Nibley City
Planning Commission
Thursday, August 9, 2018
455 W. 3200 S.
Nibley, UT

5:30 p.m. Call to Order
Approval of Agenda
Approval of Minutes

1. Workshop: Annexation Policy Plan discussion with other affected and invited organizations
2. Workshop: Future Land Use Map changes review and Open House planning
3. Workshop: Planned Unit Development Ordinance
4. Commission and Staff Report and Action Items

Planning Commission agenda items may be tabled 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 Report for
Aug 9, 2018

Agenda Item #1

Description	Workshop: Annexation Policy Plan discussion with other affected and invited organizations
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Review and make recommended changes.
Reviewed By	City Planning, City Engineer, City Public Works Director, Contract Planner with JUB, City Manager, and City Attorney.

Annexation Policy Plan

Nibley City's current annexation policy plan was adopted in 2003, with the map updated in 2007. There have been several changes in state law and therefore, a need to update the City's Plan and map. As land around Nibley develops and property owners and developers wish to annex into the City, a new plan will provide clear guidance for the City to follow in processing those petitions.

There are five main benefits to annex land into the City.

1. Generate property tax revenue. As more property joins the City, that lands property tax will start to come to the City.
2. Acquire important assets. This allows the City to acquire assets such as water resources, parks, open space, or other resources that may be outside of the City.
3. Manage growth in your area. Once a parcel is annexed into the City, that property then falls under Nibley City land use ordinances.
4. Create Equity. Many properties that are outside incorporated areas rely heavily on municipal services, such as for roads, utilities, fire, policy, etc. Once they are annexed into the City, their property taxes help pay for those services which they are using.
5. Extend municipal services. This allows the City to extend municipal service such as roads, trails, utilities, etc. and will allow the City to maintain and control these services.

An annexation policy plan, according to state law, must include the following points:

- Map of the expansion area
- The character of the community
- Need for municipal services in developed and undeveloped areas
- Plans for the extension of municipal services
- How the services will be financed
- Estimation of the tax consequences to residents both currently within the municipal boundary and in the expansion area
- Interests of all affected entities

INVITED ORGANIZATIONS
MILLVILLE CITY
CACHE COUNTY
LOGAN CITY
HYRUM CITY
PROVIDENCE CITY HALL
WELLSVILLE CITY
NIBLEY-MILLEVILLE CEMETARY DISTRICT
CACHE COUNTY SCHOOL DISTRICT
LOGAN CITY SCHOOL DISTRICT

The draft plan has had a legal review to ensure we have incorporated the required items above. There is also a PowerPoint presentation posted on the website that reviews state law and the annexation process in more details.

On July 26, 2018, a copy of the plan and an invitation was delivered to the organization listed to the left to give them an opportunity to provide feedback and allow the City to coordinate future growth in the area. This is required in Utah Law as listed below:

Utah Code 10-2-401.5 (2) (a) (i-iv):

(a) the planning commission shall:

(i) prepare a proposed annexation policy plan that complies with Subsection (3);

(ii) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;

(iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;

(iv) accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii);

Nibley City Annexation Policy Plan

July 2018

Nibley City Corporation

Introduction

Utah law requires that all municipalities within the State adopt an Annexation Policy Plan (UCA10-2-4). In that Annexation Policy Plan, cities are required to develop an expansion area map and to plan for the future growth of the community for the next 20 years.

The Annexation Policy Plan is intended to guide decision-making regarding future annexations. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan. As such, all neighboring communities, local districts, and the county are invited to participate in the drafting of this plan.

Nibley City's Core Values

The 2016 Nibley City General Plan outlines the character and core values of Nibley City as follows:

> *The residents of Nibley value their community as a great place to live and be a family. It is important to protect the pace of life and character of the City while providing appropriate facilities and services for its current and future residents.*
>
> *Nibley's core values:*
>
> - *Pride in the City's history and heritage*
> - *The rural character, scenic beauty, and natural resources of the area*
> - *Nearby recreation opportunities*
> - *Agricultural fields and open spaces*
> - *A transportation system that promotes safe and efficient travel*
> - *Recognizing and respecting private property rights*
> - *Aesthetically pleasing design of development and public facilities*
>
> **(**2016 Nibley City General Plan, pg. 6)

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Consideration

In accordance with Utah Municipal Code 10-2-401.5, Nibley City considers the annexation of unincorporated area using the following criteria:

A. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
B. The area proposed for annexation shall be evaluated using the following standards for review:
    i. Consistency with the general plan and the overall character of Nibley City;
    ii. The need for municipal services in developed and undeveloped unincorporated areas:
        a. Plans for extension/expansion of municipal services;
        b. Plans to finance extension/expansion of municipal services.
    iii. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.

1. Nibley City is required to justify the exclusion of developed areas within 1/2 mile of Nibley City's boundary from the expansion area. In general, there are not developed areas within 1/2 mile of Nibley City's boundary that have been excluded from the expansion area. However, some areas, which are already included in the expansion area or incorporated area of other municipalities (i.e. Logan, Hyrum, or Millville), have been excluded.

2. The map of the expansion area was, and shall be, when modified or proposed to be modified, developed using the following criteria:

    A. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
    B. Consider population growth projections for Nibley City and adjoining areas for the next 20 years;
    C. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
        i. to facilitate full development of the area within Nibley City; and
        ii. to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
    D. Consider, in conjunction with Nibley City's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; and,
    E. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in Nibley City.

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Municipal Services and Taxes

Nibley City has several master plans that address the future growth of City services. Anticipated municipal service needs and plans for expansion are provided in the: Water Master Plan; Parks, Trails, Recreation and Open Space Master Plan; Transportation Master Plan; Sewer Master Plan; Stormwater Master Plan; and Economic Development Plan. Planned and other expansion of municipal services will be financed primarily by impact fees and other negotiated development fees or exactions. The estimate of the tax consequences to residents, both currently within the municipal boundaries and in the expansion area, is a consideration of specific areas proposed for annexation and the proposed use. City staff have completed the analysis of property tax per acre and utility fee collection for specific types of development and will apply this when considering areas proposed for annexation. Nibley does not intend to raise taxes in order to support future annexations.

Population Growth

Nibley City is expecting strong population growth and increasing commercial demand within the City. Nibley City's 2016 General Plan projected that the City would grow by 300% by 2060, as shown by the graphic taken from the Nibley City's General Plan. This population growth will create opportunities for residential and commercial development. Nibley City's General Plan, Future Land Use Map, and Master Plans will guide this growth, future land use, and zoning.

