



**Nibley City**  
**Planning Commission Meeting**  
Thursday, July 6, 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](http://www.nibleycity.com).*

1. **Public Hearing:** Ordinance 23-27- Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions
2. **Discussion and Consideration:** Ordinance 23-27- Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions
3. **Public Hearing:** Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements
4. **Discussion and Consideration:** Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements
5. 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  
July 6, 2023**

## **Agenda Item #1 & #2: Land Use Chart**

### **Description**

**Public Hearing:** Ordinance 23-27: Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

**Discussion and Consideration:** Ordinance 23-27: Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

### **Department**

City Planning

### **Action Type**

Legislative

### **Recommendation**

Recommend approval of Ordinance 23-27: Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

### **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 Planning Commission has reviewed and discussed each use listed in the land use chart in a series of workshops to draft appropriate modifications in support of the purposes of each zone and the General Plan. In preparation for the discussion, individual Planning Commissioners reviewed the land-use chart and provided input regarding the appropriate designation for each use by zone. Staff then facilitated a discussion to review, redesignate, and add uses to the chart, as applicable. Several amendments to the Land Use Chart and some of the associated definitions are recommended, based upon this discussion. Some notable recommended changes to the ordinance include the following:

- Removing residential uses from commercial and industrial zones as conditional uses.
- Consolidating Nursing home and assisted living center designation
- Adding ‘catering/commercial kitchen’ and ‘Meal preparation & assembly’ to the chart of allowed uses in several zones.

Several other recommended changes are referenced in the attached ordinance draft.

## Agenda Item #3 & #4: Water Wise Landscaping Requirements

### Description

**Public Hearing:** Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements

**Discussion and Consideration:** Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements

### Department

City Planning

### Action Type

Legislative

## Recommendation

Recommend approval of Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements

## Reviewed By

City Planner, City Manager, City Engineer, Mayor

## Background

Utah State SB 118 passed in the 2023 legislative session, provides incentives to install and maintain water efficient landscaping. As part of the bill, the legislature appropriated funding for a turf buy back program, administered by the State Division of Water Resources to install water efficient landscaping to residents who reside in jurisdictions that adopt certain water efficient landscaping standards for new development. The 'Landscape Conversion Incentive Program' eligible participants may receive \$1.50 per square foot of lawn replaced with water wise landscaping. More information about the program can be found here:

<https://conservewater.utah.gov/landscape-rebates/> .

The required code provisions for residents to be eligible for the program include the following:

- No lawn on parking strips or areas less than eight feet in width in new residential development.
- No more than 50% of front and side yard landscaped area in new residential developments is lawn. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.
- In new commercial, industrial, institutional and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

This ordinance includes the aforementioned standards and furthermore, includes the following provisions:

- Provides 2 year timeframe for installing front yard and park strip landscaping within new residential developments.
- Requires landscaping in addition to trees in park strip areas.
- Requires 50% coverage of plant materials at maturity in front yard areas and 20% coverage in park strip areas.

#### **19.20.010 Classification Of New And Unlisted Uses**

For those uses not listed or described 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.

#### **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

<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 / <del>Nursing Home</del>	<del>NPG</del>	<del>NPG</del>	NP	NP	NP	NP	<del>CP</del>	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	<del>CNP</del>	<del>CNP</del>	<del>CP</del>	NP	C	C	NP
<del>Building moved from another site</del>	€	€	€	€	€	€	€	€	€	€	€
<del>Residential/Commercial Mixed Use<sup>6</sup></del>	€	€	€	€	€	€	€	NP	€	€	€

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Group Living Facility <sup>1</sup>	C	C	C	C	C	C	C	NP	<del>NP</del>	<del>NP</del>	NP
Home Occupation	C	C	C	C	C	C	C	NP	<del>NP</del>	<del>NP</del>	<del>NP</del>
<del>Home Office</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>
Housing, Short-Term Rental <sup>4</sup>	P	P	P	P	P	P	P	NP	P	P	<del>PNP</del>
Housing, Single-Family	P	P	P	P	P	P	P	NP	<del>NP</del>	<del>NP</del>	<del>NP</del>
Housing, Multi-Family	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Housing, Two-Family <sup>5</sup>	P	P	P	P	P	P	P	NP	<del>NP</del>	<del>NP</del>	<del>NP</del>
<del>Nursing Home</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>NP</del>	<del>E</del>	<del>E</del>	<del>NP</del>
Temporary Office/Model Home	<del>PG</del>	<del>PG</del>	<del>PG</del>	<del>PG</del>	<del>PG</del>	<del>PG</del>	<del>PG</del>	NP	C	C	C
Accessory Dwelling Unit <sup>3</sup>	P	P	P	P	P	P	P	<del>PNP</del>	P	P	<del>NPP</del>
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Agricultural/Animal											

