cache County's GIS City Zoning and Logan City Zoning Layers turned on. Nibley City's and Logan's boundary is shown as the black line, Logan City is to the North and West of the proposed development, while Nibley City territory included the proposed development, the land to the South and East. To the North of the property, in Logan City, the red area is a Commercial zone with commercial development taking place right now, the green-gray color is Mix Residential-20, which allows for up to 20 units an acre and there are currently apartments being built there. The RC is Logan's agricultural zoning with low density. To the south is a development built under the R-2A requirements. The lot sizes adjacent is .28 acres to .5 acres in size. To the east is Nibley City's Firefly Park.

The Applicant has placed single-family homes along the south boarded adjacent to existing single-family homes as required in NCC 19.32.040 (C), and has place single-family homes along the border of Firefly Park to minimize the impact to the park.

The Planning Commission should consider the placement of this development in the context of surrounding development. The applicant turned in a map, shown below, that they proposed that this parcel could be a transition area that moved from higher density to commercial to single-family homes.





Utility Lines and Easements

The applicant has shown a preliminary plan for connecting utilities to Nibley City's utility system. Nibley City engineer and public works director are reviewing the plan to ensure the City has no major concerns.

Canals

The canal company has been shown the proposed plat and has signed a letter stating they are reviewing the plans (attached).

Roads

Nibley City's transportation master plan shows that 1200 W/Meadow Lane connects to Logan City at the

northern boundary of the property (the orange road). This roadway is plan to be an 80’ wide arterial roadway and will serve as one of the main roadways in and out of the Nibley City. The applicant is proposing to build the roadway as required in our master plan.

The applicant will need to provide some traffic calming features on the north end as required by NCC 21.12.060 (E) in Meadow Lane.

The Applicant will also need to align 1000 W as shown in the plan and do improvements to 2200 S.

The applicant’s plat complies with the Transportation Master Plan.

The private roadway that connects to lots one through six will need to be updated to be turned into a public roadway since it accesses single-family homes NCC 19.32.080 (B)(3).

Open Space and Maintenance Plan

The applicant has submitted a preliminary landscape plan for the open space and area around the townhomes. However, the applicant has not turned in a preliminary maintenance plan and has not identified areas for the different amenities. The applicant has been informed of the missing information and will supply it before the meeting. The applicant will need to provide 2.5 acres of park space with a swing set and one playground as listed in NCC 19.32.050.

The applicant will also need to provide a Pedestrian Circulation Plan to show internal trails as required within the Subdivision. There will need to be a trail out of the end of the cul-de-sac, a 10’ trail along Meadow Lane on the West side, and a trail that runs East and West. Staff’s recommendation is to provide an 8’ sidewalk on the north side of 2260 S to provide connection from the development to Firefly and Heritage Park.

It is essential to note in final approval there are more landscaping details needed as listed in NCC 19.32.080 (B).

Recommended Findings:

Staff recommends the Planning Commission finds the following for the Preliminary Plat

1. Needs a legal description of the property
2. Need to show where the subdivision is connecting onto City utilities
3. Need to show phases, if there will be any.
4. Need building setback lines drawn on the plat
5. Need to show traffic calming on 1200 W. See Transporation Master Plan 5.4 for example. NCC 21.12.060 (E)

The Findings for the R-PUD Application:

1. The North Eastern private road needs to be a public ROW since it is accessing the front of those homes. NCC 19.32.080 (B)(3)
2. Need more detailed architectural standards
3. At least 50% of the units require a two-car garage
4. Need a Pedestrian Circulation Map (can be included in the landscape plans). Show sidewalks, sidewalk to each front door, crosswalks, trails, and path to amenities. 1200 W needs a trail on west side (see cross-section in Transporation Master Plan). Nibley City's Trail Master Plan shows an 8 foot that should go East and West on your parcel. Trail out of the end of 1050 W only needs to be 8' wide, then need a 10' easement from centerline of the canal pipe. See NCC 19.32.080 (B)(4) and NCC 21.12.060 (A)(B) and (F)
5. Parking: Parking courts can't contain more than 20 parking stalls. Each unit needs two parking spaces, need at least 42 guess parking spaces.
6. Open Space Aminites: Need one playground and one swing set. Need details on where they will be located.
7. Need a Preliminary Maintenance Plan. See 19.32.050 (B)

FIREFLY ESTATES

LOCATED IN THE SE QUARTER OF SECTION 17,
TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M
1050 WEST 2200 SOUTH
NIBLEY, UTAH

PRELIMINARY PLAT

SCALE: 1"=50' (24x36 PLAN SET)

0 50 10

N88°19'45"E 1325.03'

