

HARRISVILLE CITY
ORDINANCE NO. 428

ZONING ORDINANCE AMENDMENTS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING CHAPTER 11.10 RELATING TO RESIDENTIAL ZONE SPECIAL USE REGULATIONS KEEPING OF HORSES IN FRONT OF THE HOUSE; AND 11.09 RELATING TO PARKING VEHICLES, TRAILERS, AND RVs; AND CHAPTER 11.12 RELATING TO INCLUSION OF AUTOMOBILE AND NONCOMMERCIAL TRUCK RENTALS UNDER SALES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville 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, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, 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 8, 2010, to take public comment on this proposed 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 September 28, 2010, and desires to act on this Ordinance;

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

- Section 1:** **Repealer.** Any chapter, section, word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2:** **Amendment.** Section 11.10.20 of the *Harrisville Municipal Code* is hereby amended to read as follows:

11.10.020 para 6.b. Horses that are kept on a property that has a dwelling can only be kept if the dwelling is a single family dwelling and the horses are kept a minimum of 30 feet behind the rear of the dwelling in all zones except in the A-1 zone. In the A-1 zone where the front yard accommodates a minimum 20,000 square feet of pasture area not including 30 feet of front yard space to accommodate landscaping horses may be kept in a fenced area in front of the house. The area required for the number of horses allowed is calculated beginning at a point 30 feet behind the rear of the dwelling. In the A-1 zone the lot area minus 15,000 square feet for the dwelling area is used to calculate the number of horses allowed. The allowed number of horses in all zones where allowed is based on 25,000 square feet for the first horse and 20,000 square feet for each additional horse.

Section 3: Amendment. Section 11.09.040 of the *Harrisville Municipal Code* is hereby amended to read as follows:

Parking Regulations.

2. Additional Off Street Parking

a. Parking or storing of vehicles, trailers, or RVs of any kind in the sideyard or the front yard setback of a dwelling may be allowed provided that the following conditions are complied with;

(1). The dwelling unit has the minimum number of two (2) required off street parking spaces and access to those parking spaces is on a concrete or asphalt driveway.

(2). Any additional parking space must remain open and unobstructed to the sky in front yard.

3. The surface treatment for the additional parking and the access to the additional parking if located in the side yard is either road base, gravel or a hard surface material of concrete or asphalt.

4. The additional parking space in the front yard is limited to only the area between the hard surface driveway and the nearest sideyard property line. Parking can not extend into the area between the dwelling and the street nor in the sideyard facing a street on a corner lot.

5. All storm water run off must be directed or collected to prevent drainage onto adjacent properties.

6. No additional parking space shall be located in the sideyard or frontyard setback facing a street on a corner lot.

Section 4: Amendment. The Table of Uses under SALES in Chapter 11.12.020 of the *Harrisville Municipal Code* is hereby amended to include the following:

“Retail or wholesale sales of products with a main office building but requires outdoor display of products to be sold. (e.g. auto sales, recreation vehicle sales, plant nursery, building materials, etc... Includes rental of automobiles, noncommercial trucks, and commercial vehicles and equipment).”

Section 5: Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the

remainder shall not be affected thereby and shall remain in full force and effect.

Section 6: Effective Date. This Ordinance shall be effective immediately after posting or publication.

PASSED AND ADOPTED by the City Council on this **28th** day of **September, 2010**.


RICHARD HENDRIX, Mayor

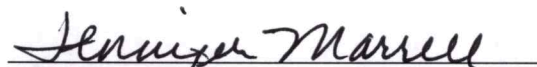
ATTEST:


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
Mrs. Fowers	<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 30 day of September, 2010.
PUBLISHED OR POSTED this 4 day of October, 2010

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) City Hall 2) 2150 North and 3) City Cabin on the above referenced dates.

 DATE: 10-4-10
City Recorder
Harrisville City

