

HONEYVILLE CITY PLANNING COMMISSION MEETING NOTICE & AGENDA

Notice is hereby given that the **Regular Meeting** of the **Honeyville City Planning Commission** will be held on **Wednesday September 28, 2022** at 7:00 p.m., in the Honeyville City Hall, 2635 West 6980 North, Honeyville, UT 84314. Interested citizens are invited to attend.

Call to Order – Kenny Funk

Invocation & Pledge of Allegiance – Kenny Funk

Conflict of Interest, if any:

Public Hearing – Proposed Rezone from A-5 to RR: Parcel #04-024-0053

- A. Open Public Hearing
- B. Close Public Hearing
- C. Action Item: Proposed Rezone from A-5 to RR: Parcel #004-024-0053

Public Comment Period: Comments will be listened to with no action taken. Items needing action will be placed on next month's agenda by request. Individuals will be given 5 minutes to comment.

Zoning Administrator Report - Codey Illum

Action Items:

- A. CUP Application – William Anderson
- B. Approval of Minutes: 08/17/22

Discussion Items:

- A. A-5A: Jones & Associates Draft Ordinance
- B. Accessory Setback Ordinance
- C. Suggested Water Ordinance Changes – Compiled List

Agenda Items for Next Month:

ADJOURNMENT

Posted on honeyvillecity.org, Utah Public Notice Website, at City Hall and at the Honeyville City Post Office: 09/20/22

NOTICE OF PUBLIC HEARING

Notice is hereby given that a **Public Hearing will be held before the Honeyville City Planning Commission on September 28, 2022 at 7:00 p.m. or shortly thereafter** in the Honeyville City Hall located at 2635 W. 6980 N. Honeyville, UT.

The purpose of this hearing is to take public comment on a **proposed ReZone from A-5 to RR for parcel #04-024-0053 located at approximately 6250 N. 3600 W. in Honeyville, UT.**

Individuals interested in the business of this meeting are invited to attend.

Posted on honeyvillecity.org, Utah Public Notice Website, at City Hall and at the Honeyville City Post Office:

September 14, 2022.

Individual Notices will be mailed to surrounding landowners on September 15, 2022.



MEMORANDUM

To: Honeyville City Planning Commission
For September 28, 2022 Meeting

From: Dana Q. Shuler, P.E.
City Engineer's Office
Jones & Associates Consulting Engineers

RE: **Re-Zone Request**
Chlarson, Parcel No. 04-024-0053

Date: September 12, 2022

Honeyville City received an application for a re-zone for the above reference parcel.

The property owner is listed as Ted L. Chlarson; the applicant is listed as Nathan Leishman of Pinnacle Real Estate. An Agent Authorization form was received.

SUBJECT PROPERTY

Parcel No.	04-024-0053
Area	130 acres
Address	6250 N 3600 W
Current Zoning	A-5 (see attached)
Sensitive Lands	Parcel contains areas located in floodplain and dam inundation limits Parcel may have moderate/high liquefaction risk

RE-ZONE REQUEST

Requested Zoning	Rural Residential (RR) (applicant has indicated via email he wishes to revise application to show RR requested zone rather than R2) Minimum lot area – 1.0 acres Dwelling units per acre – 1
Concept Plan (attached)	Shows concept subdivision containing 70 lots, several streets, and one 22-acre community open space parcel
Other:	Applicant has expressed willingness to enter into development agreement to upgrade City's water infrastructure in return for this re-zone
Future Land Use Map	RR is shown adjacent to 3600 W with the remainder of the parcel showing as A-5 (see attached)

Abutting Properties	A-5
Adequate Public Facilities	Roadways: served by 3600 W, 2 means of ingress/egress Storm drainage: discharge likely permittable into Bear River Water: in area of known to have insufficient fire protection Wastewater: septic feasibility required under subdivision application

After consideration, Planning Commission shall submit to the city council a recommendation for approval, approval with modifications, or denial of the application.

CODE REFERENCES

10-5-7.: Zoning Map and Text Amendments Attached

Miscellaneous referenced sections:

10-5-5.A.2. Basis For Approving Legislative Applications: Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

- a. The land use authority [city council] shall determine what action, in its sole judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare of the public.
- b. In making such determination, the land use authority [city council] may consider the following:
 - i. Testimony presented at a public hearing or meeting.
 - ii. Personal knowledge of various conditions and activities bearing on the issue at hand, such as, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the city.
- c. The land use authority [city council] shall state on the record the rationale for its decision.

Attachments: Application with concept plan
Excerpt from Current Zoning Map
Excerpt from Future Land Use Map
10-5-7.: Zoning Map and Text Amendments



Application to Rezone

Property Location: 6250 N. 3600 W. Honeyville, UT 84314

Parcel Number(s): 04-024-0053 Total Acres: 130

Current Zone: A5 Requested Zone: R2

Surrounding Property Current Zoning: A5

Is Request in Compliance with City's Adopted General Plan: ☐ YES ☒ NO

Purpose for Rezone Request: Assist in extending City's water infrastructure.

Is Request Associated with Future Development: ☒ YES ☐ NO

Name of Future Development (if applicable): TBD

Contact Information

Property Owner: Ted L. Chlarson

☐ Check Here If Same as Applicant / Developer

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Applicant / Developer: Nathan Leishman

Company Name: Pinnacle Real Estate

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Applicant Certification Request for Rezone

I swear the statements and answers contained herein, in the attached plans, and other exhibits, thoroughly, to the best of my ability, present the argument in behalf of the application requested herewith, and that the statements and information above referred to are in all respects true and correct to the best of my knowledge and belief. I also certify and agree:

- I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application and to appear on my/our behalf before any city commission, board or council considering this application.
- I understand that Honeyville City may rescind any approval or take any other legal or appropriate action for information or representations submitted that is incorrect or untrue.
- I have reviewed the applicable sections of the Honeyville City Land Use Ordinances and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.
- To pay all fees associated with this application as assessed by the current adopted Consolidated Fee Schedule, as well as any fees associated with any City Consultant (e.g. engineer, attorney) .
- The applicant shall also be responsible for all collection fees incurred including a collection fee of up to 40% (pursuant to the provisions of the Utah Code Ann. §12-1-11).
- To allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Developer's Signature: Nathan Leishman

Date: 08/29/2022

Property Owner's Signature: 

Date: 8/29/2022

Agent Authorization

State of Utah)

County of Box Elder)

I/We, the sole owner(s) of the real property located at 6250 N - 3600 W
Honeyville, Utah, hereby appoint Pinnacle Development - Mike Leiskman as my/our
Agent with regard to this application affecting the above described real property, and authorize
said Agent to appear on my/our behalf before any city commission, board or council
considering this application.

