

**MINUTES OF MORGAN CITY
COUNCIL SPECIAL WORK MEETING June 28, 2023; 5:33 P.M.**

MAYOR AND COUNCILMEMBERS

PRESENT: Mayor Steve Gale, Tony London, Jeff Wardell, Eric Turner, Jeffery Richins and Dave Alexander

STAFF PRESENT: Denise Woods, City Recorder

STAFF PRESENT ELECTRONICALLY: Ty Bailey, City Manager; Gary Crane, City Attorney

OTHERS PRESENT: Jake Young, City Planner, CitiDesign; Wes Woods, Planning Commissioner

This meeting was held in the Council Conference Room of the Morgan City Offices, 90 West Young Street, Morgan, Utah. The meeting was streamed live on YouTube and available for viewing on the City's website – morgancityut.org.

This meeting was called to order by Mayor, Steve Gale.

ITEMS FOR DISCUSSION

DISCUSSION – AMENDMENT TO TITLE 10, CHAPTER 10.04, SECTION 10.04.010, CHAPTER 10.12, SECTIONS 10.12.010 AND 10.12.040 AND ENACTING TITLE 10, CHAPTER 10.15 ENTITLED MIXED RESIDENTIAL OVERLAY (MRO) ZONE OF THE MORGAN CITY CODE

Mayor read the whereases from Ordinance 23-04. He stated there was a variety of opinions regarding the overlay zone and he hoped the Council could have a beneficial discussion tonight. He stated the City needed to get ready the best we could for what the state wanted to impose on us. He said some of us had were kids and grandkids who wanted to live in Morgan but right now it was hard to do because of the housing costs.

Jake Young, City Planner, stated this ordinance was a result of a lot of planning and discussions. He stated the genesis of this ordinance was a proposed development last year for townhomes, which had been the typical development in the City the last 10 years, and some were not very attractive. He said the Mayor and Planning Commission suggested looking at something different. He said he took the Mayor and several City Staff on a mobile tour of some of the best communities in Wasatch Front in Kaysville, South Jordan, and Salt Lake area. They weren't looking at 'Big City' stuff but things which could be applicable to Morgan. He stated the City Council, and the Planning Commission had a joint meeting in August of last year and the City Council recommended Staff and the Planning Commission move forward with the mixed residential ordinance. He stated the Planning Commission worked through a lot of issues and had developed drafts and revisions and this ordinance was very customized for Morgan City.

Jake explained this was a planning tool which was kind of up in the cloud. He stated it was an overlay zone and was not pre-applied to ordinances and land. He said it gave the City flexibility to have restrictions with design requirements on single-family residential developments, which normally the City couldn't have. He said it also gave the City the discretion to decide if the project was the right look, size, or location and if it fit within the City. He suggested the Council consider this as a 'pilot project.'

Mayor asked for clarification about the Council's ability to be involved with the design elements regarding this type of development and how to approve one and not the next development.

Jake stated first, the developer needed to meet the City ordinances but second, because it was a legislative decision the Council would have final approval. He said the Council had the opportunity to tell the developer what the Council would like or dislike in the design and make recommendations to the developer. He stated each development would be approved on a 'case by case' basis, making sure it actually fit and was in the right place and right design, and that it met all the requirements. The requirements in this overlay zone would be much higher than the typical subdivisions and development. He stated not all the developers would use this planning tool because they don't want to develop pocket parks and require porches on homes, certain architecture, etc. He stated the developers will like the benefits of the density, but they might not be willing to provide everything else required by the City.

Councilmember Turner asked for clarification whether the overlay applied citywide (within the City's boundary) or just a certain section of the City in a specific zone.

Jake stated it covered Morgan City project by project. He stated a developer would need to apply specifically for the overlay zone for a development. He said there were a lot of requirements within the overlay ordinance which would limit the areas where it could be applied.

Councilmember Turner used an example of a piece of property (2.5 to 10 acres), which was zoned R-1-20, and surrounded by property with the same zoning, and a developer wanted to use the overlay zone for his development in the middle of the property zoned R-1-20. He stated he was nervous of the ordinance and how it would be used.

Jake said yes, the developer could request to use the overlay zone, but the City could say it wasn't compatible with the surrounding developments. He said he understood the nervousness over the ordinance, but it was still a draft and changes could be made to it. He said language could be changed regarding compatibility with surrounding development and use of the overlay zone with only certain underlying zones. He expressed his concern with a request from a developer to use the overlay zone on a hillside. He said the Council could change the ordinance and eliminate use in sensitive lands. He mentioned again this would be reviewed and discussed on a case-by-case basis. He said the Council would see complete concept/design drawings before the Council approved or denied the use of the overlay zone.

