



Nibley City
Planning Commission Meeting
Thursday, August 5, 2021
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or via the Zoom meeting link provided at www.nibleycity.com.

1. **Public Hearing:** to receive comments on Ordinance 21-16: Amending Animal Land Use Regulations
2. **Discussion and Consideration:** to make a recommendation for Ordinance 21-16: Amending Animal Land Use Regulations
3. **Public Hearing:** to receive comments on Ordinance 21-17: Lot Line and Parcel Boundary Adjustments Review Process
4. **Discussion and Consideration:** to make a recommendation for Ordinance 21-17: Lot Line and Parcel Boundary Adjustments Review Process
5. **Workshop:** Minor Subdivisions Standards
6. Staff Report and Action Items

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

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



**Nibley City Planning
Commission
Agenda Item Report
August 5, 2021**

Agenda Item #1 & #2: Animal Land Use Regulations

Description

Public Hearing: to receive comments on Ordinance 21-16: Amending Animal Land Use Regulations

Discussion and Consideration: to make a recommendation for Ordinance 21-16: Amending Animal Land Use Regulations

Department

City Planning

Action Type

Legislative

Recommendations

Recommend approval of 'Ordinance 21-16: Amending Animal Land Use Regulations,' with the exception of provisions related to potbelled pigs or other similar miniature pigs. Staff recommends denial for provisions related to potbelled pigs or other similar miniature pigs.

Reviewed By

City Planner, City Attorney

Background

Recently, a potential resident of the City expressed the desire to house two Juliana Pigs on a residential lot in Nibley City. Pigs are currently addressed within NCC 19.34: Animal Land Use Regulations. Under this provision of code, pigs are only allowed on a lot with more than $\frac{3}{4}$ acre and only 1 pig is allowed per $\frac{1}{2}$ acre. There is also no differentiation between different breeds of pigs within the Code. The petitioner has expressed that the pigs are approximately the size of an english bulldog, are very clean and have minimal impact to neighbors.

Considerations

- What is the anticipated impact of miniature pigs on residential neighborhoods (smell, noise, etc.)?
- Can anticipated impacts be reasonably mitigated?
- What are the potential benefits to the community to allowing the keeping of miniature pigs as pets?
- If miniature pigs should be allowed on smaller lots in Nibley City, how should this be incorporated into Nibley City Code?

Current state of practice

Although most communities prohibit large pigs from residential zones, some municipalities address miniature pigs differently than livestock. For example, Logan City defines potbelly pigs as ‘exotic pets,’ allowing up to 5 of such for each residence.

A quick survey of Planners across Utah revealed the following approaches and experiences:

- In West Valley City, pot-bellied pigs are considered a household pet. Each household is allowed up to four pets from a long list of potential pets. Weight is limited to 150 pounds, and any tusks must either be removed or kept trimmed.
- In Eagle Mountain, pigs (of all kinds) are allowed on lots greater than $\frac{1}{2}$ Acre in size, they allow 2 pigs on lots $\frac{1}{2}$ - 1 acre, 4 Pigs on lots from 1 to 3 acres, and 8 pigs on lots 3+ acres in size. They require 500 SF of fenced area per animal, and to be at least 150’ from the nearest occupied structure on an adjacent lot.
- In Brigham City, there was a resident with a miniature pig that petitioned the City to allow them. City Staff offered this experience: “The house that had the pigs had odors that would carry to the neighbors’ houses in the summer, and the back yard where the pig spent a fair amount of time was devoid of plant life but had plenty of pig poop. We did not end up allowing them here. It was one of the few times in my job here that the tv cameras were showing up for staff review, planning commission, and City Council meetings.”
- In North Salt Lake, after much research and deliberation, the Council decided that pot belly pigs were household pets and not domesticated farm animals. They adopted the following definition:

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not normally dangerous animals, such as lions or tigers. This definition shall not include a sufficient number of dogs as to constitute an "animal kennel", as defined in this section. Purebred miniature Vietnamese potbelly pigs and other similar purebred miniature pigs, not exceeding one hundred twenty five (125) pounds and twenty two inches (22") in height at the shoulder, limited to no more than two (2) miniature potbelly pigs per residence.

City Staff offered this additional information: "My research told me that there really is no such thing as a mini pig, they are mini because they are being starved so they don't grow full size which shortens their life expectancy. However, they are very smart, are litter box trained, but you don't want more than 2 or they get into mischief."

- Layton City recently considered allowing miniature pigs as household pets, but ultimately denied the request due to concerns of impacts on neighbors.