Brass cap Elev: 4498.65

LEGEND

- BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- EASEMENT (PUE-PUBLIC UTILITY EASEMENT)
- SETBACK LINE
- CORPORATE LIMIT LINE
- EXISTING GAS
- EXISTING POWER
- EXISTING FENCE
- EXISTING SEWER
- EXISTING PRESSURE SEWER
- PROPOSED SEWER
- EXISTING WATER
- PROPOSED WATER
- EXISTING STORM
- PROPOSED STORM
- EXISTING DITCH
- PROPOSED DITCH RE-ROUTE
- EXIST MNR CONTOUR (1')
- EXIST MJR CONTOUR (5')
- EXISTING ASPHALT
- PROPOSED ASPHALT

SUMMARY:
TOTAL AREA: 20.11 ACRES

TOTAL UNITS: 127
SINGLE FAMILY LOTS: 31
TOWNHOUSE UNITS: 96
AVERAGE SINGLE FAMILY LOT SIZE: 7109
SINGLE FAMILY HOME SETBACK = 20'
OPEN SPACE: 6.75 ac. (33.56%)
PUBLIC ROADS: 4.61 ac.
PRIVATE DRIVEWAYS: 1.84 ac.

DATE : NOV,2019
DRAWING No. 1

PROJECT TITLE
FIREFLY ESTATES
945 WEST 2200 SOUTH
LOGAN, UTAH 84321

DRAWING TITLE
PRELIMINARY PLAT

No.	REVISIONS/ SUBMISSIONS	DATE

REVIEWED : DRAWN :
CAD FILE : PROJECT NO. :

OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
ETHAN POPPLETON (435)760-6934
4505 S. WASATCH BLVD, STE 150
HOLLADAY, UTAH 84124

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
alliancelogan@yahoo.com

REGISTERED PROFESSIONAL ENGINEER
ADAM V. MACKELPRANG
NO. 366590
STATE OF UTAH
11/21/19

FIREFLY ESTATES

LOCATED IN THE SE QUARTER OF SECTION 17,
TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M
1050 WEST 2200 SOUTH
NIBLEY, UTAH

PRELIMINARY LANDSCAPE PLAN

SCALE: 1"=50' (24x36 PLAN SET)

0 50 10

LEGEND

- BOUNDARY LINE
- PROPOSED GRASS
- Honey locust 1-½" cal
- Linden (green spire) 1-½" cal
- Spring snow crabapple 1-½" cal
- Burr oak 1-½" cal
- Male box elder 1-½" cal
- Cutleaf steghorn sumac 1-½" cal
- Blackhaw viburnum 1-½" cal

NOTES:

1. IRRIGATION SYSTEM WILL BE DESIGNED BY LANDSCAPE CONTRACTOR. LAWN AREAS WILL BE DESIGNED FOR HEAD TO HEAD COVERAGE AND ALL PLANTING AREAS WILL BE DRIP IRRIGATED.

DATE : NOV,2019
DRAWING No. 2

PROJECT TITLE

FIREFLY ESTATES
945 WEST 2200 SOUTH
LOGAN, UTAH 84321

DRAWING TITLE
PRELIMINARY LANDSCAPE PLAN

No.	REVISIONS/ SUBMISSIONS	DATE

REVIEWED : DRAWN :
CAD FILE : PROJECT NO. :

OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
ETHAN POPPLETON (435)760-6934
4505 S. WASATCH BLVD, STE 150
HOLLADAY, UTAH 84124

