

**WASHINGTON TERRACE CITY
ORDINANCE 17-02**

IN-FILL RESIDENTIAL DEVELOPMENT

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
ADOPTING CHAPTER 17.10 PROVIDING IN-FILL RESIDENTIAL
DEVELOPMENT STANDARDS; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Washington Terrace 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 permit individuals who seeks to operate a falconry as provided in the municipal code;

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 28, 2016, and again on March 30, 2017, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance on April 13, 2017;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on April 18, 2017, and desires to act on this Ordinance;

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

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Adoption. Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

Chapter 17.10
IN-FILL RESIDENTIAL DEVELOPMENT STANDARDS

Sections:

- 17.10.010 Purpose and intent.**
- 17.10.020 Eligibility.**
- 17.10.030 In-fill Planning Commission Approval Required.**

17.10.010 Purpose and intent.

The purpose of this chapter is to encourage the development of underutilized parcels in zones which, have been identified as areas where in-fill residential development should be encouraged. This chapter identifies conditions under which in-fill development is supported and relaxes certain development requirements in those instances in an effort to promote the construction of in-fill development at appropriate locations in the city.

17.10.020 Eligibility.

1. Definition. In-fill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. The City has identified significant vacant land parcels within city limits, which, for various reasons, has been passed over in the normal course of urbanization and are eligible for In-fill status.
2. Eligible Parcels. The In-fill Development Map set forth in Exhibit "A" adopted and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. Parcels not identified on the In-fill Development Map are not eligible.
3. Development Agreement. In-fill development is entirely subject to a written "Development Agreement" negotiated by the City and Owner that meets or exceeds the requirements of this Chapter.
4. Additional Eligibility Criteria. In order for any parcel on the In-fill Development Map to obtain a permit for in-fill development the following additional criteria must be met:
 - a. Be zoned residential.
 - b. The Owner of any parcel not identified on the In-fill Development Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.
5. Size and Access. Meet the size and access criteria as follows:
 - a. Being accessed from a public street.
 - b. Be of sufficient size for egress without interfering with adjoining properties, and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
 - c. Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
 - d. Be capable of being serviced by utilities and infrastructure.
 - e. Be no more than two (2) stories, including any basement.
6. Architecture and Design. Meet the architecture and design criteria as follows:
 - a. Each unit shall have a minimum two (2) car attached garage, private driveway

parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.

- b. Provide for the following architectural features:
 - i. Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall be: cement board, hardiboard, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.
 - ii. Color schemes, such as earth-tones, that promote curb appeal.
 - iii. Varied roof-lines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
 - iv. Flat roofs shall not be permitted.
 - v. Front porches shall include decorative exterior lighting.
- 7. Density. The density of lots in any in-fill development shall be calculated based upon the average density of the surrounding residential uses on a per acre basis as calculated by the Building Official. However, no in-fill development shall exceed the maximum of ten (10) units regardless of the average density of surround residential uses.

17.10.030 In-fill Approval Required.

Development proposals desiring to utilize the in-fill standards of this chapter shall be subject to a “Development Plan” that includes: the development agreement, site plan, proposed plat, fees, and improvement drawings that meets the minimum requirements of this Chapter, the meets the municipal code and public works standards of the City to the greatest extent practicable. The Development Plan must include the entire in-fill parcel for the proposed residential uses (such as patio homes, condominiums, or townhouses) to be submitted for recommendation by the Planning Commission and final action by City Council which may approve, amend, modify, or deny the proposal. No building permit shall issue until the final plat has been recorded.

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 ____ day of _____, 2017.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ___ day of _____, 2017.

PUBLISHED OR POSTED this ___ day of _____, 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 the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) _____, 2) _____, and 3) _____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder

DATE: _____

ALL P LANGFORD LIMITED
FOR D, RUSSELL P & WF
ON, EDWARD E & WF
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KER, FLOYD L & WF
KER, FLOYD L & WF
C
ER, R SCOTT
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