



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, August 27, 2020 – 6:30 p.m.

1. Opening Ceremonies (Councilmember Bernhardt)
2. Call to Order and Roll Call (Chair)
3. Approval of the Previous Meeting Minutes and Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report

6. Truth in Taxation Hearing

7. **Discussion & Consideration** – Resolution 20-10: ADOPTING THE FINAL BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2020-21 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES

8. **Discussion & Consideration** – Resolution 20-11: A Resolution Updating Nibley City’s Consolidated Fee Schedule

9. **Workshop** – Ordinance 20-16: An Update to Nibley City Code 19.32 Amending Residential Planned Unit Development (R-PUD) Requirements

10. **Council and Staff Reports**

- Meeting of the Community Redevelopment Agency**
 1. Call to Order
 2. Approval of Agenda
 3. **Discussion & Consideration** – Resolution CRA 20-01: Adopting Bylaws to Govern the Nibley Community Reinvestment Agency
 4. Adjourn to Nibley City Council Meeting

11. **Adjourn to Closed Session**–To Discuss REAL ESTATE and PENDING LITIGATION, PURSUANT to Utah Code 52-4-205

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.



Agenda Item #6

Description	Truth in Taxation Hearing
Department	City Council
Presenter	David Zook, City Manager
Recommendation	Hold the public hearing and receive input regarding the proposed tax rate.
Reviewed By	Mayor, City Manager, City Treasurer, Department Heads

Background:

The FY 2020-2021 Annual Budget proposes to maintain the previous year's historic property tax rate of 0.001667. It has been the City's practice to adjust the tax rate up or down back to the City's historic rate of 0.001667 each year. Property tax revenue is determined by multiplying the property tax rate by the value of property in the City. The County reviews property valuations annually and new valuations are released each June. Based on the valuations determined by Cache County, the County adjusts the City's tax rate to a level that, when multiplied against the new year's property value, generates the same amount of revenue for the City as was generated the previous year.

If property values go up, that results in the certified tax rate being established at a lower amount than the previous year's tax rate. That rate is referred to as the Certified Rate. The Certified Rate provided to Nibley City by Cache County is 0.001398. In order to allow the property tax revenue the city receives to grow with inflation and expansion, and to maintain sustainable and predictable service as the City grows, it is the City's practice to adjust the City's tax rate annually. This may be an increase or decrease depending on the state of the economy. If the certified rate is raised or lowered by

Cache County, a vote of the City Council is required to adjust the tax rate back to the historic level of 0.001667.

The projected revenue for the next fiscal year, based on keeping the same rate of 0.001667 and adding the value from all of the new homes built in the past year, would be approximately \$638,000, based on the new property values. The average home value in Nibley is \$299,000. This is an increase in assessed valuation of approximately 21% over last year. Homeowners are taxed on 55% of the value on their primary residence. In order to adjust the rate up to the historical rate, the City is required to hold Truth in Taxation Hearing.

A small number of changes have been made to the budget since its tentative adoption in June. Staff will highlight those changes in the presentation.

Agenda Item #7

Description	Discussion and Consideration – Resolution 20-10: ADOPTING THE FINAL BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2020-21 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES
Department	City Council
Presenter	David Zook, City Manager
Recommendation	Make a motion to approve Resolution 20-09: ADOPTING THE FINAL BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2020-21 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES
Reviewed By	Mayor, City Manager, City Treasurer

Background:

The first draft of the budget for the next fiscal year was presented to the City Council on April 11, 2019 and a second reading and public hearing regarding the budget occurred on June 13, 2019 and staff presented and reviewed various changes and proposals in the budget. A tentative final budget was adopted on June 13.

Adoption of this resolution would adopt the final budget for the current fiscal year. Approval of this resolution would increase the stormwater fee from \$7.50 to \$7.75 per month per residence and proposes to keep the property tax rate at its current rate of 0.001667. Cache County certified a tax rate slightly lower than this rate. Therefore, this rate will not become the final adopted rate until the City Council adopts this rate after the Truth in Taxation hearing. A small number of changes have been made to the budget since its tentative adoption in June. Staff will highlight those changes in the presentation before the City Council adopts the final budget.

RESOLUTION 20-10

**A RESOLUTION ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND
OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2020-21 AND ADJUSTING CERTAIN FEES
AND PAYMENTS FOR SERVICES**

BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. The attached budget, entitled Nibley City Budget Fiscal Year 2020-21, is hereby adopted and approved for the fiscal year ending June 30, 2021, with amendments, if, any, as reflected in the budget document and the minutes of this meeting.
2. The monthly charge for storm water shall be \$7.75 per month per residential utility customer effective July 1, 2020.
3. The adopted property tax rate is 0.001667.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____ 2020.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Agenda Item #8

Description	Discussion & Consideration–Resolution 20-11: A Resolution Updating Nibley City’s Consolidated Fee Schedule
Department	Administration
Presenter	Michelle Jensen, Treasurer
Recommendation	Moved to approve Resolution 20-11: A Resolution Updating Nibley City’s Consolidated Fee Schedule.
Reviewed By	City Manager, City Treasurer

Background:

Earlier this year, the Nibley City Council adopted a consolidated fee schedule for services fees and rates charged by the City. None of the fees on the previous schedule are proposed to be changed. However, some new fees are being added..

The schedule has been updated to show the recently-adopted Logan Wastewater Treatment Impact Fee. A new \$150 fee has been added for collection of the recently-adopted Logan Wastewater Treatment Impact Fee.

The Water Stock/Right Contribution Waiver Fee is being added to the schedule.

RESOLUTION 20-11

A RESOLUTION UPDATING NIBLEY CITY'S CONSOLIDATED FEE SCHEDULE

WHEREAS, State Law and the City Code empower the Nibley City Council to set rates and charge fees for services provided by the City;

WHEREAS, the City has historically set rates and fees for services through various resolutions from time to time as needed;

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to update the consolidated schedule of all existing rates and fees and to review and updated the schedule as needed;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE NIBLEY CITY COUNCIL THAT:

1. The Consolidated Fee Schedule attached hereto as Exhibit A and the rates, fees, and charges set forth therein are hereby enacted and adopted.
2. This Resolution does not repeal, abrogate, annul, or impair in any way the existing resolutions or ordinances of the City except to modify the rates, fees, and charges reflected in the Consolidated Fee Schedule. All rates, fees, or charges not listed in the Consolidated Fee Schedule which are contained in or promulgated pursuant to any current resolution or ordinance shall remain in full force and effect, unless and until duly modified. All resolutions or ordinances which set forth rates, fees, or charges which are contained in the Consolidated Fee Schedule are hereby superseded by the Consolidated Fee Schedule.
3. This Resolution shall become effective immediately upon passage.