ALLIANCE CONSULTING ENGINEERS
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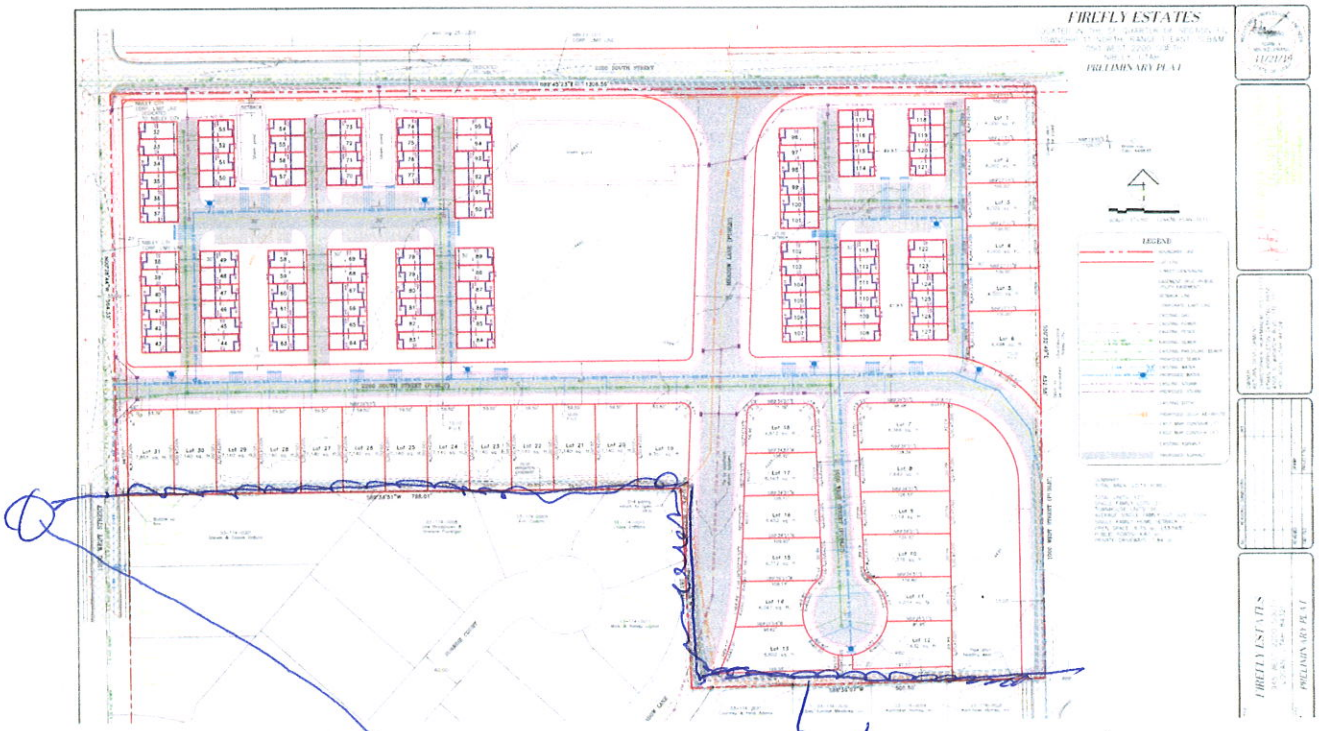


FIREFLY ESTATES

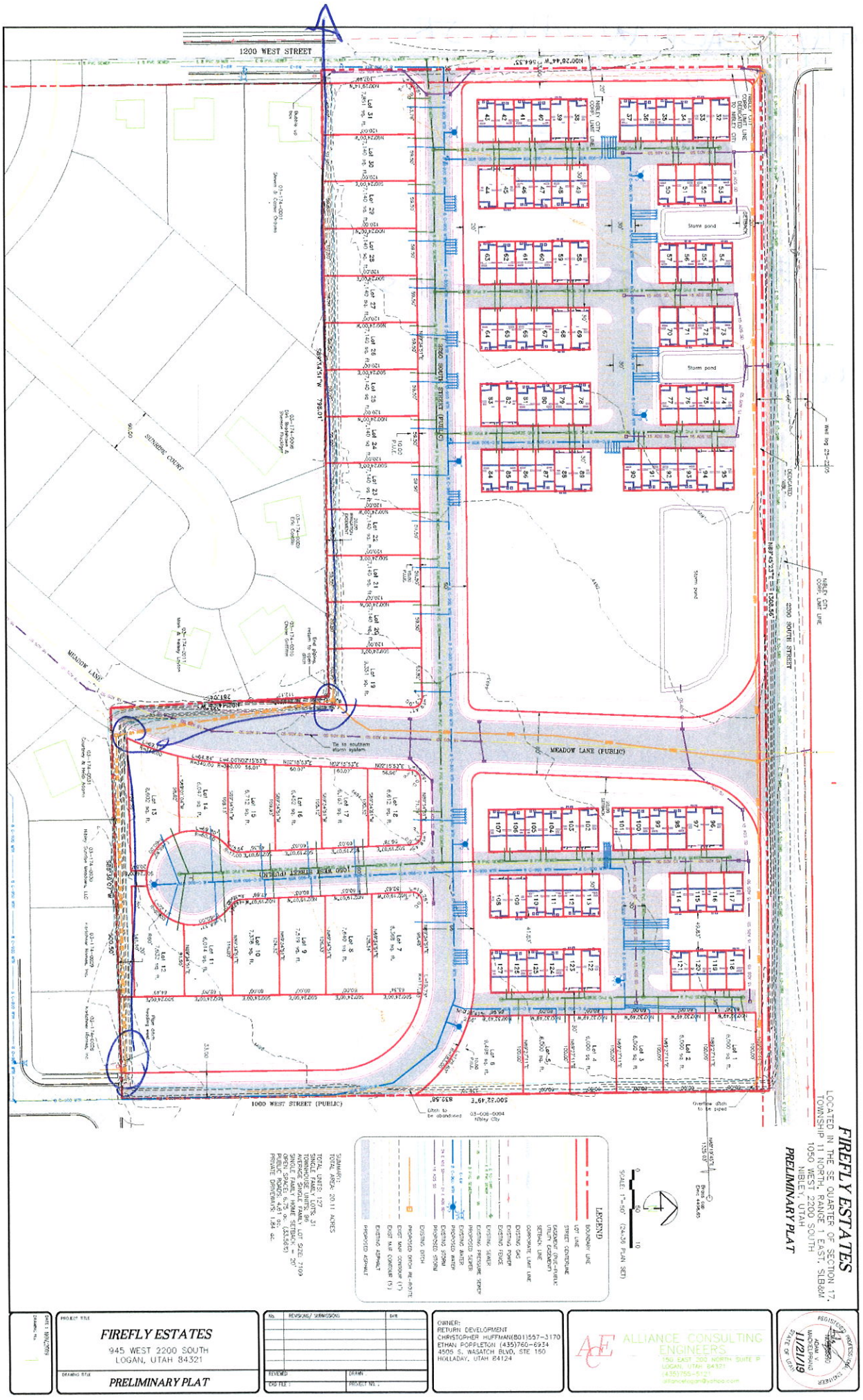
(2200 S 1200 W – NIBLEY, UT)