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Bus/Transit Terminal	NP	NP	NP	NP	NP	NP	<del>CR-M</del>	P	C	C	C
Cemetery	C	C	C	C	C	C	C	<del>CP</del>	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	<del>CNP</del>	C
Government Services	<del>CP</del>	NP	NP	NP	NP	NP	P	P	P	NP	P
Hospital	NP	NP	NP	NP	NP	NP	C	NP	C	<del>CNP</del>	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
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
<b>Commercial</b>											
Auditorium	NP	NP	NP	NP	NP	NP	C	P	C	C	C
Bail Bonds/Pawnbroker	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Bakery	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Banks/Financial Institutions	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Beauty Salon/Spa	NP	NP	NP	NP	NP	NP	<del>PC</del>	NP	P	P	P
Business Equipment Sales and Service	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Car Wash	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P
<u>Catering/Commercial Kitchen</u>	<u>C</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
Check Cashing/Credit Services	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Construction Sales and Service	<u>CNP</u>	NP	NP	NP	NP	NP	NP	NP	C	<u>CNP</u>	C
Daycare/Preschool, Commercial	NP	NP	NP	NP	NP	NP	P	<u>PNP</u>	P	P	P

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Funeral Home	NP	NP	NP	NP	NP	NP	<del>NPP</del>	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	<del>NPC</del>	NP	C	NP	C
Low Power Radio Service/Cell Tower	<del>CNP</del>	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	<del>NPC</del>	NP	NP	NP	NP	NP	C	NP	C	C	C
Offices, Professional	NP	NP	NP	NP	NP	NP	P	NP	P	P	P

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
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, <del>Fast Food</del>	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	<del>CNP</del>	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
<del>Temporary Vendor/Food Trucks</del> Temporary Food Vendor	<del>PC</del>	<del>PNP</del>	<del>PNP</del>	<del>PNP</del>	<del>PNP</del>	<del>PNP</del>	P	C	P	P	P

**Commented [LR3]:** Needs legal review. State code has limitation on regulations for food trucks

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
<u>Temporary Non-food Vendor</u>	<u>C</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Meal Preparation &amp; Assembly</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>P</u>
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
<b>Industrial</b>											
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	<del>CNP</del>	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	<del>NP</del> C	NP	NP	NP	NP	NP	C	C	C	NP	C

Commented [LR4]: Need to define temporary

Commented [LR5]: 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.~~

**Commented [LR6]:** Replaced with 19.20.030

#### 19.20.030 Mixed Use

Any mix of permitted or conditional uses listed in this section is allowed within the same lot or parcel, whether within the same building or in a permitted accessory building, provided that all setbacks and other applicable standards of this Title are adhered to.

#### **19.04.010 Definitions**

**Commented [LR7]:** Add definitions alphabetically to this section

CATERING/COMMERCIAL KITCHEN: A business with a kitchen that has durable equipment designed for mass food production which provides food wholly or in part owned by the caterer for a specific event at a location other than the food establishment, on a contractual, prearranged basis to a subset of the public.

MEAL PREPARATION & ASSEMBLY: A business which prepares and assembles individual meals to deliver to individuals and families, but not larger groups. This includes preparing, packaging and freezing such individual meals. This does not include large scale packaged food assembly.

PERSONAL INSTRUCTION SERVICES: A business which trains individuals or groups in the arts, personal defense, crafts or other subjects of a similar nature.

TEMPORARY FOOD VENDOR: a mobile food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

TEMPORARY NON-FOOD VENDOR: a mobile business establishment which sells items other than food that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