Jake pointed out the following points of the ordinance:

- It was intended for infill development and required a mixture of housing types and created smaller pocket neighborhoods. It was not intended for larger developments or as standalone master-planned communities. It was not pre-assigned and was done in conjunction with the development application.
- Used in residential zones and applied to a development project between 2.5 and 10 acres in size. He said he wouldn't suggest changing the minimum 2.5-acre limit, but if the Council wanted, they could decrease the acreage to have a smaller sized development, but if it was a smaller area there wouldn't be a City park in the development.
- The maximum number of dwelling units was 10 per acre. He stated this was not considered high density.
- Pointed out the two lists of building types, i.e., small and medium single-family or townhome and two-family homes. He stated 30% of the units must come from each of these lists, but there would probably be more townhomes than single-family homes.
- Residential buildings to be oriented in one of two methods. First, building's front façade and front door face the street, and second the buildings face onto a common green or park. The common

green would directly connect with the street. Each dwelling shall have a continuous sidewalk from the residential front door, facing the common green, to the street.

- 15% of the land was required to be used as open space. He said backyard space would be traded for a pocket park which was a common area and would add recreational space to the City but would be park of an HOA and the City would not be required to maintain it. The following are requirements of the open space:
 - Have a playground (City wouldn't design the park).
 - Only 25% of the open space could be used for stormwater detention/retention.
 - Trails, benches, sidewalks, etc.
 - CCR's require that the open space is open to the public.
 - HOA required and approved by the City.
 - No-off street parking required for open space.
 - City would be trading density for design quality.

Jake pointed out several design elements:

- Each dwelling was required to have a porch which is a minimum of 5' x 8' (equaling 40 square feet or larger).
- 50% of MRO Zone dwellings/units shall be individually platted.
- Maximum number of units per building was five.
- Each home had to be different from the home next to it. Variety of home styles. Building design must distinctly vary in four (4) of the following eight (8) elements:
 - Architectural style
 - Colors of exterior materials and surfaces
 - Roofline articulation
 - Materials (brick, stone, stucco, hardy-board, etc.)
 - Window location and sizes
 - Door design, color, and location
 - Porch location or porch covering
 - Building bump-outs or exterior wall changes

Jake stated Staff would review architectural designs. He mentioned there would be windows on all sides facing streets. He displayed examples of small single-family dwellings in development using the overlay zone. He displayed examples of medium and small single-family dwellings within the same neighborhood and the garages were set back a little bit from the front façade. He stated townhomes were limited to 5 units a building and were required to have a rear loaded garage and could be attached or detached. He stated the twin-homes could be street facing with a shared driveway. He displayed several examples and stated the building must have high-quality exterior finish materials on all sides, i.e., brick, fiber-cement board, or similar lap siding, glass, or stone. He said 30% of those listed materials must be used on the fronts of the buildings. He showed the designs for the garages and non were facing the front unless they were set back from the front of the building. He reviewed the lot sizes, width, depth, and setback requirements. He stated the maximum building height was 27', which was essentially 2 ½ stories or 2 stories with a pitched roof.

Jake explained each unit must have a minimum of two dedicated stalls per unit located at the dwelling, one of which was required to be a garage stall. He said ½ stall for visitors were required for each unit and they were to be located within 150' of each dwelling unit. He displayed diagrams showing the alley cross sections. He stated the alleys would be privately owned and the HOA would be required to provide snow plowing and maintenance.

Jake stated the City didn't have landscape requirements for residential single-family homes. He reviewed the landscape requirements for the MRO zone, i.e., street trees, landscaping, plants, water wise landscaping,

etc. He stated landscape must be stamped by a professional landscape architect. He stated by having landscaping requirements it was another way to raise the bar on a development.

Jake reviewed the application process and the documents required for the rezone. He stated this type of development wasn't for everyone, i.e., large families, families with teenagers and multiple cars, etc., but there was also a good demographic which fit this type of development.

Mayor opened the discussion to the Council. He mentioned the amount of growth in the north part of the City and because he wasn't able to purchase the property, he couldn't interfere with what the property owner was allowed to do with his property. He stated he was impressed with the neighborhoods they went through on their tour with Jake.

Discussion regarding where the MRO zone could be applied. Currently it was in residential and commercial, but the Council had the discretion to say 'yes' or 'no' where it was applied, and it wasn't automatically approved. The Planning Commission hadn't discussed excluding it from the rural and commercial zones, but the ordinance was still in draft so those changes could be made.