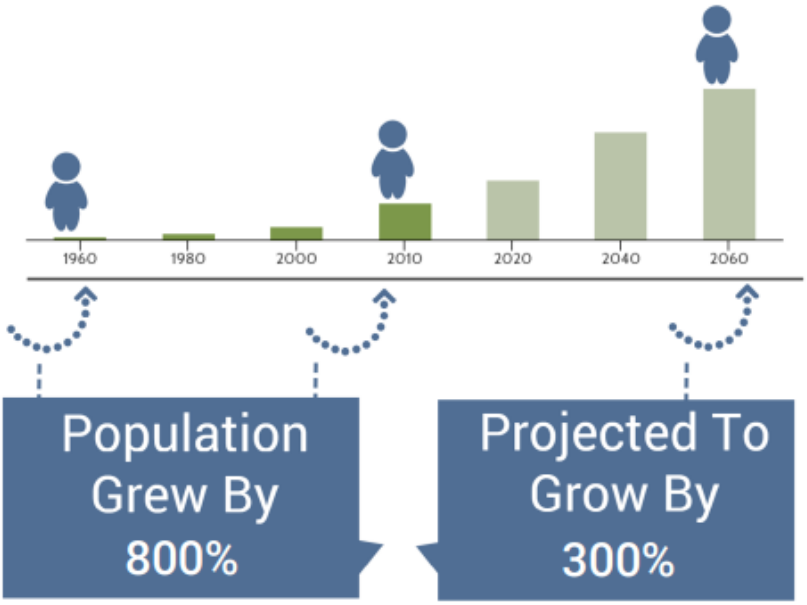
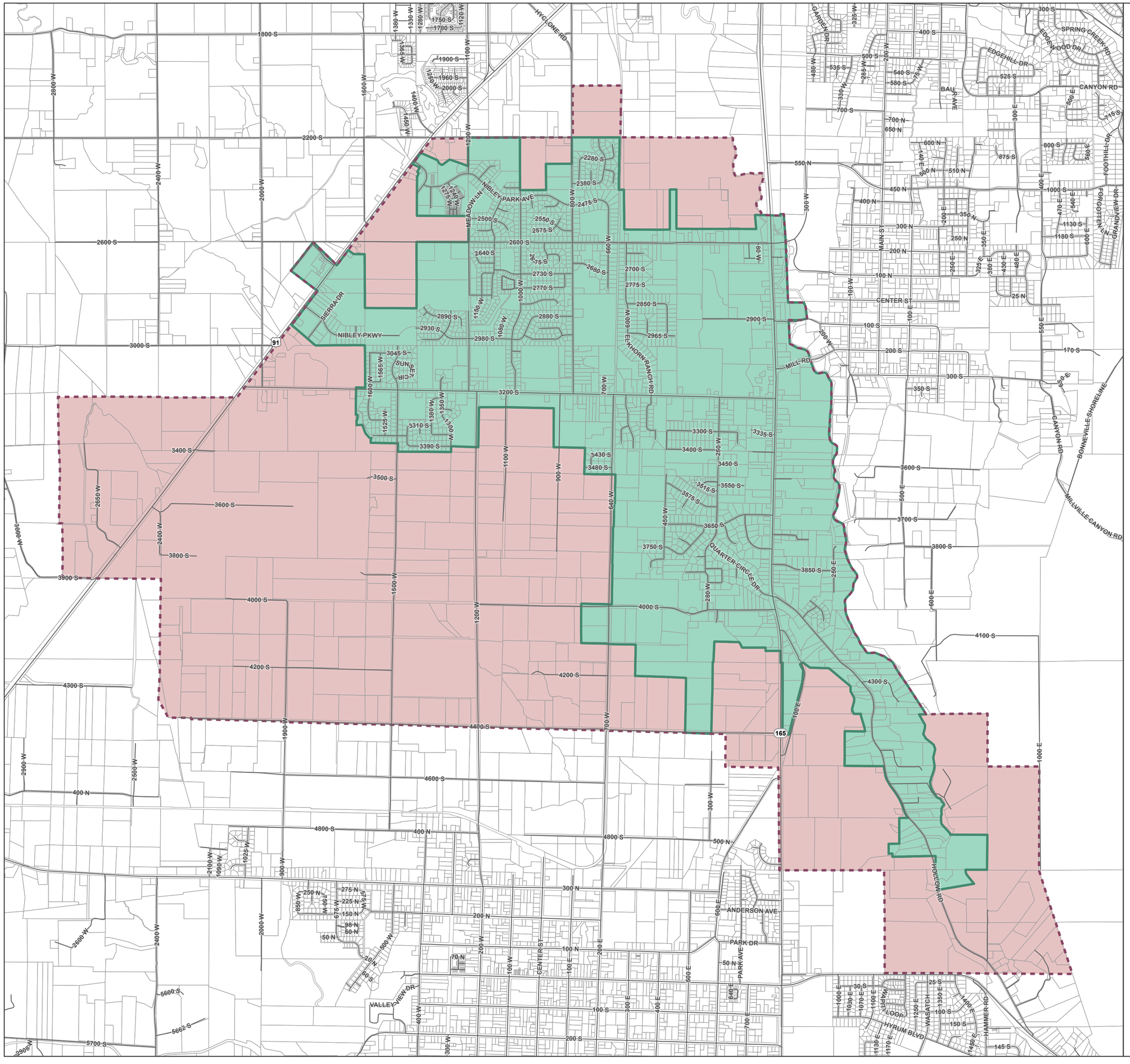


Table 2: Projected Population Growth

Census	Projections				
2010	2020	2030	2040	2050	2060
5,438	8,796	14,136	15,725	18,597	21,905

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

(2016 Nibley City General Plan, pg. 10)



