



**Nibley City**  
**Planning Commission Meeting**  
Thursday, December 2, 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](http://www.nibleycity.com).*

1. **Training:** Land Use, Development, and Management Act – General Powers and Duties

7:30 p.m.

2. **Discussion and Consideration:** Conditional Use Permit for Artisan Shop at 412 E 4300 S (Applicant: Larry Jacobsen)
3. **Public Hearing:** Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions
4. **Discussion and Consideration:** Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions
5. **Discussion and Consideration:** Resolution 21-P1: A Resolution Adopting the 2022 Nibley City Planning Commission Meeting Schedule
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  
December 2, 2021**

## **Agenda Item #1: LUDMA Training**

### **Description**

**Training:** Land Use, Development, and Management Act – General Powers and Duties

### **Department**

City Planning

## **Background**

Meg Ryan, Senior Land Use Manager with the Utah League of Cities & Towns will provide a training on General Powers and Duties under the Land Use, Development, and Management Act. Attending this one-hour training will fulfill the State's annual one-hour training requirement for this topic for Planning Commissioners.

## **Agenda Item #2: Artisan Shop CUP**

### **Description**

**Discussion and Consideration:** Conditional Use Permit for Artisan Shop at 412 E 4300 S  
(Applicant: Larry Jacobsen)

### **Department**

City Planning

## Action Type

Administrative

## Recommendations

Approve the Conditional Use Permit with Conditions listed below

## Reviewed By

City Planner

## Background

Larry Jacobsen has submitted an application to operate an Artisan Shop at his residence at 412 E 4300 S with a proposed business name of Paisley, LLC. On his application, Larry notes a conflict of interest as the Mayor-Elect of Nibley City. He proposes to use an existing accessory building on his property to produce small-scale wooden items, including lathe turned wood bowls and cutting boards. He proposes to limit customer sales to online sales and limited local shows. All machinery, dust collection, and storage of materials will be housed within the existing building. The building is set back approximately 40' from the side yard and 100' from the closest neighboring home.

NCC 19.04.010 defines 'artisan shop' as:

*A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.*

NCC 19.20.010 lists 'artisan shop' as a conditional use in the R-E zone in which the property is located.

NCC 19.28 provides the procedures and basis for issuance of conditional use permits. Specifically, 19.28.050(A) provides:

*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.*

Reasonably anticipated detrimental effects associated with the proposed use include potential noise-related impacts, dust associated with the wood production, and potential traffic generated from retail sales, deliveries or employees.

To limit noise impacts, NCC 19.28.050(C)(1)(f) provides that “Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m.” In addition, subsection c states “Applicant may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA.” Staff recommends imposing both of these conditions to mitigate potential impacts related to noise.

To mitigate potential impacts related to dust, Staff recommends that wood production be limited to areas within the wood shop noted on the provided plan. This will also help mitigate potential impacts related to noise.

To mitigate potential impacts related to traffic, Staff recommends limiting any employees outside of any persons living at the residence to one, consistent with limitations of home occupations. In addition, Staff recommends prohibiting retail sales at the property with the exception of online sales. In addition, deliveries should be limited to no more than ten per week, which is a reasonable amount of deliveries that a typical residential home may receive.

### **Recommended Conditions of Approval**

1. The operation of the artisan shop shall be limited to the hours of 7:00 am – 10:00 pm.
2. All wood production activities, including storage of materials, shall be limited to the wood shop noted on the provided site plan.
3. All noise that emanates beyond the property boundaries associated with the proposed use shall be limited to less than 50 dBA.
4. The business may not have more than one employee who does not live at the residence report to the location at a time.
5. Retail sales at the property shall be prohibited, with the exception of online sales.
6. Deliveries associated with the business shall be limited to no more than ten per week.

## **Agenda Item #3 & #4: ADUs, Two-Family Dwellings & Mixed-Use**

### **Description**

**Public Hearing:** Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions

**Discussion and Consideration:** Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions

## Department

City Planning

## Action Type

Legislative

## Recommendations

Recommend adoption of Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions

## Reviewed By

City Planner, City Attorney

## Background

In November 2020, Nibley City adopted an Accessory Dwelling Unit Ordinance in support of the Nibley City Moderate Income Housing Plan. Specific provisions were developed to mitigate potential impacts on surrounding properties. Under this ordinance an Accessory Dwelling Unit is defined as:

*A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.*

Per this ordinance, an accessory dwelling unit may be either attached/internal to a single-family home or a detached building on the same lot as a single-family dwelling.