ADOPTED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2020.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Utility Service Fees

Item	Rate
Water	
Base Rate	
1" Water Service	\$ 15.50
2" Water Service	\$ 35.00
3" Water Service	\$ 65.00
4" Water Service	\$ 90.00
5" Water Service	\$ 95.00
6" Water Service	\$ 105.00
Rate per 1,000 gallons	
0-5,000 Gallons	Included in base rate
5,001 - 40,000	\$ 1.05
40,001 - 65,000	\$ 1.10
65,001 - 100,000	\$ 1.15
100,001 +	\$ 1.35
Townhouse Meters	
Water Reconnect/Disconnect Fee	\$ 50.00
Extra Territorial Rate	2 X base & usage
Water Stock/Right Contribution Waiver	\$ 2500.00 Per Acre-Foot Required
Sewer	
Residential Rate	\$ 52.00
Commercial #1 (0 - 7,000 Gal)	\$ 52.00
Commercial #2 (7,001 - 15,000 Gal)	\$ 104.00
Commercial #3 (15,001 - 25,000 Gal)	\$ 156.00
Commercial #4 (25,001 - 50,000 Gal)	\$ 208.00
Commercial #5 (50,000 Gal & Up)	Manual Calculation
Pretreatment	Pass through from Logan City
Stormwater	
Residential	\$ 7.75
Commercial	(Sq. ft. of impervious surface/3,000) x Residential Rate
Utility Billing Penalties	
Late Fee	\$ 5.00
Late Fee Penalty (Calculated from past due balance)	0.0175
Insufficient Funds Fee	\$ 30.00
Non-Payment Disconnect/Reconnect Fee	\$ 50.00
Door Hanger Fee	\$ 25.00

Business Licenses & Fees

Item	Rate
Business License Application Fee	\$ 30.00
Home Business License Annual Fee (Jan-Dec)	\$ 30.00
Commercial & Industrial Business License Initial Fee (Jan-Dec)	\$ 250.00
Commercial & Industrial Business License Renewal Fee (Jan-Dec)	\$ 150.00
Temporary Vendor/Solicitors Business License (6 Months)	\$ 30.00
Class B Retail License (Jan-Dec)	\$ 250.00
Late Fee (March 1st)	\$ 10.00
Fire Marshall Inspection	As charged by Cache County

Building Permits & Impact Fees

Impact Fees

Item	Rate
Sewer Impact Fee 1" Service	\$ 1,725.00
Sewer Impact Fee 1.5" Service	\$ 3,450.00
Sewer Impact Fee 2" Service	\$ 5,520.00
Sewer Impact Fee 3" Service	\$ 10,349.00
Sewer Impact Fee 4" Service	\$ 20,698.00
Water Impact Fee 1" Service	\$ 1,950.00
Water Impact Fee 1.5" Service	\$ 3,900.00
Water Impact Fee 2" Service	\$ 6,241.00
Water Impact Fee 3" Service	\$ 11,701.00
Water Impact Fee 4" Service	\$ 23,403.00
Park Impact Fee	\$ 4,500.00
Street Impact Fee Apartment	\$ 324.00
Street Impact Fee Condominium/Townhouse	\$ 286.00
Street Impact Fee Church	\$ 445.00
Street Impact Fee Education	\$ 618.00
Street Impact Fee food Service/Fast Food	\$ 4,363.00
Street Impact Fee Gas Station Convenient Fee	\$ 7,950.00
Street Impact Fee Hotel	\$ 436.00
Street Impact Fee Light Industrial	\$ 341.00
Street Impact Fee Office	\$ 1,107.00
Street Impact Fee Retail	\$ 2,803.00
Street Impact Fee Residential Home	\$ 467.00
Street Impact Fee Warehousing	\$ 242 per 1,000 sq. feet

Building Permit Fees

Building Permit	Based on a formula
Plan Check Fee	Based on a formula
Water Connection Fee	\$ 700.00
Stormwater Inspection Fee Residential	\$ 150 Per Year

Development Fees

Water Meter 1"	\$ 700.00
Water Meter 2"	\$ 2,200.00
Water Meter 3"	\$ 2,994.00
Water Meter 4"	\$ 3,942.00
Water Meter 2" - 4 Townhomes	\$ 550.00
Water Meter 2" - 6 Townhomes	\$ 366.00
Water Meter Lid	\$ 50.00
Water Meter Ring or Collar	\$ 50.00
Water Meter Adjustment (Raise or Lower)	\$ 75.00
Road Cut Fee	\$ 3,000 (1/2 is refundable)
Street Sign	\$ 300.00
Sewer Valve Collar	\$ 450.00
Water Valve Collar	\$ 350.00

Stormwater Development Inspection Fee	\$ 500 Per Year
Stormwater for Regional Ponds	\$3,000 Per Lot
P & Z Misc. Applications (Example: building permits, rezone, concept plans, etc.)	\$ 30.00
Annexation Petition Application	\$ 200.00
Asphalt Preservation	.25 per Sq Foot
Miscellaneous Items	
Gas Meter Upgrade Inspection	\$ 25.00
Permanent Power Upgrade Inspection	\$ 25.00

Planning and Building Department Credit Card Convenience Fee	3% of Total Invoice
Logan Wastewater Treatment Impact Fee (Set by ordinance 20-15)	\$ 2,433.00
Logan Wastewater Treatment Impact Fee Collection Fee	\$ 150.00

Dog Licenses & Permits

Item	Rate
Dog Registration January-December Spayed/Neutered	\$ 15.00
Dog Registration January-December Unaltered	\$ 25.00
Dog Registration July-December Spayed/Neutered	\$ 7.50
Dog Registration July-December Unaltered	\$ 12.50
Multi-Dog Permit Fee - Yearly Renewal	\$ 30.00
Multi-Dog License Application Fee	\$ 30.00
Lost Tag	\$ 5.00
Late Fee (After March 1st)	\$ 10.00

Cache Humane Society Impound Service Fees	Please refer to contract
Impound Boarding Dog/Cat	\$ 150.00 Per Animal
Impound Other Domestic Animal Species	\$ 250.00 Per Animal
Cat Trap Neuter Release (TNR)	\$ 79.00 Per Cat
TNR excess boarding fee	\$ 30.00 Per Day or Partial Day
Quarantine Boarding Dog/Cat	\$ 350.00 Per Animal
Court-ordered Hold and Quarantines in Excess of 10 Days	\$ 35.00 Per Day
Dog Euthanasia & Disposal	\$ 50.00 - \$70.00 Based on Weight
Cat Euthanasia & Disposal	\$ 40.00
Emergency Veterinary Services	Minimum \$95 Per Hour
Late Payment Fee	\$ 20.00
Interest Rate	18% Per Annum

Charges for Services

Planning Review Fees

Item	Rate
Preliminary Plat Filing Fee	\$ 200 + \$10 per lot
Preliminary Plat Deposit	\$ 1,000.00
Final Plat Filing Fee	\$ 200 + \$10 per lot
Final Plat Deposit	\$ 2,000.00
Minor Subdivision	\$ 200 + \$10 per lot
Minor Subdivision Deposit	\$ 500.00
Accessory Building Application	\$ 30.00
Subdivision Amendment Application	\$ 30.00
Minor-Subdivision Application	\$ 30.00
RPUD Application	\$ 500.00
Misc. Planning & Development Application	\$ 30.00

Community Center Rental

Small Gathering - Resident	\$ 50.00
Small Gathering - Non-resident	\$ 100.00
Small Gathering - Deposit	\$ 150.00
Large Gathering - Resident	\$ 150.00
Large Gathering - Non-resident	\$ 300.00
Large Gathering - Deposit	\$ 150.00
Audio Visual Equipment Use	\$ 25.00
Audio Visual Equipment Deposit	\$ 200.00
Business, Club, & Public Meetings	Free, With City Manager Approval
Business, Club, & Public Meetings Deposit	\$ 50.00
Building Repair/Maintenance	\$ 20/HR + Repair Cost

Variance Request

Variance Request Application	\$ 200.00
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Recreation

Facility Rentals

Item	Rate
Park Pavilion Rental (Heritage, Anhder, Virgil Gibbons, Elk Horn)	\$ 25.00
Park Pavilion Rental (Elk Horn with Kitchen)	\$ 50.00
Park Pavilion Rental Deposit (Elk Horn)	\$ 25.00
Field Rental Baseball/Softball (Per Game, Per Field)	\$ 25.00
Athletic Field Rental (Per Game, Per Field)	\$ 25.00
Field Lights (Per Day)	\$ 10.00
Field Preparation - Baseball/Softball	\$ 30.00
Field Preparation - Athletic Field	\$ 45.00
Fitness Event Route Marking	\$ 30.00