Nibley City

Annexation Declaration Boundary

7/11/2018

Nibley City Boundary

Annexation Declaration Boundary

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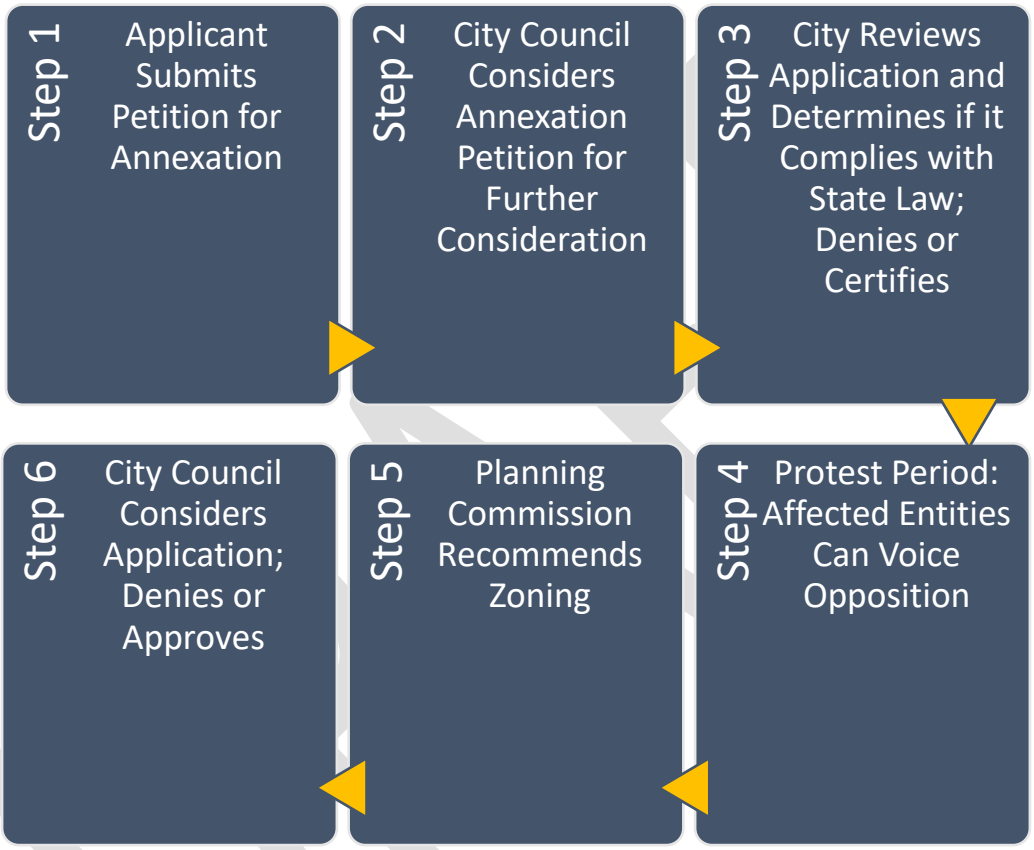
Annexation Petition Process

The following outlines the current steps for annexation as required by Utah Law as of July 2018. These steps are subject to change depending on state law. Nibley City's intention is to follow state law with each annexation it considers.



The area proposed for annexation must meet the following requirements (UCA 10-2-402):

1. The area proposed to be annexed must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
    a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and;
    b. Is located within the annexing municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
2. The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).

3. An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402 (4).

Petition Requirements (UCA 10-2-403)

1. Be filed with the city recorder. See UCA 10-2-403(3)(a).
2. Contain the signatures of:
    a. Owners of a majority of the private land area located within the proposed annexation area (property must be equal to at least one-third (1/3) of the value of all private property located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
    b. Owners of 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
    c. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 17-41-101 *et seq*., or a migratory bird production area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 23-28-101 *et seq.*; *or*
    d. The owner of all the publicly owned property if all property in the proposed annexation area is owned by a public entity other than the federal government. See UCA 10-2-403(3)(b).
3. Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
4. Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).
5. If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation. (as detailed above).
6. The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
7. In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(7).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii).)

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DENIED – Mail written notice of denial within five (5) days after the denial to:

a. The petition's contact sponsor;
b. The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

a. Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
b. With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder must:

a. Certify the petition; and
b. Mail or deliver written notice of certification to:
    i. The city council body;
    ii. The contact sponsor; and
    iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

If the petition fails to meet the petition requirements, the city recorder must:

a. Reject the petition; and
b. Mail or deliver notice of rejection and the reasons the petition was rejected to:
    i. The city council body;
    ii. The contact sponsor; and
    iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall:

1. Public notice once at least once a week for three (3) successive weeks, beginning no later than ten (10) days after receiving notice of the certification in the newspaper of general circulation within:
    a. The proposed annexation area; and
    b. The unincorporated area within one-half (1/2) mile of the proposed annexation area; and

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   c. In accordance with UCA 45-1-101, legal notice publication requirements for three (3) weeks, beginning no later than ten (10) days after receiving notice of the certification. See UCA 10-2-406(1)(a).

2. Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(b). "Affected entity" means:
   a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
   b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
   c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
   d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
   e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation UCA 10-2-401(1)(a).

The published and mailed notices shall:

1. State that a petition has been filed proposing annexation;
2. Provide the date the city council received notification of the certified petition;
3. Describe the area proposed to be annexed;
4. State that the complete petition is available for inspection and copying at the city recorder's office;
5. State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
6. Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
7. Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
8. (if applicable) state that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district's boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
9. (if applicable) state that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an election

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was not required to form the district, and (b) the city is not within the boundaries of the local district.

Planning Commission Review and Zoning Recommendation

The Nibley City Planning Commission's responsibility is to recommend zoning of the subject parcels if annexed. An annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

Final Review by City Council UCA 10-2-407 and 408

DENIAL OF ANNEXATION – If the city council denies the annexation, it must provide written notice within five (5) days after denial to:

a. The petition's contact sponsor;
b. The commission; and
c. Each entity that filed a protest. See UCA 10-2-407(3)(a)(ii).

APPROVAL OF ANNEXATION – No timely Protest

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least seven (7) days before the hearing in:

f. A newspaper of general circulation within the municipality and the area proposed for annexation; or if there is no newspaper in those areas, posted in conspicuous places most likely to give notice; and
g. Posted on the Utah Public Notice Website (http://www.utah.gove/pmn/index.html). See UCA 10-2-407(3)(b).

APPROVAL OF ANNEXATION – After receipt of the commission's decision

If the city council waits to take further action until after receipt of the commission's decision on a protest, upon receipt of the decision the city council may either:

a. Deny the petition; or
b. Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

Zoning of the Subject Parcels by the City Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering the recommendation of the Planning Commission. The City Council and Planning Commission intend to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.

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Agenda Item #2

Description	Workshop: Future Land Use Map changes to review and Open House planning
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Review and make recommended changes.
Reviewed By	City Planning, City Engineer, City Public Works Director, Contract Planner with JUB, City Manager, and City Attorney.