In addition to this updated provision of Nibley City Code, the following restrictions were adopted:

1. The property must be owner occupied (or be occupied by a close relative)
2. ADU must be fire, building and health codes.
3. Separate addresses and mailboxes must be places on all ADUs
4. All entrances must be located on the side or rear of the building
5. Two off-street parking spaces, in addition to those required by the primary dwelling must be provided without obstructing access to parking for the primary dwelling and be located behind the front plane of the house.
6. Only One ADU is allowed for each single-family dwelling lot.
7. Short-term rentals are prohibited (although this is proposed to be changed with short-term rental ordinance changes)
8. No ADU may be built in a wetland or flood plain
9. May not install separate water or sewer meters

10. ADUs shall be charged the base rate for water and sewer
11. ADUs are subject to impact fees but may receive a rebate if they are affordable to households below 50% AMI.
12. ADUs have a minimum square footage of 300 sq. ft. Detached ADUs have a maximum square footage of 1,200 sq. ft.
13. Detached ADUs are not permitted on lots smaller than 12,000 sq. ft.
14. The total square footage of the ADU shall not occupy more than 25% of the rear yard.
15. Detached ADUs are limited to 2 stories with increased setbacks of 20 feet when they are greater than 1 story.

Per this ordinance, ADUs are considered a permitted use that require administrative approval. Since adopting this ordinance, there has not been one permit submitted for an ADU within Nibley City.

In addition to allowing for both attached (or internal) and detached ADUs with restrictions, 'Two-family housing' is currently listed as a permitted use within all residential zones and a conditional use within commercial and industrial zones. However, single-family lots within R-PUD overlay areas are limited to single-family dwellings. Two-family housing is defined as 'a single building that is situated on one lot and that contains two (2) dwelling units.' Under this definition, there is overlap with a detached or internal dwelling unit located within a single-family dwelling and a two-family dwelling. In other words, in most cases, what would be considered a detached accessory dwelling unit can also be considered a two-family dwelling.

## **2021 State Code Update**

During the 2021 Legislative Session, HB 82 was passed which mandates Cities and Counties to permit 'Internal Accessory Dwelling Units' (IADU) as a permitted land use in all single-family residential zones and prohibits municipalities from establishing restrictions for IADUs with limited exceptions.

Under this bill, Internal Accessory Dwellings Units are defined as:  
an accessory dwelling unit created:

- i. within a primary dwelling.
- ii. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.

'Primary dwelling' means a single-family dwelling that:

- i. is detached; and
- ii. is occupied as the primary residence of the owner of record.

Under State Code IADUs must be permitted, but can be adopted with the following restrictions:

1. May be limited to long-term rentals of 30 days or longer.
2. May require that residence is occupied by owner of record.
3. May limit to one IADU per lot
4. May prohibit the installation of separate utility meter.

5. May not limit the square footage of the IADU.
6. May require IADU to comply with building, health and fire codes.
7. Require that an IADU be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling
8. May require one additional on-site parking space
9. May prohibit an IADU within a mobile home
10. May require a business license for renting the unit
11. May prohibit the creation of IADUs within a zoning district covering 25% or less of the total area of the City.
12. May prohibit IADUs if the primary dwelling is served by a failing septic tank
13. May prohibit the creation of an IADU on lots less than 6,000 sq. ft.
14. May hold a lien against a property with IADUs if any provisions of the code are not upheld.

### **Recommended Code Changes**

In order to align Nibley City Code with State Code and clarify our existing ordinance, in consultation with the Planning Commission, Staff recommends amending the definition of ‘Two-family housing’ to be inclusive of IADUs and amend the ADU ordinance to only apply to detached ADUs. As stated above, Utah State Code only allows City’s to require one additional parking space for an IADU. As Staff is not recommending to decipher between an IADU and other two-family dwellings, Staff recommends simply requiring one additional parking stall for a two-family dwelling for a total of 3 stalls independent of garage space. In addition, it has been recommended to require that one of the units shall be owner-occupied, consistent with the provision for detached ADUs. For detached ADU’s, the Planning Commission recommended limiting uses to residential and prohibiting commercial or industrial uses.

