

19.12.010 Rural Estate Zone R-E

1. Purpose: The major purpose of the rural estate zone is to provide and protect residential development at a low density in a semi-rural or rural environment. It is also to provide for certain rural amenities such as the keeping of livestock or the raising of crops on larger than minimum lots, in conjunction with the primary residential nature of the zone.
2. Use Regulations: See NCC 19.20.
3. Space Requirements: See NCC 19.22.
4. Animal And Fowl Unit Regulations: See NCC 19.34.

19.12.020 Residential Zones R-1, R-1A, R-2

1. Purpose: The major purpose of the residential zones is to encourage, maintain and protect low density residential neighborhoods. Other uses which are compatible with and not detrimental to family-oriented residential neighborhoods may be allowed as a permitted use or as a conditional use.
2. Use Regulations: See NCC 19.20.
3. Space Requirements: See NCC 19.22.
4. Animal And Fowl Unit Regulations: See NCC 19.34.

19.12.030 Residential Zone R-2A

1. Zone Established: There is hereby created an R-2A zone.
2. Lot Size: Lots in subdivisions approved in areas zoned R-2A shall be a minimum of twelve thousand (12,000) square feet, but the average lot size for the entire subdivision phase and portion thereof shall average at least fourteen thousand (14,000) square feet. Storm water retention/detention areas shall be included in the calculation of average lot size.
3. Lot Frontage: Lot frontage of an approved subdivision shall be one hundred feet (100') as measured at the setback line.
4. Use Regulations: All other regulations, guidelines, or ordinances including, but not limited to, permitted uses, conditional uses, street and sidewalk construction and widths and setback lines shall be the same as and equal to those listed for the R-2 zone.

19.12.040 Mixed Residential Zone R-M

1. Purpose: The purpose of the Mixed Residential Zone is to provide a variety of housing types to accommodate the diverse housing preferences of the community's existing and future residents that are supported by an appropriate provision of jobs, retail, services, open space and amenities.
2. Definitions: Refer to NCC 19.04 and 19.32.020
3. Use Regulations: See NCC 19.20. Allowed uses in this zone may be provided either separately from or within the same building or lot as other allowed uses, if approved pursuant to an authorized site plan.
4. Space Requirements:

	Single-Family Home	Multi-Family Housing
Minimum Lot Size (sq. ft.)	4,500	–
Maximum Height	40'	50'
Minimum Frontage	50'	–
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Yard Porches, Deck, Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	40'

Accessory-Use Setbacks	Single-Family Home	Multi-Family Housing
Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

1. Setback and frontage requirements shall apply to each building, and not each dwelling unit

5. Animal And Fowl Unit Regulations: See NCC 19.34.

6. R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-001-0013 and 03-001-0010, as of April 15, 2021.



7. Density Regulations

- a. The maximum density of a residential development within the R-M zone shall be 20 units per gross acre.
- b. A proposed Multi-family housing development adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
- c. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall be considered ‘multi-family housing’ and shall assume the associated open space requirements of such.

8. Open Space and Amenities

- a. Each residential development within an R-M zone shall provide the following types and amounts of open space and amenities:

		Min Open Space
Dwelling Type	Percentage of Net Developable Acres Required to be Used	
Single Family	20%	
Multi Family or mix of Single Family and Multifamily	35%	

Minimum Amenity						
Number of Units	Park Area	Public Restroom	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splashpad
Less Than 100	1.5 Acres	–	–	–	1	–
100-150	2.5 Acres	–	–	1	1	–
151-200	3.5 Acres	–	–	1	2	–
201-250	4.5 Acres	1	1	1	2	–
251-300	5.5 Acres	1	1	1	2	1 of the above options
301-400	6.5 Acres	1	2	2	3	2 of the above options (At least 1 pool or Splashpad)
401-500	7.5 Acres	2	2	2	3	2 of the above options (At least 1 pool or Splashpad)
501+	*	*	*	*	*	*

- i. This chart does not include all potential amenities. The applicant may apply for other amenities that would benefit the development and are in support of Nibley City's Parks and Recreation goals. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the required amenity. The burden shall be on the developer to provide justification and is subject to review and acceptance by staff prior to Council consideration. An applicant may include additional amenities beyond the requirements of this section.
- ii. Development over 500 units must supply adequate and proportional amenities based on the table above.
- iii. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public, Common or 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 amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. An applicant may also provide an escrow or bond for improvements according to Nibley City Standards. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
- iv. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.
- v. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-M development shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.
- vi. All amenities shall meet any federal, state, city, or other standards that apply.
- vii. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.
- viii. Picnic Area: Two or more picnic tables for use by 10 or more persons.
- ix. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
- x. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned

and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.