Recommended approach to applicant's request

In order to consider the applicant's request, Staff recommends considering the addition of 'potbellied pigs or other similar miniature pig, not to exceed 125 pounds' to the list of allowed animals under each appropriate section of NCC 19.34. This is the most appropriate approach as it the impact of a miniature pig, in many ways, may be compared to that of a pygmy goat or sheep, which are allow up to 2 such animals on lots greater than 18,000 sq. ft. For lots greater than 0.75 acre, Staff recommends considering adding miniature pigs to the chart of allowed 'large animals,' assigning 15 points per animal, which is the same as a sheep or female/whether goat.

Although this Staff recommends considering this approach to accommodating miniature pigs within the land use ordinance, Staff does not recommend adopting this portion of the amendment. This is due to the anticipated impact that miniature pigs may have on surrounding neighbors, particularly related to potential smells. It is understood that this may be mitigated with proper care of such animals, but their remains a risk for those that do not properly and frequently clean the animal's waste. It is not feasible for the City to monitor and effectively enforce this activity.

Other recommended changes

In addition to the consideration to allow for miniature pigs on smaller lots, Staff recommends making the following changes to NCC 19.34: Animal Land Use Regulations.

1. Amend definition of household pet, excluding references to domesticated/commercial use.
2. Add definition of service animal consistent with the Americans with Disabilities Act (ADA)
3. Strike the provision that allows a conditional use permit for service animals, if they are in addition to the maximum animal limits. Service animals would not count toward the total number of allowed animals. Staff consulted with the attorney on this provision, who agreed that counting service animals toward the total number of allowed pets was

allowed, although the City would need to allow for a service animal in the instance that the household already has met the limit for household pets, then needs a service animal. This situation would be difficult for Staff to monitor and enforce. It is recommended that rather than the City simply not count the service animal toward the total number of household pets, as they are not defined as such under Federal Law.

4. Add a provision that household pets (other than cats and dogs) are permitted if kept within the primary dwelling. Currently, all pets not listed are prohibited, so technically it is not legal to own a fish or hamster in Nibley City. Staff believes not enforcing legally-owned pets within the home is reasonable, as the City is unlikely to enforce the keeping of small pets within the home. Those that are not kept within the dwelling at all times are not permitted unless otherwise listed.
5. Strike the provision that allows for a conditional use permit for animals not listed. The City does not have objective standards to apply in various situations. If an animal is not listed, the owner would need to apply to add it to the list of allowed animals and it could be applied appropriately at that time.
6. Amend the provision that requires a conditional use permit for a third dog on lots greater than 0.75 acre. In place of this, require a administratively approved kennel permit with objective standards. With this change, Staff recommends the following standards be added to the kennel permit section of Nibley City Code:
 - a. The applicant must provide proof that the outdoor area in which all dogs are kept is completely fenced in.
 - b. Housing of dogs: Dogs must be either kept completely indoors during the hours of 10:00 PM and 7:00 AM or kept in an outdoor shelter, setback at least 10 feet from all property lines and 30 feet from any structures outside of the lot in which it is located.
 - c. Adequate shade and shelter from the elements shall be provided for all dogs kept outdoors.
7. Delete section 19.34.060, which currently duplicates 19.34.050, with the exception of the requirement for CUP for the third dog.

Recommended Findings

1. The keeping of miniature pigs on lots smaller than 0.75 has the potential of producing negative impacts upon surrounding properties, related to smell and noise. Monitoring and enforcing mitigating measures would be infeasible.
2. Service animals are not considered household pets, and as such, should not be subject to the same limitations of a household pet. Requiring a conditional use permit for such animals, is not appropriate and could introduce subjectiveness to the process.
3. Allowing for a conditional use permit for animals not listed is not appropriate, as objective standards cannot be considered for an animal that is not listed.
4. A kennel permit for a third dog would be appropriately administered administratively and is not in need of a conditional use permit.
5. Household pets kept indoors at all times, such as fish, reptiles, and small rodents have a minimal impact upon surrounding properties, are difficult to monitor and enforce and should not be subject to limitations of other household pets (i.e. cats and dogs).