November 21, 2019

The develop of Firefly Estates subdivision has contacted us regarding the proposed development. We understand that we have thirty (30) days from the date of this letter to contact Nibley City regarding the canals on this property. Failure to do so constitutes the canal company's acceptance of improvements to said canal.



Signature: _____ Date: Dec 2 2019



FIREFLY ESTATES

LOCATED IN THE SE QUARTER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M
1050 WEST 2200 SOUTH
NIBLEY, UTAH

PRELIMINARY PLAT

PROJECT TITLE	FIREFLY ESTATES 945 WEST 2200 SOUTH LOGAN, UTAH 84321
DRAWING TITLE	PRELIMINARY PLAT

No.	REVISIONS/ SUBMISSIONS	DATE
REVIEWED	DRAWN	
CAD FILE:	PROJECT NO.:	

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alliancelogan@yahoo.com

REGISTERED PROFESSIONAL ENGINEER — STATE OF UTAH — MACKEPRANG — 11/21/19

Agenda Item #5

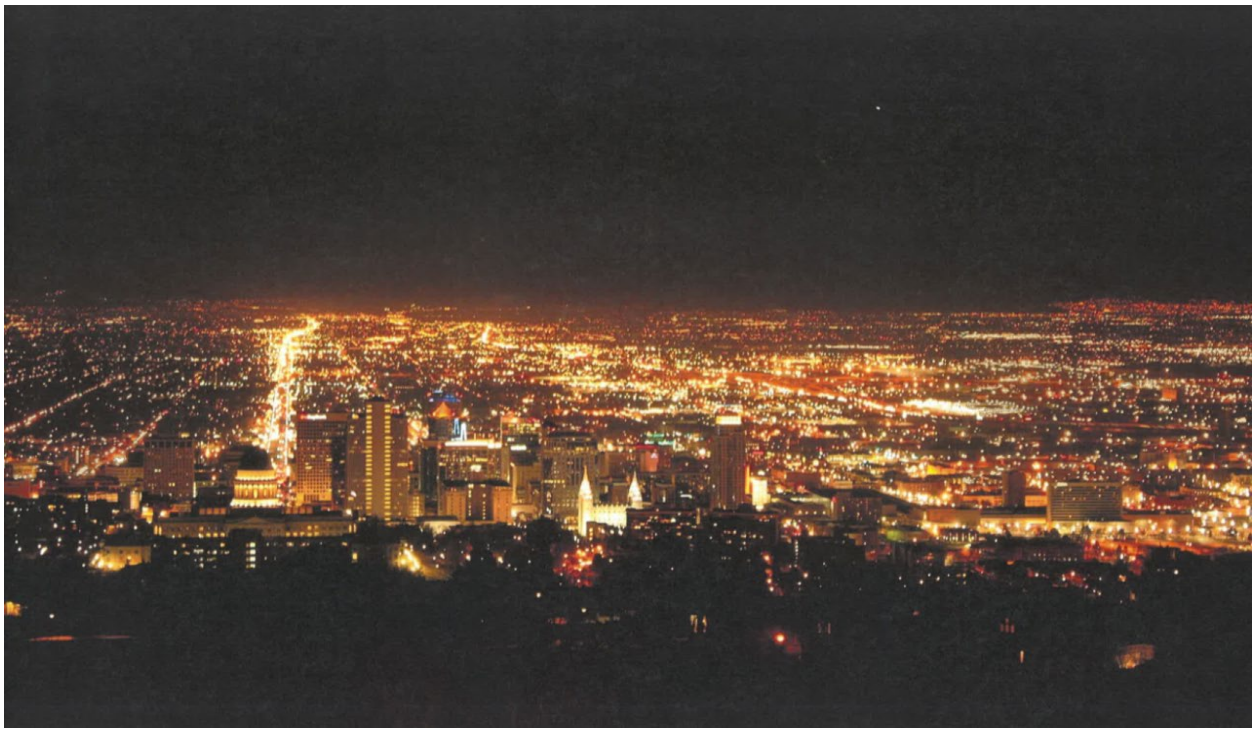
Description	Workshop: Dark Sky Ordinance
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