Baseball

Classic T-Ball	\$ 30.00
Rookie	\$ 30.00
Minors	\$ 60.00
Majors	\$ 65.00
Pony	\$ 75.00
Late Fee	\$ 10.00

Softball

Ponytail (6-8)	\$ 30.00
Fast Pitch (10 & Under)	\$ 35.00
Fast Pitch (12 & Under)	\$ 40.00
Fast Pitch (14 & Under)	\$ 40.00
Late Fee	\$ 10.00

Super Start

T-Ball (3-4) Fee	\$ 30.00
Soccer (3-4) Fee	\$ 30.00
Late Fee	\$ 10.00

Equipment Rental

Disc Golf (Per Set)	\$ 3.00
Spikeball (Per Set)	\$ 3.00
Kubb (Per Set)	\$ 3.00
Equipment Deposit	\$ 20.00

Nibley Fit

Day Pass	\$ 3.00
Monthly Pass	\$ 15.00
Quarterly Pass	\$ 40.00

Staff has discretion to adjust pass prices for promotional events

Heritage Days

Booth Fees	\$ 50.00
Mayor's Dinner	\$10 (Up to 6 people)
Mayor's Dinner	\$4 Per Person

Tournament Fee

Field Rental Baseball/Softball (Field Prep and lights additional)	\$ 200.00
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Athletic Field Rental (Field Prep and lights additional)	\$ 200.00
League/Clinic Fee	
Non City Sponsored League Team Per Season (Non Recreational Team)	\$ 50.00
League Team Per Season (Recreational Team)	\$3 Per Participant
Recreation Misc.	
Special Event Permit Application	\$ 30.00

Garbage	
Item	Rate
60 Gallon can	\$ 13.15
60 Gallon Extra Empty	\$ 13.15
90 Gallon Can	\$ 15.40
90 Gallon Extra Empty	\$ 15.40
New Homes (Resident Picked Up A/C)	\$ 6.00
New Homes (Logan City Delivered A/C)	\$ 27.00
Recycle Container	\$ 3.25
Green Waste Container	\$ 5.25
Bulk Waste Collection	
Vacancy Status	\$5

3 Month Minimum

Bin Size	1	2	3	4	5	6
2	58.11	\$ 115.23	\$ 173.83	\$ 228.45	\$ 286.57	\$ 343.68
3	74.71	\$ 148.42	\$ 222.13	\$ 294.84	\$ 369.55	\$ 443.26
4	99.28	\$ 197.56	\$ 297.34	\$ 393.12	\$ 492.40	\$ 590.68
6	145.82	\$ 290.64	\$ 434.46	\$ 579.28	\$ 725.10	\$ 869.92
8	194.09	387.19	580.28	\$ 772.37	\$ 966.47	\$ 1,159.56
Communication Center						
911 Communication Fee *	\$ 3.00					

Miscellaneous Nibley City Fees

Item	Rate
Copy	\$ 0.25
Fax - Residents	\$ 0.50 Per Page
Fax - Non-Residents	\$ 1.00 Per Page
Notary - Residents Only	FREE
CC Payment Over the Phone (Waive one time if they sign up for auto pay)	\$ 4.00
GRAMA Request	Actual Cost
Accounts Receivable Late Fee	\$ 5.00
Accounts Receivable Late Fee Penalty	0.015/month

Water Share

Agenda Item #9

Description	Workshop – Ordinance 20-16: An Ordinance Update to Nibley City Code 19.32 Amending Residential Planned Unit Development (R-PUD) requirements
Department	Planning
Presenter	Levi Roberts, City Planner
Recommendation	Discuss the changes to the Nibley City Residential Planning Unit Development ordinance recommended by the Planning Commission. Discuss the changes the City Council would like to see implemented into the amended ordinance.
Reviewed By	Mayor, City Manager, City Planner, Planning Commission

Background:

Nibley City has received three applications for the new Residential Planned Unit Development (R-PUD), two of which have been approved thus far. There has been a desire to make some changes to the ordinance to clarify the open space calculation, the application process, and housing unit mix requirements.

The existing code can be accessed here:

[Nibley City Code 19.32 Residential Planned Unit Developments](#)

At the City Council meeting held on March 26, 2020, the City Council passed *Ordinance 20- 08: Residential Planned Unit Development Moratorium*. This ordinance puts a six-month hold on all new R-PUD applications and will be lifted on September 22.

The Planning Commission has discussed the Update of the R-PUD Ordinance during four workshop sessions and a joint session with City Council. During the joint session,

topics were discussed regarding the value of R-PUD developments and provisions in the ordinance to consider changing. There was general consent that despite limited locations, the City supports potential R-PUDs in the remaining delineated locations and we should pursue revisions to the ordinance, rather than rescinding it. In particular, the following revisions were suggested:

- The allowance for open space within park strips and areas within the right-of-way should be removed.
- The City can consider adjusting the ratio for unit type. However, the City Council would like to have some flexibility with the ratio.
- The minimum size for an R-PUD should be increased to improve the viability of the maintenance of amenities and offer opportunities for a greater mix of housing options. Mayor suggested a minimum of 40 acres, which would still allow for R-PUDs in the potential locations.

In addition to these workshops, Staff has met with individual Council members to discuss the deficiencies of the ordinance with a summary noted below. Also included below is information compiled previously regarding this update. During the workshop sessions, the Planning Commission requested a financial analysis to support the provision of R-PUDs and potential adjustment. Staff has performed an analysis of revenue and costs associated with utility infrastructure to inform this question. The general conclusion is that higher density development in the City generally pays for a greater share of the cost of infrastructure in the City than lower density development.

Based upon the workshop discussions, there was general consent expressed during the August 6 Planning Commission workshop that the following changes should be made to the ordinance:

- Remove the allowance for open space within park strips and areas within the right-of-way
- 40% minimum allowance of single-family residential units, with 60% maximum of townhomes (60/40)
- The minimum size for R-PUDs should be 20 acres. The Commission considered a 40 acre minimum, but felt that there would still be a significant benefit to the City with a 20 acre development that preserves 35% open space.
- Required Open space should be kept at 35% with no use of open space within the setbacks
- Clarify that other amenities of equal value that are in support of Nibley City's Park and Recreation goals can be used toward open space amenity requirements.

Open Space and Amenities

There has been general concern and agreement on updating the definition of open space within the development. Currently, the R-PUD code allows for open space to count any public landscaping contained within setbacks and within the right-of-way. At the recommendation of the Planning Commission, Staff has eliminated the clause within the definition that would allow for open space within the right-of-way.

Proposed Open Space Definition

- A. Open Space: Any space in an R-PUD that does not contain any structures or amenities, except for park amenities, as defined herein. All Open Space must be completely landscaped with sod, trees, xeriscape, gardens or agricultural use. Natural features such as wetlands, meadows, tree stands and constrained, and sensitive lands may also be considered Open Space. Buildings, streets, parking lots, private yards, and landscaping within the rights-of-way shall not be counted as Open Space.*

Landscaping within the ROWs and setbacks shall still be required, but not counted toward minimum open space requirements.

Unit Type Requirements

There is consensus among the Planning Commission that the current ordinance, which allows for up to 80% of townhomes, provides for a high number of relatively high-density units that does not blend within the context of Nibley City. During public hearings, several residents have expressed concerns about the potential impacts of this additional density. That said, there is a demonstrated demand for townhome units, which are generally more affordable than single-family homes. Providing a greater variety of housing options will provide for the diverse needs of residents. More compact development will accommodate necessary population growth while preserving a higher portion of open space. In addition, in order for a development to be financially viable, while still providing a significant amount of preserved open space and supportive amenities, there needs to be an allowance for clusters of higher density housing (compared to conventional single-family lots). Based upon the workshop discussions with the Planning Commission, Staff recommends a 40% minimum provision of single-family homes with a maximum of 60% townhomes. This is expected to provide a more balanced split of housing options, while blending in within the context of Nibley City neighborhoods.