Agenda Item #3 & #4: Parcel Boundary and Lot Line Adjustments

Description

Public Hearing: to receive comments on Ordinance 21-17: Lot Line and Parcel Boundary Adjustments Review Process

Discussion and Consideration: to make a recommendation for Ordinance 21-17: Lot Line and Parcel Boundary Adjustments Review Process

Department

City Planning

Action Type

Legislative

Recommendations

Recommend approval of Ordinance 21-17: Lot Line and Parcel Boundary Adjustments Review Process

Reviewed By

City Planner, City Attorney

Background

One of the Planning Commission goals for 2021 is to review requirements for lot line adjustments and subdivision amendments. In addition, HB 409, passed by the Utah State Legislature this year, adjusts and clarifies certain requirements for subdivision plat amendments and parcel boundary adjustments. In particular, the following changes have been made to Utah State Code:

- HB 409 clarifies what qualifies as a parcel boundary adjustment vs. a lot line adjustment. Boundary adjustments are adjustments of the boundaries between parcels that are not part of a subdivision and generally do not need city approval, while lot line adjustments are adjustments of lots that are part of a subdivision and constitute a subdivision plat amendment.
- HB 409 provides that cities can review boundary line adjustments if the city adopts an ordinance with the following terms:

- Boundary line adjustments are reviewable for parcels with dwellings;
- The review is limited to ensuring the adjustment will not result in lots that violate applicable land use and zoning ordinances;
- Within 14 days of submission, the adjustment is reviewed and either approved or the city sends a notice explaining the specific reasons why it was not approved, with a statement that the adjustment will be approved if the deficiencies or missing information are corrected.

Currently, Nibley City Code does point to State Code for approval of subdivision plat amendments, but provides an exemption for lot line adjustments whether they are part of a subdivision or not. Specifically, NCC 21.08.030 provides:

- A. An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:*
 - 1. No new lot results from the lot line adjustment.*
 - 2. No previously existing lot is eliminated as a result of the adjustment.*
 - 3. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.*
 - 4. No lot is made undevelopable without a variance or other special consideration.*
 - 5. All property owners directly affected by the lot line adjustment give their consent.*
 - 6. The lot line adjustment does not result in a remnant piece of land that did not exist previously.*
 - 7. The lot line adjustment does not result in the violation of any applicable zoning ordinance.*
 - 8. The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.*
 - 9. Provided the above conditions are met, no municipal land use authority approval is required.*
- B. An amendment to a subdivision plat shall follow the process and standards within Utah State Code 10-9a-6 as amended, and any applicable Nibley City ordinances.*

Staff has identified some instances in which lot line adjustments have been recorded for lots that do not meet minimum lot sizes, frontage requirements and other standards. This creates issues for existing and future homeowners. To help prevent issues related to non-conforming or non-buildable lots, Staff recommends a Staff-level review process be developed for both lot line adjustments within a subdivision and parcel boundary adjustments outside of a subdivision. This process would require an application be submitted, including:

- a. A quitclaim deed or boundary line agreement, which complies Utah Code 10-9a to be used for recording the lot line adjustment.
- b. For lot line adjustments, a surveyed, recordable plat that shows the existing and proposed lot lines.

- c. A site plan which shows proposed existing and proposed property boundaries, and any existing easements and structures on the affected properties, including dimensions and setbacks from existing and proposed lot lines.

In addition to the standards currently required (but not currently reviewed by the City), Staff recommends the allowance for non-conforming parcels to complete a lot line/parcel boundary adjustment if the adjustment doesn't decrease the conformance of zoning standards. For example, a $\frac{1}{2}$ lot that is located in an R-1 zone could complete a parcel boundary adjustment to become a $\frac{3}{4}$ acre lot, even though it doesn't meet the minimum lot size. However, a lot line adjustment which would decrease the lot size of the $\frac{1}{2}$ acre lot in an R-1 zone would not be permitted.

In addition, in accordance with state code, an application for parcel boundary adjustment would only be required if a dwelling is on one of the affected parcels. The review time for application would also be limited to 14 days.

Recommended Finding

1. Instituting a Staff level review process for lot line and parcel boundary adjustments will ensure greater conformity with Nibley City Land Use Ordinances.

Agenda Item #5: Minor Subdivision Standards

Description

Workshop: Minor Subdivisions Standards

Department

City Planning

Action Type

Legislative

Recommendations

Discuss potential revisions to Minor Subdivision Ordinance

Reviewed By

City Planner

Background

Commissioner Obray has requested to discuss potential revisions to the Nibley City Subdivision Code, regarding Minor Subdivisions. Specifically, he has requested discussion on the following items:

1. Consider the allowance of the creation of a non-conforming lot, if there is no building on the lot.
2. Consider revisions/clarification for restrictions regarding the number of homes accessing public streets.