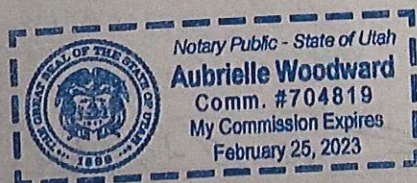
Dated this 28 day of July, 2022

Signed: [Signature]

Property Owner

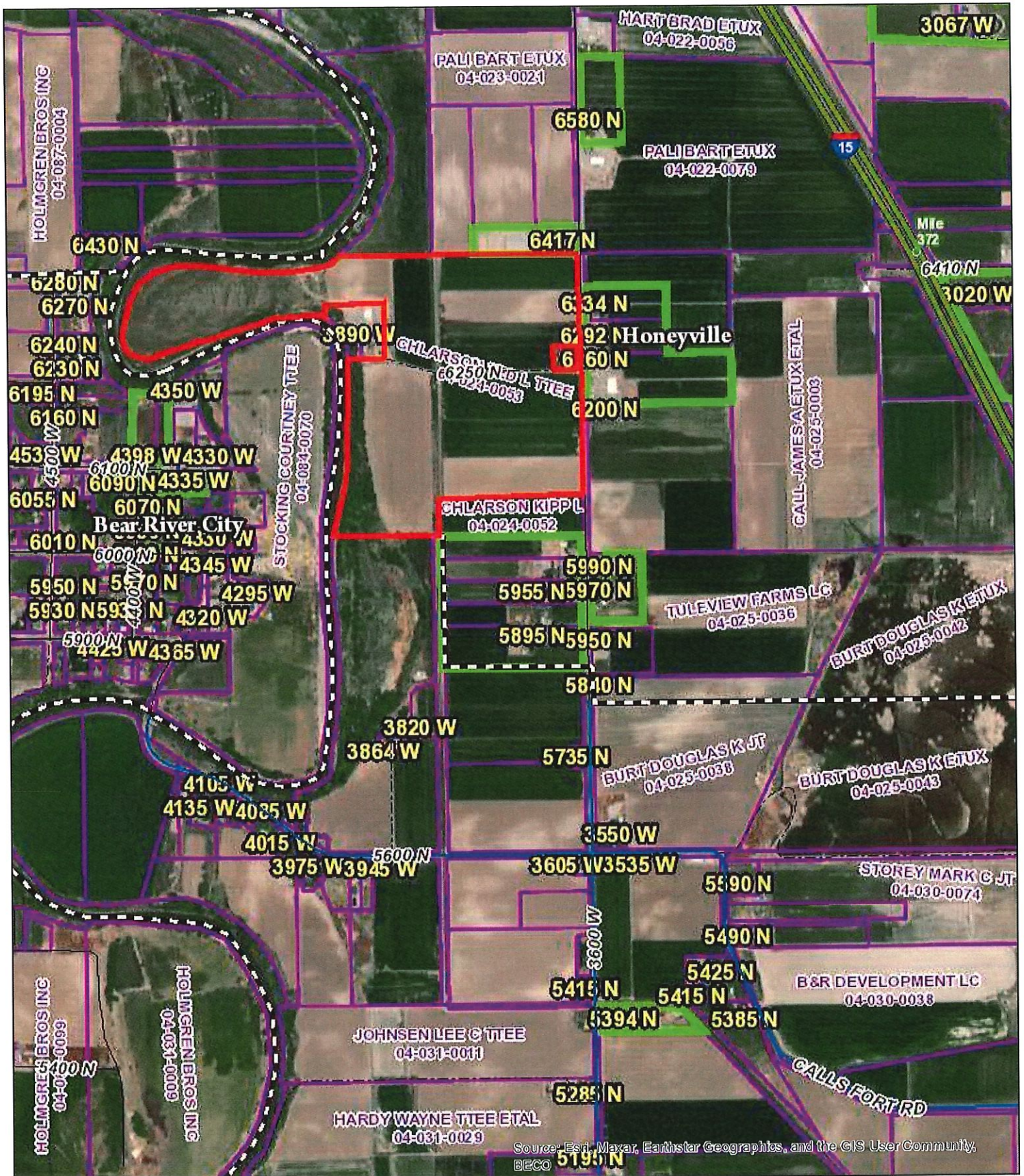
Property Owner

Subscribed and sworn to before me on this 28 day of July, 2022



[Signature]
Notary Public

Box Elder County Web Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, BECO



Box Elder County Webmap
August 4, 2022



1:18,056

Search Results: Tax Parcels

Override 1

Box Elder County



Cities



Mile Markers

HUNT ENGINEERING, LLC
 ENGINEERS, LLC
 6619 Willow Creek Rd.
 Mountain Green, UT 84050
 C. 801.601.4724
 Thomas.hunt@hunt-engineering.com

Honeyville Subd.
 6250 North 3600 West
 Honeyville, UT

**Overall
 Subdivision
 Layout**



PROJECT INFO.
 Applicant: J. Judd
 Designer: T. Hunt
 Start Date: 3/10/2023
 Name: Honeyville Subdivision

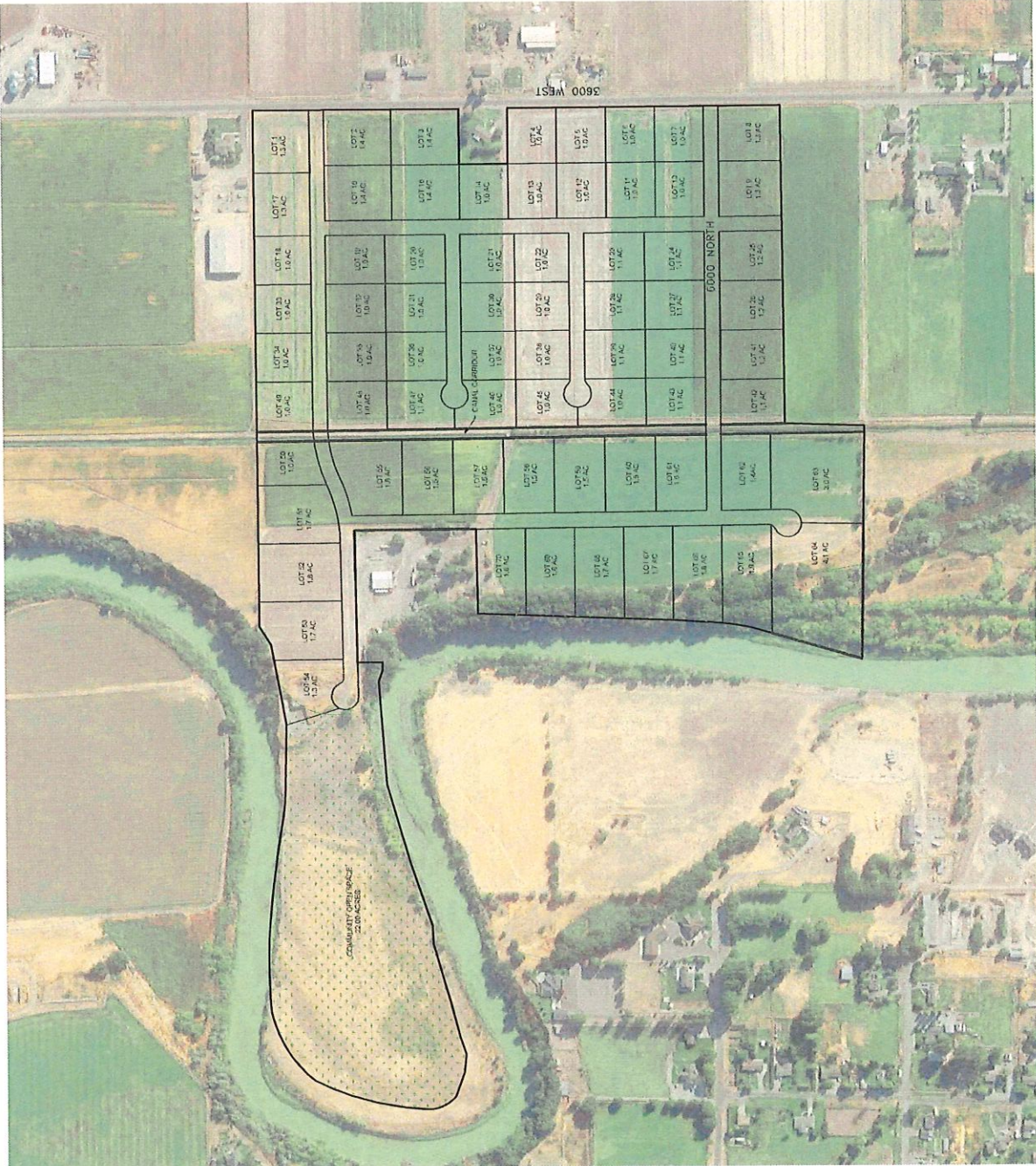
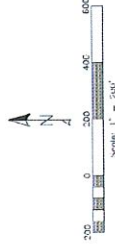
SHEET 1
SHEETS 1

