



NIBLEY CITY COUNCIL MEETING AGENDA  
Thursday, March 16, 2017 – 6:30 p.m.  
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Ramirez)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period<sup>1</sup> (Chair)
  
5. Discussion and Consideration of Ordinance 17-06: An Ordinance Revising the Nibley City Space Requirements Chart (Second Reading)
  
6. Discussion and Consideration of Ordinance 17-08: An Update to the Nibley City Landscaping Code (First Reading)
  
7. Discussion and Consideration of Resolution 17-05: A Resolution Proclaiming April as Child Abuse Prevention Month in Nibley
  
8. Council and Staff Reports

**Adjourn 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.*

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<sup>1</sup> *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*



**Nibley City Council  
Agenda Report for  
March 16, 2017**

**Agenda Item #5**

<b>Description</b>	Discussion and Consideration of Ordinance 17-06: An Ordinance Revising the Nibley City Space Requirements Chart (Second Reading)
<b>Department</b>	Planning
<b>Presenter</b>	Stephen Nelson
<b>Sponsor</b>	N/A
<b>Applicant</b>	N/A
<b>Background</b>	<p>There are several updates to the Space Requirement Chart that staff and the Planning and Zoning Commission recommend the City should consider.</p> <p><b>Adding R-2A</b></p> <p>Currently, for most of the chart, there is no column representing R-2A. The reason for this is that all of the R-2A requirements match R-2 as stated in 10-6C-4, except for the minimum lot size. However, the City has received calls from residents in R-2A zones wondering where they can find the information. Therefore, staff thought it would be helpful to clarify the chart by adding that information onto the Space Requirement Chart.</p> <p><b>Industrial Zones</b></p> <p>There are some lots in the city's Industrial Zones that could be developed adjacent to Residential Zones. In order to provide a larger buffer, staff is proposing a 50 ft. side yard and rear yard setback if an industrial lot is developed next to a residential zone. The current side and rear setback in this zone is 20 feet.</p> <p>There is one section of EK's property that would fall within the 50 ft. setback if the setbacks are changed. Staff is currently examining options to mitigate these concerns. Some options that staff is examining are to require different setbacks for parking lots than buildings. Staff is seeking other legal advice on long-term effects that these changes would have on EK's property.</p>

	<p><b>Other Errors:</b></p> <p>The current version online has some errors where the footnote numbers do not match. This probably occurred when the chart was uploaded online. Those errors have been corrected on the chart staff has prepared for approval at this time.</p> <p>The Planning Commission made a favorable recommendation of this chart on March 1, 2017.</p>
<b>Findings</b>	
<b>Finical Impact</b>	
<b>Recommendation</b>	Propose any suggested changes and make a motion for approval
<b>Reviewed By</b>	Mayor, City Planner, City Manager, City Engineer, Public Works Director, City Attorney, Planning and Zoning Commission