The purpose of this workshop is to discuss these items and give Staff direction for specific changes to the ordinance to be considered further.

9.02.050 Licensing Requirements

- A. **License Required:** It is unlawful for any person to keep, harbor or maintain any dog six (6) or more months old unless such dog has been registered and licensed in the manner herein provided.
- B. **Application; Information:**
 - 1. Application for registration and licensing shall be made to Nibley City or its designee.
 - 2. The owner shall state at the time application is made for such license his name and address and the sex, breed and color of each dog owned or kept by him.
- C. **Issuing Authority:** A dog license shall be issued by Nibley City or its designee..
- D. **Fee For License:** No dog license shall be issued until the fee as established by resolution of the city council is paid.
- E. **Date Due; Penalty:** The fee due and payable pursuant to this section shall be due January 1 and shall be delinquent March 1 of each year. A penalty shall be added to delinquent payments, which penalty shall be determined by resolution of the City Council.
- F. **Newly Acquired Dogs:** The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make an application for registration and license within thirty (30) days after such acquisition or dogs attain the above stated age.

G. Kennel License

1. The following conditions must be met prior to the issuance of a kennel permit:

- a. The applicant must provide proof that the outdoor area in which all dogs are kept is completely fenced in.
- b. Housing of dogs: Dogs must be either kept completely indoors during the hours of 10:00 PM and 7:00 AM or kept in an outdoor shelter, setback at least 10 feet from all property lines and 30 feet from any structures outside of the lot in which it is located.
- c. Adequate shade and shelter from the elements shall be provided for all dogs kept outdoors.

G.d. Fee: No kennel license shall be issued unless the provisions of NCC 19.34, titled "Animal Land Use Regulations" are met. Authorized kennel licenses shall pay an annual license fee, in addition to required registration fees.

- H. **Term Of License:** Dog licenses shall be valid for the term equal to the dog's rabies vaccination.
- I. **Rabies Certificate:** All dogs are required to keep and maintain current rabies vaccination in order to be licensed with Nibley City. As part of registration and licensing of dogs, dog owners shall be required to provide Nibley City with a certificate demonstrating that the dog's rabies vaccination is current.
- J. **Exceptions:**
 - 1. Service Animals, as defined in NCC 19.34.020, including kennel regulations shall not be assessed annual license fees for the service animal. Dogs used as guide dogs for blind persons or other dogs certified as service animals shall be licensed and registered as other dogs herein above provided, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

K. License Tag:

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1. Issuance: Upon payment of the license fee, the city recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. Once issued, a tag is valid until the dog is no longer registered with Nibley City. Every dog owner, shall provide each dog with a collar to which the license tag shall be affixed. It shall be unlawful to deprive a registered dog of its collar and/or tag.
2. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by Nibley City upon presentation of a receipt showing the payment of the license fee for the current year and a payment for each duplicate as established by resolution of the City Council.
3. Tag Not Transferable: Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the city before expiration of the license period.

19.04.010 Definitions

SERVICE ANIMAL: An animal which is individually trained to perform tasks to assist a person with disabilities, regardless of whether they have been licensed or certified by a state or local government. This does not include emotional support, therapy or comfort animals.

Commented [LR2]: This definition is consistent with the Americans with Disabilities Act. Add to appropriate location within section.

19.28.50 Basis For Issuance Of Conditional Use Permit

- A. A conditional use permit shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied. Substantial mitigation shall not mean complete elimination of all detrimental effects.
- B. The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the Nibley City, or other state, federal, fire or building standards. All proposed uses shall comply with the regulations and conditions specified in this title for such use.
- C. The City shall consider the following, plus other adopted standards in order to mitigate any detrimental effects of a conditional use application.
 1. Additional Standards for Conditional Uses for Residential Zones:
 - a. All Conditional Uses within Residential Zones shall comply with all conditions set forth in this Title applicable to all conditional uses, Nibley City Code, Nibley City Design Standards and Specifications, and any applicable state or federal law
 - b. Traffic and Connectivity
 - 1) Roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.
 - 2) Site plans must comply with the Transportation and Trails Master Plan.
 - c. Applicant may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA.