In addition to ADUs on residential lots, the existing ordinance allows for up to two ADUs attached to commercial buildings. This can be considered a ‘commercial/residential mixed-use’ building. In order to avoid confusion with the revised definition of ADUs, Staff recommends removing the provision related to commercial ADUs and replacing this with an allowance for commercial/residential mixed use in all zones as a conditional use provided that the proposed uses are listed as an allowed use. For example, within a commercial zone, two-family housing and a bakery within the same building and would be allowed as a conditional use. However, this would not be allowed in a R-2 zone since ‘bakery’ is not allowed in a R-2 zone. A conditional use is recommended, as depending upon the mix of uses, mitigating measures may be necessary. Based upon a discussion with the Planning Commission, it is also recommended to clarify that commercial/residential mixed-use is limited to uses located within the same building.



## APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

### Office Use Only

Date Received \_\_\_\_\_

Application Fee Paid: \$30.00

Rec'd By \_\_\_\_\_

Name **Larry Jacobsen**  
Address **412 E 4300 S, Nibley, Utah 84321**  
Phone **435-512-7495** Cell **435-512-7495** Fax **NA**  
Email [ljacobsen.nibley@gmail.com](mailto:ljacobsen.nibley@gmail.com)

I make this application while noting a conflict of interest as the Mayor-Elect of Nibley City.

**Please Note:** The owner/operator of this business must live at the address stated above. Nibley City cannot issue conditional use permit/business licenses for home occupations to persons who do not live at the address where the business will be located.

**Please describe the reason you are requesting a conditional use permit/business license:**

\_\_\_\_ Home Office    \_\_\_\_ Sales    \_\_\_\_ Manufacturing    \_\_\_\_ Day Care

XXX Other (please describe):

**Artisan Shop (suggested Nibley Code 19.04.010 and 19.20.020). Small-scale production of wooden items. Lathe-turned bowls, cutting boards.**

Proposed business name: **Paisley, LLC. Doing business as Willow Valley Woods.**

Description of business: **My hobby turned into a business when I offered for sale items that I had previously given away. I offered for sale small wood items (lathe-turned wood bowls and cutting boards) at a local Holiday Gift Show at the Cache Valley Events Center on 21 November 2021. I hope to continue this activity with local shows, probably one per year, and internet sales (Etsy). The machines to produce these items are consumer-level devices rather than industrial. All machinery, including dust collection, along with storage of all materials and finished goods are housed and contained within my existing wood shop. No retail sales will take place at my shop, and there will be no customers visits. All deliveries of materials will be through USPS, UPS, FedEx, or my personal vehicle that is not uniquely associated with the business. The only production byproducts are sawdust (used as garden mulch) and small scraps of wood (burned while camping).**

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: **I anticipate little or no change to the neighborhood from when my wood working was a hobby. I may spend a few more hours in the shop than I did before. When I asked our neighbors if they could hear my tools, they said, "No. Well, maybe if I stand on the property line and listen very closely". If must choose, then I prefer getting along with our neighbors over selling some of the items that I make.**

Do you plan to employ persons not living at this address as part of the business? **No employees**

Will those employees be working in your home or at another location? **No employees**

Do you plan to conduct any of the business in an accessory building at this address? **Yes, my wood shop. Please see plot plan.**

How many clients will visit this location weekly? **Zero**

Describe how you will provide parking for client visits (if applicable): **No client visits**

Will you have business vehicles which will require parking accommodations? **No**

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? **One delivery per month, maximum. USPS, UPS, or FedEx.**

*Continue on Other Side*

Will you be able to provide adequate indoor storage for these deliveries? **Yes**

If applicable, describe any signs at this address which will advertise the business: **No signs**

**File the completed application at:**

Nibley City  
455 West 3200 South  
Nibley, UT 84321  
(435) 752-0431

Once the application has been completed and submitted, along with any and all applicable fees (see attached "Nibley City Fee Schedule"), the item will be placed on an upcoming agenda for the Nibley Planning Commission meeting. Planning Commission meetings have a two-week prior application deadline, so be aware that it may be up to 4 weeks before this application is on the agenda.