**Agenda Item # 6**

<b>Description</b>	Discussion and Consideration of Ordinance 17-08: An Update to the Nibley City Landscaping Code (First Reading)
<b>Department</b>	Planning
<b>Presenter</b>	Stephen Nelson, City Planner
<b>Applicant</b>	
<b>Background</b>	<p>When a new commercial or industrial development is created, Nibley City requires the developer to provide a landscaping plan for said development that complies with Nibley City Code 10-12-17. The City has received some feedback from a couple of the previous developers about some aspects of the code. Staff has research some of recommendations and have made changes staff believes are appropriate.</p> <p>The primary concern that has been brought before staff is the tree size. City code 10-12-17 (C)(3) requires that developers plant 2” caliper trees. There are a couple of problems with this requirement. 1) According to our City Forester, trees that are planted at 2” caliper tend to be sturdier, but are also more likely to have problems after being planted. Due to their larger size, transplanting 2” caliper trees is more traumatic on the tree, so they are not able to adapt to new soil as quickly as smaller trees and therefore take longer to recover. 2) 2” caliper trees also tend to cost more, normally ranging \$100-\$200 dollar more per tree than trees of smaller caliper. When developers are required to plant 50 trees or more, this can cost developers thousands more.</p> <p>Nibley City staff has done some research regarding this topic and is proposing that the code be changed. The proposal changes the requirement from 2” caliper trees to 1.25” caliper. Our City Forester has found that when the he has planted trees, the trees planted at 1.25” caliper are healthier and grow faster, and tend to outgrow 2” caliper trees within the first 5 years.</p> <p>The other change that has been added is an item staff believes will help enforce landscaping requirements after a development has been approved. The new changes clarify that the City can withhold occupancy or a conditional use permit from a development that has not complied with the landscaping code.</p> <p>These changes will need to go through the public hearing process and also need a recommendation from the Planning Commission. The Planning Commission is scheduled to have a public hearing on March 22, 2017. The reason this is being brought before the Council before is to allow the code to be processed quickly in order to help a couple of local businesses who would like to plant smaller trees.</p>
<b>Recommendation</b>	Review and give suggestions to staff and forward the ordinance to a second reading and public hearing.
<b>Reviewed By</b>	Mayor, City Planner, City Manager, City Building Inspector, and Parks Director/City Arborist

**Agenda Item # 7**

<b>Description</b>	Discussion and Consideration of Resolution 17-05: A Resolution Proclaiming April as Child Abuse Prevention Month in Nibley
<b>Department</b>	City Council
<b>Presenter</b>	Esterlee Molyneux, Executive Director of the Family Place
<b>Applicant</b>	
<b>Background</b>	April is recognized nationally as Child Abuse Prevention month each year. As part of that month's events, the Family Place, a local non-profit charitable organization, visits each city council and gives an update on the center's efforts and asks each city to adopt a resolution proclaiming April as Child Abuse Prevention month.
<b>Findings</b>	
<b>Recommendation</b>	Make a motion for adoption of the resolution, waiving the second reading
<b>Reviewed By</b>	Mayor, City Manager

ORDINANCE 17-06

AN ORDINANCE REVISING THE NIBLEY CITY SPACE REQUIREMENT CHART

WHEREAS, Nibley City requires space between buildings, roads and other structures for the safety and beatification of Nibley City; and

WHEREAS, Nibley City will make changes to the Space Requirements Chart from time to time in order to further enhance the safety and beatification of the City, and

WHEREAS, Nibley wishes to make changes to help clarify the chart for the public and to help protect residential property neighboring industrial zones.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY CITY, STATE OF UTAH, THAT:

1. The attached updated Space Requirement Chart is hereby adopted.
2. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
3. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Shaun Dustin, Mayor

ATTEST: \_\_\_\_\_

David Zook, City Recorder

### Space Requirements Chart

Column1	Column2	A	R-E	R-1	R-1A	R-2
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre
	Minimum lot width, measured at setback line	200	200	200	150	100
B.	<b>Setback principal uses</b>					
	Front yard	30(35)3	30(35)3	30(35)3	30(35)3	30(35)
	Side yard, interior	153	15	10	10	10
	Side yard, street	25(35)3	25(35)3	25(35)3	25(35)3	25(35)3
	Rear yard	30	30	30	30	25
C.	<b>Setback accessory uses</b>					
	Front yard	30(35)3	30(35)3	30(35)3	30(35)3	30(35)3
	Side yard, interior	10(3)5	10(3)5	10(3)5	10(3)5	10(3)5
	Side yard, street		25(35)3	25(35)3	25(35)3	25(35)3
	Rear yard	1(10)6	1(10)6	1(10)6	1(10)6	1(10)6
D.	<b>Height maximums</b>					
	Principal uses	40	40	40	40	40
	Accessory uses	30	30	30	30	20
E.	<b>Fences and walls maximum height</b>					
	Front yard, property line to setback line	4	4	4	4	4
	Rear yard	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*
	Side yard	7(8)*	7(8)*	7(8)*	7(8)*	7(8)*
	Corner lots	See subsection 10-12-9B of this title				