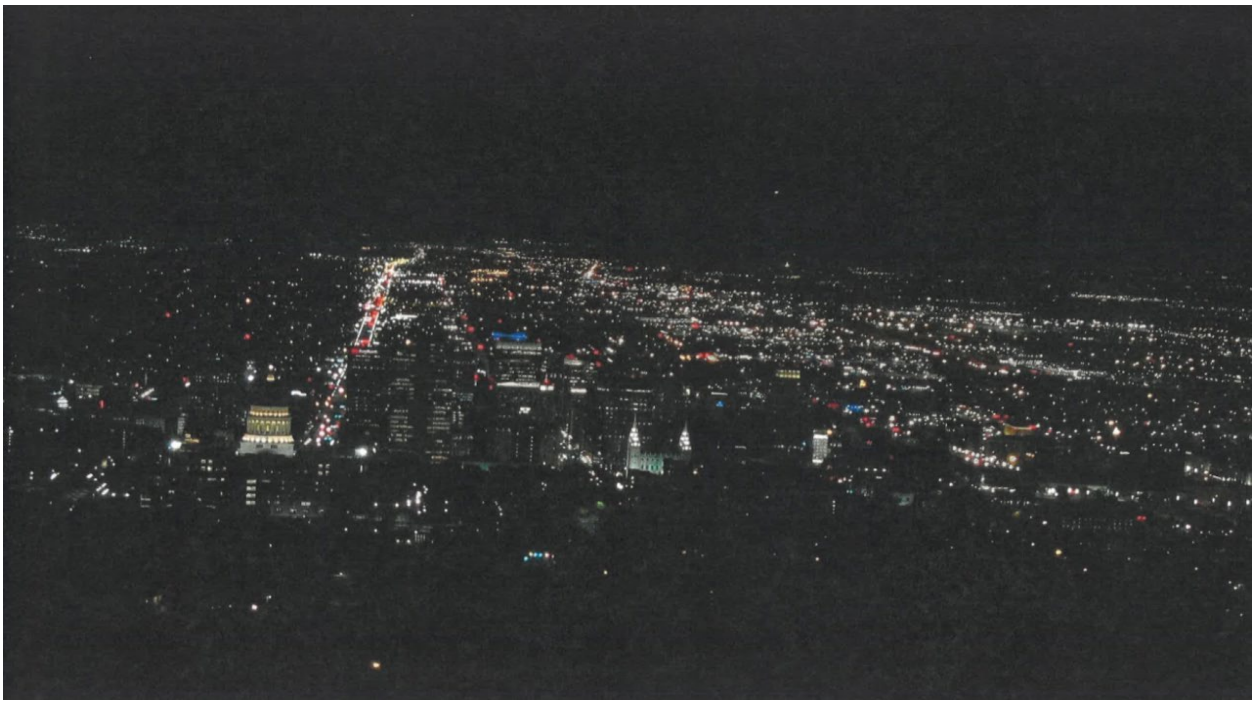
At the last meeting, staff reviewed with the Planning Commission a more simplified version of the outdoor lighting standards. A couple of additional items staff would like to discuss would be adding some additional exceptions to the code including

1. Motion sensor lighting
2. Crewfews, time limits, and event lighting.

Staff has also received a few pictures of dark sky lighting, as seen below.



Salt Lake City Before and After





Dark Sky Lighting in Farmington Utah

Report from November 21, 2019 Meeting.

Nibley City staff is proposing that the Planning Commission consider a recommendation to the City Council about adopting a new lighting ordinance that would address light pollution. Light pollution can be defined as the following:

> *The inappropriate or excessive use of artificial light…[and] can have serious environmental consequences for humans, wildlife, and our climate. Components of light pollution include:*
>
> ***Glare** – excessive brightness that causes visual discomfort*
>
> ***Skyglow** – brightening of the night sky over inhabited areas*
>
> ***Light trespass** – light falling where it is not intended or needed*
>
> ***Clutter** – bright, confusing and excessive groupings of light sources*
>
> (IDA, n.d.)