**Applicant Certification**

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Larry Jacobsen  
Property Owner Signature

24 November 2021  
Date

**FOR OFFICE USE ONLY**

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Approved w/Conditions \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Land Use Authority Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name/ Title

Home Based Business License Fee: **\$30.00**  
Received Date: \_\_\_\_\_  
Rec'd By: \_\_\_\_\_  
License Issued Date: \_\_\_\_\_



Larry Jacobsen  
412 E 4300 S  
22 Feb 2021

North

03-136-0008

Wood Shop

Shed  
12' x 16'

Carport  
12' x 26'

House

Play House

Barn

03-136-0008

Larry Jacobsen  
412 E 4300 S  
22 Feb 2021

Front Yard

24'  
13'  
50' ROW

24'  
13'  
30'  
50' ROW

#### **19.04.010 Definitions**

**ACCESSORY DWELLING UNIT:** A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in NCC 19.24.250 and only in those zoning districts where the use is listed as a permitted use.

**BONA FIDE TEMPORARY ABSENCE:** A specified time during which a property is not owner occupied. Such time shall be no more than 90 days within any 180 day period. Longer absences are allowed for military, humanitarian, or religious service.

**HOUSING, TWO-FAMILY:** A single building that is situated on one lot and that contains two (2) dwelling units. An internal accessory dwelling unit (IADU) as defined by Utah State Code shall be considered two-family housing.

**OWNER OCCUPIED:** The owner(s) of the property, including a trustor or trustee of a trust that is the record owner, or an individual related to an owner of the property within and including two degrees of consanguinity residing on the property.

**RESIDENTIAL/COMMERCIAL MIXED-USE:** The use of both residential use(s) and commercial use(s) on the same lot or parcel. The mix of uses shall be limited to those in NCC 19.20.020. Residential and Commercial Uses shall have separate accesses and meet all requirements of the zone and use, as provided by Nibley City Code.

#### **19.20.020 Land Use Chart** **Nibley City Land Use Chart**

##### **Key**

|              |                       |
|--------------|-----------------------|
| <b>P:</b>    | Permitted Use         |
| <b>NP:</b>   | Not Permitted Use     |
| <b>C:</b>    | Conditional use       |
|              |                       |
| <b>A:</b>    | Agriculture Zone      |
| <b>R-E:</b>  | Rural Estate Zone     |
| <b>R-1:</b>  | Residential Zone R-1  |
| <b>R-1A:</b> | Residential Zone R-1A |
| <b>R-2:</b>  | Residential Zone R-2  |

**Commented [LR1]:** Add each definition to appropriate location within alphabetical list.

**Commented [RP2]:** Are there any other standards for two-family/IADU per state code? Or is the intent to just allow two units within one building per fire/building code?

Also, parking under 19.24.160(B) seems to require 2 parking spots per each dwelling unit, but state law says we can only require 1 extra parking spot for an IADU (detached ADU we can do whatever). May need to add another line or to the parking requirement or otherwise amend the parking code specific to IADU parking requirements.

**Commented [LR3R2]:** 19.24.160(B) is amended below to come into compliance with State Code. To be consistent with the rest of the ordinance, Staff recommends requiring one additional space for an additional housing unit or 3 total for two-family housing.

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|              |                              |
|--------------|------------------------------|
| <b>R-2A:</b> | Residential Zone R-2A        |
| <b>R-M:</b>  | Mixed Residential Zone       |
| <b>P/S:</b>  | Park/School                  |
| <b>C:</b>    | Commercial Zone              |
| <b>C-N:</b>  | Neighborhood Commercial Zone |
| <b>I:</b>    | Industrial Zone              |