Developer Contact:
 KELVIN JUDD - Sales Group
 6250 North 3600 West
 P.O. (435) 640-4247

Site Information - RR Zone
 TOTAL SITE AREA: 132.00 ACRES
 # OF LOTS: 70 LOTS
 MIN. LOT SIZE: 1.00 ACRES



FEMA FLOODPLAIN



Nearby Property Owners:

Owner BARLOW CANDY K JT

Owner Address 2000 N 6250 N BRIGHAM CITY, UT 84302

Owner JONES JUSTIN JT

Owner Address 6255 N 5000 W BRIGHAM CITY, UT 84302

Owner WILDE KIM HEBER

Owner Address 6117 N 5000 W BRIGHAM CITY, UT 84302

Owner HUNSAKER TERYL WILLIAM TTEE

Owner Address 7115 N 5000 W BRIGHAM CITY, UT 84302

Owner PALI BART ETUX

Owner Address 6000 N 5000 W BRIGHAM CITY, UT 84302

Owner CALL JAMES A ETUX ETAL

Owner Address 6100 N 5000 W BRIGHAM CITY, UT 84302

Owner CHLARSON KIPP L

Owner Address 6100 N 5000 W BRIGHAM CITY, UT 84302

Owner BURT DALE RHEES

Owner Address 5550 N 5000 W BRIGHAM CITY, UT 84302

Owner WELLMAN JOSEPH STEPHEN JT

Owner Address 5550 N 5000 W BRIGHAM CITY, UT 84302

Owner RENEE JASON L ETUX

Owner Address 6100 N 5000 W BRIGHAM CITY, UT 84302

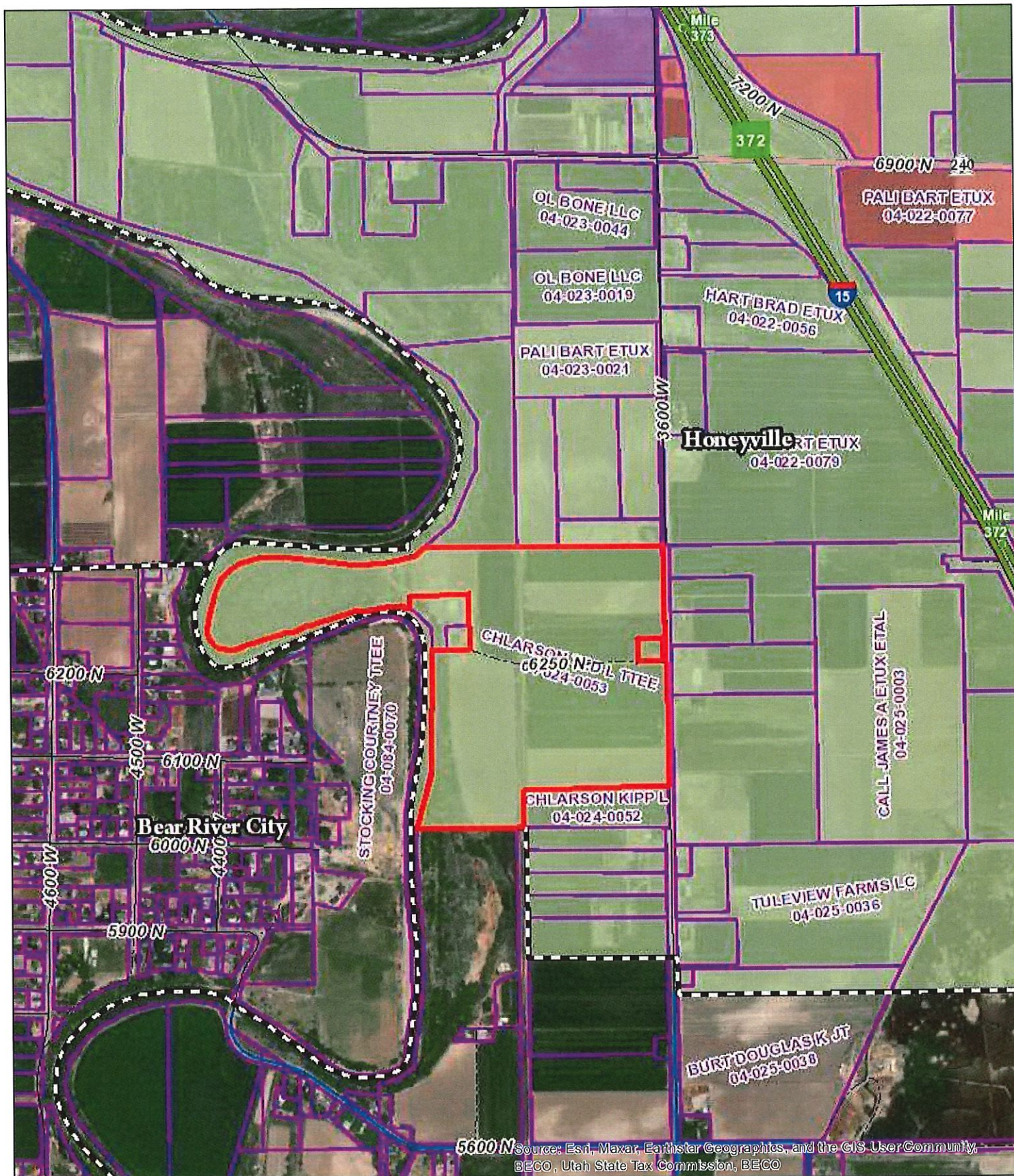
Owner JENSON ROSEMARY W TTEE

Owner Address 6100 N 5000 W BRIGHAM CITY, UT 84302

Owner KENNINGTON SUNI

Owner Address 5555 N 5000 W BRIGHAM CITY, UT 84302

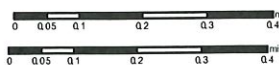
Box Elder County Web Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
BECO, Utah State Tax Commission, BECO