Light pollution is a significant problem across the United States and has a negative impact on humans and wildlife alike. Some of the main reasons Nibley City staff recommends consideration of the proposed ordinance is for the following:

1. Help protect the health of Nibley City Residents

2. Protect wildlife, particularly the fireflies located in firefly park and other parts of the community.
3. To help protect the rural feeling within Nibley City.
4. Set a precedent for other communities in Cache County.
5. Help light fixtures become more efficient



Firefly Park Buffer Area

Fireflies are incredibly vulnerable to light pollution. During the mating season, fireflies will use bioluminescence to attract mates. When light pollution is present, this can cause fireflies to fly towards the artificial light instead of another firefly. Because of these reasons, the proposed code would create a 500' buffer area around Firefly Park. The City is also considering offering some incentive to residents around Firefly Park to voluntary switch out their lights for dark sky compliant lighting. The proposed ordinance would give residents within the buffer area until January 1, 2024.

More about Dark Sky Policy

Learn more about light pollution and the Dark Sky Movement at the following links:

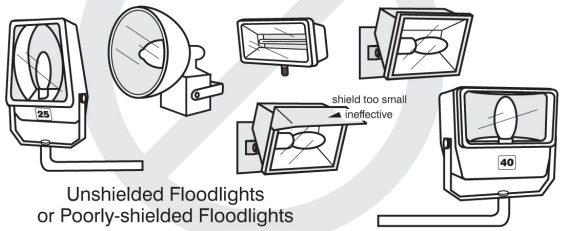
Why We Are Losing the Night Sky: By It's Okay to Be Smart

The International Dark Sky Alliance

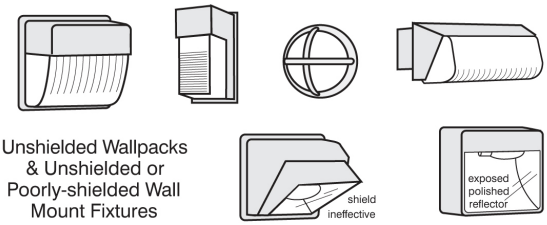
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

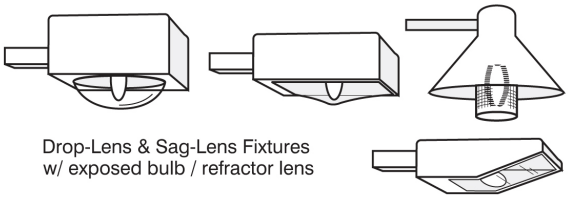
Fixtures that produce glare and light trespass



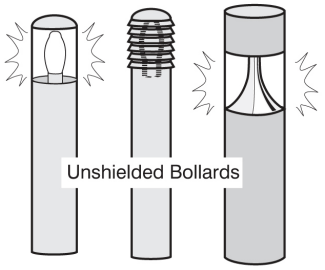
Unshielded Floodlights
or Poorly-shielded Floodlights



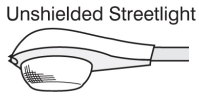
Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures



Drop-Lens & Sag-Lens Fixtures
w/ exposed bulb / refractor lens



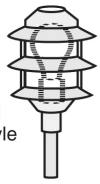
Unshielded Bollards



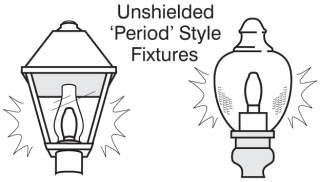
Unshielded Streetlight



Unshielded Barn
Light



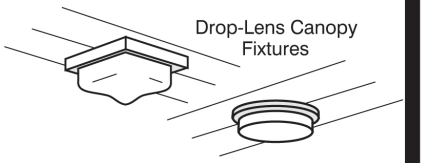
Louvered
'Marine' style
Fixtures



Unshielded
'Period' Style
Fixtures



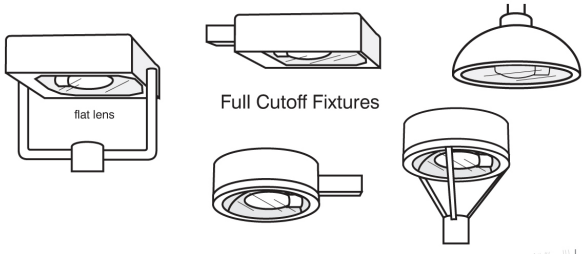
Unshielded PAR
Floodlights



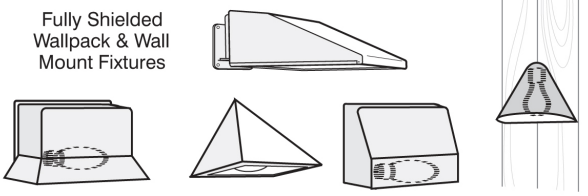
Drop-Lens Canopy
Fixtures

Acceptable

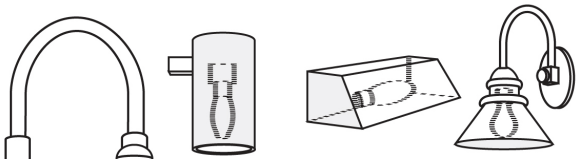
Fixtures that shield the light source to minimize glare and light trespass
and to facilitate better vision at night



