



Nibley City
Planning Commission Meeting
Thursday, May 18, 2023
Nibley City Hall
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:** Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)
2. **Discussion and Consideration:** Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)
3. **Public Hearing:** Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation
4. **Discussion and Consideration:** Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation
5. **Workshop:** Land Use Chart Review
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
May 18, 2023**

**Agenda Item #1 & #2: Morgan Farm Rezone:
Park/School (P/S) to Agricultural(A)**

Description

Public Hearing: Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)

Discussion and Consideration: Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)

Reviewed By

City Planner, City Manager, Mayor

Background

Nibley City owns Parcel 03-125-0014 at 2700 S 800 W, the site of the historic Morgan Farm. Several livestock animals are kept on the site, which the City leases. The property is currently zoned 'Park/School' (P/S). Nibley City Code 19.34 provides animal land use regulations. Within this chapter, there are provisions which apply to residential lots and agricultural lots, but there are no provisions related to keeping of animals for lots which are zoned 'Park/School.' The Future Land Use Map designates this area as 'Parks, Open Space and Trails.' To become compliant with this provision of Nibley City Code and reflect the current desired use of this property, Staff recommends rezoning the property to Agricultural (A).

Agenda Item #3 & #4: Definition of dwelling unit and limits to single family designation

Description

Public Hearing: Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation

Discussion and Consideration: Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation

Reviewed By

City Planner, City Attorney

Background

Nibley City Code 19.04.010 provides the following definition for ‘dwelling unit:’

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping and/or eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit or their nonpaying guests. A single dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.

This definition provides both a definition, which creates difficulty in administration, and a limit for the number of unrelated individuals that conflicts with State Code.

UCA 10-9a-550(2) provides:

- (2) *A municipality may not adopt a single-family limit that is less than:*
 - (a) *three, if the municipality has within its boundary:*
 - (i) *a state university; or*
 - (ii) *a private university with a student population of at least 20,000; or*
 - (b) *four, for each other municipality.*

To clarify the definition and become compliant with State Code, Staff recommends that this definition be amended as follows:

DWELLING UNIT: One or more rooms in a building, which includes all of the following: living space, a bathroom, permanent cooking facilities, and an entrance which may be accessed independent of another dwelling unit.

This new definition will help Staff determine whether a portion of a home would be considered a separate dwelling. This definition bases this determination upon the conditions of the dwelling, not the people living there, which may change over time.

In addition, Staff recommends adding a separate section (19.24.270), which limits the number of unrelated individuals in a single dwelling to four (4), in compliance with the limits set by state code.

Related to these changes, Staff also recommends a clarification in 19.34.030, which provides animal land use regulations for single-family lots (less than 12,000 sq ft), multi-family and

secondary dwellings. This change will make it clear that household pets are allowed in such units, with the same limits as those on a smaller single-family lot.

Agenda Item #3: Land Use Chart

Description

Workshop: Land Use Chart Review

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential amendments to NCC 19.20: Land Use Chart

Reviewed By

City Planner

Background

One of the Planning Commission goals for 2023 is to review and update the land use chart, which designates permitted, conditional and not permitted uses in each Zone. The purpose of this workshop is to review and discuss each use listed in the land use chart (and potentially other non-listed uses) to draft appropriate modifications in support of the purposes of each zone and the General Plan. Individual Planning Commissioners have reviewed the land-use chart and provided input regarding the appropriate designation for each use by zone. Staff will present those uses in which commissioners expressed changes compared to existing designations for the discussion.

CTION

19.04.010 Definitions

DWELLING UNIT: One or more rooms in a building, which includes all of the following: living space, a bathroom, permanent cooking facilities, and an entrance which may be accessed independent of another dwelling unit.

19.24.270 Single-family limit

A single dwelling unit may include up to four (4) persons per unit who are unrelated by blood, marriage or adoption.

19.34.030 Residential Lots Less Than Twelve Thousand Square Feet

Single-family housing units that are on lots that are less than twelve thousand (12,000) square feet are permitted the following animals. These limits shall also apply to multi-family housing units, accessory dwelling units, and secondary dwellings of two-family housing units, regardless of the size of the lot. The primary dwelling unit and associated lot shall be governed based upon the lot size, as provided in this chapter.

1. 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.
 5. Service animals are not considered household pets and are not subject to the above restrictions.
 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.

Commented [LR1]: The intent is to allow household pets in ADUs and secondary dwellings but to still allow the animals that the lot would allow, based upon the size of the lot. It seems impractical to not allow pets in an ADU because the primary dwelling has reached its limit on number of dogs/cats.

19.20.010 Classification Of New And Unlisted Uses

For those uses not listed in the following chart as a permitted or conditional use, the applicant shall take such request to the planning commission. The planning commission may determine the appropriate classification if it determines that the new or unlisted use is the same as a use listed under another name in the land use chart. The planning commission shall so document this information and the applicant may proceed under such regulations as are applicable to that use. Should the planning commission determine the use is not considered by the land use chart, the applicant may petition the city council to amend the zoning title to specify and locate an appropriate zone or zones for the new use.