1. In all zones in a platted subdivision, lot width is 100 feet minimum, at setback line, but lot area must be 1/2 acre.
  2. All measurements are in feet unless otherwise specified.
  3. Greater distance required where yard faces arterial road.
  4. Greater distance required where property line is adjacent to residential zone or residential dwelling unit.
  5. Lesser distance allowed where accessory building is at least 10 feet behind the rear of main building and not less than 10 feet from
  6. Greater distance required where rear yard faces side yard of adjacent property.
  7. Principal use is defined as a dwelling unit in R-E, R-1 and R-2.
  8. 8 foot height allowed for a transparent fence, e.g., chainlink.
  9. Conditional use permit required on request of height increase.
  10. See section 10-6C-4 of this title for use regulations governing the R-2A zone.
  11. The average lot size for the entire subdivision phase and portion thereof shall average at least fourteen thousand (14,000) sq. ft.
- \* Eight-foot (8') height allowed for a transparent fence, e.g., chain link.

<b>R-2A</b>		
12,000 sq ft (11)	—	—
100	—	—
30(35)3	20	50
10	0(10) <sup>3</sup>	0(50)4
25 (35)3	20	25(35)3
25	0(10) <sup>3</sup>	0(50)4
30(35)3	20	50
10(3)5	0(10)4	0(10)4
25(35)3	20	25(35)3
1(10)6	0(10)4	0(10)4
40	40	50
20	30	30
4	4	4
7(8)*	7(8)*	7(8)*
7(8)*	7(8)*	7(8)*

n any dwelling unit on adjacent property.



ORDINANCE 17-08

AN UPDATE TO THE NIBLEY CITY LANDSCAPING CODE

WHEREAS, Nibley City requires proper landscaping in order to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community; and

WHEREAS, landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees, and

WHEREAS, Nibley City requires trees to be planted around commercial and industrial buildings, and

WHEREAS, trees planted at a caliper of 1.25” inches grow faster and tend to be healthier than those planted at 2” inch caliper.

WHEREAS, 2” caliper trees place a higher financial burden on new commercial and industrial development.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY CITY, STATE OF UTAH, THAT:

1. The attached updated Landscaping Ordinance is hereby adopted.
2. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
3. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Shaun Dustin, Mayor

ATTEST: \_\_\_\_\_

**10-12-17 Landscaping**

A. Landscaping Requirements:

1. Purpose: The purpose of the landscaping requirements in this section shall be to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees.
2. Yard Requirements For Residential Zones: At least sixty percent (60%) of the area contained within a required front or side yard adjacent to a street in any residential zone shall be landscaped.
3. Scope Of Requirements: Where landscaping is required, such landscaping shall comply with the requirements set forth in this section for the specific use and location.
4. Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition.

B. Landscaping Recommended Of Public Street Rights Of Way:

1. Purpose: The purpose of landscaping of public street rights of way is to enhance the beauty of neighborhoods and streets and to reduce the glare, heat and noise reflected from paved roadways.
2. Recommended Plants: Trees and lawn are recommended for street rights of way. Where public overhead utility easements run along the street right of way, only trees with a mature height of less than thirty five feet (35') shall be planted. Lower branches of trees planted in the street right of way shall be pruned to allow a clear view of sidewalks from the road. All plantings shall conform to section 10-12-11 of this chapter, clear view of intersecting streets.

C. Commercial And Industrial Zones:

1. Percentage Of Gross Area: Landscaping shall be required on twenty percent (20%) of the gross area of a lot or site located in the commercial zone. Landscaping shall be required on ten percent (10%) of the gross area of an industrial zone lot or site. Gross area is interpreted as the total site area remaining after any right of way dedication.
2. Setback: The minimum building and principal use setback from any street right of way shall be twenty feet (20') in commercial zones and fifty feet (50') in industrial zones. Parking shall not be allowed within this minimum setback area. Such areas shall be permanently landscaped except for approved access drives.
3. Tree Ratio: A mixture of evergreen and deciduous trees shall be planted at the ratio of one tree for each three hundred (300) square feet of the net landscape area. Trees shall have a minimum caliper of ~~1.25two~~ inches (1½"). The trees

planted in the City's Public Street Right of Way or other parts of the development may count towards the total number of trees required for landscaping.