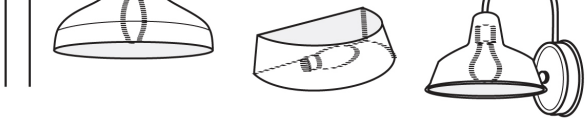
Full Cutoff Fixtures



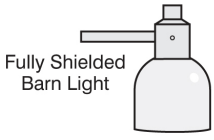
Fully Shielded
Wallpack & Wall
Mount Fixtures



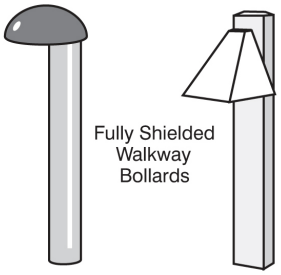
Fully Shielded Fixtures



Full Cutoff Streetlight



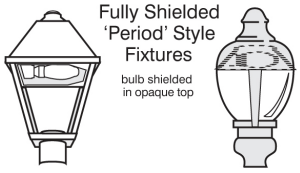
Fully Shielded
Barn Light



Fully Shielded
Walkway
Bollards



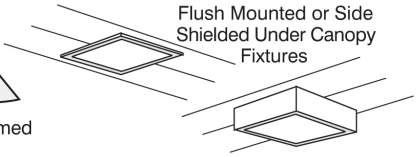
Fully Shielded
Decorative
Fixtures



Fully Shielded
'Period' Style
Fixtures



Shielded / Properly-aimed
PAR Floodlights



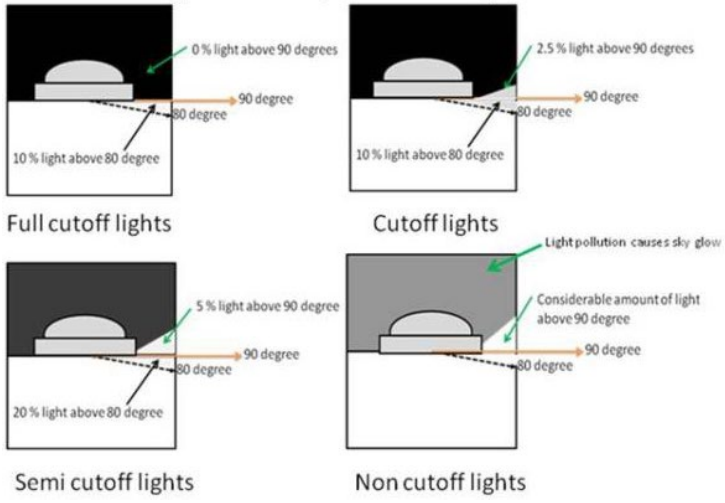
Flush Mounted or Side
Shielded Under Canopy
Fixtures

Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

19.24.240: Outdoor Lighting Standards

A. The purpose of this Section is to provide for adequate and appropriate site lighting that increases nighttime visibility, adds aesthetic quality, and improves safety. These standards are designed to enhance night vision while mitigating glare and light pollution. All exterior lighting shall be designed and located to minimize glare, light trespass, skyglow and energy waste.

B. DEFINITIONS: For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:
   1. ACCENT OR ARCHITECTURAL LIGHTING: Lighting of building surfaces, landscape features, statues and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees or customers on a property.
   2. DIRECT ILLUMINATION: Illumination resulting from light emitted directly from a lamp, luminary or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.
   3. FLOODLIGHT: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.
   4. FULL CUTOFF FIXTURE: An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



   5. INTERNALLY ILLUMINATED: As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.
   6. LIGHT POLLUTION: Any adverse effect of manmade light. Often used to denote "sky glow" from cities, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.
   7. LIGHT SOURCE: The part of a lighting fixture that produces light, e.g., the bulb.

8. LIGHT TRESPASS: Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.
9. MANUFACTURER'S CATALOG CUTS: A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.
10. OUTDOOR LIGHT FIXTURE: An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.
11. RECREATIONAL LIGHTING: Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.
12. SECURITY LIGHTS: Lighting designed to illuminate a property or grounds for the purpose of visual security.
13. SPOTLIGHT: A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.
14. TOWER: Any monopole, antenna or the like that exceeds eighteen feet (18') in height.
15. UNSHIELDED FIXTURE: A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff.