Other Proposed Amendments

In addition to those amendments listed above, Staff recommends the following additional amendments to the ordinance to clarify some sections of the ordinance.

- Change the definition of dwelling unit to be more consistent with Nibley City and State Code.

- Clarify that single-family, patio homes, townhomes and condominiums are permitted uses within the town center area.
- Delete the provision that commercial use must be concentrated in one location.
- Decrease the maximum density to 10 units/net developable acre. Based upon Staff analysis, it is not feasible to provide a greater density of units, given the other constraints of the ordinance.
- Delete the requirement for an HOA office as part of the development, which is not practical for many developments.
- Clarify that a Preliminary Maintenance Plan is required with R-PUD application.
- Clarify that the R-PUD Overlay Zone is not final until the development agreement is recorded.
- Clarify that streets with sidewalks meet the pedestrian connectivity requirement.

Planning Commission Recommendation

Approve Ordinance 20-16: An Ordinance Update to Nibley City Code 19.32 Amending Residential Planned Unit Development (R-PUD) requirements with the following condition:

- That the R-PUD ordinance be rescinded if not approved before the expiration of the moratorium (September 22)

19.32 Residential Planned Unit Developments (PUD)[19.32.010 Purpose And Intent](#) [19.32.020](#)[Definitions And Standards](#) [19.32.030](#)[Use Regulations](#)[19.32.040 Area And Density Regulations](#)[19.32.050 Open Space Amenities](#) [19.32.060](#)[General Requirements](#)[19.32.070 Approval Process](#)[19.32.080 Development Standards](#)**HISTORY***Repealed by Ord. 11-07 on**7/7/2011 Amended by Ord. 18-10**on 5/23/2019***0 Purpose And Intent**

- A. 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.
- B. 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.

HISTORY*Adopted by Ord. 18-10 on 5/23/2019***19.32.020 Definitions And Standards**

- A. Amenity: Natural or man-made feature which enhances the development. These include features such as picnic areas, walking paths/trails outside of required sidewalks, playgrounds, sports fields, club houses, swimming pools, splash pads, etc.
- B. Buffer: A landscape and planted area along a public right-of-way, street, or neighboring development, a buffer must be at least thirty (30') feet wide. Buffers must be landscaped, at the sole cost of the developer, and shall provide for every hundred (100) linear feet of buffer six trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or R-PUD boundary where required. Irrigation system shall be installed by the developer and shall be designed and installed to Nibley City Standards. Buffer areas shall be owned and maintained by an Owners Association.
- C. Condominium: A multiple-unit dwelling containing individually-owned dwelling units and jointly- owned shared areas and facilities, which dwelling, or development is subject to the provisions of state and local laws.

- D. Constrained and Sensitive Land: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limited to Federal, State, or municipally designated wetlands, water bodies, floodplains, slopes greater than 20%, faults, canals, and other geologically or environmentally sensitive features that require mitigation, special insurance, or permits from government authorities to allow development. This land may be used as amenities if it complies fully with conditions within this chapter for qualification of amenities.
- E. Dwelling Unit: Any building or portion thereof which is designed for or occupied by one family for living, sleeping, and/or eating purposes. A dwelling unit may include up to three (3) 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 three (3) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.
- F. Meadows: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
- G. Net Developable Land: Net Developable land shall include the total area of the proposed development minus land that is required by Nibley City Ordinance to be dedicated to the City, including, but not limited to:
1. Public access rights-of-way, including roadways and sidewalks
 2. Land required to be dedicated along waterways
 3. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (public and private parks, trails, etc.)
 4. Constrained and Sensitive Land, as defined herein
 5. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without public access.
 6. Constrained and Sensitive Land, land dedicated along waterways, and other natural landscape or open space land may be considered net developable land when calculating for density if such land can be enhanced with trails, public access, picnic areas, park amenities, or other improvements.
- H. Open Space: Any space in an R-PUD that does not contain any structures or amenities, except for park amenities, as defined herein. All Open Space must be completely landscaped with sod, trees, xeriscape, gardens or agricultural use. Natural features such as wetlands, meadows, tree stands and constrained, and sensitive lands may also be considered Open Space. Buildings, streets, parking lots, private yards, and landscaping within the rights-of-way shall not be counted as Open Space.
- I. Patio Home: A detached, single-family unit situated on a reduced-size lot and with reduced setbacks.
- J. Private Parks: A tract of land presently owned or controlled and used by a private entity or group and to which only members of that private entity or group have access or use rights. Private Parks must contain at least one amenity as defined herein. Private Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. Sod and tree requirement may be altered for approved club houses, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses.
- K. Owners' Association: A community association which is organized within a development in which individual owners share common interest and responsibilities for open space, landscaping, or

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facilities.

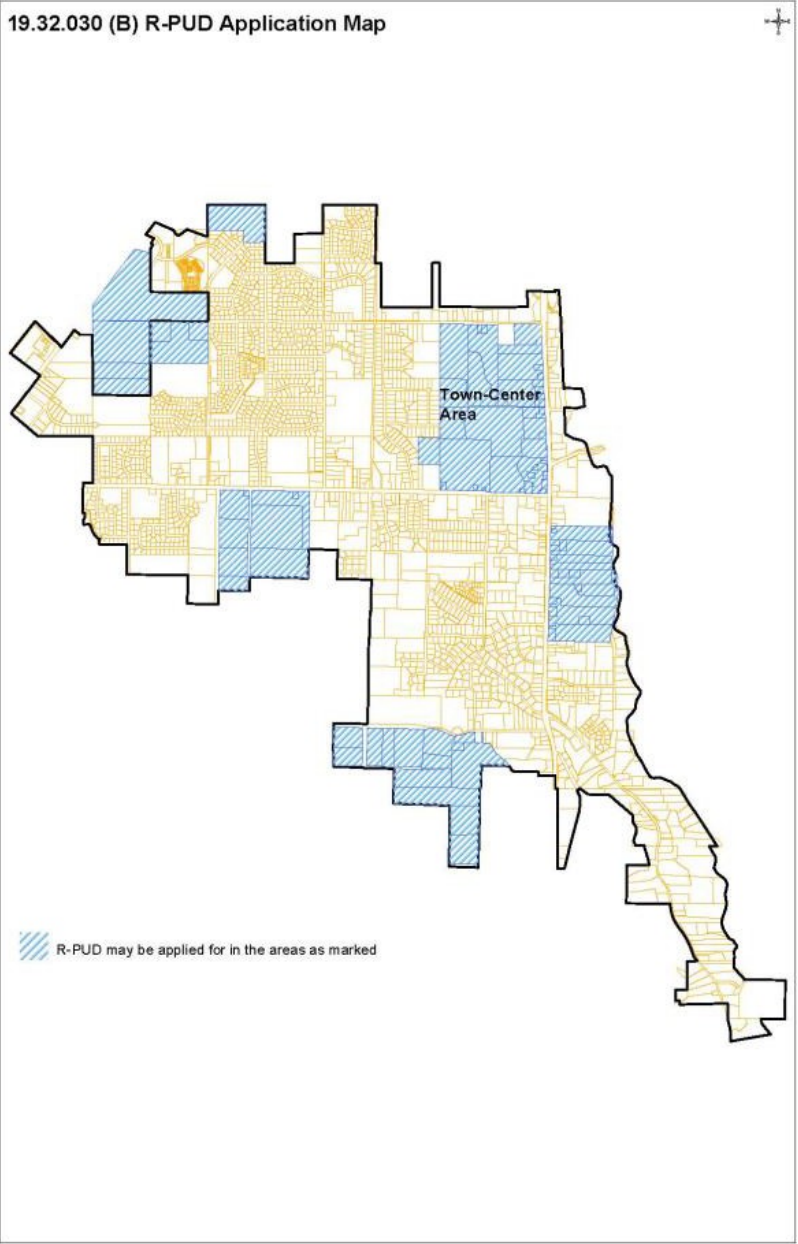
- L. Public Park: A publicly-owned tract of land landscaped and developed for the general public. Public Parks, as defined for R-PUD, must contain at least one amenity as defined herein. Public Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. All landscaping must meet Nibley City Standards. Sod and tree requirement may be altered for approved, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses. Public Parks shall be placed on the border of each development so that it may easily be accessed by the community as a whole. Each public park must contain a public bathroom.
- M. Single Family Dwelling Unit: A dwelling unit owned in fee and located on an individual lot and which is not attached to any other dwelling unit by any means.
- N. Town Center Area: The area as labeled on R-PUD Application Map as "Town Center Area."
- O. Townhome: A dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Each townhome unit must be on its own parcel.
- P. Tree Stand: A group or cluster of trees within a geographic location that are occurring naturally or artificially.
- Q. Waterway: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
- R. Planned Unit Development: For the purpose of this chapter "residential planned unit development" (R-PUD) means an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements, as specified by this chapter.