Box Elder County Webmap
September 12, 2022



1:18,056

Search Results: Tax Parcels

Override 1

Box Elder County

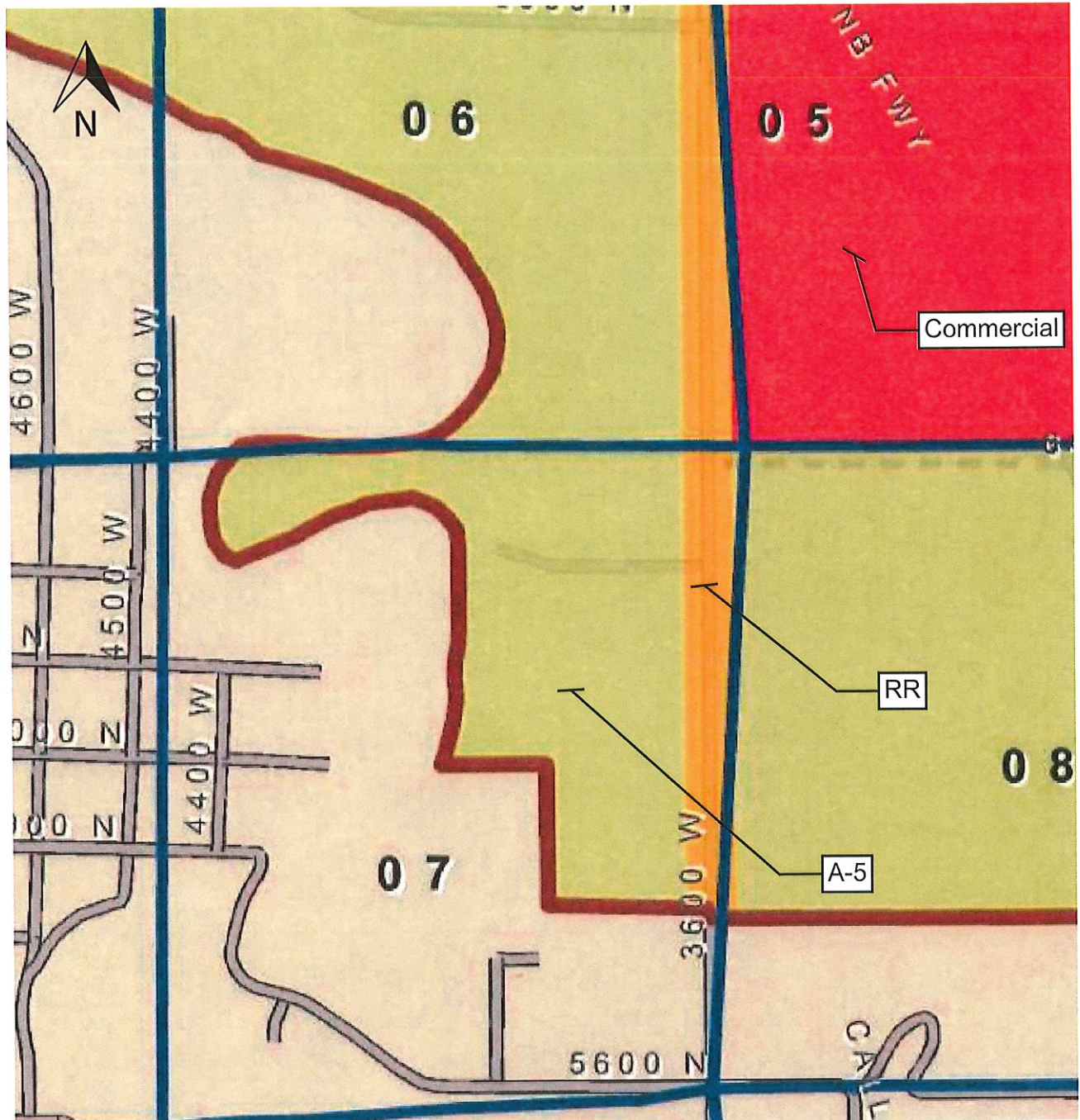


Cities



Mile Markers

From City of Honeyville Future Land Use Map (undated)



10-5-7: ZONING MAP AND TEXT AMENDMENTS

- A. Purpose: This section sets forth procedures for amending the provisions of this title and the zoning map.
- B. Authority: The city council may from time to time amend the text of this title and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zone, zone regulations or any other provision of this title. The provisions set forth herein shall not apply to the enactment of temporary zoning regulations.
- C. Initiation: Proposed amendments to the text of this title and the zoning map may be initiated by the city council, planning commission or a property owner affected by a proposed amendment as provided in subsection D1 of this section.
- D. Procedure: Zoning text and map amendments shall be considered and processed as provided in this subsection.
1. An application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any.
 - b. The name and address of every person or business entity the applicant represents.
 - c. The requested amendment and reasons supporting the request.
 - d. If the proposed amendment requires a change in the zoning map, the application shall include:
 - (1) An accurate property map showing present and proposed zoning classifications.
 - (2) All abutting properties showing present zoning classifications.
 - (3) An accurate legal description and an approximate common address of the area proposed to be rezoned.
 - e. If the proposed amendment requires a change in the text of this title, the application shall include chapter and section references and a draft of the proposed text.
 2. After an application is determined to be complete, the zoning administrator shall provide notice as required in section [10-5-4](#) of this chapter and shall schedule the application for consideration by the planning commission.
 3. The planning commission shall review the application, hold a public hearing, and thereafter submit to the city council a recommendation for approval, approval with modifications, or denial of the application.
 4. Following receipt of a recommendation from the planning commission, the city council shall consider the application and shall approve, approve with modifications, or deny the proposed amendment.

- E. Approval Standards: A decision to amend the zoning map or the text of this title is a matter within

the legislative discretion of the city council as described in subsection 10-5-5A2 of this chapter. In determining whether to enact an amendment, the following factors should be considered:

1. Consistency with the goals, objectives and policies of the city's general plan.
2. Compatibility with the overall character of existing development in the vicinity of the subject property.
3. Effect on immediately adjacent property.
4. Adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

F. Appeal Of Decision: Any party adversely affected by a decision of the city council to amend the zoning map or the text of this title may, within thirty (30) days after such decision, appeal to the district court as provided in section 10-9a-801 of the Utah code, as amended.

G. Effect Of Approval: Approval of an application to amend the zoning map or the provisions of this title shall not be deemed an approval of a conditional use permit, site plan, or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.

H. Effect Of Disapproval: City council denial of an application to amend the zoning map or the provisions of this title shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one year from the date of the disapproval, except as follows:

1. Another application may be sooner considered if:
 - a. The planning commission determines a substantial change in circumstances has occurred to merit consideration of the application; or
 - b. The application is for a change to a different zone.
2. The city council or planning commission may propose any text or zoning map amendment at any time.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

**HONEYVILLE, UT
PLANNING DEPARTMENT
APPLICATION**

☐ Subdivision ☒ Conditional Use ☐ Zoning Map/Ordinance Amendment ☐ Lot Line Adjustment ☐ Other

* For office use only *		
Application No.:	Filing Fee: \$25.00	Date Filed: 9/9/22
Received By:	Zoning:	

1. Applicant Name: William Anderson
Mailing Address: [REDACTED]
Phone #: [REDACTED] Interest in Property (e.g. owner, lessee or agent) Owner

2. First Party (Owner): _____
Mailing Address: _____
Phone #: _____ Assessor's Parcel # _____, Acres: _____

3. Second Party (Owner): _____
Mailing Address: _____
Phone #: _____ Assessor's Parcel # _____, Acres: _____

4. Engineer/Land Surveyor: F3 Engineering
Mailing Address: [REDACTED]
Phone #: [REDACTED]

5. Site Address/General Location of Property(ies): 7160 N 2550 W Honeyville UT 84314

6. Purpose/objective, Including the Amount of Land to be included in Application:
Building a house on property.
additional

7. Minimum Information Required to File Application (application will not be accepted without all of the following:)
- * Filing Fee (Refer to Ordinance for various Fees) \$ 25.00
 - * Five (5) copies of Plat map or written details (whichever is applicable)
 - * One (1) copy 11" x 17" reduction of Plat Map (if applicable)
 - * Three (3) copies of Assessor's Parcel map, with subject property(ies) outlined in red.

