

**HARRISVILLE CITY
ORDINANCE NO. 491**

LIMITED MIXED-USE DEVELOPMENT

AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEAL AND RE-ENACT SECTION 11.10.20.10 AND 11.10.020.11 RELATING TO MULTI-FAMILY; REPEAL AND RE-ENACT AMENDING SECTION 11.14.020.2 PROVIDING LIMITED MIXED-USE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City desires to meet the challenges presented by growth and development by adopting provisions for limited mixed-use development;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on April 12, 2017, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on April 25, 2017, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: Repealer. *Harrisville Municipal Code* §11.10.20.10, §11.10.020.11, and §11.14.020.2 is hereby repealed. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. *Harrisville Municipal Code* §11.10.20.10, §11.10.020.11, and §11.14.020.2 is hereby re-enacted to read as follows:

11.10.020 Special Regulations.

10. Limited Mixed-use. Subject to successful negotiation of a Development Agreement, and compliance with HMC §11.10.020.11 and §11.14.020, mixed-use is permitted only on

properties fronting Washington Boulevard or Wall Avenue.

- a. Minimum Parcel. The minimum parcel size of any mixed-use development shall be five (5) acres.
- b. Commercial/Residential Area. The maximum area to be used for residential use shall not exceed 65% of a mixed-use development, with the minimum commercial area being 35% of the total mixed-use area. For parcels under six (6) acres, the minimum commercial area shall be four-hundred (400) feet in depth and consist of the entire frontage of the parcel.

11. Residential in Limited Mixed-use. The following requirements shall be minimum requirements for residential uses in a mixed-use area:

- a. Development Agreement Required. The Development Agreement shall specify setbacks, parking, traffic flow, connectivity, landscaping, open space, recreation, building materials, utility services, and all other aspects of the development. The development agreement is subject to successful negotiation between the City and applicant.
- b. Minimum Residential Lot Standard. The minimum residential lot standard is (R-1-6) being 6,000 square feet for the first unit and 1,000 square feet for each additional unit up to a maximum of 6 units per lot. R-1-6- setbacks and standards apply unless further defined in the development agreement.
- c. Minimum Units Size. Minimum dwelling unit size shall be 1,200 square feet of living space per unit.
- d. Garage and Parking. A two (2) car garage shall be provided for each unit, and one guest parking stall shall be included for every three units within the development.
- e. Landscaped Open Space. A minimum 250 square feet of fully landscaped open space shall be required for per unit. A minimum of one (1) two-inch (2") caliper tree for lot shall be included in the development.
- f. Building Material. Building material shall be as follows:
 - i. Color schemes are to be generally earth-toned in nature and set forth in the development agreement.
 - ii. Forty percent (40%) of the total front exterior structure shall be brick or stone type material.
 - iii. All remaining exterior shall be stucco, hardiboard, or cement board materials.

11.14.020 Special Use Regulations.


2. Limited Mixed-use. Limited mixed-use is permitted on properties fronting Washington Boulevard or Wall Avenue subject to this part and HMC §11.10.020.10. The following requirements shall be minimum requirements for commercial uses in a mixed-use area:
 - a. Agreement Required. The Development Agreement shall provide for setbacks, parking, traffic flow, commercial uses, connectivity, landscaping, building materials, utility services, and all other aspects of the development. The development agreement is subject to successful negotiation between the City and applicant.

- b. Area Requirements. The mixed-use area requirements shall comply with HMC §11.10.020.10.
- c. Zoning and Standards. Commercial Zoning for the commercial area in mixed-use development shall be C-2 Zone, and shall comply with all development standards and specification of that Zone unless otherwise provided in the development agreement. No mixed-use development is allowed in any manufacturing or industrial zone.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 25th day of April, 2017.

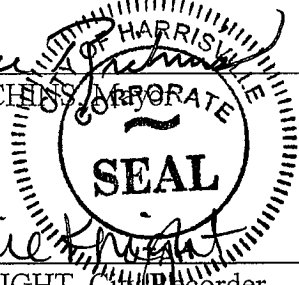


BRUCE RICHENS, Mayor

ATTEST:




JENNIE KNIGHT, City Recorder



RECORDED this 26th day of April, 2017.
PUBLISHED OR POSTED this 26th day of April, 2017.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Harrisville City, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) City Hall, 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.



JENNIE KNIGHT, City Recorder

DATE: 4/26/17