HISTORY

*Adopted by Ord. 18-10 on
5/23/2019 Amended by Ord. 19-16
on 10/10/2019*

0 Use Regulations

- A. An R-PUD may be applied for by following the steps listed in 19.32.070 (A) on properties designated on the R-PUD Application Map in NCC 19.32.030(B). These areas keep their base zoning, with that zoning's standards, conditions, and restrictions, unless the City Council approves the use of the R-PUD through an R-PUD application process. R-PUDs are prohibited in all other areas. The City Council, with a recommendation from the Planning Commission, may make changes to what parcels are labeled on the R-PUD Application Map by following proper ordinance change procedures.
- B. R-PUD Application Map



C. The following are permitted uses in an R-PUD:

1. Single Family and Townhome dwelling units may be permitted uses, as defined within this ordinance.

- Within the Town Center, Single Family, Patio Homes, Townhomes and Condominiums may be permitted uses, as defined within this ordinance.

2. All other uses not defined within this chapter shall comply with the underlying zone, lot size, and the Land Use Chart in NCC 19.20, unless otherwise specified within this ordinance.

D. Any uses not specifically permitted or conditionally permitted are prohibited.

E. Animal Use: All animal uses shall be in accordance with Nibley City Code.

F. Up to 30% of the Net Developable Area may be approved for neighborhood commercial use as part of an R-PUD. These uses shall comply with Nibley's City's Neighborhood Commercial Zone Use Chart and standards as listed in NCC 19.14.050. These parcels shall be labeled on the plat as Neighborhood Commercial.

G. When calculating density for dwelling units, any Neighborhood Commercial area shall be subtracted from the Net Developable Area of the R-PUD.

HISTORY

Adopted by Ord. 18-10 on
5/23/2019 Amended by Ord. 19-16
on 10/10/2019

0 Area And Density Regulations

A. Minimum development size: The minimum total area for an R-PUD shall be 20 acres

B. Housing Types: Only single-family homes and town homes are allowed in the R-PUD in residential areas, except as allowed in the Town-Center Area. The density shall be based on Net Developable Acres of the development as follows:

1. Single Family Homes: Equal to or less than 5 units per Net Developable Acre

a. Single Family Home R-PUD must contain a minimum of 50 units.

2. A Mix of Single Family and Townhomes: Equal to or less than 10 units per Net Developable Acre. Up to 60% of dwelling units can be townhomes.

a. A Mix of Single Family and Townhomes R-PUD must contain a minimum of 120 units.

C. Town-Center: The area as marked on R-PUD Application Map in NCC 19.32.030 (B) as Town- Center Area shall have the following Housing Requirements.

1. Single Family Home Development and Mix of Single Family and Townhome Development shall be governed by NCC 19.32.040 (A).

2. A Mix of Single Family, Townhomes and Condominiums: Equal to or less than 10 units per Net Developable Acres. Up to 40% of the units can be condominiums, and a minimum of 40% of homes must be single family homes.

D. A proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.

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- E. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall not be counted toward the single-family home requirements contained in this section and shall be counted toward the number of townhomes.

HISTORY

Adopted by Ord. 18-10 on
5/23/2019 Adopted by Ord. 19-16
on 10/10/2019

0 Open Space Amenities

A. Each R-PUD shall provide the following types and amounts of open space and amenities:

Min Open Space Requirement	
<u>Dwelling Type</u>	<u>Percentage of Net Developable Acres Required to be used for Amenities and Open Space</u>
Single Family	20%
A Mix of Single Family, Townhomes and Condominiums	35%

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

1. This chart does not include all potential amenities. The applicant may apply for other amenities that would benefit the R-PUD and are in support of Nibley City's Parks and Recreation goals. Any proposed amenities not listed, must be approved by the City Council. The City Council may also

Commented [SN4]: List as number one.

allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the required amenity. An applicant may include additional amenities beyond the requirements of this section.

2.

3. Development over 500 units must supply adequate and proportional amenities based on the table above.
4. Development containing under a total of 20 gross acres must provide a minimum open space as follows:

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- a. Single Family: 20% open space as defined within this Chapter or 3 acres of open space, whichever is greater
- b. Mix: 35% Open space as defined within this Chapter or 5.5 acres of open space, whichever is greater

5. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public and Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. [An applicant may also escrow of bond for improvements according to Nibley City Standards.](#) Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

Commented [SN5]: Outline that developers may bring in a single phase at a time.

6. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.

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7. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-PUD shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.

Deleted: <#>This chart does not cover all potential amenities. The applicant may apply for other amenities that would benefit the R-PUD. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the require amenity. An applicant may add additional amenities above and beyond the requirements of this section.

8. All amenities shall meet any federal, state, city, or other standards that apply.

9. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.

10. Picnic Area: Two or more picnic tables for use by 10 or more persons.

11. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.

12. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.

13. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.

14. Pool: A recreation facility designed and intended for water contact activities that serves an R-PUD. No pool shall be less than 800 sq. ft.
15. Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

B. Maintenance of Amenities

1. All R-PUDs must establish and maintain in perpetuity an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed.
2. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property that is part of the R-PUD or Owners Association.
3. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat for proposed maintenance of amenities within the development. This plan shall outline the following:
 - a. The proposed ownership and responsibility for maintenance of the amenities;
 - b. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
 - c. The size of each amenities parcel; and
 - d. The proposed concept plan for landscaping of the amenities.
4. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-PUD application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:
 - a. Documents and plans as listed in for the Preliminary Maintenance Plan.
 - b. A description of the use of the amenities and how that use complies with this Chapter;
 - c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.);
 - d. The estimated staffing needs, insurance requirements, and associated costs.
 - e. The landscaping plans for parcels that will be owned by an Owners Association or by the City.
5. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
6. The developer shall offer an approved letter of credit, bond or escrow for all proposed

Deleted: The Owners Association for Mix developments shall have office space for the Owners Association constructed a part of the development.

Commented [SN7]: Add in list of items needed for an application

improvements as set forth in NCC 21.14.

7. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-PUD in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.
8. Corrective Action: The City may enter onto any amenity provided as part of an R-PUD and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.
9. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
10. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-PUD to allow the owner of the property to have sufficient access.