| Use                                                 | A         | R-E       | R-1       | R-1A      | R-2       | R-2A      | R-M       | P/S       | C          | C-N        | I         |
|-----------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|-----------|
| <b>Residential</b>                                  |           |           |           |           |           |           |           |           |            |            |           |
| Assisted Living Facility                            | C         | C         | NP        | NP        | NP        | NP        | P         | NP        | C          | C          | NP        |
| Artisan Shop                                        | C         | C         | C         | C         | C         | C         | C         | NP        | C          | C          | C         |
| Bed and Breakfast Inn                               | C         | C         | C         | C         | NP        | NP        | P         | NP        | C          | C          | NP        |
| Building moved from another site                    | C         | C         | C         | C         | C         | C         | C         | C         | C          | C          | C         |
| <u>Residential/Commercial Mixed Use<sup>6</sup></u> | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>NP</u> | <u>C</u>   | <u>C</u>   | <u>C</u>  |
| Group Living Facility <sup>1</sup>                  | C         | C         | C         | C         | C         | C         | C         | NP        | NP         | NP         | NP        |
| Home Occupation                                     | C         | C         | C         | C         | C         | C         | C         | NP        | NP         | NP         | NP        |
| Home Office                                         | P         | P         | P         | P         | P         | P         | P         | NP        | NP         | NP         | NP        |
| <u>Housing, Short-Term Rental<sup>4</sup></u>       | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>CP</u> | <u>NP</u> | <u>NPP</u> | <u>NPP</u> | <u>NP</u> |
| Housing, Single-Family                              | P         | P         | P         | P         | P         | P         | P         | NP        | C          | C          | C         |
| Housing, Multi-Family                               | NP        | NP        | NP        | NP        | NP        | NP        | P         | NP        | NP         | <u>NP</u>  | <u>NP</u> |

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Commented [LR4]: Part of pending short-term rental ordinance.

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|                                      |    |    |    |    |    |    |               |    |    |    |    |
|--------------------------------------|----|----|----|----|----|----|---------------|----|----|----|----|
| Housing, Two-Family <sup>s</sup>     | P  | P  | P  | P  | P  | P  | <del>NP</del> | NP | C  | C  | C  |
| Mobile Home Park                     | NP | NP | NP | NP | NP | NP | NP            | NP | NP | NP | C  |
| Nursing Home                         | C  | C  | C  | C  | C  | C  | C             | NP | C  | C  | NP |
| Temporary Office/Model Home          | C  | C  | C  | C  | C  | C  | C             | NP | C  | C  | C  |
| Accessory Dwelling Unit <sup>f</sup> | P  | P  | P  | P  | P  | P  | P             | P  | P  | P  | P  |

**Commented [RP5]:** I assume not permitted because this would be multi-family only?

**Commented [LR6R5]:** This was an oversight with the original ordinance. Added as permitted.

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**Commented [RP7]:** Just to be clear, Nibley will allow three units per residential lot. Two within the "main" dwelling (primary DU, IADU) and one within an accessory structure.

**Commented [LR8R7]:** No. They are only allowed on single-family lots. This is clarified 19.24.250(D)(6) below.

**Commented [LR9]:** Part of pending short-term rental ordinance.

1. Group living facilities are governed by NCC 19.42
2. Any land use not listed is not permitted
3. Accessory dwelling units are governed by NCC 19.24.250

4. Short-term rental housing is governed by NCC 19.24.260

5. For Two-family housing, one of the units shall be owner-occupied, except for bona fide temporary absences

6. Residential/Commercial Mixed-Use is limited to residential and commercial uses allowed for each zone. Any mix of commercial and residential uses on a single lot shall be located within the same building.

#### **19.24.160 Parking Requirements**

1. General Requirements: Except as herein provided, no building or structure shall be erected, altered or converted for or to any use unless there shall be provided on the lot or parcel, off street vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained herein, except that an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.
2. Specific Requirements: In all districts, the following schedule shall apply:

|                                                              |                                                                                                                            |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Churches, theaters, meeting rooms, places of public assembly | 1 space per 5 fixed seats and 1 space per 50 square feet of floor area for movable seats under maximum seating arrangement |
| Drive-in food establishments                                 | 1 space per 100 square feet of floor space, but not less than 10 spaces                                                    |
| Hospitals, convalescent homes, nursing homes                 | 1 space per each 2 beds                                                                                                    |