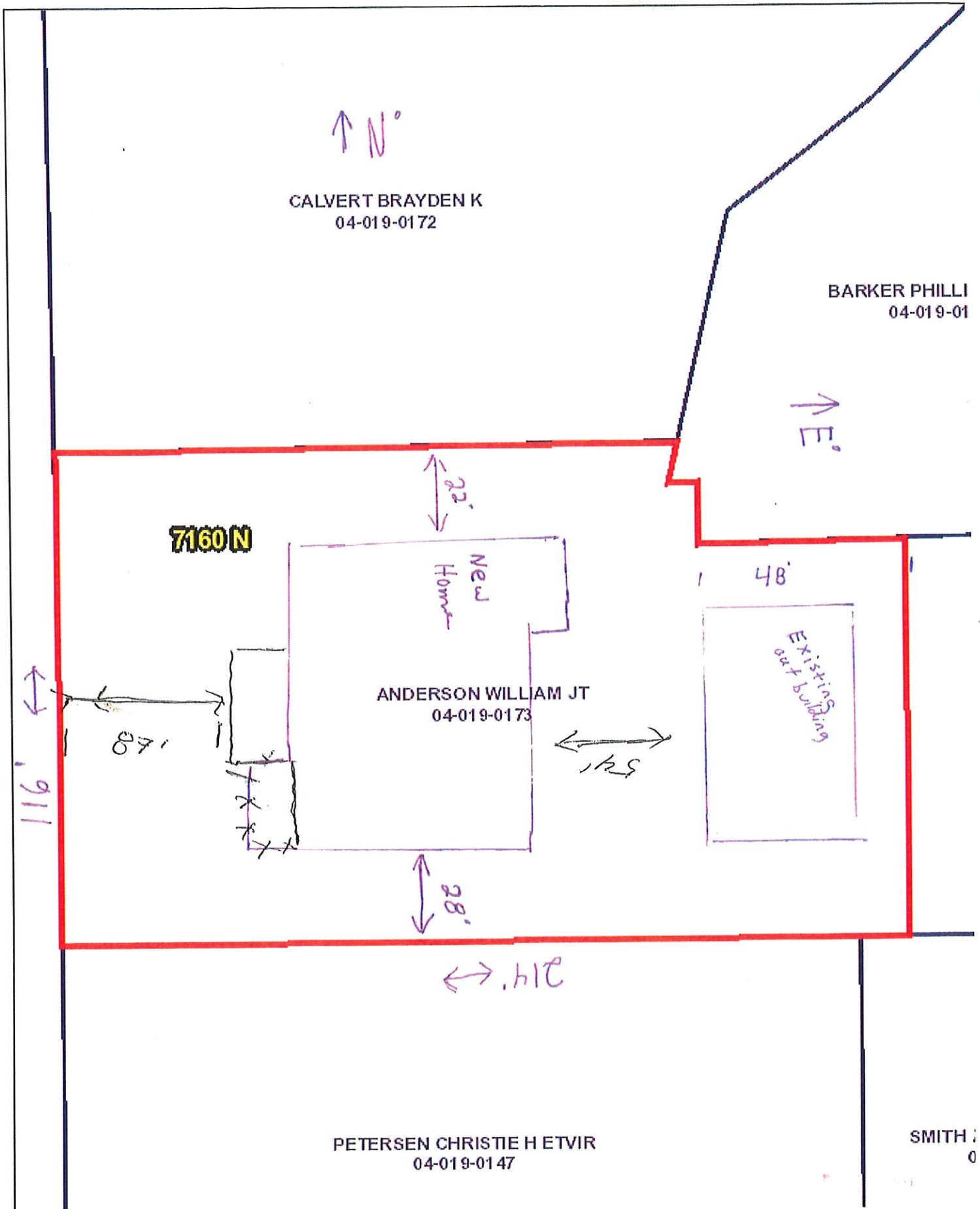
PD \$25.00 CC 9-9-22

The Planning Commission normally meets on the fourth Wednesday of each month. Applicants will be notified of changes in meetings and meeting times. The Planning Staff will not officially accept a submittal until the conditions and necessary parts of each application procedure are completed. The Planning Commission will not review any submittal that was made less than 10 business days (2nd Wednesday of each month) prior to the scheduled meeting. Submittals are placed on a tentative agenda until necessary staff reviews have been completed.

I affirm that I have read and understand this application and that all representations made and material submitted with this application are true and correct to the best of my knowledge. The signature given below is certification that the owners of record have knowledge of and consent to the filing of this application and supporting data.

Applicants Signature: William Anderson Date: 9/9/22

Box Elder County Web Map



**The DRAFT Minutes of
Honeyville City Planning Commission
August 17, 2022, Regular Meeting**

Kenny Funk called the meeting to order at 7:00 p.m.

Present were Chairman Kenny Funk, Commission Members Laurie Hunsaker, Codey Illum, Bob Kosbab and Staci Zilles-Nelson. Ryan Adams & Cherisse Kaminska were excused from this meeting.

Employees present: Brittney Chlarson, Clerk/Recorder

Approximately 2 members of the public were present.

Conflict of Interest, if any: **Codey I** requested to move the Setback Ordinance to a discussion item.

Public Comment Period: No comments were made.

Zoning Administrator Report – Codey Illum:

- A. Chlarson Subdivision:** The developers submitted a Concept Plan that did not meet the current zoning. Codey I suggested that they apply to Rezone if they wish to continue with the process. The Concept Plan that was submitted was requesting 70 lots. The location of this application is on 3600 W. which is currently zoned A5.
- B. New Home Permits:** Recently there has only been one new single family dwelling unit building permit application.
- C. Complaint:** A letter was sent to a resident regarding junk & abandoned cars in his yard. Codey informed everyone that he was in contact with this gentleman a year ago regarding the same issues.

Kenny F reminded the commission that when they respond to developer's emails, to reply to all, and make sure that the office staff is also included in those emails as developers will need to file applications through the office.

Action Item:

- A. Approval of Work Meeting Minutes: 06/22/22**

STACI ZILLES- NELSON motioned to approve the Work Meeting Minutes of 06/22/22 as presented. BOB KOSBAB seconded the motion. MOTION CARRIED with Laurie

Hunsaker for, Codey Illum for, Bob Kosbab for, Kenny Funk for and Staci Zilles-Nelson for.

B. Approval of Regular Meeting Minutes: 06/22/22

Staci asked that information be added to the minutes regarding her motion of approval for Troy McNeely's CUP. She asked that it include she approved the motion because the property had previously had a trailer on it and he already had sewer and water hook-ups.

CODEY ILLUM motioned to approve the Regular Meeting Minutes of 06/22/22 as presented with the clarifications to the CUP section of the minutes as stated by Staci Zilles-Nelson. BOB KOSBAB seconded the motion. MOTION CARRIED with Laurie Hunsaker for, Codey Illum for, Bob Kosbab for, Kenny Funk for and Staci Zilles-Nelson for.

