

ORDINANCE 24-01

AMENDING NCC 3.02.040, 17.06.050, 19.20, 19.22 AND 19.24; REMOVING OWNER OCCUPATION REQUIREMENTS FOR ACCESSORY DWELLING UNITS AND TWO-FAMILY HOUSING, AMENDING IMPACT FEE PROVISIONS, HEIGHT REQUIREMENTS AND OTHER PROVISIONS FOR ACCESSORY DWELLING UNITS AND SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, Strategy 1 of the Nibley City Moderate Income Housing Plan is to ‘Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.’; and

WHEREAS, Removing the owner occupation requirement for lots with accessory dwelling units or two-family housing has the potential of increasing the supply of affordable rental units within the City in support of the City’s moderate income housing plan; and

WHEREAS, a height requirement of 30’ for accessory dwelling units will provide for options to construct a wider variety of designs for accessory dwelling units, while still ensuring that new construction is not overly intrusive on the surrounding neighborhood; and

WHEREAS, by limiting the square footage of accessory dwelling units, it is anticipated that the impact of such units may be lower than other housing units; and

WHEREAS, Removing the requirement that an accessory building must be behind the primary building allows for more efficient use of properties with varying lay-outs such as large setbacks, while ensuring that consistency of front setbacks of the primary building remain.

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

1. The proposed amendments to NCC 3.02.040, 17.06.050, 19.20.020, 19.22.010 and 19.24.060 and 19.24.250 be 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 All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency.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. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS 22 DAY OF February, 2024.

ATTEST: Cheryl Bodily
Cheryl Bodily, City Recorder



Larry Jacobsen
Larry Jacobsen, Mayor