- xi. **Playground:** an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.
- xii. **Pool:** A recreation facility designed and intended for water contact activities. No pool shall be less than 800 sq. ft.
- xiii. **Public Restroom:** a room or small building with toilets and sinks that is available for use by the general public. One (1) public restroom shall contain at minimum 2 individual rooms with toilets and sinks (male/female or unisex). Larger restroom facilities may be required depending on the amount of activity projected at a particular open space/park area. All restroom facilities shall be built in compliance with the Americans with Disabilities Act (ADA).
- xiv. **Splashpad:** A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

b. **Maintenance of Amenities**

- i. All R-M developments must establish and maintain in perpetuity by the property owner or an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed.
- ii. **Costs:** Unless otherwise agreed to by the City, at the City's discretion and on such terms and conditions as the City may agree to, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property or Owners Association.
- iii. **Preliminary Maintenance Plan:** A Preliminary Maintenance Plan shall be submitted with the preliminary plat or concept site plan for proposed maintenance of amenities within the development. This plan shall outline the following:
 - 1. The proposed ownership and responsibility for maintenance of the amenities;
 - 2. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
 - 3. The size of each amenities parcel; and
 - 4. The proposed concept plan for landscaping of the amenities.
- iv. **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-M application for the subdivision or development. The developer shall provide a final maintenance plan with the final plat or site plan and the plan shall contain the following:
 - 1. Documents and plans as listed in for the Preliminary Maintenance Plan.
 - 2. A description of the use of the amenities and how that use complies with this Chapter;
 - 3. 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.) and any private streets and other accesses;
4. The estimated staffing needs, insurance requirements, and associated costs.
 5. The landscaping plans for parcels that will be owned by an Owners Association or by the City.
- v. 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 before any property or lots are sold or transferred 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.
 - vi. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements as set forth in NCC 21.14.
 - vii. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-M development in the event the party responsible for maintaining or operating the amenity fails to do so 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 developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and 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. Owners shall not impede the City in its efforts to maintain the amenities.
 - viii. Corrective Action: The City may enter onto any amenity provided as part of an R-M development and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal 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 before any property or lots are sold or transferred.
 - ix. 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 owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
 - x. 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-M DEVELOPMENT to allow the owner of the property to have sufficient access.

9. Multifamily Housing Architectural Design Standards

- a. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments 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.
- b. 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.
- c. 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, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, vinyl siding with a minimum of 40-year warranty, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed 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.
- d. Vertical Separation. Buildings in excess of one (1) story 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
- e. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
- f. Variation. Multi-family housing 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 building. The following architectural features shall be incorporated into the design of the building:
 1. Change in building materials;
 2. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;
 3. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.
- g. Garages. Multi-family housing shall be designed oriented toward exterior public roads with rear loading garages or parking accessed by a paved parking area or alleyway, except along Highway 165 and 89/91, as approved. Rear loading garages are highly encouraged for buildings located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for buildings that do not have any portion of the building adjacent to a current or planned public road or street outside of the development.

10. Site Design Standards.

- a. Natural features. R-M developments shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features or constrained and sensitive land. The City may require the developer to identify, delineate, and describe how the development will appropriately address and obtain any required authorizations related to such features.

- b. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.
- 11. Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
 - a. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.
 - b. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
 - c. 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.
 - d. Private Drives/Alleyways 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.
 - i. Private drives shall be a minimum width of 20 ft.
 - ii. All private drives shall be perpendicular, within 10 degrees, to the street they connect to.
 - iii. Driveways that access a single dwelling unit are not considered private drives or an alleyway
 - iv. The maintenance of all private drives, including snow clearing, shall be addressed as part of the maintenance plan
 - e. 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 as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') trail or sidewalks on public streets that meet Nibley City standards.
 - f. No dwelling units in an R-M development shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Multi-family housing units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.
- 12. Pedestrian circulation. R-M development shall provide a circulation map and show the following improvements to for pedestrian circulation and safety:
 - a. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, 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.
 - b. Walkways shall be hard surfaced with concrete.