- d. Applicant may be required to limit light associated with the conditional use that emanates beyond their property boundaries to less than 0.01 foot-candles.
- e. Parking
 - 1) Applicant shall provide off-street parking for the proposed use. Parking may be contained in a driveway, RV pad, or parking lot.
 - 2) Applicant may be required to provide off-street accommodation for delivery and pickup of materials and supplies associated with the Conditional Use.
 - 3) Other Parking requirement shall comply with NCC 19.24.160
- f. Hours of operation: Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m.
- g. Short-term rentals
 - 1) All short-term rentals shall be inspected by the Fire Marshal annually to insure each home meets residential fire standards.
 - 2) Shall provide a minimum of two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.
 - 3) Only one Short-term rental shall be allowed for each property.
- 2. Additional Standards for Conditional Uses in all Zones
 - a. All Conditional Use Application shall comply with underlying zoning requirements as listed in this Title.
 - b. Traffic and Connectivity
 - 1) Roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.
 - 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
 - 1. There is only one vehicle access road to the site
 - 2. Allow for greater emergency access to the site
 - 3. Provide for better connectivity and enhance the safety of surrounding roadways and intersections.
 - 4. 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 conditional use permit 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. 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.
- e. 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.
- f. 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.
- g. 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.
- h. In Commercial Zones, warehousing and storage may be allowed as part of business if it is attached to offices or retail.

~~3. Animals~~

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

- D. The proposed use shall not lead to the deterioration of the environment of the general area, nor will produce conditions or noises or emit pollutants of such type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties, including the operation of existing uses thereon, or the health and safety of persons in the immediate vicinity of the community or area as a whole.

- E. The City may charge a conditional use applicant the cost of engineering, legal, or other professional review of the application.

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19.34.010 Intent

The intent of these regulations is to protect and preserve Nibley City's rural heritage while allowing multiple land uses, including agricultural and residential, within city boundaries.

19.34.020 Definition

In this chapter:

Commented [LR3]: No need for this section, as household pet is already defined in 19.04.010 and more appropriate than the definition here. Definition for service animal also added to 19.04.010.

~~HOUSEHOLD PET: A domesticated animal, such as a dog, cat, bird, fish, or turtle that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than for commercial purposes.~~

19.34.030 Residential Lots Less Than Twelve Thousand Square Feet and Multi-family dwellings

~~Single-family residential lots in residential zones~~ that are less than twelve thousand (12,000) square feet and two-family or multi-family housing units, are permitted the following animals:

- A. Animals kept as household pets are permitted and are subject to each of the following limitations:
1. The maximum number of dogs per household is two (2) dogs.
 2. The maximum number of cats per household is two (2) cats.
 3. The combination of dogs and cats per household shall not exceed two (2) animals.
 - 4.

Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.

3.

~~Applicants may be granted a conditional use permit that waives the above limitations for a service animal, such as a guide dog, or an animal that is being trained to provide such assistance. Service animals are not considered household pets and are not subject to the above restrictions.~~

5.

B.6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within the primary dwelling unit. All other animals not specifically permitted are prohibited.

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19.34.040 Residential Lots Greater Than Or Equal To Twelve Thousand Square Feet And Less Than 0.75 Acre

~~Lots in residential zones~~ Single-family residential lots that are greater than or equal to twelve thousand (12,000) square feet and less than 0.75 acre are permitted the following animals:

- A. Animals kept as household pets are permitted and are subject to each of the following limitations:
1. The maximum number of dogs per household is two (2) dogs.
 2. The maximum number of cats per household is four (4) cats.
 3. The combination of dogs and cats per household shall not exceed four (4) animals.
 - 4.

Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.

5.

~~Service animals are not considered household pets and are not subject to the above restrictions. Applicants may be granted a conditional use permit that waives the above limitations for a service animal, such as a guide dog, or an animal that is being trained to provide such assistance.~~

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6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within the primary dwelling unit. All other animals not specifically permitted are prohibited.

3.

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B. The following animals are permitted with the following maximum number of animals per lot:

1. Two (2) female or wether pygmy goats.
2. Two (2) lambs less than eight (8) months old.
- ~~2-3.~~ Two (2) potbellied pigs or other similar miniature pig, not to exceed 125 pounds
- ~~3-4.~~ Two (2) turkeys.
- ~~4-5.~~ Six (6) rabbits.
- ~~5-6.~~ Six (6) hen chickens.
- ~~6-7.~~ Eight (8) pigeons.
- ~~7-8.~~ Six (6) ducks.
- ~~8-9.~~ Eight (8) game birds such as quail or pheasants.

C. A minimum lot size of eighteen thousand (18,000) square feet is required for subsections ~~(B)(1), (B)(2), and (B)(3), and (B)(4)~~ of this section.

Offspring less than six (6) months old of animals listed above shall not be counted or regulated.