Discussion Items:

- A. A-5A: Jones & Associates: Sam H** has been helping Dana Schuler look at the A-5A ordinance and during their research they found some issues. He suggested only allowing the A-5A in the current A-5 zone if approved by the commission and the council, but also stated that the city should create a development agreement. **Codey I** asked if this would be an allowed use in the A-5 Zone if the requirements were met. **Sam H** clarified stating that it would be an option within the A-5 zone, but they would have to submit a zone change application and a development plan. **Kenny F** asked if this would keep individuals who had a larger parcel from coming back later and trying to change it to a denser zone such as R1. **Sam H** explained that this is the intent of how the A-5A is written. Land owners would not be able to change the density of the A-5A zone once it is approved. He expressed that this should be defined within the code.

The Commission would like to make sure they have sufficient time to review the presented ordinance and asked that Dana S send out her draft ordinance. **Codey I** also suggested involving the previous A-5A committee in this review.

The Commission also reiterated that they wanted to keep the verbiage that states the lot sizes would be at minimum 2.5 acres but less than 10 acres.

- B. Dual/Mixed Zoning:** The current code regarding dual/mixed zoning is vague and the commission would like examples of how other communities handle this issue or get feedback from the Ombudsman's office.

- C. Setback Ordinance:** The Commission suggested that all accessory buildings have the same setback for all zones. They all felt comfortable with a 6' setback. **Codey I** will type up a draft that can be forwarded to the city attorney Amy Hugie to review.

Agenda Items for Next Month:

- A. A-5A: Jones & Associates Draft Ordinance – Discussion
- B. Accessory Setback Ordinance – Discussion
- C. Water Ordinance Recommendation Spreadsheet – Discussion

There was discussion about how the city determines how much water they can supply. **Mayor Bingham** shared that years ago a study was performed that gave an estimate of how many homes the city could provide for.

The commission also discussed the water ordinance that is currently under review. Part of that ordinance presented a plan for secondary water recommendations. Codey I felt that the city should require an escrow payment rather than requiring secondary water infrastructure that may be outdated before Honeyville has the capability to provide secondary water to new subdivisions.

STACI ZILLES-NELSON motioned to adjourn at 7:55 p.m. LAURIE HUNSAKER seconded the motion. MOTION CARRIED with Laurie Hunsaker for, Codey Illum for, Bob Kosbab for, Kenny Funk for and Staci Zilles-Nelson for.

Meeting Adjourned at 7:55 P.M.

The foregoing minutes were taken and typed by Brittiny Chlarson.

I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: _____

Brittiny Chlarson – Clerk/Recorder

Kenny Funk - Chairman

MEMORANDUM

To: Honeyville City Planning Commission

From: Dana Q. Shuler, P.E.
City Engineer's Office
Jones & Associates Consulting Engineers

RE: **A-Zone Revision with A-5-Average**

Date: September 22, 2022

A-Zone Revision

Previously, we were tasked with providing amendment language to the A-Zone to add a new zone for A-5-Average. After several iterations and discussions, we felt that creating this new zone would only partially accomplish the goal of the Planning Commission.

At the August commission meeting, Sam Heiner from my office conveyed that each version we developed for the revised A-Zone ordinance presented issues. Some drawbacks to creating a new A-5-Average zone include:

1. Spot zoning
2. Conflict with the General Plan's Future Land Use Map
3. Standards and use conflicts

In lieu of creating the A-5-Average zone, we determined that a Special Approval Zone would be more appropriate and would provide the City with more discretion over planned development.

Other revisions, mainly development standards clarification and uses, are still being proposed for the A-Zone. (Please see attached "redlined" and "clean" drafts.)

Planned Zone, P

While searching for starting language for a new special approval zone, we encountered Chapter 10-15 Planned Zone (P), which currently exists in the Honeyville Code. This existing ordinance is essentially a special approval zone and contains much of what we envisioned a new zone to include.

Attached is the existing ordinance. Some of the benefits included in this zone include:

1. One of the purposes is "To preserve the amenities and compatibility of P zones by adoption of a general development plan showing proper orientation, desirable design character, and compatible land uses."
2. A re-zone is required, which is tied to the concept plan approved by Planning Commission and certified by City Council.
3. It must be shown that the "uses proposed will not be detrimental to present and potential surrounding uses..."

Attached is an except from another city's similar special approval zone. Some of the language in that code affords the City more discretion over the general development, requires a development agreement, and clearly states that there is no guarantee of a re-zone, and it is at the judgement of the Planning Commission and City Council. Language similar to this can be added to the Planned Zone.

Overall, it is our recommendation that in lieu of creating a new zone or ordinance, the Planned Zone be used to accomplish the intention of the previously proposed A-5-Average zone. updated to better reflect the desires of the City regarding a planned development.

Attachments: Redlined Draft A-Zone edits
Clean Draft A-Zone edits
Chapter 10-15 Planned Zone, P
Possible supplemental P-Zone language

Chapter 10: AGRICULTURAL ZONES

10-10-1: PURPOSE

10-10-2: SCOPE

10-10-3: USES ALLOWED

10-10-4: DEVELOPMENT STANDARDS

10-10-5: REGULATIONS OF GENERAL APPLICABILITY

10-10-6: REGULATIONS FOR SPECIFIC USES

10-10-7: SPECIAL REGULATIONS

10-10-8: TABLES

10-10-1: PURPOSE

Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

- A. Agricultural 20 Zone: The agricultural 20 (A-20) zone is intended to be applied to land which is predominantly devoted to agricultural use and which is intended to remain as such for the foreseeable future.
- B. Agricultural 5 Zone: The agricultural 5 (A-5) zone is intended to be applied to land historically used for agricultural purposes but which may change due to its adjacency to residentially zoned areas that may be expanded for development.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-2 : SCOPE

The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-3 : USES ALLOWED

- A. Permitted And Conditional Uses: Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-10-1 of section 10-10-8 of this chapter. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 10-10-1 of section 10-10-8 of this chapter shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use based upon an administrative interpretation as provided in section 10-5-20 of this title.
- B. Accessory Uses: Permitted and conditional uses set forth in table 10-10-1 of section 10-10-8 of this chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 - 1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - 2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-4 : DEVELOPMENT STANDARDS

Development standards within agricultural zones shall be as set forth in table 10-10-2 of section 10-10-8 of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-5 : REGULATIONS OF GENERAL APPLICABILITY

The use and development of real property in agricultural zones shall conform to the development standards as set forth **in this chapter and in** the following chapters of this title:

- A. Existing conditions inventory: See chapter 17 of this title.
- B. Landscaping and screening: See chapter 18 of this title.
- C. Off street parking: See chapter 19 of this title.
- D. Outdoor lighting: See chapter 20 of this title.
- E. Signs: See chapter 21 of this title.
- F. Supplementary development standards: See chapter 22 of this title.
- G. Water source protection: See chapter 23 of this title.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-6 : REGULATIONS FOR SPECIFIC USES

