

**HARRISVILLE CITY, UTAH
ORDINANCE No. 323**

**AN ORDINANCE OF THE HARRISVILLE CITY COUNCIL AMENDING
THE HARRISVILLE CITY ZONING ORDINANCE AND PROVIDING A
NEW CHAPTER 7 - SENSITIVE LANDS (SL) OVERLAY DISTRICT.**

WHEREAS, Harrisville City maintains a Zoning Ordinance identifying the requirements and regulations applicable to all land uses allowed within the City; and

WHEREAS, the Harrisville City Zoning Ordinance is utilized by Harrisville City to implement the Harrisville City General Plan; and

WHEREAS, to effectively implement the Harrisville City General Plan, the City Council may amend the Harrisville City Zoning Ordinance, from time to time, after the receipt of a Planning Commission recommendation by following the requirements of §10-9 *et. seq.* Utah Code Annotated (U.C.A.), 1953 as amended, to effectively implement the Harrisville City General Plan; and

WHEREAS, to effectively implement the Harrisville City General Plan the City has considered the need to amend the Harrisville City Zoning Ordinance and identify and provide development requirements relating to flood plains and wetlands areas, which are identified as sensitive lands; and

WHEREAS, the Harrisville City Planning Commission has conducted a Public Hearing to receive comment and consider amending the Harrisville City Zoning Ordinance to provide development requirements for areas of Harrisville City identified as sensitive lands; and

WHEREAS, the Harrisville City Planning Commission, after thorough and deliberate consideration has forwarded a recommendation to the City Council for an amendment to the Harrisville City Zoning Ordinance, providing requirements for all developments proposed on sensitive lands; and

WHEREAS, the Harrisville City Council has now held a public hearing to receive comment and input on the recommendation of the Planning Commission for requirements for development proposed on sensitive lands; and

WHEREAS, following all necessary public hearings and after thorough and deliberate consideration, the Harrisville City Council has determined that to protect the health, safety and general welfare of the citizens of Harrisville City that the Harrisville City Zoning Ordinance now be amended, as identified herein, and to be included and codified as Chapter 7 - Sensitive Lands (SL) Overlay District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISVILLE, STATE OF UTAH AS FOLLOWS:

Section 1. The Harrisville City Zoning Ordinance be amended by providing a new Chapter 7 - Sensitive Lands (SL) Overlay District, containing all the requirements and provisions as contained in Exhibit 1, attached hereto.

Section 2. This ordinance take effect upon its passage by the City Council and subsequent publication and posting as required by law.

IN WITNESS THEREOF, this Ordinance is passed and adopted by the Harrisville City Council this 14TH day of July 1998.

HARRISVILLE CITY COUNCIL:

Voting For:

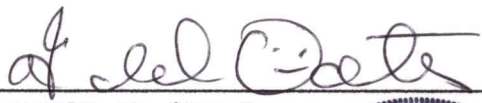
Councilwoman Chris Osborn

Councilman Lex Patterson

Councilman Merrill Harris

Councilman Marshall Garrett

Councilman Scott Higgs


MAYOR, Fred W. Oates

ATTEST:



Brenda Ouderkirk, Harrisville City Recorder

SEAL:



APPROVED AS TO FORM:

Attorney for Harrisville City, Utah

**ORDINANCE No. 323
EXHIBIT 1**

**CHAPTER 7
HARRISVILLE CITY ZONING ORDINANCE
SENSITIVE LANDS OVERLAY (SL) DISTRICT**

Section 7-1. Purpose.

The Sensitive Lands Overlay (SL) District is provided and formulated to protect the public health, safety and welfare of the existing and future citizens of the City, to provide and allow for a reasonable and viable use for all privately owned lands identified as sensitive lands, and to recognize those lands that possess an inherent environmental value for the City.

Section 7-2. Applicability.

The Harrisville City Sensitive Lands Overlay (SL) District is an unmapped zoning district on the Harrisville City Zoning Districts Map. The Sensitive Lands Overlay (SL) District applies to all lands within the corporate boundaries of Harrisville City that are determined to be sensitive lands as identified by this Chapter. These areas are identified as:

- (1) Floodplains. All areas within a 100 year floodplain (as mapped for the Federal Flood Insurance program).
- (2) Wetlands. All areas identified as wetlands by the U.S. Army Corps of Engineers.

If any lands, structure, lot, or other parcel of land is found to lie within the Sensitive Lands Overlay (SL) District such lands, structure, lot, or parcel shall meet all requirements of this Chapter as set forth.

Section 7-3. Development Requirements.

- (1) Floodplains. a. All development, structures, buildings or impervious surfaces commenced or installed after the effective date of this Chapter shall be required to comply with all requirements for construction in a floodplain as required by a Federal or State

agency, and the requirements of the Uniform Building Code for construction within a floodplain.

- b. For the purposes of calculating density applicable to Floodplain areas, a maximum density of twenty percent (20%) of the underlying zone is permitted.
- (2) Wetlands.
- a. All development, structures, buildings or impervious surfaces commenced or installed after the effective date of this Chapter shall be as allowed and required by the U.S. Army Corps of Engineers.
 - b. For the purposes of calculating density applicable to wetland areas, as determined by the U.S. Army Corps of Engineers, no density is applicable to any wetland areas.

Section 7-4 Relationship to Underlying District.

With the exception of allowed density and the requirements for construction in a floodplain all requirements of the underlying District shall apply to the Sensitive Lands Overlay (SL) District.

Section 7-5 Nonconforming Uses, Buildings and Structures.

Any Uses, Buildings and Structures which were lawfully established prior to the effective date of this Chapter may be maintained and continued by meeting the provisions for Nonconforming Uses, Buildings and Structures as established herein.

Section 7-6 Constitutional Taking Issues.

Any owner of real property who claims there has been a constitutional taking of private real property by the enactment of this Chapter shall be required to follow the procedures for Review of Constitutional Taking Issues, as established by Harrisville City Code.