A combination of the animals listed in subsection B of this section is permitted on each lot with the following provisions:

1. For lots greater than or equal to twelve thousand (12,000) square feet and less than or equal to 0.5 acre, two (2) different species are permitted at any one time.
2. For lots greater than 0.5 acre and less than 0.75 acre, three (3) different species are permitted at any one time.

The animals permitted by subsection B of this section are independent of, and in addition to, the household pets permitted by subsection A of this section.

19.34.050 Residential Lots Greater Than Or Equal To 0.75 Acre

~~Lots in residential zones~~ Single-family residential lots that are greater than or equal to 0.75 acre are permitted the following animals:

A. Animals kept as household pets are permitted and are subject to each of the following limitations:

1. The maximum number of dogs per household is two (2) dogs, ~~and a conditional use permit may be granted for a third dog. A kennel license which meets the requirements of 9.02.050, may be approved by designated Nibley City Staff for a third dog.~~
2. The maximum number of cats per household is four (4) cats.
- ~~3.~~ The combination of dogs and cats per household shall not exceed six (6) animals.
- ~~4.~~

Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.

~~5.~~

~~Service animals are not considered household pets and are not subject to the above restrictions. Applicants may be granted a conditional use permit that waives the above limitations for a service animal, such as a guide dog, or an animal that is being trained to provide such assistance.~~

- ~~6. Other household pets not listed, which are legal per State and Federal Laws, are permitted if such animals are housed at all times within the primary dwelling unit. All other animals not specifically permitted are prohibited.~~

~~3.~~

- B. The following animals are permitted at a maximum rate of one hundred (100) large animal points per acre. Large animal points are assigned based on the following table:

Offspring less than eight (8) months old of a permitted large animal shall not be counted or regulated.

- C. The following animals are permitted at a maximum rate of one hundred (100) small animal points per acre. Small animal points are assigned based on the following table:

Animal	Small Animal Points
Rooster chicken	50
Rabbit	10
Turkey	10
Duck	10

Commented [LR6]: Rob, can you please review if this would be allowed under the ADA?

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Goose	10
Hen chicken	2
Game bird such as quail or pheasant	2
Pigeon	2

Offspring less than six (6) months old of a permitted small animal shall not be counted or regulated.

Animal	Large Animal Points
Horse, mule, or donkey	75
Goat: billy	75
Cattle: cow, heifer, or steer	50
Pig	50
Ostrich	50
Llama or alpaca	25
Emu	25
Miniature horse or donkey	25
Sheep	15
Goat: female or wether	15
<u>Potbellied pig or other similar miniature pig, not to exceed 125 pounds</u>	<u>15</u>

- D. The animals permitted by subsections B and C of this section are independent of, and in addition to, the household pets permitted by subsection A of this section. In addition, residents are permitted to have any combination of permitted large and small animals as long as the combination does not exceed one hundred (100) large animal points per acre plus one hundred (100) small animal points per acre.

Examples for a 2.0 acre lot:

Maximum number of large animal points permitted = $100 \times 2.0 = 200$

Maximum number of small animal points permitted = $100 \times 2.0 = 200$

Two horses, two llamas ($2 \times 75 + 2 \times 25 = 200$ large animal points), plus one hundred hen chickens ($100 \times 2 = 200$ small animal points) are permitted on a residential 2.0 acre lot.

Two horses and three llamas ($2 \times 75 + 3 \times 25 = 225$ large animal points) are not permitted on a residential 2.0 acre lot.

Twenty five hen chickens, twelve rabbits, and four turkeys ($25 \times 2 + 12 \times 10 + 4 \times 10 = 210$ small animal points) are not permitted on a residential 2.0 acre lot.

These examples are not all inclusive of the possible mix of animals.

- E. ~~A conditional use permit may be granted for species not listed in subsections B and C of this section. The conditional use permit will consider the impact of the proposed species relative to the impact of the species listed in this section.~~

Commented [LR7]: A conditional use permit is not appropriate for this situation. Conditional uses should be listed with objective standards. If an animal is not listed, an applicant can petition to City to add it to the chart.

~~19.34.060 Agricultural Lots Greater Than Or Equal To 5.0 Acres~~

~~Lots in the agricultural zone that are greater than or equal to five (5.0) acres are permitted the following animals:~~

Commented [LR8]: There is no difference between 19.34.050 and 19.34.060, other than the provision that a third dog does not require a kennel permit. It is Staff's opinion that this section is not necessary.