Future Land Use Map

At the beginning of 2018, the City contracted with JUB and their certified planner to help the City create a new Future Land Use Map and annexation policy plan. The last time the City updated its Future Land Use Map was in 2007 with the general plan. In the 2016 Nibley City General Plan Under the Land Use Section, it recommended that the first project is to "Develop Nibley City Future Land Use Map". The General Plan gives the following directions

> *Land Use Goal 1 provides: "Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing, and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term." Land Use Goal 4 provides: "Preserve agricultural lands, natural water features, sensitive areas and open spaces to protect the rural character of Nibley."*
>
> *A Future Land Use Map would identify the areas in the City where new development is most appropriate and where open space preservation and/or development designed to protect the natural environment is desired. The Future Land Use Map would also delineate the future Town Center and describe the types and intensities of development envisioned in and near the Town Center development, and the kinds of public facilities and amenities that will make the Town Center a success. (Nibley City 2016, p 38)*

One of the other main reason why this is being developed now is because of several pieces of land that are for sale and a possible boundary line adjustment with Logan in the near future.

Purpose

A Future Land Use Map is an attachment to the General Plan but does not represent the law, current zoning, or ordinance. The Future Land Use Map is a planning document with the purpose to give the City direction with future zoning and guiding land use policy. The Future Land Use Map also contains the City annexation boundary, which is required for an annexation policy plan.

The Map proposes several different types of uses as shown on the left. These uses do not identify what zone pieces of land should be zoned but outlines the use recommended. A couple of the main uses are divided up from Open Space, Commercial, Industrial, Mix Use, and Residential. Most of the map is identified as a different type of residential uses. The yellow, "Low Density Residential", represents lots of sizes greater than half-acre lots, while the orange, "Medium Density Residential", represents about quarter acre lots to half acre lots. The dark gray, "High Density Residential", represents developments of higher density included townhomes or even apartments. There are also several purple areas, "Commercial and Medium to High Density Residential", these areas represent land that could be used as a commercial, residential, or even a mix use area that would combine homes, townhomes, apartments and commercial. The area east of Nibley City Hall is one of the areas labeled in purple and could represent a future downtown development area. The 2016 Town Center Design Study, which was never adopted but provides some concepts of a town center and is an appendix to the General Plan, shows that the land east of City Hall is one of the primary locations that the City could do a town center or downtown area.

Housing Needs

As part of our contract with JUB, they performed an affordable housing analysis for the City (the report is attached). This study is based on most recent census data, mostly from 2010, but some

of the information is more current. This information will be used in a future affordable housing plan. Housing is considered affordable when households—regardless of their income—spend no more than 30% of their monthly income on housing expenses. According to the analyses conducted by JUB, Nibley City has a shortage of affordable housing within the City and needs to supply zoning to allow more affordable options within the City. Between 2010-2030, Nibley will need to add 428 additional low- to moderate-income housing units to meet demand.

- These homes need to meet >50% to <80% Average Median Income, which is a mortgage loan of $200,000 or less.
- Nibley City has added about 124 units of townhomes in the past 10 years
- Nibley City has also added a variety of single-family housing

One of the main ways a City can help the development of affordable housing is through zoning. Generally, smaller lots, townhomes, and apartments are more affordable than single-family homes on mediums to large lots. Because of the need, the City has labeled several places on the Future Land Use Map for high density housing. There are five factors that the Center for Housing Policy has found that can help mitigate the negative impacts of affordable housing.

1. Design: Attractively designed and blends with the surrounding neighborhood
2. Management: Well managed and well maintained is more likely to have a neutral or positive effect

3. Revitalization: Rehabilitation of distressed properties has proven beneficial to neighboring home values
4. Strong Neighborhoods: Locate affordable housing in neighborhoods with high home values
5. Concentration: Avoid large concentration of affordable housing in strong neighborhoods

