

**HARRISVILLE CITY
ORDINANCE NO. 441**

LAND USE ORDINANCE AMENDMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH AMENDING
VARIOUS SECTIONS OF THE LAND USE ORDINANCE RELATING TO
THE BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT; THIRD
PARTY NOTICE; SITE PLANS; ACCESSORY BUILDINGS;
SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, Harrisville City (hereafter “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 allow municipalities in the State of Utah 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 and good order for the inhabitants of the City;

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

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on September 14, 2011, to take public comment on the proposed ordinance, and subsequently gave its recommendation to the City Council to approve this ordinance;

WHEREAS, the City Council received that recommendation from the Planning Commission and held its public meeting on September 27, 2011;

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

- Section 1. Repealer.** Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2. Amendment.** The municipal code is hereby amended to read as follows:
- 11.09.030. Accessory building development standards.**

1. Free standing residential accessory structure setbacks. Residential accessory structures (e.g. garage, shed, work shop, gazebo, and covered pergola) which are free standing shall only be located to the side or rear of the main building. The accessory building located in the side yard must be set back at least ten (10) feet from the side yard property line ~~and (6) feet from the main building.~~
2. Freestanding accessory building height:
 - a. Maximum:
 - i. Barn, garage - 25 feet.
 - ii. Shed, coop, produce stand, greenhouse - ~~15 feet~~ 25 feet.

11.13.020. Main building development standards.

2. Parking lot in front of building ~~25~~ 5 feet.

11.18.050. Basis for issuance of conditional use permit.

3. That the proposed location does not have any unresolved actual or alleged violations of the municipal code.

11.18.030. Review procedure.

4. Third party notice. The planning commission, ~~when considering a conditional use permit application, may shall~~ provide third party notice in the form and manner specified by law or by the commission. ~~hold a public hearing.~~ Notice of the public hearing shall be mailed a minimum of seven (7) days prior to the public hearing to all property owners of record according to the Weber County assessor records ~~within six hundred (600) feet of the property lines of the proposed use and notice of such hearing shall be posted in three (3) public spaces in the municipality forty eight (48) hours prior to the meeting to consider the proposed use.~~

11.22.030. Application process.

- 6.c.(16). Ten (10) days prior to the land use authority meeting, the applicant ~~shall will~~ provide the city engineer and the planning commission secretary with an electronic and/or paper plan set and application in the form, manner, and number as requested by the city that includes with a paper copy including all current changes and revisions., and also deliver two (2) full paper copies of the same to the city office along with nine (9) reduced scale 11 inch x 17 inch copies.


Section 3. Severability.

If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the 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

PASSED AND ADOPTED by the Harrisville City Council on this 27th day of September, 2011.


RICHARD HENDRIX, Mayor

ATTEST:


JENNIFER MORRELL, City Recorder




Roll call vote is as follows:		
Mr. Allen	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Mr. Crowther	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Ms. Tait	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Mr. Richins	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Mr. Wilhelmsen	<input checked="" type="radio"/> Yes	<input type="radio"/> No

RECORDED this 28 day of September, 2011.
PUBLISHED OR POSTED this 30 day of September, 2011.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

 DATE: 9/30/11
JENNIFER MORRELL, City Recorder