- c. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
 - i. The development shall 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 and Nibley City Design Standards.
13. Parking: Multi-family housing shall provide 2 primary parking spaces for each unit with 2 or bedrooms and 1.5 spaces for 1 bedroom or studio units. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-M development shall provide one guest parking spot for every three units. Guest parking may be provided in parking courts or lots maintained by the property owner or owner association.
 - a. Individual parking courts or lots shall include landscaping with grass, trees or xeriscape plants separating parking areas of no more than 20 parking spaces Each parking area of 20 or less spaces shall be physically and visually separated by a landscape area a minimum of 10 feet in width.
 - b. Parking courts or lots shall be located in the interior of the development and located between or in the rear of buildings for multi-family developments.
 - c. Parking Courts or lots shall be paved and built to Nibley City parking lot standards.
 - d. Interior parking structures or garages are encouraged and shall meet Nibley City Design Standards
14. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.
 - a. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer should plant street trees of an approved species and size along all streets. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.
 - b. Buffering: R-M developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-M development that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-M development. Buffering shall meet the standards within this ordinance.
 - c. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.
15. Fences:
 - a. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-M development for the purpose to mark property lines of individual dwelling units.
 - b. Fencing to mark the boundary of the development or amenities must meet the following standards:
 - i. Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.
 - ii. Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link fences are prohibited 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 of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.

Approval Process

Subdivisions within the R-M zone must complete the approval process of NCC 21.06 to ensure compliance with this section. All multifamily development that does not require a subdivision must complete the Site Plan Review Process of NCC 19.14.050.

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
R-2:	Residential Zone R-2
R-2A:	Residential Zone R-2A
P/S:	Park/School
C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S
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Residential

Assisted Living Facility	C	C	NP	NP	NP	NP	P	NP
Artisan Shop	C	C	C	C	C	C	C	NP
Bed and Breakfast Inn	C	C	C	C	NP	NP	P	NP
Building moved from another site	C	C	C	C	C	C	C	C
Group Living Facility ¹	C	C	C	C	C	C	C	NP
Home Occupation	C	C	C	C	C	C	C	NP
Home Office	P	P	P	P	P	P	P	NP
Housing, Short-Term Rental	C	C	C	C	C	C	C	NP
Housing, Single-Family	P	P	P	P	P	P	P	NP
Housing, Two-Family	P	P	P	P	P	P	P	NP
Housing, Multi-family	NP	NP	NP	NP	NP	NP	P	NP
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP
Nursing Home	C	C	C	C	C	C	C	NP
Temporary Office/Model Home	C	C	C	C	C	C	C	NP
Accessory Dwelling Unit ³	P	P	P	P	P	P	P	P

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S
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Agricultural/Animal

Ag Implement Sales and Service	C	NP	NP	NP	NP	NP	NP	NP
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Temporary Vendor/Food Trucks	C	NP	NP	NP	NP	NP	P	C
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S
Industrial								
Junk/Salvage Yard	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Heavy	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Industrial	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Light	NP	NP	NP	NP	NP	NP	NP	NP
Mineral Extraction	NP	NP	NP	NP	NP	NP	NP	NP
Pest Control	NP	NP	NP	NP	NP	NP	NP	NP
Recycling Collection Facility	NP	NP	NP	NP	NP	NP	NP	NP
Sign Shop	NP	NP	NP	NP	NP	NP	NP	NP
Sports Facilities	NP	NP	NP	NP	NP	NP	C	C
Storage Facility	NP	NP	NP	NP	NP	NP	NP	NP
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP
Warehousing, Residential Storage	NP	NP	NP	NP	NP	NP	NP	NP
Welding/Machine Shop	NP	NP	NP	NP	NP	NP	NP	NP

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

19.04.010 Definitions

HOUSING, MULTI-FAMILY: A single building situated on one lot and that contains three (3) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium.

19.08.010 Establishment Of Zones

For the purpose of this title, the city is divided into the following zones and districts in which land uses shall be limited as specified in this title:

Agricultural zone A
Rural estate zone R-E
Residential zone low density R-1
Residential zone low density R-1A
Residential medium density R-2
Residential medium density R-2A
Residential high density R-M
Commercial zone C
Neighborhood commercial zone C-N
Industrial zone I
Floodplain overlay district FP

Classification will be determined on the basis of location, topographical features and other reasonable considerations to guide the orderly physical development and ensure neighborhood compatibility and stability of the city in accordance with the Nibley General Plan.