-The Center for Housing Policy, *"Don't Put it Here!"*

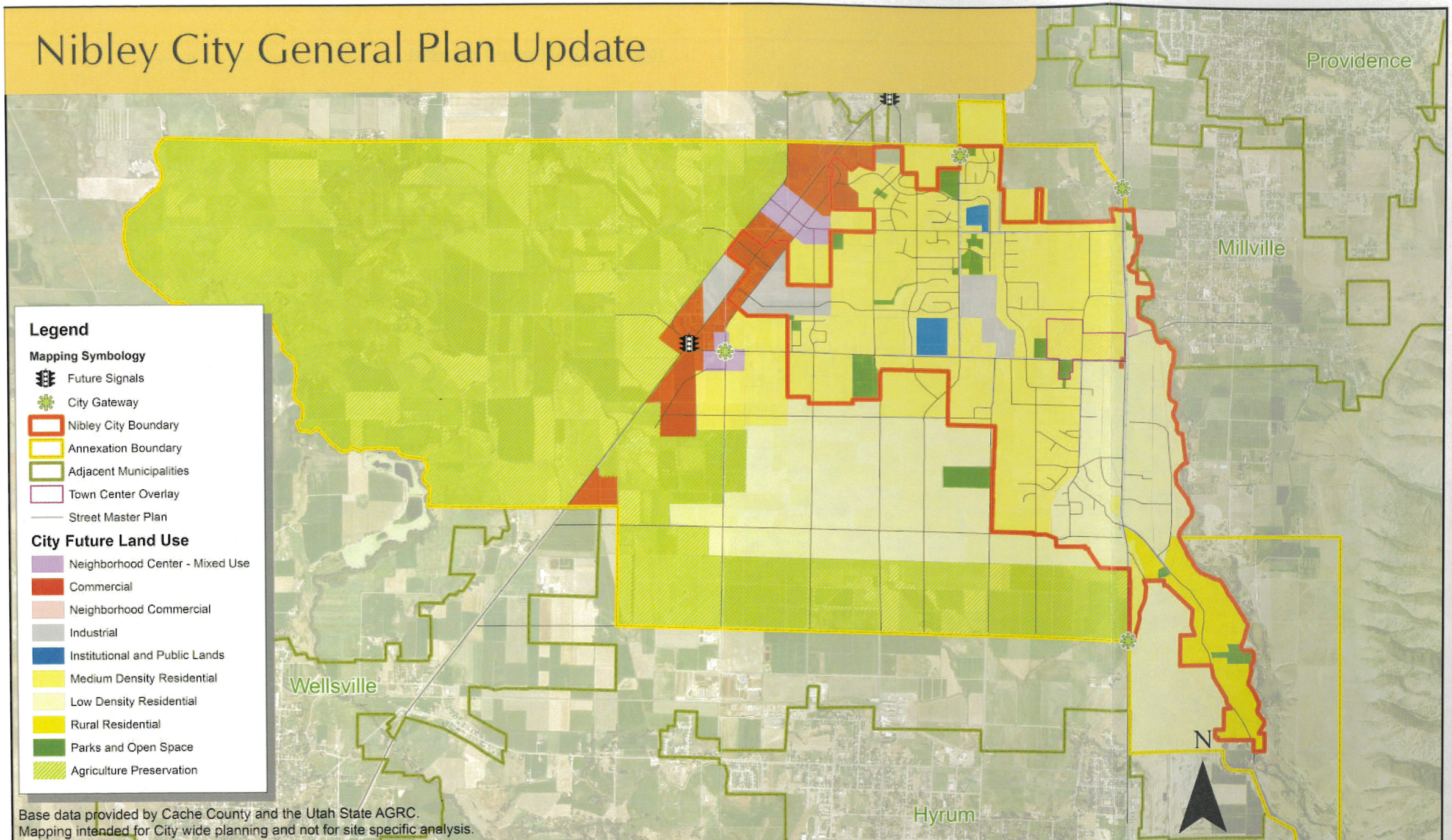
Commercial

The City has also conducted a couple of economic studies to help identify future growth for economic development. A study from the Economic Development Corporation of Utah showed that Nibley is leaking $66 million in current retail sales by Nibley residents. An additional study by Lewis Young Robertson & Burningham, Inc recommends that Nibley aims to retain 60% of sales tax leakage based on similar Cities and communities in Utah. That would be about $40 Million in sales which would equal about $400,000 in sales tax revenue. That same study stated that Nibley City could support 130 acres of retail to capture 60% of sales tax. Both of these studies have been attached to this report.

Open House

Nibley City is planning on holding an open house to gather input from residents on August 23, 2018, from 5:00-6:00 p.m. This Open House will take place just before the Planning Commission scheduled on that day. Following the Open House, the Planning Commission is scheduled to hold the required public hearing for the Annexation Policy Plan and Future Land Use Map. At the meeting held on Aug. 9, the Planning Commission will consider ideas for the Open House.

Nibley City General Plan Update



Base data provided by Cache County and the Utah State AGRC.
Mapping intended for City wide planning and not for site specific analysis.

Future Land Use Plan

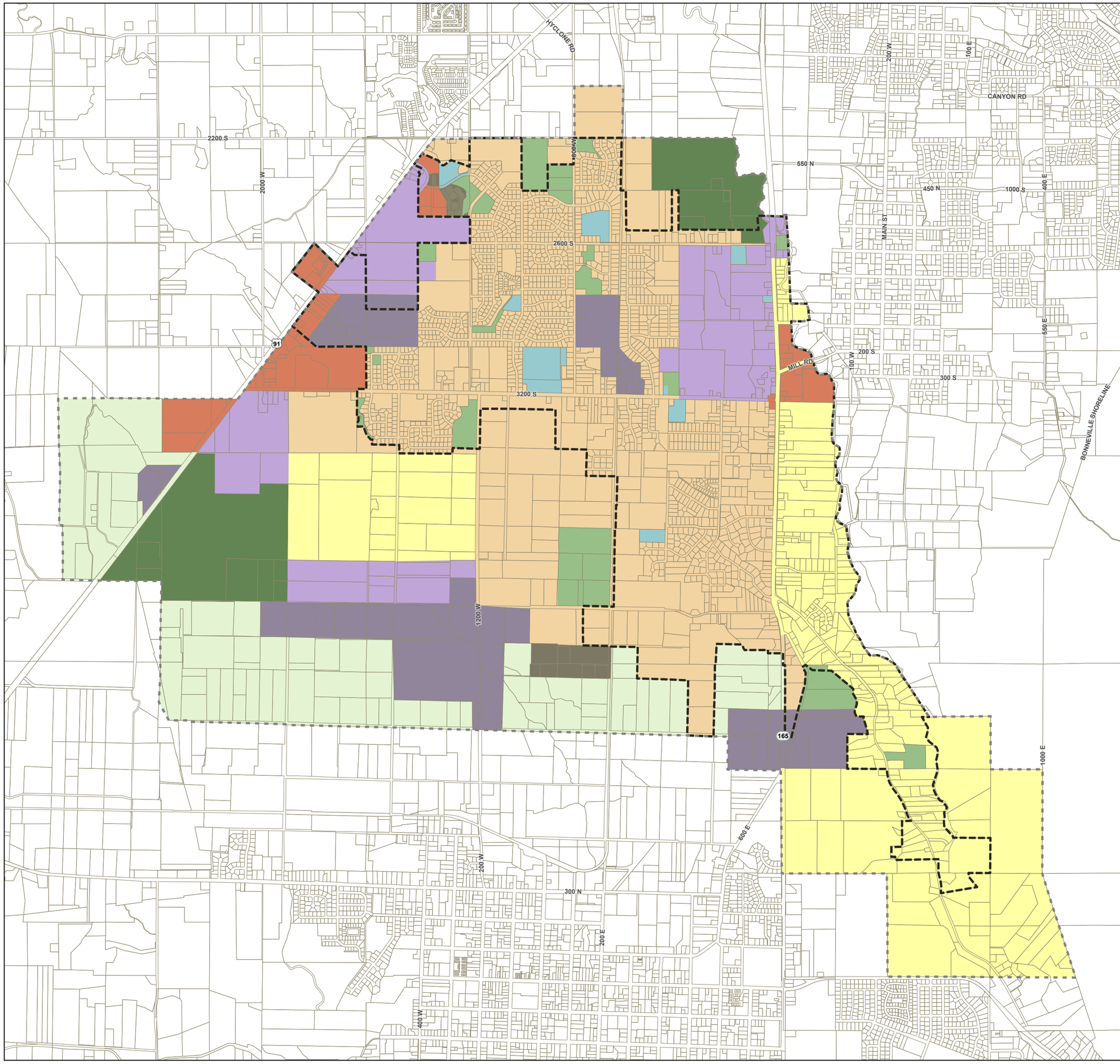
December 6th 2007

crsa

Nibley City

Future Land Use

7/11/2018



Nibley City Boundary

Annexation Declaration Boundary

Parks, Open Space, and Trails

Agriculture

Open Space, Agriculture, and Low Density Residential

Low Density Residential

Medium Density Residential

High Density Residential

Commercial

Industrial

Commercial and Medium to High Density Residential

Municipal, Schools, and Churches

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Agenda Item #3

Description	Workshop: Planned Unit Development Ordinance
Department	Planning
Presenter	Stephen Nelson, City Planner
Recommendation	Review and make recommended changes.
Reviewed By	City Planner and City Manager.