|                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Professional offices such as doctors, lawyers, dentists, chiropractors, insurance offices, real estate brokers, beauticians | 3 spaces per professional member, plus 1 space per professional and staff employee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Residential dwelling units                                                                                                  | 2 off-street spaces in addition to any carport or garage for <del>each single-family</del> dwelling units. <del>3 off-street spaces in addition to any carport or garage for two-family dwelling units, plus 1 space for every 2 paying guests. (Paying guests refers to the rental of sleeping rooms within the dwelling unit.)</del> If any dwelling unit is <del>increased by occupant use</del> added after the original building permit is issued, the parking requirements shall reflect that increase. <u>Additional parking standards for residential dwelling units within R-PUD overlay zones are provided in NCC 19.28. Additional parking standards for residential dwelling units within R-M zones are provided in NCC 19.20.040.</u> |
| Restaurant, cafeteria, cafe                                                                                                 | 1 space per 4 fixed seats, plus 1 space per each 40 square feet of floor area for movable seats under maximum seating arrangement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Retail stores, businesses selling or catering to the public, recreational places of assembly                                | 1 space per 200 square feet of floor space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Other uses not listed                                                                                                       | 1.5 spaces per 2 employees working on highest employment shift                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

**Commented [LR10]:** Per state code, only 1 parking space is allowed to be required for IADUs.

#### **19.24.250 Accessory Dwelling Unit Standards**

##### **A. Purpose**

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units.
2. The purpose of this chapter is to provide opportunities to develop affordable moderate-income housing by allowing accessory dwelling units in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable. ~~Definitions~~
3. ~~Accessory Dwelling Unit: A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single family dwelling unit, either within the same building as the single family dwelling unit or in a detached building. Accessory~~

~~dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a permitted use.~~

~~4. Bona fide temporary absence: A specified time during which a property is not owner occupied. Such time shall be no more than 90 days within any 180 day period. Longer absences are allowed for military, humanitarian, or religious service.~~

~~5. Owner Occupied: The owner(s) of the property or an individual related to an owner of the property within and including two degrees of consanguinity residing on the property in either the primary dwelling or the accessory dwelling unit.~~

**Commented [LR11]:** Moved to general land use definition section

B. Accessory Dwelling Unit Approval Required

1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.

C. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
  - a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that the property will be owner-occupied except for bona fide temporary absences
  - b. Floor Plan: A floor plan ~~showing the floor in which~~ of the accessory dwelling unit ~~will be located~~ shall be provided
  - c. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence
  - d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
  - e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.
3. A building permit is required for all new or remodeled accessory dwelling units.
4. A certificate of occupancy is required prior to occupancy of any accessory dwelling unit to ensure compliance with fire, building and health codes.
5. Notification must be sent to abutting property owners with an opportunity to comment to Nibley City Staff within a period of fourteen (14) days from the date of notification.

D. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
2. Owner Occupation. The property shall be owner occupied except for bona fide temporary absences.
3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
4. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.
- ~~5. All entrances to attached accessory dwelling units shall be located on the rear or side of the building.~~
- ~~6.5~~ 5. Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking

for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit and shall be located behind the front plane of the primary dwelling. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.

~~7-6.~~ One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling ~~lot. Accessory dwelling units are not allowed on lots that contain a two-family dwelling.~~

~~8. Detached Structures: Accessory dwelling units may be permitted in a detached structure.~~

~~9. Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.~~

~~7.~~ No accessory dwelling unit shall be built on a registered wetland or flood plain.

~~10-8.~~ The use of an accessory dwelling unit shall be limited to residential uses. With the exception of a home occupation, no commercial or industrial uses are permitted within an accessory dwelling unit.

~~11-9.~~ Installation of separate water and sewer meters for accessory dwelling units shall be prohibited.

~~12-10.~~ Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule.

~~13-11.~~ Impact Fees: Accessory dwelling units shall be subject to impact fees for residential buildings in accordance with the Nibley City Impact Fee Schedule.

a. Owners may petition the City for a rebate of impact fees for accessory dwelling units which provide rent that is considered affordable, as described below. The maximum rebate amount shall be set at 20% annually of the total collected impact fee for a period of five (5) years. City Staff shall determine if documentation of rent collected is acceptable. If documentation is not provided within 30 days of each anniversary of the issuance of the certificate of occupancy, the rebate shall be forfeited for that year. The rebate shall be non-transferrable.

1) The unit's rent is considered affordable to a household of four (4) earning 50% of the area median income of the Logan, UT-ID Metropolitan Statistical Area (MSA), according to income limits set by the US Department of Housing and Urban Development (HUD) for a period of five (5) years.