## **19.24.170 Landscaping**

### **A. Landscaping Requirements:**

1. Purpose: The purpose of the landscaping requirements in this section shall be to enhance ~~and create, conserve and stabilize property values by encouraging~~ pleasant and attractive surroundings, ~~and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also and~~ contributes to the relief of heat, noise and glare through the proper placement of ~~green~~ plants, ~~and~~ trees ~~and other supportive materials.~~
2. Yard Requirements For Residential Zones: At least sixty percent (60%) of the area contained within a required front or side yard adjacent to a street in any residential zone shall be landscaped. ~~Park strip landscaping is required, but shall not count toward the required percentage of landscaping for each property. Landscaping shall be installed no more than two (2) years from the date of Certificate of Occupancy.~~
3. Scope Of Requirements: Where landscaping is required, such landscaping shall comply with the ~~following~~ requirements: ~~set forth in this section for the specific use and location.~~
  - a. ~~Turf grass shall be limited to no more than 50% of front and sideyard landscaped area in new residential developments. Turf grass is not allowed in areas less than eight (8) feet in width. Turf grass limitations do not apply to small residential lots with less than 250 square feet of landscaped area.~~
  - b. ~~A minimum of fifty percent (50%) coverage of plant materials at maturity using a combination of shrubs, annual plants, perennial plants, ground cover, and/or turf grass within a front and sideyard landscaped area is required. Species, size, and placement of landscape elements may be determined by the property owner.~~
- 3.—
4. Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition.

### **B. Landscaping ~~Recommended Of in~~ Public Street Rights Of Way:**

1. Purpose: The purpose of landscaping of public street rights of way is to enhance the beauty of neighborhoods and streets and to reduce the glare, heat and noise reflected from paved roadways.
- 1.2. ~~For all new development, Street Trees and supportive landscaping shall be installed in accordance with Nibley City Code in all public street rights-of-way within or adjacent to the project area.~~
3. All landscaping taking place in rights-of-way shall comply with ~~NCC 13.12:~~ Nibley City Public Ways and Property-Streetscape of Public Rights-Of-Way code.

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4. Turf grass is not allowed in park strips or areas less than eight (8) feet in width in new development.

5. A minimum of twenty percent (20%) coverage of plant materials at maturity using a combination of shrubs, annual plants, perennial plants within the park strip landscaped area is required in conjunction with all new developments. Except for tree spacing noted above, species, size, and placement of landscape elements may be determined by the developer.

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C. Commercial, Neighborhood Commercial And Industrial:

1. Percentage Of Gross Area: Landscaping shall be required on twenty percent (20%) of the gross area of a lot or site located in the commercial zone. Landscaping shall be required on ten percent (10%) of the gross area of an industrial zone lot or site. Gross area is interpreted as the total site area remaining after any right of way dedication.
2. Setback: The minimum building and principal use setback from any street right of way shall be twenty feet (20') in commercial zones and fifty feet (50') in industrial zones. Parking shall not be allowed within this minimum setback area. Such areas shall be permanently landscaped except for approved access drives.
3. Tree Ratio: A mixture of evergreen and deciduous trees shall be planted at the ratio of one tree for each three hundred (300) square feet of the net landscape area. Trees shall have a minimum caliper of 1.25 inches. All trees must be planted according to Nibley City Public Works Design Standards. The trees planted in the City's public street rights-of-way or other parts of the development may count toward the total number of trees planted in the City rights-of-way must comply with Nibley City Public Ways and Property Streetscape of Public Rights-Of-Way Code.
4. Adjacent To Residential Zones: All setbacks adjacent to the rear yard or side yard of an existing or proposed residential use shall be permanently landscaped. Setback areas adjacent to residential areas may be increased by the planning commission if, in their opinion, it is necessary to protect the atmosphere and integrity of the residential neighborhood.
5. Irrigation: All landscaped areas shall be provided with an irrigation system, capable of complete coverage of the areas and designed to minimize runoff and other wasting of water. Such system shall be maintained in a fully operational condition. All landscaping shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. All paved areas, walls or fences shall be in good repair without broken parts, holes, potholes or litter.
6. Type Of Landscaping: All landscaped areas may be landscaped with a mixture of ground cover, grass, shrubs or trees, and may include sculptures, patios or fountains.

6.7. Lawn limitation: In new commercial, industrial, institutional, and multi-family development common area landscapes, turf grass shall not exceed 20% of the total landscaped area, outside of active recreation areas.

7.8. Plans And Designs For Approval: All landscaping plans and designs shall be submitted to the planning commission with other required plot plans for approval.

8.9. Screening Requirements: Where landscaped screening is required for other than residential use, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of from four feet (4') to seven feet (7').

9.10. Plot Plan Required: Where landscaping is required for other than residential uses, a plot plan showing the proposed landscape development, plant materials, watering system and use of the property shall be submitted to the planning commission. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, providing all proposed landscaping is detailed adequately on said plot plan. The planning commission may disapprove such plans if they determine that they are not consistent with the requirements and purposes of this title.

10.11. Conflicting Provisions: If requirements of this section are in conflict with other requirements of this title, the provisions of this section shall apply.

11.12. The City may deny occupancy or conditional use permits to any commercial or industrial development that does not comply with this chapter.