

19.14.010 Purpose

The purpose of the commercial zone is to provide suitable areas for the location of commercial activities needed to serve the people and commerce of the city. Retail commercial activities which serve the residents of the city will be encouraged.

19.14.020 Use Regulations

A. Use Permit

1. Each Commercial Development and Use shall obtain a business license from Nibley City. Commercial Uses as listed in NCC 19.20 as a conditional use shall also obtain a Conditional Use Permit before construction of new developments or operation of a business for existing commercial developments.

B. Traffic and Connectivity

1. Roadways and intersections shall maintain a Level of Service (LOS) C. Commercial applicants may be required to make any road updates in order to ensure the roadway will maintain LOS C.
2. Site plans must comply with the Transportation and Trails Master Plan.
3. Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons
 - a. There is only one vehicle access road to the site
 - b. Allow for greater emergency access to the site
 - c. Provide for better connectivity and enhance the safety of surrounding roadways and intersections.
 - d. Construction access to minimize impact to existing homes and infrastructure

C. Utilities

1. Utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
2. A business license shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The City may require an applicant to turn over water shares or water rights in order to allow the City to provide long term water service to the site.
3. Applicants shall connect to service lines needed to supply the use of an application. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or provide plans for the needed infrastructure before a conditional use permit may be granted.

D. Each Commercial building shall be built to the standards in Nibley City Design Standards for Commercial and Institutional Uses.

E. 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.

F. 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.

- G. All site plans shall be approved by the City's Engineer and Public Works departments. All site plans shall comply with Nibley City Design Standards and all projects located in Commercial and Neighborhood Commercial Zone shall comply with Nibley City Design Standards for Commercial and Institutional Use.
- H. 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.
- I. In Commercial Zones, warehousing and storage may be allowed as part of business if it is attached to offices, retail, or other permitted or conditional use allowed within a Commercial Zone.
- J. All Commercial developments shall comply with landscaping code within NCC 19.24.170

19.14.030 Space Requirements

See NCC 19.22.

HISTORY

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

19.14.040 Parking Requirements

See NCC 19.24.160.

HISTORY

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

19.14.050 Neighborhood Commercial Zone C-N

A. Purpose

1. The neighborhood commercial zone C-N is established to provide areas in which the primary use of land is for commercial and service uses to:
 - a. Serve the daily convenience needs of the adjacent residential neighborhoods.
 - b. Provide economic stability.
 - c. Enhance property values.
 - d. Establish strategies for achieving good community design.
 - e. Stabilize areas/zones.
 - f. Reduce traffic congestion and promote walkable communities.
 - g. Promote the policies of the general plan.
2. This C-N zone shall be located in areas deemed appropriate and approved by the city council for services to the residents of the city. The zone will create a minimum of detriment, hazard, noise or inconvenience to surrounding residential development.
3. The C-N zone shall be characterized by harmonious grouping and architectural offset of building mass of commercial stores and shops which will be architecturally designed for, and will function as, an integrated unit. Clean parking lots and attractive well maintained shops with appropriate landscaping will also be characteristic of this zone.

