

**HARRISVILLE CITY
ORDINANCE 503**

MIXED-USE AND IN-FILL DEVELOPMENT

AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEAL SECTIONS 11.10.20.10, 11.10.020.11, AND 11.14.020.2; ADOPTING CHAPTER 11.11 CREATING MIXED-USE AND IN-FILL DEVELOPMENT ZONING AND REGULATIONS; 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 mixed-use and in-fill 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 _____, 2019, 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 _____, 2019, 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 *Harrisville Municipal Code* §11.10.20.10, §11.10.020.11, and §11.14.020.2 is hereby repealed. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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. Chapter 11.11 of the *Harrisville Municipal Code* is hereby adopted to read as follows:

Chapter 11.11

Mixed-use and In-fill Development Regulations

Sections:

- 11.11.010 Enabling Act and Purpose.**
- 11.11.020 Findings.**
- 11.11.030 Sub-zoning.**
- 11.11.040 Process.**
- 11.11.050 Application.**
- 11.11.060 Development Agreement.**
- 11.11.070 Administration of Sub-zone.**

11.11.010 Enabling Act and Purpose.

This Chapter shall be known as “Mixed-use and In-fill Development Regulations” for the purpose of enabling the City to manage and regulate the development of large parcels and in-fill properties as identified by the City.

11.11.020 Findings.

The City Council finds that standard zoning practices such as single-purpose base zones, planned unit developments, and other traditional zoning classifications are inadequate to address the development of larger parcels and in-fill development within the City to ensure that these developments are well-planned, sensitive to the needs of the City and, also, successful in recognizing the rights of property owners to develop their land. This is especially true when the property involves issues of infill and configuration, and when the development of the property may take several years. The City Council has carefully researched the state-of-the-art practices for how to deal with such larger projects. Based on that research the City Council has determined that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner and those agreed-upon regulations being enforced and assured by the terms of a development agreement. The purpose of this ordinance is to create enabling provisions for adopting such specialized zones and applying them to particular properties.

11.11.030 Sub-zoning.

Eligible parcels under this Chapter maybe zoned as a sub-zone as follows:

1. Mixed-use Large Project (MU-LP) Sub-zone. This Sub-zone is designed for a “Large Project Master Planned Community” as provided in this Chapter.
 - a. Eligibility Requirement. The MU-LP Sub-zone only applies to development projects over one hundred (100) contiguous acres in size, and designated for mixed-use in the General Plan.
 - b. Plan Map. A proposed plan map showing the area of the project and proposed uses is required as part of the application.
 - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.

- d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.
- 2. Mixed-use Commercial (MU-C) Sub-zone. This Sub-zone is designed for a “Commercial In-fill Planned Community” as designated in the City’s General Plan.
 - a. Eligibility Requirement. The MU-C Sub-zone only applies to development in areas designed for mixed-use or in-fill in General Plan, and requires that the first level of all buildings provide for commercial uses. The secondary level of each building may contain commercial or residential uses. For a third level of commercial or residential uses, a fourth level is required consisting of rooftop amenities such as: recreation, conference space, business center, clubhouse, shops, café, and similar uses.
 - b. Plan Map. A proposed plan map showing the area of the project and proposed uses, including adequate landscaping and open space, is required as part of the application.
 - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.
 - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.
- 3. Mixed-use Residential (MU-R) Sub-zone. This Sub-zone is designed for “Residential In-fill Planned Community” as designated in the City’s General Plan.
 - a. Eligibility Requirement. The MU-R Sub-zone only applies to development in areas designed for mixed-use or in-fill in the General Plan, and the proposed project shall include residential amenities that foster community, including but not limited to: clubhouse, recreation, pathways, conference space, business center, personal services, café, and similar amenities as set forth in the Development Agreement.
 - b. Plan Map. A proposed plan map showing the area of the project and proposed uses, including adequate landscaping and open space, is required as part of the application.
 - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.
 - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.

11.11.040 Process.

The property owner(s) initiate the process under this Chapter by filing a written application with the City Recorder to create one of the Sub-zones provided in this Chapter. The Planning

Commission shall consider the application for possible recommendation to the City Council in the same manner as any other zoning map amendment at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the Sub-zone, map such to the property, and approve the required Development Agreement. The application for a Sub-zone creates no rights in the property owner until any such Sub-zone and the Development Agreement are approved by the City Council and recorded against the property.

11.11.50 Application.

Any application for a Sub-zone shall include the following and such other materials as the City may require:

1. The proposed Sub-zone;
2. Complete plan map of the property proposed for the Sub-zone as provided in this Chapter and including topographical information at 2' contours or more detailed;
3. The proposed Sub-zone Ordinance specifying the permitted, conditional, and accessory uses as more fully detailed in the required Development Agreement.
4. A proposed Development Agreement.

11.11.060 Development Agreement.

1. Contents. The proposed Development Agreement shall include the items specified in this Section.
2. Legislative Action. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering and may make any modifications to the proposed Development Agreement that it deems appropriate before approving the Development Agreement and applying it to the property as a part of the creation and mapping of the Sub-zone.
3. Required Elements. The Development Agreement shall include:
 - a. A master development plan for the entire property of the project showing:
 - i. The general areas of each intended use and the approximate intensity of each such use such as the approximate number of each type of residential or support use.
 - ii. The general areas of each intended use and the approximate intensity of each use such as the approximate number of each type of commercial, office, or retail use;
 - iii. The approximate location of infrastructure such as roads, parking, storm water facilities, flood control, utilities, and other infrastructure; and
 - iv. The general location size and type of support uses, open space, recreational amenities, pathways or trails, and related amenities.
 - v. Designation of any present or postponed FEMA floodplain.
 - b. Proposed development standards for the various types of residential, commercial, retail office, or other uses proposed including parking areas, dimensions and setbacks.

- c. Proposed design standards addressing building height, massing and orientation, open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
- d. Proposed plan for maintenance of the project including appropriate costs for the same to be incurred by an owner's association, that accounts for implementation costs and long-term maintenance projections.
- e. Proposed plan for implementing, administering, enforcing the proposed project.
- f. A hold harmless provision ensuring that the City, and other public entities servicing the project, cannot be held liable for any damages arising out of the Development Agreement.
- g. Any other items that the City Engineer or City Attorney deems appropriate.

11.11.070 Administration of Sub-Zone.

It is the intent of the City that after the policy considerations by the City Council in adopting the proposed Sub-zone, applying that Sub-zone to the property, and entering into the Development Agreement that any implementation of the Sub-zone or Development Agreement is administrative in nature and not a legislative function. However, modification or amendment of the Development Agreement is a legislative function that requires approval of the City Council.

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 the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of ____, 20__.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JENNIE KNIGHT, City Recorder

RECORDED this ____ day of ____, 2019.

PUBLISHED OR POSTED this ____ day of ____, 2019.

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) Harrisville Cabin on the above referenced dates.

City Recorder

DATE:_____