HISTORY

*Adopted by Ord. 18-10 on
5/23/2019 Amended by Ord. 19-16
on 10/10/2019*

0 General Requirements

- A. The R-PUD should be compatible with surrounding land uses, building types and physical features of the site. Specific requirements are included below:
- B. Determination of Net Developable Land:
 1. In calculating what portion of the project is considered developable, areas designated as constrained and sensitive land may not be included in the project size.
 2. If the constrained and sensitive land, property along waterways or other natural landscapes may reasonably be turned into a publicly-accessible amenity, it may be re-

included in the project size.

3. Net Developable Land must comply with the definition within this chapter.

C. Site Development Standards: The following shall serve as the setback/site development standards for each proposed R-PUD.

	Single-Family Home	Townhome	Patio Home	Condo
Minimum Lot Size (sq. ft.)	4,500	—	—	—
Minimum Frontage	50'	—	—	—
Primary-Use Setbacks				
Front Yard	20'	20'	20'	30'
Front Porches	10'	10'	10'	10'
Side Yard	5'	10'	0'	10'
Side Yard Porches, Deck, Overhangs	5'	5'	0'	5'
Side Yard Adjacent to Streets	20'	20'	20'	25'
Rear Yard	15'	15'	15'	15'
Maximum Height	40'	40'	40'	40'

Accessory-Use Setbacks	Single-Family Home	Townhome	Patio Home	Condo
Front Yard	20'	20'	20'	20'
Side Yard	3'	3'	3'	3'
Side Yard Street	20'	20'	20'	20'
Rear Yard	1'	1'	1'	1'
Maximum Height	15'	15'	15'	15'

1. Setback and frontage requirements shall apply to each building, and not each dwelling unit

2. All other setbacks shall comply with Nibley City Code.

3. All buildings and landscaping shall comply with NCC 19.24.110 Clear View of Intersecting Streets as amended.

D. Signs: Any signs proposed for the development, other than traditional street signs, must conform to Nibley City Code.

E. All property developed as Townhomes or Condominiums, must be subject to covenants, conditions and restrictions and must be subject to and governed by an owner's associations in compliance with Utah Code Annotated Title 57.

1. In addition, each owner's association must have a governing board made up of property owners within the R-PUD, but general administration and maintenance of the development may be handled with a property manager. Any R-PUD that contains

townhome must have onsite management, outside professional management or onsite point of contact.

F. Amenities and Open Space: Maintenance and ownership of amenities and Open space may be provided for under one of the following options as approved by the City Council in the City Council's discretion. The City may require any Amenities or Open Space within the R-PUD to be dedicated to Nibley City in order to fulfill goals listed in the Parks, Trails, and Recreation and Open Space Master Plan, or to further public good and advance goals within the General Plan or other Master Plans of the Nibley City:

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1. Dedication of the land to Nibley City as a public park or parkway system; or
2. Granting to the city a permanent amenities easement on and over the said private amenities to guarantee that the amenities remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws; or
3. Adoption of covenants, conditions, and restrictions and creation of an owners' association that provides for the payment of common expenses for the upkeep of common areas and facilities.

G. Bond: For each phase, the developer shall be required to provide guarantees as set forth in NCC 21.14.

H. Subsequent Subdivision: If the R-PUD is to be subsequently divided either as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a subdivision.

I. Subdivision Regulations: Any part of an R-PUD that is proposed as a subdivision is subject to the provisions of the subdivision title and the standards, conditions, and restrictions of the base zoning, unless superseded by the provisions of this ordinance.

HISTORY

*Adopted by Ord. 18-10 on
5/23/2019 Amended by Ord. 19-16
on 10/10/2019*

0 Approval Process

A. An R-PUD is an overlay zone. That is, developers apply for the overlay to be applied, allowing them to receive the density bonuses outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The City Council, with a recommendation from the Planning Commission, may approve, deny or approve with conditions as a legislative action and no applicant has any entitlement to the approval of an R-PUD.

B. Application Submission: An application for an R-PUD shall be submitted to the City with all required documents, maps, plats and plans as listed below.

C. Procedure:

1. An R-PUD shall go through the following process to gain approval:

- a. Development Committee: An applicant shall have a preliminary meeting with a development committee composed of applicable City staff, and other elected and appointed official as appointed by the Mayor and approved by the City Council.

Overlay Zone Application: Applicants shall submit an R-PUD Overlay Zone and preliminary plat application with the following:

- (1) A complete development plan application that is duly signed by the property owner or the owner's representative and that includes a legal description of the property and a nonrefundable application fee.
- (2) A vicinity map showing the approximate location of the subject parcel in relation to other major areas of the city.
- (3) A general description of the proposed development, together with a map indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, and how the project is coordinating with existing and planned trails, sidewalks and pedestrian walkways and any other important elements within or adjacent to the project.
- (4) [Preliminary Maintenance Plan as defined within this Chapter](#)
- (5) Sufficient detail to indicate how the proposed development complies with the development standards for residential and nonresidential uses according to Nibley City Code and Design Standards.
- (6) A description of architectural design standards that will apply to all buildings within the development plan.
- (7) A data table showing the total number of lots/units. Existing and proposed infrastructure including proposed roadways, utility locations and capacities and the estimated impacts of the proposed development plan on all public utilities including culinary water, secondary water, wastewater, transportation, storm drainage, fire protection, solid waste, parks and recreation demands of the proposed project.
- (8) Existing physical characteristics of the site including all constrained and sensitive land
- (9) Identify how environmental issues, if any, will be protected or mitigated, i.e., wetlands, historical sites, endangered plants and animals.
- (10) Conceptual information relating to storm drainage including 100-year 24- hour drainage flows, 10-year 24-hour stormwater flows and proposed storm drainage facilities.
- (11) Major street layout that meets Nibley City standards.
- (12) A general description of controlling entities and methods such as the use of CC&Rs, Owners Associations, architectural or design review committees or associations proposed to ensure that internal compatibility related to issues such as site design and architecture will be maintained over the life of the project.
- (13) A list of property owners' names and addresses within three hundred feet (300') of the subject property and stamped and pre-addressed envelopes (return address to be left blank) for all property owners within three hundred feet (300') of the propose development.
- (14) A list of land adjacent in the same ownership.
- (15) An electronic file of all submitted plans in PDF format or other electronic format determined by city staff. Such other information shall be included as may be necessary to determine that the contemplated arrangement of

uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.

b. Preliminary Plat: A preliminary plat that complies with Nibley City Subdivision Code and all other applicable code for the subdivision. Preliminary plat approval may be granted at the same time of approval of the overlay zone.

c. Approval with Development Agreement:

(1) Before an R-PUD Overlay Zone can be approved, the City Council and applicant must enter into a development agreement which shall be recorded on title to the real property that is the subject of the development and which shall be binding upon and shall run with that property. The R-PUD Overlay Zone shall not be final until the development agreement is recorded. The development agreement must include the following provisions:

- (A) That the development must be developed in a way that is substantially similar to the site plan and proposed amenity improvements and open space.
- (B) That the preliminary site plan and all supporting documentation shall be attached to the development agreement.
- (C) That any development of the proposed real property shall not exceed the number of units as listed on the preliminary plat.

(2) The applicant shall provide the necessary documentation to establish that any holders of interests that are superior on title to the development agreement, including, but not limited to, liens, mortgages, deeds of trust, and other similar devices have been made subordinate to the development agreement.

(3) Signing and recording of the development agreement, and the subordination to the development agreement of any superior interests on title, must be accomplished before an R-PUD Overlay Zone may be approved.

d. Final Subdivision Approval: Once the overlay zone and development agreement have been recorded, an applicant may apply for final plat approval. An applicant shall provide the following:

- (1) An applicant shall follow the standards as listed in NCC §21 for Final Plat approval of a subdivision.
- (2) An applicant must submit all construction and civil engineering drawings and detailed plans for all amenities for the proposed phase of the development. These shall include landscape drawings and details. The City Engineer shall review and ensure all plans meet Nibley City standards.
- (3) A maintenance plan and ownership plan for all improvements, amenities, and open space that complies with the terms of this chapter.
- (4) The Planning Commission shall review and make a recommendation for final plat approval, approve with conditions, or denial to the City Council.
- (5) The City Council shall approve, approve with conditions, or deny the final plat application base on the standards listed within Nibley City Code, Design Standards, and the applicant's compliance with the Development Agreement.