Background

A Planned Unit Development (PUD) Ordinance is an ordinance that would allow an applicant to create a different type of development than what the normal zoning would allow. These typically allow for higher density and medium density multifamily housing in exchange for amities and open space. In July of 2011, the City Council repealed Nibley City Code 10-16 Planned Unit Developments because of few issues with the ordinance. Since, the Planning Commission has made a recommendation of a new ordinance, which was rejected by the City Council.

Based on the new housing study and the proposed Future Land Use Map, the City Council and Mayor have directed staff to draft a new PUD Ordinance in order to help with Nibley's affordable housing needs and to provide greater control over higher density developments within the city.

Planned Unit Developments in Nibley

Nibley City has three Planned Unit Developments that were approved and constructed according to the previous Plan Unit Development Ordinance: Spring Creek Crossing, Sunset Parks, and The Cottages. These developments were given higher density in exchange for amenities. These developments have provided trails, parks space open to the public and private, one swimming pool, and general open space in exchange for their higher density. One of the main concerns that the Council had about each of these developments was the delay in construction of all the amenities and improvements. Most of these developments have taken several years to develop, and the Cottages has had to come back to the City several times to alter the plat because they were not able to build or afford all the amenities as was approved. These concerns were some of the main concerns of why the City repealed the ordinance. Staff recommends as the Planning Commission reviews the proposed ordinance, to keep these developments in mind.

Spring Creek Crossing: Town-homes

Sunset Parks

The Cottages

NIBLEY CITY

AN ORDINANCE REGARDING THE REGULATION OF RESIDENTIAL PLANNED UNIT DEVELOPMENTS (R-PUD)

I. PURPOSE AND INTENT:

A. Purpose: An R-PUD is an overlay rezone. That is, developers apply for the overlay to be applied, allowing them to receive the density bonuses outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve the R-PUD with conditions.

B. Intent: This Section provides enabling authority and standards for the review, and approval of applications for Residential Planned Unit Developments (R-PUD's). The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which may incorporate the permanent preservation of amenities, agricultural lands and other valuable natural and cultural resources, as well as providing a variety of amenities for the enjoyment and benefit of the citizens of Nibley.

C. **Definitions and Standards**

1. **Single Family Dwelling Unit**: A dwelling unit owned in fee and located on an individual lot which is not attached to any other dwelling unit by any means.
2. **Duplex:** A residence building designed for, or used as, the separate homes or residence of two separate and distinct families, having the exterior appearance of a single-family dwelling house. This building shall contain two separate living units, each of which is designed to be occupied as a separate permanent residence. Each dwelling unit must be on its own parcel.
3. **Townhome:** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Each townhome unit must be on its own parcel.
4. **Constrained and Sensitive Land:** Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limited to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance, or permits from government authorities to allow development. This land may be used as amenities if it complies fully with conditions within this ordinance for qualification of amenities.
5. **Public Park:** A publicly owned tract of land landscaped and developed for the general public. Public Parks, as defined for R-PUD, must contain at least one amenity (picnic area, walking paths/trails outside of required sidewalks, jungle

gym, sports field, etc). Public Parks must contain one (1) tree for every 300 sq. ft. and 60% of the area must be planted with sod. All landscaping must meet with Nibley City standards.

6. **Private Parks:** A tract of land presently owned or controlled and used by private entities or group, and only members of that private entity have access to the park. Private Parks must contain at least one amenity (picnic area, walking paths/trails outside of required sidewalks, jungle gym, sports field, etc). Private Parks must contain one (1) tree for every 300 sq. ft. and 60% of the area must be planted with sod.

7. **Waterway**: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.

8. **Buffer:** Buffering area along public rights-of-ways, street, or neighboring developments, and must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, four (4) deciduous trees, five (5) evergreen trees, and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way, neighboring development, or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Buffer areas shall be under Owners Association ownership.

9. **Tree Stand:** A group or cluster of trees within a geographic location that are occurring naturally or artificially.

10. **Meadows**: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.

11. **Net Developable Land:** Net Developable land shall include the total area of the proposed development minus land that is required by Nibley City Ordinance to be dedicated to the City including, but not limited to:

    a. Public access rights-of-way
    b. Land required to be dedicated along waterways
    c. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
    d. Constrained and Sensitive Land as defined herein

Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights of way without access to the public shall be included as Net Developable Land.

D. Compliance With Standards: Substantial compliance with the zone regulations and other provisions of this title in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large-scale site planning for residential and related purposes.

E. Planned Unit Development: For the purpose of this chapter "residential planned unit development" (R-PUD) means an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified by this chapter.

II. USE REGULATIONS:

A. Notwithstanding any other provisions as hereinafter set forth, an R-PUD may be applied for in areas whose underlying zoning is Residential R-2 and Residential R-2A. In all other zones, an R-PUD shall not be permitted.

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

1. Single Family, duplex, and townhome dwelling units shall be permitted uses as defined within this ordinance.

C. All other uses shall comply with the underlying zone and the land use chart in Nibley City code.

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

E. Animal Rights: All animal rights shall be in accordance with Nibley City Code 10-17 entitled "Animal Land Use Regulations".

F. Up to 30%, and at least a minimum of 2 acres, of the area, may be approved for neighborhood commercial use as part of an R-PUD. These uses shall comply with Nibley's City's Neighborhood Commercial Zone Use Chart and standards as listed in Title 10-7A. Commercial use must be consecrated and located adjacent to the developments boundary. These parcels shall be labeled on the plat as Neighborhood Commercial.

III. AREA AND DENSITY REGULATIONS:

A. Housing Types: In addition to the traditional single-family home, developers may provide a variety of housing types in the project, provided that the total units of any given housing type. The density shall be based on net acres of the development as follows:
   1. Single Family Homes: Equal to or less than 6 units a developable acre
   2. Duplex: Equal to or less than 8 units a developable acre
   3. Townhomes: Equal to or less than 12 units a developable acre
   4. A mix of Single Family, Duplex, or Townhomes: Equal to or less than 10 units a developable acre. Up to 50% can be townhomes.

B. The minimum gross area for a planned unit development shall be ten (10) acres. The City Council may make an exception for smaller developments if the parcel is labeled on the Future Land Use Map as a high density or multifamily use.