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-7 : SPECIAL REGULATIONS

- A. Increased Height: Notwithstanding the height limitations shown on table 10-10-2 of section 10- 10-8 of this chapter, a greater building height may be allowed pursuant to a conditional use permit.
 - B. **The following special regulations shall apply to development within the A-20 zone**~~One-Acre-Lots-Abutting-An-Existing-Or-Proposed-Public-Street:~~
 - 1. **Lot Size and Subdivision Density Standards:** **One (1) acre and larger lots may be subdivided from an existing lot or parcel located in the A-20 zone so long as the following conditions are met:**
 - ~~1. Notwithstanding the twenty (20) acre minimum lot area requirement in an A-20 zone, as set forth on table 10-10-2 of section 10-10-8 of this chapter, one acre or larger lots may be subdivided from an existing lot located in the agricultural (A) zone so long as:~~
 - a. Total lot density of the subdivision, excluding streets and rights-of-way, calculated as shown in paragraph c of this subsection, shall not exceed two-tenths (0.2) lot per acre with at least one (1) lot being twenty (20) acres or larger.
- The density within the subdivision shall be calculated as shown in the following example:**
- 50 acres of land within subdivision boundary (excludes remnant parcel)**
 - 2 acres will be used for road rights-of-way**

50 – 2 = 48 acres of land available for lot formation

48 acres x 0.2 lot per acre = 9.6 lots; therefore, a maximum of 9 total lots are allowable

1 lot shall be at least 20 acres in size and the remaining 8 lots shall be at least 1 acre in size

a.b. All new and existing lots and any remnant parcel shall each abut an existing or proposed public street for at least the distance shown in Table 10-10-2 of this section~~Any new lot is subdivided from a legally created lot of record;~~

b. ~~The remainder of the original lot and each new lot abuts an existing or proposed public street for at least the distance shown below, based on lot size, as follows:~~

i. ~~Up to five (5) acres: Two hundred feet (200');~~

ii. ~~Larger than five (5) acres but smaller than twenty (20) acres: Three hundred feet (300'); and~~

iii. ~~Twenty (20) acres or larger: Five hundred feet (500');~~

2. Development and Use Standards: Each new lot and the remainder of the original parcel (remnant parcel) shall conform to the development and use standards of the RR, A-5, or A-20 zone, excluding of Density Standards, as the case may be, based on size, as follows:

a. One (1) acre and larger but smaller than five (5) acres: RR zone standards;

b. Five (5) acres and larger but smaller than twenty (20) acres: A-5 zone standards; and

c. Twenty (20) acres and larger: A-20 zone standards;

c. ~~Each newly created lot conforms to the development standards of the RR, A-5, or A-20 zone, as the case may be, based on lot size, as follows:~~

i. ~~Up to five (5) acres: RR zone standards;~~

ii. ~~Larger than five (5) acres but smaller than twenty (20) acres: A-5 zone standards; and~~

iii. ~~Twenty (20) acres or larger: A-20 zone standards;~~

d. ~~Total lot density in the subdivision does not exceed two tenths (0.2) lot per acre, calculated as shown in subsection B3 of this section; and~~

e.d. ~~After completion of the subdivision, the remainder of the original lot is at least twenty (20) acres in size, excluding streets and rights of way.~~

C. In all agricultural zones, remnant parcels:

1. Shall not be included in the subdivision area,

2. Shall meet the minimum lot size for the zone, and

2.3. Shall not be made non-conforming in use or development standards

3. ~~The calculation of density within the subdivision shall include the remainder lot and shall be calculated as shown in the following example:~~

50 acres of land x 0.2 lot per acre = 10 total lots

9 lots shall be at least 1 acre in size and 1 lot shall be at least 20 acres in size, excluding streets and rights of way

HISTORY

Adopted by Ord. 2009-03 on 4/8/2009

10-10-8: TABLES

TABLE 10-10-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zone	
	A-5	A-20
Agricultural uses:		
Agricultural business	C	C
Agricultural industry	C	C
Agriculture	P	P
Animal specialties	C	C
Animals and fowl for recreation and family food production	P	P
Stable, private	C	C
Stable, public	C	C
Residential uses:		
Dwelling, single-family	P	P
Dwelling, single-family with internal accessory dwelling unit (subject to Utah Code 10-9a-530) ~~Dwelling, single-family with accessory apartment~~	PC	PC
Dwelling, temporary ¹	C	C
Guesthouse	C	C
Residential facility for elderly persons ²	P	P
Residential facility for persons with a disability ²	P	P
Public and civic uses:		
Auditorium or stadium	C	C
Cemetery	P	P
Church or place of worship	P	P
Golf course	C	C
Government service	P	P
Park	P	P
School, charter (subject to Utah Code 10-9a-305) ~~School, charter~~	PP	PP
School, elementary, middle, or high (subject to Utah Code 10-9a-305)	P	P
Utility, minor	P	P
Utility substation	C	C

Commercial uses:		
Agricultural sales and service	C	C
Animal hospital	C	C
Bed and breakfast	C	C
Family child daycare facility ³	P	P
Family child residential certificate care facility ³	P	P
Family group child daycare facility ³	C	C
Kennel	C	C
Parking lot, public	C	C
Produce stand	C	C
Veterinary service	C	C
Wireless telecommunication facility	C	C

Notes:

1. Temporary dwelling must be removed within 30 days after a certificate of occupancy is issued for a permanent dwelling.
2. See chapter 27 of this title.
3. See chapter 25 of this title.

TABLE 10-10-2
DEVELOPMENT STANDARDS IN AGRICULTURAL ZONES

	Zone	Zone
	A-5	A-20
Density Standards:		
Lots per acre	0.2	0.2 average (see subsection 10-10-7.A of this chapter)
Lots standards:		
~~Minimum lot~~ Lot area	Minimum: 5 acres	Minimum 1 acre with at least 1 lot being 20 acres or larger ~~20 acres or 1 acre, when abutting an existing or proposed city street~~ (see subsection <u>10-10-7B</u> of this chapter)
Minimum lot width	300 feet	Minimum lot width shall be based on lot size: • 1 acre and larger but smaller than 5 acres: 200 feet • 5 acres and larger but smaller than 20 acres: 300 feet • 20 acres and larger: 500 feet ~~500 feet~~
Building standards:		
Maximum height, accessory building	45 feet	45 feet
Maximum height, main building ¹	45 feet	45 feet
Maximum stories	3.5 stories	3.5 stories
Setback standards - front yard:		
Any buildings ²	35 feet	35 feet
Setback standards - rear yard:		

Accessory building (allowed only when more than 20 feet behind main building)	3 feet minimum; ~~however~~ , if roof drains only ~~onto~~ the subject property and building code requirements are met, ~~each-plus~~ 1 foot ~~of~~ increased setback ~~distance allows~~ for ~~each~~ additional 6 feet of building height above 18 feet.	3 feet minimum; ~~however~~ , if roof drains only ~~onto~~ the subject property and building code requirements are met, ~~each-plus~~ 1 foot ~~of~~ increased setback ~~distance allows~~ for ~~each~~ additional 6 feet of building height above 18 feet.
Main building	20 feet	20 feet
Setback standards - street side yard:		
Accessory building	Not permitted ~~within street side yard~~	Not permitted ~~within street side yard~~
Main building	35 feet	35 feet
Main building on corner lot with yard of another lot	35 feet	35 feet
Setback standards - interior side yard:		
Accessory building	15 feet, when ~~left-located~~ behind main building	15 feet, when ~~left-located~~ behind main building
Main building	20 feet	20 feet

Notes:

1. Except as otherwise permitted by subsection 10-10-7A of this chapter.
2. Except as modified by the provisions of subsection 10-22-14E, "Setback Measurement", of this title