Commented [SN8]: Reword so that it is clear that the R-PUD does not get approval until Development agreement is signed a recorded, but can be recorded at the same meeting.

D. R-PUD Considerations: In approving with conditions, denying or approving an R-PUD proposal, the Planning Commission and City Council shall consider the following in addition to all other considerations required by law:

1. Design of Buildings: The architectural design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
2. Streets and Parking: Which streets shall be public, and which shall be private, the entrances and exits to the development, and the provisions for internal and external traffic circulation and off-street parking.
3. Type, Size, and Location of Amenities.
4. Landscaping and Screening: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
5. Signs: The size, location, design and nature of signs, if any, and the intensity and direction or area of floodlighting.
6. Ability to Complete Project: The demonstrated ability of the proponents of the R-PUD to financially carry out the proposed project under total or phase development proposals within the time limit established.
7. Criteria for Issuing Conditional Use Permit: Criteria used in NCC 19.28 of this title.

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E. Revisions: In the event an approved preliminary or final site plan requires revision by the developer, the site plan, and its revision shall be approved by the Nibley City Council with the recommendation of the Planning Commission. In the event revision is for a final site plan, all property owners in the development shall be notified in writing by the Planning Commission that a revision has been submitted and will be considered by the Planning Commission.

F. Building Permit Issuance: The building inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed, including completion of amenities. Time Limit: Unless there is substantial action leading toward completion of a R-PUD or an approved phase thereof within three years from the date of approval, such approval shall expire unless after reconsideration of the progress of the project an extension is approved by the City Council.

HISTORY

*Adopted by Ord. 18-10 on
5/23/2019 Amended by Ord. 19-16
on 10/10/2019*

0 Development Standards

These standards are intended to create R-PUD developments that will establish permanent neighborhoods and provide a sense of community. To meet the intent of this section, the following provisions shall be applied to all new multi-family residential and mixed-use developments. For exterior remodels, these standards shall be required. Commercial areas of an R-PUD must comply with Nibley City Commercial design standards for commercial developments.

A. Townhome, Patio Homes, and Condominium Architectural Standards

1. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall

be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.

2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.
4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods
5. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
6. Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the building. The following architectural features shall be incorporated into the design of the building:
 - a. Change in building materials;
 - b. Building projections measuring at least twelve(12) inches in depth based on the scale of the proposed building;
 - c. Awnings and lighting, or another architectural variation as approved on a case-by- case basis that creates visual interest.
7. Garages. Townhomes shall be designed oriented toward exterior public roads with rear loading garages accessed by a paved parking area or alleyway, except along Highway 165 and 89/91 as approved. Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes that do not have any portion of the building adjacent to a current or planned public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. At least fifty percent (50%) of units shall contain a two-car garage. Detached garages are prohibited in R-PUDs

B. Site Design Standards.

1. Natural features. R-PUDs shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.
2. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon

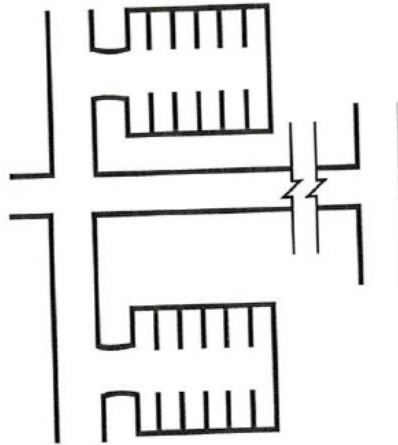
size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.

3. Connectivity. R-PUD shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
 - a. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.
 - b. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
 - c. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
 - d. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
 - (1) Private drives shall be a minimum width of 20 ft.
 - (2) All private drives shall be perpendicular, within 10 degrees, to the street they connect to.
 - (3) Driveways that access a single dwelling unit are not considered private drives or an alleyway
 - e. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') [trail or sidewalks on public streets that meet Nibley City standards](#).
 - f. No dwelling units in an R-PUD shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Townhome units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.
4. Pedestrian circulation. R-PUD shall provide a circulation map and show the following improvements to for pedestrian circulation and safety:
 - a. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where

Deleted: sidewalk

applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.

- b. Walkways shall be hard surfaced with concrete.
 - c. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
 - d. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.
5. Parking: Each R-PUD shall provide 2 primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-PUD shall provide one guest parking spot for every three units. Guesting parking may be provided in parking courts maintained by the owner association.
- a. Individual parking courts shall contain no more than 20 parking spaces and shall be physically and visually separated by a landscape area a minimum of 10 feet in width from any adjacent right-of-way. The separation shall be landscaped with grass, trees, or xeriscape plants.



- b. A parking court of any length shall consist of no more than one double-loaded parking aisle.
- c. Parking courts shall be located in the interior of the development and located between or in the rear of buildings for townhome developments.
- d. Parking Courts shall be paved and built to Nibley City parking lot standards.

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Deleted: <#>On-street parking shall be limited to local roads only. On-street parking shall have dedicated and marked spaces and must be approved by the City Engineer.

6. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.

- a. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer should plant street trees of an approved species and size along all street. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.
- b. Buffering: R-PUD developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-PUD that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-PUD. Buffering shall meet the standards within this ordinance.
- c. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.

7. Fences:

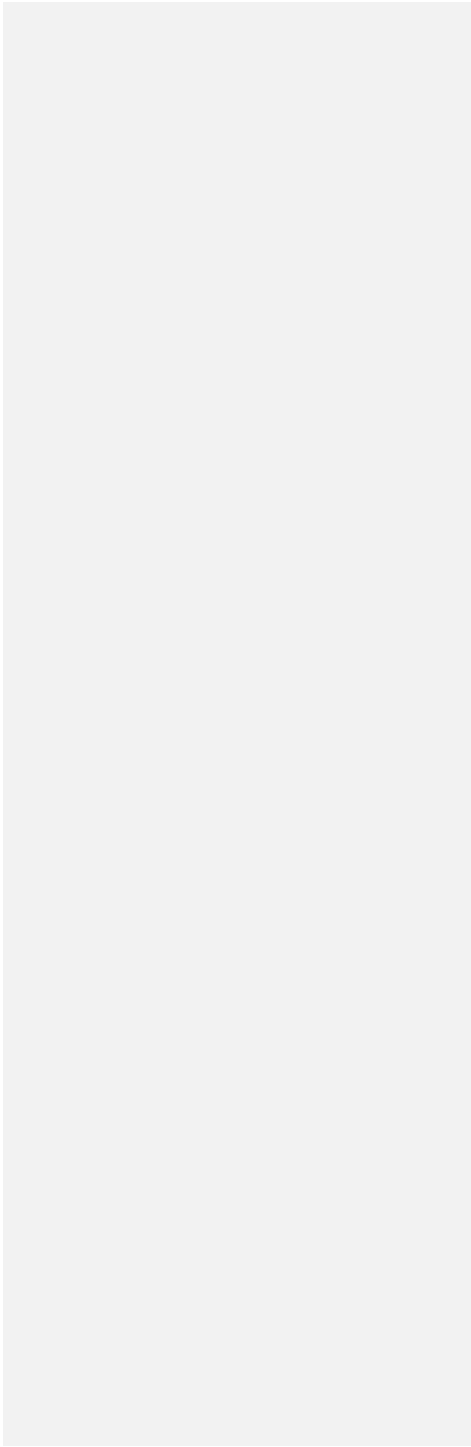
- a. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-PUD for the purpose to mark property lines of individual dwelling units.
- b. Fencing to mark the boundary of the development or amenities must meet the following standards:
 - (1) Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.
 - (2) Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.