4. Adjacent To Residential Zones: All setbacks adjacent to the rear yard or side yard of an existing or proposed residential use shall be permanently landscaped. Setback areas adjacent to residential areas may be increased by the planning commission if, in their opinion, it is necessary to protect the atmosphere and integrity of the residential neighborhood.
5. Irrigation: All landscaped areas shall be provided with an irrigation system, capable of complete coverage of the areas and designed to minimize runoff and other wasting of water. Such system shall be maintained in a fully operational condition. All landscaping shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. All paved areas, walls or fences shall be in good repair without broken parts, holes, potholes or litter.
6. Type Of Landscaping: All landscaped areas may be landscaped with a mixture of ground cover, grass, shrubs or trees, and may include sculptures, patios or fountains.
7. Plans And Designs For Approval: All landscaping plans and designs shall be submitted to the planning commission with other required plot plans for approval.
8. Screening Requirements: Where landscaped screening is required for other than residential use, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of from four feet (4') to seven feet (7').
9. Plot Plan Required: Where landscaping is required for other than residential uses, a plot plan showing the proposed landscape development, plant materials, watering system and use of the property shall be submitted to the planning commission. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, providing all proposed landscaping is detailed adequately on said plot plan. The planning commission may disapprove such plans if they determine that they are not consistent with the requirements and purposes of this title.
10. Conflicting Provisions: If requirements of this section are in conflict with other requirements of this title, the provisions of this section shall apply.
- ~~10.11.~~ The City may deny occupancy or conditional use permits to any commercial or industrial development that does not comply with this chapter.

RESOLUTION 17-05

A RESOLUTION PROCLAIMING APRIL 2017 AS CHILD ABUSE PREVENTION MONTH IN NIBLEY

BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

*Whereas*, the work of raising children in Cache Valley and empowering them to thrive stands among our greatest responsibilities as parents and community leaders; and

*Whereas*, all Cache Valley children deserve to experience and enjoy the innocence of childhood in a safe and nurturing environment, free from abuse and neglect; and

*Whereas*, child abuse, which robs children of this right, affects hundreds of Cache Valley's children annually, often negatively impacting them for the rest of their lives; and

*Whereas*, physical, verbal, emotional, and sexual abuse are serious and growing problems that respect no religious, socioeconomic, or geographic boundaries; and

*Whereas*, child abuse is often related to substance abuse, domestic violence, and other crimes that weaken families; and

*Whereas*, preventing child abuse depends on the efforts of all Cache Valley residents to collectively recommit to providing care, stability, and a brighter future for our sons and daughters; and

*Whereas*, each citizen of Nibley, Utah can play an integral role in preventing child abuse within their respective families, neighborhoods, and communities through education, involvement, and advocacy; and

*Whereas*, decreasing the incidence of child abuse makes a positive, substantial impact on the children of today, paving the way for them to succeed as the leaders of tomorrow; and

*Whereas*, effective child abuse prevention programs rely on community partnerships among individuals, families, municipalities, social service agencies, schools, religious and civic organizations, law enforcement, and the business community.

*Now, therefore, be it resolved*, that Nibley City hereby proclaims the month of April 2017 to be Child Abuse Prevention Month.

*Be it further resolved*, that the Mayor of Nibley and its City Council hereby commend this observance during April 2017 to the citizens of this municipality, actively promoting and improving public awareness; encouraging responsible intervention; and supporting the collaborative mission of *Strengthening Families and Protecting Children*.

Dated this 16<sup>th</sup> day of March, 2017

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Shaun Dustin, Mayor

ATTEST

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David Zook, City Recorder