4. Lighting will be of low intensity, low profile and fully shielded to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment.
 5. Heavy commercial uses within this zone have been excluded and are not permitted.
- B. Permitted Uses: See NCC 19.20.
- C. Conditional Uses:
1. Regular Conditional Uses: See NCC 19.20.
 2. Temporary Accessory Uses: Temporary accessory uses and structures are permitted in the C-N zone, provided they are incidental to, and do not substantially alter the character of, the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following: Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further that such shall be permitted only during construction period and thirty (30) days thereafter.
 3. Use Limitations: All other uses not listed are not permitted.
- D. Area Density Requirements: Each single lot or parcel of land in the C-N zone shall contain a minimum of one-fourth (1/4) acre to allow for the building, site development, parking, required landscaping and stormwater detention. Stormwater detention can be planned as one shared basin.
- E. Lot Frontage: The combined, contiguous parcels or lot of land in the C-N zone shall abut a public street for a minimum distance of one hundred feet (100').
- F. Lot Coverage: No building, structure or group of buildings with their accessory buildings shall cover more than seventy percent (70%) of the lot or parcel.
- G. Minimum Lot Standards: The following minimum yard requirements shall apply to the C-N zone:
1. Front Yard: Each yard or parcel in the C-N zone shall have a store front yard of not less than twenty feet (20').
 2. Side Yard: Each yard or parcel of land in the C-N zone shall have a side yard of not less than ten feet (10'). The minimum side setback from an adjacent residential zone shall be ten feet (10').
 3. Side Yard; Corner Lots: On corner lots the side yard contiguous to the street shall not be less than twenty feet (20') in width and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those permitted accesses or driveways.
 4. Rear Yard: Each lot or parcel of land in the C-N zone shall have a rear yard of not less than five feet (5'), but at a minimum shall match the space requirements for the rear yard setback of the adjoining zone except the rear yard setback shall be thirty feet (20') adjacent to a residential zone.
- H. Building Height: No lot or parcel of land in the C-N zone shall have a building or structure which exceeds the height of two (2) stories with a maximum height of thirty five feet (35') and comply with NCC 19.24.080, "Public Buildings, Additional Height Allowed".
- I. Building Size: The maximum size building footprint allowed shall not exceed a total of ten thousand (15,000) square feet.
- J. Accessory Dwelling Units

1. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached dwelling units. Dwelling Units shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.
 2. Any Neighborhood Commercial Building shall supply two additional off-street parking for each Accessory Dwelling Unit
- K. Off Street Parking, Loading, And Access:
1. The requirements of design standards for commercial and institutional uses and NCC 19.24.160, "Parking Requirements", shall apply.
 2. The site shall be developed to provide for shared access.
 3. The developer/owner of a neighborhood commercial development located along a state owned highway will cause the required traffic impact study to be performed in conformance with the requirements of the Utah department of transportation. Provide to the city a valid copy of the UDOT letter of approval.
- L. Signs: The requirements of design standards for commercial and institutional uses shall apply to this zone. Only monument signage will be allowed, and only in the twenty foot (20') "front yard" setback.
- M. Site Plan Review And Approval Process: The requirements of design standards for commercial and institutional uses and the provisions of this title shall be enforced for any uses requiring site plan review.
1. Approval Process: All proposals for a commercial, neighborhood commercial or institutional development shall be required to conform to the provisions of this subsection. At each stage of site plan/design compliance process, applicants shall be required to submit relevant application forms and pay applicable fees. At all stages of the process, applicable fees must be paid in full prior to the site plan being presented to either planning commission or city council. All proposals governed by this subsection shall be required to conform to the Nibley City design standards for commercial and institutional development.
 - a. Preapplication Conference: Prior to presenting a concept plan to the planning commission, developers shall meet with the city planner in order to become acquainted with the development requirements, procedures and schedules, as well as to discuss potential issues with the project.
 1. At this time, developer shall present the city planner with a general site plan and inform the city planner of plans for the development.
 - b. Concept Presentation: Following determination of compliance at the preapplication conference, all proposals shall be required to present and receive approval on a concept plan from the planning commission.
 1. At this time, the planning commission may give preliminary input on the development concept. This input shall be based on the concept's compliance with the Nibley City general plan and all applicable state and local ordinances.
 - c. Preliminary Site Plan Approval: Upon receiving approval of a concept, developers shall be required to present and receive preliminary site plan approval from the planning commission and city council. Such plans shall be submitted a minimum of fourteen (14) days prior to the date of the meeting at which developer is requesting approval.