C. In order to provide developers with a variety of options and allow Nibley City to receive publicly accessible amenities, the developer shall be required to provide a number of points for each development. In order to develop a PUD, each of the following use must provide the following amount of amenities

Dwelling Type	Percentage Net Developable Acres of Amenities and Amenities Required	Points Needed
Single Family	20%	15
Duplexes	35%	20
Townhomes	40%	30
A mix of Single Family, Duplexes, Townhomes	35%	20
Notes *All landscaping must be to Nibley City Standards * All Amenities size shall be proportionate to the development size.		

Amenity	Points Awarded
Walking Path (outside of any required sidewalks)	
Loose-gravel Top	3
Asphalt/Cement Top	7.5
Connect to existing paths	5
Playground Equipment (as part of a public park)	
Swing set only	3
Jungle Gym only	5
Swing set & Jungle Gym (a) Jungle Gyms and Swing Sets shall be constructed of commercial grade materials and include equipment for younger children and older children.	10
Soccer Field	
U6-U10	5
U12+	7.5
Multiple Fields	2 (per additional field)
Public Park (Private Parks)	
.5-1.0 acre	3 (2)
1.1-1.9 acres	5 (3)
2.0+ acres	3 per acre (2 per acre)
Landscaped Common areas (Trees, grass, follower beds)	3 (Total for each PUD)
Buffering	4

Pavilion	3
Tennis Court	12.5
Baseball Facilities	15
Basketball Court	10
Restroom Facilities	7.5
Community Garden	7.5
Club House (min of 750 sq. ft.)	10
Swimming Pool: Pools shall be sub-surface and be no less than twenty (20) feet by forty (40) feet in size.	15
Splashpad: a minimum of 300 sq. ft.	10
Dog Park	3
Preservation of Natural Landscapes such as wetlands, waterways, and tree stand as defined within this chapter.	5
Agricultural Use	3

1. Parks shall receive base points for acres and size, plus any additional points for any other amenities installed.
2. Publicly and Owners' Association owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement; until Improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
3. The points awarded may be adjusted by the Planning Commission or City Council based on the quality and size of the amenity.
4. This chart does not cover all potential amenities. The applicant may apply with other amenities that would benefit the R-PUD. Points shall be awarded based on the closes use listed on the table above.
5. All amenities shall meet any federal, state, or local standards that apply.

D. Maintenance of Amenities
1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining amenities shall be borne by the Owner of the underlying fee of the amenities.
2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of amenities within the development. This plan shall outline the following:
   a. The proposed Ownership of the amenities;
   b. The party that will be responsible for maintenance of the amenities;
      i. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
   c. The size of each amenities parcel; and
   d. The proposed concept plan for landscaping of the amenities.

3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-PUD application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:
4. Ownership agreements for amenities;
5. A description of the use of the amenities and how that use complies with this Chapter;
    a. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.);
    b. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the amenities, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
    c. The landscaping plans for parcels that will be owned by an Owners Association or by the City.
6. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.

7. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements.
8. Failure to Maintain: For all amenities designated under the terms of this Ordinance the Responsible Party for the maintenance of the amenities in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the Responsible Party, or the operation of any common facilities located thereon fails to maintain all or any portion of the amenities or common facilities in accordance with the aforementioned agreements and Ordinances, the City may assume responsibility for the maintenance and operation of the amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City’s sole discretion. The Owner shall not impede the City in their efforts to maintain the amenities.
9. Corrective Action: The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference

the City's corrective action authority set forth herein and shall be recorded against the property.

10. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the long-term manager. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
11. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-PUD.

V. GENERAL REQUIREMENTS: The R-PUD should be compatible with surrounding land uses, building types and physical features of the site. Specific requirements are included below:

A. Determination of Developable Area:

a. In calculating what portion of the project is considered developable, areas designated a floodplain or wetlands may **not** be included in the project size.

i. If either the floodplain or the wetlands may reasonably be turned into a publicly-accessible amenity, they may be re-included in the project size.

b. Additionally, for density purposes, roads must first be subtracted from the gross project size.
c. Net Developable Land must comply with the definition within this chapter.

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

		Housing Types		
	Setbacks	SFH	DP	TH
Primary Use	Front Yard	20'	20'	20'
	Front Porches	10'	10'	10'
	Side yard (porches, decks, overhangs- setbacks are 5’)	10’ and 5’*	10'*	10'*
	Rear Yard	15'	15'	15'
	Maximum Height	40'	40'	40'
Accessory Use	Front Yard	20'	20'	20'
	Side Yard	3'*	3'*	3'*
	Rear Yard	1'	1'	1'
	Maximum Height	15'	15'	15'
	The distance required between any structure and/or fence and top of recognized irrigation canal bank	15'	15'	15'
	Minimum Lot Size (sq. ft)	6,000	3,000	1,500

	Minimum Lot Frontage	75'	75'	75'
	Distance between primary and accessory use(s)	5'	5'	5'
	*On corner lots, the setback shall be 20'. - Setbacks shall apply to each building, and not each dwelling unit			

C. Signs: Any signs proposed for the development, other than traditional street signs, must conform to Nibley City Code §10-12-15.

D. amenities: Maintenance and ownership of amenities may be provided for under one of the following options:

   a. Dedication of the land to Nibley City as a public park or parkway system; or

   b. Granting to the city a permanent amenities easement on and over the said private amenities to guarantee that the amenities remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws; or

   c. Complying with the provisions of the condominium ownership act of 1963, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses, and facilities may be developed within the common amenities as part of the approved final development plan of the planned unit development.

E. Bond: For each phase, the developer shall be required to provide a surety or cash bond in an amount equal to 100% the estimated cost of improvements, guaranteeing the completion of the development of the amenities, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of one (1) year, the city will review the progress and use the bond funds to make the improvements to the amenities areas in accordance with the approved plan.

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

G. Subdivision Regulations: Any part of a planned unit development which is proposed as a subdivision is subject to the provisions of the subdivision title, except for provisions listed within this ordinance.

VII. APPROVAL PROCESS

A. An R-PUD is an overlay rezone. That is, developers apply for the overlay to be applied, allowing them to receive the density bonuses outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve the R-PUD with conditions.

B. Application Submission: An application for a planned unit development shall be submitted to the planning commission and shall be accompanied by an overall development plan showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools, playgrounds, landscaping, recreational facilities and amenities, areas reserved and proposals for accommodating vehicular and pedestrian circulation, parking, etc., and architectural drawings and sketches demonstrating the design and character of the proposed development. Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.