C. Use of Luminaires.
1. No unshielded or clear glass luminaires are permitted. All exterior lighting shall have the light source downcast and fully shielded from view with the following exceptions:
    a. If the luminaires are less than one thousand (1,000) lumens per fixture (equal to one sixty (60) watt incandescent lamp) provided the luminaire has an opaque top or is under a solid overhang;
    b. Floodlights with external shielding of the light source and is angled down toward the ground at thirty (30) degrees or less;
    c. Temporary lighting needed by emergency services;
    d. Lighting for United States of America and State of Utah flags;
    e. Lighting of telecommunication towers to meet Federal Aviation Administration regulations;
    f. Lighting associated with an approved and permitted exterior sign;
    g. Luminaires used only to light athletic fields and courts when all reasonable measures have been taken to minimize lighting of surrounding properties. All adjacent luminaires surrounding the athletic complex are not exempt; or
    h. Exterior emergency exit lighting.

D. Standards.
1. Height and Location.
    a. Lighting height and location shall be designed to illuminate the site only. Light cut-offs are required to prevent spillover of direct light.

b. Luminaire fixtures and supporting structures shall be placed on the same property as intended to light.
c. Parking area and exterior freestanding luminaires shall be no taller than 32 feet, including the pole and base. When projects are adjacent to residential zones, freestanding luminaires on the perimeter closest to the residential zone shall be no taller than eighteen (18) feet.
d. Freestanding luminaires on private property in residential zones shall be no taller than twelve (12) feet.
e. Luminaires for public street lights and athletic fields are exempt from height regulations.
f. Soffit and canopy lighting shall be recessed or flush mounted to the bottom surface of the structure.
g. Pedestrian street lights or lampposts are required within the Town Center, Mixed Use, and along Main Street within any other district, and may be required in other zones subject to design review approval.
h. Pedestrian street lights or lampposts shall be mounted between 8' to 16' above grade to provide continuous illumination of all street sidewalks, and shall reflect the architectural design and characteristics of the surrounding area.
i. Exterior building lights affixed to buildings on street-front elevations shall be mounted between 6' and 14' above adjacent grade.

2. Visual Characteristics.
    a. All public areas shall be lighted with average minimum and maximum levels as follows:
        i. Minimum (for low or non-pedestrian and vehicular traffic areas) of 0.5 foot candles;
        ii. Moderate (for moderate or high volume pedestrian areas) of 1-2 foot candles; and
        iii. Maximum (for high volume pedestrian areas and building entries) of 4 foot candles.
    b. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
    c. Up-lighting is not permitted, except as approved through design review for highlighting signature landscape features or building elements.
    d. HID or fluorescent tube lights (except compact fluorescent bulbs) are not permitted as exterior building lights.

E. New Structures

1. Commercial, Neighborhood Commercial, Institutional, and Industrial buildings must submit a lighting plan with their building permit application with sufficient detail to detrimin compliance with lighting standards.
    a. Deatail needed including lighting information for parking lots, signs, walkways, lighting fictures over doorways, accent, or architectural lighting fixtures.
2. All new residential structures must comply with standards within this chaprter

F. Compliance of Existing Nonconforming Luminaires.
1. Compliance: All exterior outdoor lighting of properties within the Firefly Park 500ft buffer zone (See Annex 1) need to be in compliance before January 1, 2024. All exterior outdoor lighting installed after the effective date hereof in all zones in the city shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.
2. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use. The city will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this chapter. Where appropriate, the city may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance with this chapter.
3. Modifications; Compliance Through Building Permit Process: The city may require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged.
4. Conflicts: Should this chapter be found to conflict with other ordinances of the city, the more restrictive shall apply.

G. VIOLATIONS:
1. The following constitute violations of this chapter:
    a. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this chapter if such fixture is installed after this chapter is formally adopted.
    b. The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.
    c. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this chapter.

H. PENALTIES:

1. Violations and Legal actions. If, after investigation, the planning director finds that any provision of this chapter is being violated, the planning director or designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The planning department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the planning director or designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect penalties for such violations.
2. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of $75.00 per day, and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty.

Agenda Item #4

Description	Workshop: Future of Commercial and Neighborhood Commercial Zoning within Nibley City
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

Nibley City Mayor and a couple of members of the City Council have recommended to staff that the Planning Commission review if the City review several items about our commercial zoning as follows:



- Neighborhood commercial 2-5 acres zoning requirements
- Expansion of commercial zoning along Highway 165 and 3200 S
- Commercial standards
- Town Center Commercial standards

Staff will present a few options for commercial development within Nibley City. Nibley City had a study within the last two years that showed that Nibley could support further commercial development (see attached). It is also important to note that Nibley City is currently conducting a study and an update to help evaluate what type of commercial growth Nibley City should support or even recruit into Nibley City.