Gary Crane, City Attorney, stated the Council could designate which zones the overlay zone could be used with. He said the Council would use the same criteria used for any zoning ordinance. He said the Council would look at whether it was the right place for the traffic circulation, density wise, adequate utilities, etc., but in addition to that there would be a very detailed plan to review before making the decision, which you normally didn't have when it came to rezone requests. The detailed plan would give the Council a better idea of where this type of development should go or not. He explained the zoning criteria was a rational basis so the Council could approve it in one location and not the next if they had a rational basis to do so. He stated with a subdivision approval the Council were bound by the City's ordinances and the Council didn't have the rational basis test. The Council would need substantial evidence in order to overcome some of the objections to a subdivision, but this overlay was intended to be flexible. He stated when approving the application of the overlay zone to denying it for another application, the Council couldn't distinguish on the basis of who was making the application because that would be arbitrary, capricious, and unreasonable, but you did have considerable flexibility on where you applied the overlay zone. He said the Council wasn't bound by their prior decisions. He said the Council needed to look at each individual area in the application and make their decision on each individual application. He gave several examples of these types of developments in Layton and stated the developers tended to hang onto them until the HOA was up and running by taking over the responsibilities of the developer.

Councilmember London stated in the past a concept approval was not necessarily what the City ended up with. He asked if a developer applied for this MRO zone could the City require a full rendering of the concept of the development from the developer. He said it was important to him to see exactly what the finished project would look like.

Gary said yes and this could be an inhibiting factor for every developer wanting to do this type of development. He said a developer applying for the MRO zone would invest a lot of money up front in just convincing the Council. He clarified that it wasn't a typical concept plan approval because this wasn't a subdivision, but the developer was asking the Council and Planning Commission to consider applying the MRO zone in an area. He said the rendering would show what the homes would look like, the elevations, where the garages were, etc.

Councilmember London asked how a private development ended up being the City's responsibility.

Gary explained the City required all the infrastructure in a private development to be to City standards. He said if a private road was built at 26' feet they would never be turned over to the City and the City wouldn't

accept responsibility for them. He said the developments in the MRO zones needed to have a solid HOA and the common area needed to be dedicated to the HOA, including the streets. The City would maintain any public streets within the development. He said the bottom line was the City didn't have to take back anything which didn't meet City standards.

Councilmember Richins said he could see a place for this type of development in the City, along as there were restrictions. He said there was a need and a demand for this type of development and the City needed more affordable housing and something like this for the new generation.

Jake displayed a map of the City and referenced the property which started this discussion, and it was already zoned RM-15.

Discussion regarding the 15% requirement for open space. Jake said at 15% the City could get something which was usable but wasn't overly burdensome to maintain. The pocket parks would be available to the public. Jake said the development agreement would state they were 'privately maintained publicly accessible.' The City needed to respect the private nature of the pocket parks.

Councilmember Alexander mentioned several high-density developments within the City and stated this ordinance would address design more than density.

Councilmember Tuner expressed appreciation to Jake and the Planning Commission for all the time they had spent on this ordinance. He stated there had been discussions regarding affordable housing and how we need it in Morgan City, but we don't set the housing market in Morgan. He said it was supply and demand and the market drove the prices for new homes and also our existing homes. He asked what a development of this type would do to the City's road, water and sewer systems.

Discussion regarding the state's requirements regarding affordable housing. It wasn't Morgan's responsibility to solve the state's issue with affordable housing, but everyone was expected to do their part.

Jake stated it was the builder's job to build the homes, but it was the City's job to allow homes and allow flexibility in markets. He stated the City had the discretion to decide where an R-1-20 zone, or an RM-15 zone would be located within the City.

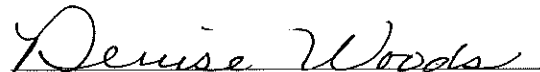
Councilmember Turner said he wasn't against this overlay zone, but he felt it should be in certain areas and wouldn't want it in the middle of an agricultural zone. He stated people moved to Morgan for the rural atmosphere. He mentioned all the items listed in the usable open space which would be available to the public and mentioned the liability insurance the HOA would need to have.

Jake said with the overlay zone the City was incentivizing quality. He said this type of ordinance prepared the City to be in a better situation when they were going to be required to meet the state's requirements and have a modern income housing plan.

The following were suggestions to change the ordinance:

- Third-part HOA required.
- Not allowed in the following zones: R-1-20 (Single-family Residential), R-R (Rural Residential), M-D (Manufacturing and Distribution), and A (Agriculture).
- Special considerations in sensitive lands. The sensitive lands ordinance would be on top of the overly zone.

This meeting was adjourned at 7:48 p.m.


Denise Woods, City Recorder


Steve Gale, Mayor

These minutes were approved at the August 22, 2023 meeting.