2) The rent limit shall be set using the following calculation: HUD annual 4-person 50% AMI Income Limit \* 0.3 (30 %) – \$150 (for utility expenses)

#### E. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:

a. Shall have the minimum ~~floor area~~~~size~~ of 300 sq. ft. ~~and a maximum floor area of 1,200 sq. ft.~~

~~b. No detached accessory dwelling units shall be larger than 1,200 sq. ft.~~

~~e-b.~~ Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new one-story detached accessory dwelling unit structures, a minimum rear and side setback of 10 feet is required. ~~For~~ new two-story detached accessory dwelling unit structures, a minimum rear ~~yard and side~~ setback of 20 feet ~~and side yard setback of 10 feet~~ is required.

~~d-c.~~ Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.

~~e-d.~~ The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.

~~f-e.~~ Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

**Commented [LR12]:** This is redundant to the definition above.

**Commented [LR13]:** Part of pending short-term rental ordinance.

**Commented [RP14]:** home occupations?

**Commented [LR15]:** Side yard requirement is more restrictive than the main house. Staff recommends matching side yard setback to primary structure setback.

2. ~~Accessory Dwelling Unit Use within Commereial, Neighborhood Commercial, and Industrial Zones~~

- ~~a. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. Accessory dwelling units shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.~~
- ~~b. Any Commercial Building shall supply two additional off street parking for each accessory dwelling unit, in addition to parking required by the commercial use.~~
- ~~c. Each accessory dwelling unit shall have a separate access apart from the commercial access to the building~~
- ~~d.f. Each accessory dwelling unit must meet all applicable building, zoning, and fire code requirements.~~

**Commented [LR16]:** This is provided for in the definitions and land-use chart as commercial/residential mixed use.

RESOLUTION 21-P2

A RESOLUTION ADOPTING THE 2022 NIBLEY CITY PLANNING COMMISSION  
MEETING SCHEDULE

WHEREAS, the Open and Public Meetings Act, in section 52-4-202 (2) of the Utah Code, requires that a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, adopting an annual meeting schedule can make it easier for citizens to be involved in civic affairs by making them aware of normal Planning Commission meeting times.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

Regular meetings for the Nibley City Planning Commission shall be held on the dates listed on the attached schedule at 6:30 p.m. at Nibley City Hall, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

The Planning Commission may also call special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.

The Planning Commission may also alter the scheduled below by canceling or changing dates, time or location of a meeting. Any changes shall be properly noticed as required by the Utah Open and Public Meetings Act.

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Planning Commission Chair

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Deputy Recorder

Persons wishing to submit items for consideration must have all materials submitted, in compliance with Nibley City Code, and applicable fees paid by the application deadline.

| Meeting Date                 | Application Deadline |
|------------------------------|----------------------|
| January 6, 2022              | December 23, 2021    |
| January 20, 2022             | January 6, 2022      |
| February 3, 2022             | January 20, 2022     |
| February 17, 2022            | February 3, 2022     |
| March 3, 2022                | February 17, 2022    |
| March 17, 2022               | March 3, 2022        |
| April 14, 2022               | March 31, 2022       |
| May 5, 2022                  | April 21, 2022       |
| May 19, 2022                 | May 5, 2022          |
| June 2, 2022                 | May 19, 2022         |
| June 16, 2022                | June 2, 2022         |
| July 7, 2022                 | June 23, 2022        |
| July 21, 2022                | July 7, 2022         |
| August 4, 2022               | July 21, 2022        |
| August 18, 2022              | August 4, 2022       |
| September 1, 2022            | August 18, 2022      |
| September 15, 2022           | September 1, 2022    |
| October 6, 2022 – no meeting |                      |
| October 20, 2022             | October 6, 2022      |
| November 3, 2022             | October 20, 2022     |
| November 17, 2022            | November 3, 2022     |
| December 1, 2022             | November 17, 2022    |
| December 15, 2022            | December 1, 2022     |

In the event the application deadline falls on a holiday, the previous business day will be the application deadline.

There may be circumstances that arise which cause a meeting to be canceled. Notification will be made as soon as reasonably possible in the event of a cancellation.