- ~~A. Animals kept as household pets are permitted and are subject to each of the following limitations:~~

- ~~1. The maximum number of dogs per household is three (2) dogs.~~
- ~~2. The maximum number of cats per household is four (4) cats.~~

~~Offspring less than six (6) months old of permitted household pets shall not be counted or regulated.~~

~~Applicants may be granted a conditional use permit that waives the above limitations for a service animal, such as a guide dog, or an animal that is being trained to provide such assistance.~~

- ~~B. The following animals are permitted at a maximum rate of one hundred (100) large animal points per acre. Large animal points are assigned based on the following table:~~

Offspring less than twelve (12) months old of a permitted small animal shall not be counted or regulated.

Animal		Large Animal Points	
Horse, donkey, or mule		50	
Animal	Cattle: cow, heifer, steer, or bull	Small Animal Points	
Rooster	chicken	5	50
Rabbit	Goat: billy	5	50
Turkey	Ostrich	5	50
Duck	Llama or alpaca	5	25
Goose	Emu	5	25
Hen	chicken	1	25
Game bird	such as quail or pheasant	1	15
Pigeon	Goat: female or wether	1	15

C. The following animals are permitted at a maximum rate of one hundred (100) small animal points per acre. Small animal points are assigned based on the following table:

D. Offspring less than six (6) months old of a permitted small animal shall not be counted or regulated.

E. The animals permitted by subsections B and C of this section are independent of, and in addition to, the household pets permitted by subsection A of this section. In addition, residents are permitted to have any combination of permitted large and small animals as long as the combination does not exceed one hundred (100) large animal points per acre plus one hundred (100) small animal points per acre.

F. A conditional use permit may be granted for species not listed in subsections B and C of this section. The conditional use permit will consider the impact of the proposed species relative to the impact of the species listed in this section.

19.34.070 Required Setbacks For Animal Land Uses

	Street Line, Public/Private	Dwelling Unit; Same Lot	Dwelling Unit; Adjacent Lot	Lot Line
Barns, stables, coops, beehives, and other accommodations for non-household pets (over 50 square feet)	75 feet	35 feet	50 feet	20 feet
Barns, stables, coops, beehives and other accommodations for non-household pets (under 50 square feet)	50 feet	10 feet	35 feet	10 feet
Manure piles, manure pits	150 feet	100 feet	100 feet	20 feet

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~~No manure piles, manure pits, or similar features shall be kept within one hundred feet (100') of any residential dwelling, commercial dwelling, public street, private street, open waterway, natural stream, stormwater system, or canal. Such features shall not be within twenty feet (20') of a property line.~~

Commented [LR9]: This is redundant with the information already included in the chart.

19.34.080 Surface Drainage

Surface drainage from barns, corrals, stables, coops and other similar buildings shall not be permitted to drain into a waterway that drains into a natural stream or canal.

19.34.090 Restraint Of Livestock And Pets

All livestock and pets shall be so restrained that they shall not damage or destroy adjacent property and must comply with the Nibley City animal control, nuisance and noise regulations, including those listed in NCC 9.02, "Animal Control".

19.34.100 Creation And Continuation Of Nonconforming Uses

Established animal land uses that are impacted by an ordinance change, including rezoning, to a more restrictive animal land use regulation shall be allowed to continue as a legally nonconforming land use (sometimes known as a "grandfathered" land use), with these additional provisions:

1. The established animal land use must have been a legal land use that conformed to the previous, less restrictive regulations.
2. The burden of proving the established animal land use rests on the landowner.
3. The legally nonconforming animal land use will be lost if it is interrupted for more than twelve (12) continuous months. A legally nonconforming use is associated with the property on which it is established.
4. An increased intensity of nonanimal land uses, including subdivision of property and new building construction, on lots with legally nonconforming animal land uses shall not be allowed.

5. Agricultural areas are established to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the city.

19.04.010 Definitions

LOT: a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. The contiguous land in the same ownership, as recorded in the County Recorder's office, which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway, street, public right of way or alley. Any land severed from another lot. If that severance makes the latter lot or structures on said latter lot nonconforming, such lot shall or may be occupied by a main building or group of buildings (main and accessory) together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a street or public right of way or private lane. Except for two family dwellings and multiple family dwellings, not more than one dwelling structure shall occupy any one lot.

LOT LINE ADJUSTMENT: an adjustment of boundaries between a lot and other lots or parcels.

PARCEL OF LAND: any real property that is not a lot. A contiguous area of land in the possession or ownership of one person.