1 Commissioner suggested change

2+ Commissioners suggested change

Other staff suggested change

19.20.020 Land Use Chart

Nibley City Land Use Chart

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Residential/Commercial Mixed Use ⁶	C	C	C	C	C	C	C	NP	C	C	C
Group Living Facility ¹	C	C	C	C	C	C	C	NP	C	C	NP
Home Occupation	C	C	C	C	C	C	C	NP	C	C	C
Housing, Short-Term Rental ⁴	P	P	P	P	P	P	P	NP	P	P	NP
Housing, Single-Family	P	P	P	P	P	P	P	NP	NP	NP	NP
Housing, Multi-Family	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Housing, Two-Family ⁵	P	P	P	P	P	P	P	NP	NP	NP	NP
Temporary Office/Model Home	P	P	P	P	P	P	P	NP	C	C	C
Accessory Dwelling Unit ³	P	P	P	P	P	P	P	NP	P	P	NP
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I

Commented [LR1]: Need to define

Commented [LR2]: Needs legal review

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Agricultural/Animal											
Ag Implement Sales and Service	C	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Agricultural Production	P	P	P	P	P	P	P	P	C	C	C
Animal Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Arboretum/Nature Center	C	C	C	C	C	C	C	C	C	C	C
Farmers' Market	C	C	C	C	NP	NP	C	C	C	C	C
Floral Shop	C	C	C	C	NP	NP	P	NP	P	P	P
Garden Center/Nursery	C	C	NP	NP	NP	NP	NP	NP	C	C	C
Pet Services	NP	NP	NP	NP	NP	NP	NP	NP	C	C	C
Veterinary Clinic, Large Animal	C	NP	NP	NP	NP	NP	C	NP	C	NP	C
Veterinary Clinic, Small Animal	C	NP	NP	NP	NP	NP	C	NP	C	C	C
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Public, Institutional, and Civic Uses											
Bus/Transit Terminal	NP	NP	NP	NP	NP	NP	C	P	C	C	C
Cemetery	C	C	C	C	C	C	C	C	NP	NP	NP
Church/Places of Worship	C	C	C	C	C	C	C	C	C	C	C
Club/Service Organization/Lodge	NP	NP	NP	NP	NP	NP	C	C	C	NP	C
College/University	C	NP	NP	NP	NP	NP	C	P	C	C	C
Government Services	C	NP	NP	NP	NP	NP	P	P	P	NP	P
Hospital	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Public Park	P	P	P	P	P	P	P	P	P	P	P
Private Park	P	P	P	P	P	P	P	P	P	P	P
Utility Substation	C	C	C	C	C	C	C	C	C	C	C
School	C	C	C	C	C	C	C	P	P	C	P

Commented [LR3]: Needs legal review. I think this is a 1st amendment issue to limit location of place of worship.

Commented [LR4]: Need to define

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Daycare/Preschool, Commercial	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Funeral Home	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Gasoline Service Station	NP	NP	NP	NP	NP	NP	C	NP	P	P	P
Gasoline, Wholesale	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Hotel/Motel	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Laundry Service	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Liquor Store	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Low Power Radio Service/Cell Tower	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Medical/Dental Offices and Clinic	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Medical Sales and Service	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Personal Instruction Services	C	C	C	C	C	C	C	C	C	C	C
Motor Vehicle Sales and Service	NP	NP	NP	NP	NP	NP	NP	NP	C	C	C
Office, Corporate	C	NP	NP	NP	NP	NP	C	NP	C	C	C

Commented [LR5]: Define

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Offices, Professional	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Parking, Commercial	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Plumbing Services	NP	NP	NP	NP	NP	NP	C	NP	P	C	P
Printing/Copying, Commercial	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Protective Services	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Recreation/Entertainment, Commercial	NP	NP	NP	NP	NP	NP	C	C	C	C	C
Restaurant	NP	NP	NP	NP	NP	NP	C	C	P	P	P
Retail	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Repair Service, General	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Research and Development	C	NP	NP	NP	NP	NP	C	NP	C	NP	C
Research Service	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Sexually Oriented Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Transportation Services	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C

Commented [LR6]: Needs legal review. This gets into 1st amendment rights.

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Temporary Vendor/Food Trucks	C	NP	NP	NP	NP	NP	P	C	P	P	P
Meal Preparation & Assembly	NP	NP	NP	NP	NP	NP	P	NP	C	C	P
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Industrial											
Junk/Salvage Yard	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Manufacturing, Heavy	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Manufacturing, Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Light	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Mineral Extraction	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Pest Control	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Recycling Collection Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sign Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sports Facilities	NP	NP	NP	NP	NP	NP	C	C	C	NP	C

Commented [LR7]: Needs legal review. State code has limitation on regulations for food trucks

Commented [LR8]: Needs definition

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Storage Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing, Residential Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Welding/Machine Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C

Notes

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.