A. 1. a.

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HISTORY

*Adopted by Ord. 18-10 on
5/23/2019 Amended by Ord. 19-16
on 10/10/2019*



CRA Meeting Agenda Item #3

Description	Discussion & Consideration – Resolution CRA 20-01: Adopting Bylaws to Govern the Nibley Community Reinvestment Agency
Department	Community Reinvestment Agency
Presenter	David Zook, Executive Director
Recommendation	Move to approve Resolution CRA 20-01: Adopting Bylaws to Govern the Nibley Community Reinvestment Agency
Reviewed By	Executive Director

Background:

The Nibley City Council established a Community Reinvestment Agency earlier this year as a separate legal entity as the financing body through which economic incentives can be provided through tax increment financing for economic development purposes. The CRA is required to have bylaws that govern the operations of the body and present the leadership structure and duties of officers. The bylaws state that the Mayor serves as the Chair of the CRA, that the City Manager serves as the executive director and that the Deputy Recorder serves as the Secretary.

RESOLUTION CRA 20-01

**A RESOLUTION OF THE GOVERNING BOARD OF THE NIBLEY COMMUNITY
REINVESTMENT AGENCY ADOPTING BYLAWS TO GOVERN THE AGENCY**

WHEREAS the Nibley Community Reinvestment Agency (the “Agency”) has been created by the Nibley City Council to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Ann. (Limited Purpose Local Government Entities — Community Reinvestment Agency Act); and

WHEREAS the Agency finds it necessary and desirable to adopt Bylaws to govern the Agency; and

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE AGENCY:

1. The Bylaws attached as Exhibit A are adopted as the official Bylaws of the Agency, to govern the Agency.
2. This resolution takes effect upon adoption.

APPROVED AND ADOPTED this _____ day of _____, 2020.

Shaun Dustin, Chairperson

Attest:

David Zook, Executive Director

BYLAWS

of the

NIBLEY COMMUNITY REINVESTMENT AGENCY

I. Agency Officers.

A. *Officers.*

The officers of the Agency are the Chairperson, the Vice-Chair, the Secretary, the Executive Director, and the Redevelopment Director. The person serving at any time as the Mayor of the Nibley City Council is the same person who serves as the Chairperson of the Board, and the person serving at any time as the Mayor Pro-Tem of the Nibley City Council is the same person who serves as Vice-Chair of the Board. The person serving at any time as the Nibley City Manager is the same person who serves as the Executive Director of the Agency and Redevelopment Director; and the person serving at any time as the Deputy Nibley Recorder is the same person who serves as the Agency Secretary. Each of the Officers may appoint a delegate to act in his or her place in the event such Officer shall be absent from duties for a prolonged period of time. Any change in the person filling the corresponding City position will automatically constitute a similar change in the corresponding position of the Agency.

B. *The Chairperson.*

The Agency Chairperson presides at all Board meetings.

C. *The Vice-Chair.*

The Vice-Chair serves as the acting Chair in the absence or incapacity of the Chair.

D. *The Secretary.*

The Secretary of the Agency acts as recorder of the meetings of the Agency and records all votes according to the requirements of the Utah Open and Public Meetings Act, Title 52, Chapter 4 of the Utah Code. The Secretary must (1) keep a record of the proceedings of the Agency, (2) keep the official documents and records of the Agency, and (3) perform all duties incident to the office. The Secretary must keep in safe custody all Agency records. There may also be an assistant Secretary appointed by the Executive Director, in the Executive Director's discretion, to serve as directed by the Agency, and in the absence of the Secretary.

E. *The Executive Director.*

The Executive Director exercises all executive powers of the Agency and in that capacity has general supervisory authority over the administrative activities of the Agency. The Executive

Director must sign all contracts, deeds, orders, checks, and other instruments, including instruments of indebtedness, made or entered into by the Agency. The Executive Director must implement the legislative policies and directives properly adopted by resolution of the Board. The Executive Director must regularly attend meetings of the Board, and should, in the Executive Director's sole discretion, make recommendations to the Board. The Executive Director may, in his or her sole discretion, perform any duties of the Redevelopment Director. The Executive Director may appoint Agency employees and staff, and engage professional consultants and outside legal counsel. The Executive Director may create procedures to govern the operations of the Agency and to carry out any policies adopted by the Board.

F. *The Redevelopment Director.*

The Redevelopment Director serves under and reports to the Executive Director and has all the duties as assigned from time to time by the Executive Director with regard to executive or administrative functions, and by resolution of the Board with regard to legislative or policy directives from the Board.

II. Agency Employees and Independent Contractors.

A. *Agency Employees.*

The Executive Director may, by appointment from time to time, employ personnel, permanent and temporary, as the Executive Director deems necessary to exercise its powers, duties, and functions and determine personnel qualifications, duties and compensation.

B. *Independent Contractors.*

The Executive Director may enter into contracts with independent contractors for technical expertise and any other agents and persons, permanent and temporary, to exercise its powers, duties, and functions, and determine their qualifications, duties, and compensation. For legal services or financial advisory or consulting services required by the Agency, the Agency may employ or retain under contract its own legal counsel and financial advisor(s).

III. Agency Board.

A. *Governance.*

The Board governs the Agency as provided under applicable Utah state law, and exercises all powers not otherwise enumerated to the Agency officers, including but not necessarily limited to the following:

1. Adopting resolutions and policies as the Board deems appropriate;
2. Considering and approving project area plans and/or budgets, and related interlocal cooperation agreements and participation agreements, in the manner provided or permitted under applicable state law; and

3. Approving the Agency's annual budget, including any amendments.

B. *Regular Board Meetings.*

Regular Board meetings that are scheduled in advance over the course of a year will generally be held on the same day as regular City Council meetings in the Council Chambers. Agency meetings will be noticed on a separate Agency agenda or a joint agenda with the City Council. Public notice of meetings must be given in compliance with applicable state law.

C. *Special Meetings.*

When the Chairperson, the Executive Director, or a majority of the Board deems it expedient, he, she or they may call a special meeting of the Board for the purpose of transacting any business designated in the call. Notice must be given in compliance with applicable state law.

D. *Quorum.*

The Board Quorum and voting requirements are identical to the Quorum and voting requirements of the City Council.

E. *Resolutions.*

All resolutions must be in writing and designated by number, reference to which must be inscribed in the minutes and an approved copy filed in the official book of Agency resolutions. Except as otherwise expressly set forth in these Bylaws or in policies or rules of procedure adopted by the Board from time to time, meetings of the Board will proceed according to the rules of procedure adopted by the City Council.

F. *Electronic Meetings.*

The Board is authorized to meet electronically to the maximum extent permitted under, and at all times in compliance with, applicable state law.

IV. Policies and Procedures.

The Agency Board may adopt policies of the Agency, and the Executive Director may adopt procedures of the Agency, from time to time each in their own sole discretion and within the realm of their respective authority and powers as described in these Bylaws and applicable law. In the absence of any duly adopted Agency policy or procedure, the policies and procedures of the City are hereby adopted by the Agency Board and the Executive Director to govern the affairs of the Agency; however, if there is a conflict between any adopted Agency policy or procedure and any City policy or procedure, the adopted Agency policy or procedure will prevail.

ADOPTED the _____ day of _____, 20____, by resolution of the Board.

Chairperson

Attest:

Agency Secretary

RECEIVED by the Executive Director this ____ day of _____, 20____:

Executive Director

Attest:

Agency Secretary