PARCEL BOUNDARY ADJUSTMENT: an adjustment of parcels that are not a lot.

21.08.030 Parcel Boundary Adjustments, Lot Line Adjustments aAnd Amendments tTo aA Subdivision Plat

Definitions:

- "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
- "Lot line adjustment" means an adjustment of boundaries between a lot and other lots or parcels.
- "Parcel" means any real property that is not a lot.
- "Parcel boundary adjustment" means an adjustment of parcels that are not a lot.

A. Lot Line and Parcel Boundary Adjustments: An agreement to adjust boundary~~lot~~ lines between adjoining properties, where at least one of the properties being adjusted is a lot or where the properties at issue include a dwelling either whether in a subdivision or on unsubdivided parcels of land, may be ~~executed~~ applied for by the owners of record of said properties as set forth herein.

1. The following materials shall be submitted with a parcel boundary/lot line adjustment application:

- a. A quitclaim deed or boundary line agreement, which complies Utah Code 10-9a to be used for recording the lot line adjustment
- b. For lot line adjustments, Aa surveyed plat, which describes the differences between the amended and the original plat, as provided in UCA 10-9a-6.
- c. A site plan which shows existing and proposed property boundary lines, any existing easements and structures on the affected properties, including dimensions and setbacks from existing and proposed lot lines.

A-2. The City Planner or City Engineer shall approve the application for lot line/parcel boundary adjustment and recorded upon execution, if the following conditions are met:

- a. All required materials are submitted.

Commented [LR1]: Only add/amend affected definition in section.

Commented [LR2]: Amended to match state law

Commented [RP3]: These are defined by state law, but it may be helpful to update the City's definition to match. Maybe have the definition here, or maybe we update them under 19.04

19.04 has a definition of parcel that doesn't match state law, and doesn't define lot. I don't know how you want to handle this

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~~a-b.~~ No new lot or parcel results from the lot line/parcel boundary adjustment.

~~b-c.~~ No previously existing lot is eliminated as a result of the adjustment. This does not apply to parcel boundary adjustments

~~c-d.~~ If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.

~~d-e.~~ No lot is made undevelopable without a variance or other special consideration.

~~e-f.~~ All property owners directly affected by the lot line adjustment give their consent.

~~f-g.~~ The lot line adjustment does not result in a remnant piece of land that did not exist previously.

~~g-h.~~ The lot line adjustment does not result in the violation of any applicable zoning ordinance. including restrictions on permissible uses or number and location of dwellings and structures.

~~i.~~ The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.

~~h-j.~~ Non-conforming lots: notwithstanding the conditions described above, a lot line/parcel boundary adjustment for an existing non-conforming lot which does not result in conformity with the land use ordinance may be approved if the adjustment does not result in a lower level of conformance for any established lot size, frontage or other established standards. For example, if a ½ acre lot located within a zone with a minimum lot size of 1 acre applies for a lot line adjustment which increases the size of the lot to ¾ acre via a lot line adjustment, it may be approved.

~~i-k.~~ Provided the above conditions are met, no municipal land use authority approval is required. Upon approval, the applicant(s) shall execute and record the adjustment with the Cache County Recorder, in accordance with Utah State Code 10-9a.

3. Exemptions from lot line/parcel boundary adjustment application:

The joining of adjacent properties does not constitute a parcel boundary or lot line adjustment may be executed and recorded with the Cache County Recorder and is not subject to City approval, provided that only one dwelling is located on any affected adjoining properties.

a. A parcel boundary adjustment involving parcels/properties located outside of a subdivision, which do not contain a dwelling on any affected properties may be executed and recorded with the Cache County Recorder and is not subject to City approval.

4. A complete application for parcel boundary adjustment must be reviewed by the City Planner or City Engineer within 14 days of submittal.

B. All other amendments to a subdivision plat not described above shall follow the process and standards within Utah State Code 10-9a-6 as amended, and any applicable Nibley City ordinances.

Commented [RP4]: I want to make sure that this is intended only to restrict "lots" (subdivision property) but not the combination of "parcels" (nonsubdivision property)

Commented [RP5]: Wonder if it would be helpful to call these issues out specifically, so to avoid having combinations of property that have more than 1 dwelling unit on it.

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Commented [RP6]: I don't think we want this, unless I'm misunderstanding. We already say above that we prohibit the combination of lots (unless approved by a subdivision plat amendment under (B)), which by definition means we don't care about parcel combinations. And I added language about 1 dwelling above.

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