1. At the time of presentation to the planning commission and city council, developer shall be required to submit the following plans, drawn to a scale not to exceed one inch equals three hundred feet (1" = 300'):
 1. Overall site plan, including location of buildings, open space, parking, landscaping and pedestrian and traffic circulation.
 1. The overall site plan shall also show all existing residences, buildings, existing streets and proposed streets within three hundred feet (300') of the site in all directions.
 2. Architectural renderings and elevations, demonstrating building materials and colors.
 3. General drainage and utility layout with topography, showing all topographic features.
- d. Required Approvals: Developer is required to receive approval from both the planning commission and the city council. Either body may approve the preliminary site plan, deny the plan, or approve with conditions.
 1. If the preliminary site plan is denied, whichever body denies the plan shall give the developer specific reasons for the denial.
 2. If the site plan is approved with conditions, all conditions imposed must be completed prior to submittal of the final site plan.
 1. City staff shall review the final site plan to ensure such conditions are met prior to the final site plan being presented.
- e. Preliminary Approval Time Limitations: Approval of the preliminary plan by the planning commission and/or city council shall be valid for one year from the date of approval. Extensions of time may be granted by the planning commission and/or city council for a period of not longer than one year upon submittal of a request for extension of time, and showing of good cause prior to the expiration of the initial approval. Self-imposed or economic hardships shall not be a basis for granting an extension.
 1. If the final site plan has not been submitted within the one year, the preliminary plan must be submitted again with appropriate fees to the planning commission and city council for reapproval.
- f. Site Plan Modifications And Amendments: Except as may be provided for elsewhere in this chapter, no element of an approved site plan shall be changed or modified more than five percent (5%) without first obtaining approval of an amended site plan as follows:
 1. An amended site plan shall be submitted to the city planner for review and approval whenever changes more than five percent (5%) are proposed. A written report shall accompany the plans detailing all changes that were made.
 2. The procedure for approval of an amended site plan shall be the same as the procedure for approval of an original site plan as set forth in this chapter.

- g. Final Site Plan Approval: Once preliminary site plan approval has been received, developer shall be required to receive final site plan approval from the planning commission and city council. Such plans shall be submitted a minimum of fourteen (14) days prior to the date of the meeting at which developer is requesting approval.
 - h. Final Site Plan Specifications: The final site plan shall be prepared, submitted and reviewed in accordance with the Nibley City design standards for commercial and institutional development.
 - 1. As part of the final site plan submission, developer shall be required to submit those construction drawings outlined in the Nibley City engineering design standards and specifications.
 - i. Time Limitations: Developer shall have one year from the date of final site plan submittal to obtain final plan approval. Extensions of time may be granted by the planning commission and/or city council for a period of not longer than one year upon submittal of a request for extension of time, and showing of good cause prior to the expiration of the initial approval or an approved extension of time. A second time extension may be requested, and if granted, the extension can be no longer than six (6) months. No other time extensions shall be granted. Developer shall have to start the design review process over. Self-imposed and economic hardships shall not be a basis for granting an extension.
- N. Fencing And Screening: Fencing and screening shall meet the requirements of design standards for commercial and institutional uses; NCC 19.22.010(E), "Fences and walls maximum height"; NCC 19.24.090, "Fence Regulations"; and NCC 19.24.170(C), "Commercial And Industrial Zones" (landscape requirements), shall be required of all fences and landscape screening in this zone.
- O. Storage; Displays: All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user, not able to be stored within the commercial structure shall be stored in a completely enclosed building.
- P. Storage; Trash:
 - 1. No trash, garbage, used materials or wrecked, inoperable or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept in an enclosed building(s) or structure.
 - 2. All structures built to accommodate the storage shall be constructed using a design compatible with the primary structure and meeting all of the architectural design standards outlined in the design standards for commercial and institutional uses. Within a development of multiple structures a common structure shall be constructed suitable for use by all tenants or businesses.
- Q. Preapplication And Concept Development Reviews: The requirements of design standards for commercial and institutional uses and provisions of this title shall apply to this zone.
- R. Development Standards: The development standards of the C-N zone shall conform to design standards for commercial and institutional uses. No development shall proceed nor building permit issued in the C-N zone until the commercial and institutional design standards are enacted.

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