C. Procedure: In addition to the actions and considerations listed in this section, developers shall be required to follow the approval procedures outlined in Nibley City Code §11-3. The overlay shall be approved as part of the final approval process as listed in Nibley City Code §11-3. Final approval for the overlay zone shall be approved with the final plat and development agreement.

D. R-PUD Considerations: In approving with conditions, denying or approving an R-PUD proposal, the Planning Commission and City Council shall consider the following:

1. Design Of Buildings: The architectural design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.

2. Streets; Parking: Which streets shall be public, and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off street parking.

3. Type, Size, and Location of amenities.

4. Landscaping; Screening: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.

5. Signs: The size, location, design and nature of signs, if any, and the intensity and direction or area of floodlighting.

6. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map, as being a desirable future residential density.

7. Ability To Complete Project: The demonstrated ability of the proponents of the planned unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.

8. Criteria For Issuing Conditional Use Permit: Criteria used in section 10-14-5 of this title.

E. Planning Commission Action: The planning commission, subject to the requirements of this chapter, may recommend approval or denial or approval with conditions, of the proposed planned unit development to the city council.

F. City Council Action: The city council, after holding a public hearing thereon, may approve or deny the application for a planned unit development. In approving an application, the city council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this chapter. Approval of the city council, together with any conditions imposed, constitutes approval of the proposed development as a permitted use in the zone in which it is proposed.

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

H. Building Permit Issuance: The building inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the planning commission and the city recorder.

I. Time Limit: Unless there is substantial action leading toward completion of a planned unit development or an approved phase thereof within one year from the date of approval, as determined by the city council, such approval shall expire unless after reconsideration of the progress of the project an extension is approved.

VIII. Development Standards

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

B. <u>Architectural Standards.</u>

1. General Design Concepts. New development shall be designed for its specific context with a design unique to Nibley City. Developments containing two (2) or more buildings shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.

2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.

3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, treated or split face decorative block (CMU), fiber cement siding, concrete, or other durable building material as approved by the Planning Commission. Stucco, EIFS, or untreated concrete block (CMU) may be allowed by the Planning Commission as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.

4. Vertical Separation. Buildings in excess of two (2) stories in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step- back or roof pitch with dormer windows, or other methods

5. Building Entrances. Building entrances shall be oriented towards the street or a common courtyard area and provide connecting pedestrian access between the street, parking or courtyard areas (see Figure 1).

Figure 1. Entrances are oriented to the street with rear-loading garages.

Figure 2. Multi-family dwelling maintains the appearance of a larger single-family dwelling.

6. Duplexes shall maintain a single family detached appearance to the greatest extent possible (see figure 2). Instead of each unit mirroring the other, the dwellings shall be designed so that they have the appearance of a large single-family unit. This can be accomplished by separating the entrance of one unit from the entrance to the adjacent unit, or by utilizing grade changes and roofline variety.

7. Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the project (see Figure 3). The following architectural features shall be incorporated into the design of the building:
    a. Change in building materials;
    b. Building projections measuring at least eighteen (18) inches to three (3) feet in depth based on the scale of the proposed building;
    c. Roof line variations measuring at least three (3) feet in height
    d. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.

Figure 3. Visual interest is created through variation in building projections and construction materials.

C. <u>Site Design Standards</u>.

1. Garages. Townhomes shall be designed oriented toward public roads with rear loading garages accessed by a paved parking area or alleyway (see figure 4). Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes that do not have any portion of the building adjacent to a public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. Fifty percent (50%) of units shall contain a two car garage. An external concrete parking structure attached to the principal structure may be allowed in lieu of percent garage requirement. Detach garages are prohibited in R-PUDs

Figure 4. Garages are located on the rear side of the townhome units with the front doors oriented to a courtyard area.

2. Natural features. Townhome and multiple unit projects shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.

3. Development plans shall include a landscaping plan for the front yards, which shall be installed by the developer. For projects with more than ten (10) units, the landscaping plan shall include at least one (1) tree for every two (2) dwelling units, half of which shall be coniferous evergreen trees and one shrub of five (5) gallon size for each two (2) dwelling units. The coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least two (2) inches in caliper.

4. Connectivity. Plan Unit Developments shall provide connectivity throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

(a) Street Design: All street design shall comply with Nibley City's street standards and comply with the General Plan and Transportation Master Plan. Each development shall provide two working access points that provide access to an existing street right-of-way. Developments with over thirty (30) units shall supply two working access points and one additional access point that either connects to an existing right-of-way or to an additional undeveloped parcel unless prohibited by surrounding development.

(b) All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.

(c) Private Drives provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.

- Two-way driveways shall be a minimum width of 20 ft, one-way driveways shall be a minimum width of 12 feet.
- All driveways shall be perpendicular to the street they connect to.

(d) Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use. These access points shall be aligned with other developments trail system, street right-of-way, or amenities.

(e) Pedestrian circulation. R-PUD residential projects shall provide a circulation plan and show the following improvements to improve pedestrian circulation and safety:

- •Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entry's, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
- •Walkways shall be hard surfaced with concrete, brick pavers or asphalt.
- •Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete or brick pavers.

(f) The development must provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan.

5. Parking: Each R-PUD shall provide two primary parking spaces for each unit, and one guest or other parking space for every 3 units. Primary parking must be contained in a garage, carports driveway, or parking court.

(a) Individual parking courts shall contain no more than 20 parking spaces and shall be physically and visually separated by a landscape area a minimum of 20 feet in width. The separation shall be landscaped with grass, trees, and xeriscape plants.

(b) A parking court of any length shall consist of no more than one double-loaded parking aisle.

(c) Parking courts shall be located in the interior of the development and located in the rear of buildings for townhome developments.

(d) On-street parking shall be limited to local roads only.

(e) Parking Courts shall be paved and built to Nibley City parking lot standards

6. Landscaping: Landscaping shall be provided by the developer in all planted areas except within private rear yards or patios and within single family or duplex detached lots.

(a) The developer should plant street trees of an approved species and size along all street. Trees should be planted at intervals of every 50 feet.

7. Fences:

(a) Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with Nibley City Code 10-12-9. Vinyl fences are only permitted in an R-PUD for the purpose to mark property lines of induvial dwelling units. Fencing to mark the boundary of the development or amenities must meet the following standards:

- •Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.
- •Fencing and walls must be constructed out concrete, bricks, rock, or metal bars. Chain link and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity lifetime of the material and if the material will aesthetically enhance the property.
- •Walls and fencing shall also comply with Nibley City Code 10-12-9.