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

Chapter 10: AGRICULTURAL ZONES

10-10-1: PURPOSE

10-10-2: SCOPE

10-10-3: USES ALLOWED

10-10-4: DEVELOPMENT STANDARDS

10-10-5: REGULATIONS OF GENERAL APPLICABILITY

10-10-6: REGULATIONS FOR SPECIFIC USES

10-10-7: SPECIAL REGULATIONS

10-10-8: TABLES

10-10-1: PURPOSE

Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

- A. Agricultural 20 Zone: The agricultural 20 (A-20) zone is intended to be applied to land which is predominantly devoted to agricultural use and which is intended to remain as such for the foreseeable future.
- B. Agricultural 5 Zone: The agricultural 5 (A-5) zone is intended to be applied to land historically used for agricultural purposes but which may change due to its adjacency to residentially zoned areas that may be expanded for development.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-2 : SCOPE

The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-3 : USES ALLOWED

- A. Permitted And Conditional Uses: Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-10-1 of section 10-10-8 of this chapter. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 10-10-1 of section 10-10-8 of this chapter shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use based upon an administrative interpretation as provided in section 10-5-20 of this title.
- B. Accessory Uses: Permitted and conditional uses set forth in table 10-10-1 of section 10-10-8 of this chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 - 1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - 2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-4 : DEVELOPMENT STANDARDS

Development standards within agricultural zones shall be as set forth in table 10-10-2 of section 10-10-8 of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-5 : REGULATIONS OF GENERAL APPLICABILITY

The use and development of real property in agricultural zones shall conform to the development standards as set forth in this chapter and the following chapters of this title:

- A. Existing conditions inventory: See chapter 17 of this title.
- B. Landscaping and screening: See chapter 18 of this title.
- C. Off street parking: See chapter 19 of this title.
- D. Outdoor lighting: See chapter 20 of this title.
- E. Signs: See chapter 21 of this title.
- F. Supplementary development standards: See chapter 22 of this title.
- G. Water source protection: See chapter 23 of this title.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-6 : REGULATIONS FOR SPECIFIC USES

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-7 : SPECIAL REGULATIONS

- A. Increased Height: Notwithstanding the height limitations shown on table 10-10-2 of section 10- 10-8 of this chapter, a greater building height may be allowed pursuant to a conditional use permit.
- B. The following special regulations shall apply to development within the A-20 zone:

- 1. Lot Size and Subdivision Density Standards: One (1) acre and larger lots may be subdivided from an existing lot or parcel located in the A-20 zone so long as the following conditions are met:

- a. Total lot density of the subdivision, excluding streets and rights-of-way, calculated as shown in paragraph c of this subsection, shall not exceed two-tenths (0.2) lot per acre with at least one (1) lot being twenty (20) acres or larger.

The density within the subdivision shall be calculated as shown in the following example:

50 acres of land within subdivision boundary (excludes remnant parcel)

2 acres will be used for road rights-of-way

$50 - 2 = 48$ acres of land available for lot formation

$48 \text{ acres} \times 0.2 \text{ lot per acre} = 9.6 \text{ lots}$; therefore, a maximum of 9 total lots are allowable

1 lot shall be at least 20 acres in size and the remaining 8 lots shall be at least 1 acre in size

b. All new and existing lots and any remnant parcel shall each abut an existing or proposed public street for at least the distance shown in Table 10-10-2 of this section;

2. Development and Use Standards: Each new lot and the remainder of the original parcel (remnant parcel) shall conform to the development and use standards of the RR, A-5, or A-20 zone, excluding of Density Standards, as the case may be, based on size, as follows:

- a. One (1) acre and larger but smaller than five (5) acres: RR zone standards;
- b. Five (5) acres and larger but smaller than twenty (20) acres: A-5 zone standards; and
- c. Twenty (20) acres and larger: A-20 zone standards;
- d. .

C. In all agricultural zones, remnant parcels:

- 1. Shall not be included in the subdivision area,
- 2. Shall meet the minimum lot size for the zone, and
- 3. Shall not be made non-conforming in use or development standards

HISTORY

Adopted by Ord. 2009-03 on 4/8/2009

10-10-8: TABLES

TABLE 10-10-1
 PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zone	
	A-5	A-20
Agricultural uses:		
Agricultural business	C	C
Agricultural industry	C	C
Agriculture	P	P
Animal specialties	C	C
Animals and fowl for recreation and family food production	P	P
Stable, private	C	C
Stable, public	C	C
Residential uses:		
Dwelling, single-family	P	P
Dwelling, single-family with internal accessory dwelling unit (subject to Utah Code 10-9a-530)	P	P
Dwelling, temporary ¹	C	C
Guesthouse	C	C
Residential facility for elderly persons ²	P	P
Residential facility for persons with a disability ²	P	P
Public and civic uses:		
Auditorium or stadium	C	C
Cemetery	P	P
Church or place of worship	P	P
Golf course	C	C
Government service	P	P
Park	P	P
School, charter (subject to Utah Code 10-9a-305)	P	P
School, elementary, middle, or high (subject to Utah Code 10-9a-305)	P	P
Utility, minor	P	P
Utility substation	C	C

Commercial uses:		
Agricultural sales and service	C	C
Animal hospital	C	C
Bed and breakfast	C	C
Family child daycare facility ³	P	P
Family child residential certificate care facility ³	P	P
Family group child daycare facility ³	C	C
Kennel	C	C
Parking lot, public	C	C
Produce stand	C	C
Veterinary service	C	C
Wireless telecommunication facility	C	C

Notes:

1. Temporary dwelling must be removed within 30 days after a certificate of occupancy is issued for a permanent dwelling.
2. See chapter 27 of this title.
3. See chapter 25 of this title.

TABLE 10-10-2
DEVELOPMENT STANDARDS IN AGRICULTURAL ZONES

	Zone	Zone
	A-5	A-20
Density Standards:		
Lots per acre	0.2	0.2 average (see subsection 10-10-7.A of this chapter)
Lots standards:		
Lot area	Minimum: 5 acres	Minimum 1 acre with at least 1 lot being 20 acres or larger (see subsection 10-10-7B of this chapter)
Minimum lot width	300 feet	Minimum lot width shall be based on lot size: • 1 acre and larger but smaller than 5 acres: 200 feet • 5 acres and larger but smaller than 20 acres: 300 feet • 20 acres and larger: 500 feet
Building standards:		
Maximum height, accessory building	45 feet	45 feet
Maximum height, main building ¹	45 feet	45 feet
Maximum stories	3.5 stories	3.5 stories
Setback standards - front yard:		
Any buildings ²	35 feet	35 feet
Setback standards - rear yard:		
Accessory building (allowed only when more than 20 feet behind main building)	3 feet minimum; however, if roof drains only onto the subject property and building code requirements are met, each 1 foot of increased setback distance allows for additional 6 feet of building height above 18 feet.	3 feet minimum; however, if roof drains only onto the subject property and building code requirements are met, each 1 foot of increased setback distance allows for additional 6 feet of building height above 18 feet.

Main building	20 feet	20 feet
Setback standards - street side yard:		
Accessory building	Not permitted within street side yard	Not permitted within street side yard
Main building	35 feet	35 feet
Main building on corner lot with yard of another lot	35 feet	35 feet
Setback standards - interior side yard:		
Accessory building	15 feet, when located behind main building	15 feet, when located behind main building
Main building	20 feet	20 feet

Notes:

1. Except as otherwise permitted by subsection [10-10-7A](#) of this chapter.
2. Except as modified by the provisions of subsection [10-22-14E](#), "Setback Measurement", of this title

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

Chapter 15: PLANNED ZONE, P

10-15-1: PURPOSES

10-15-2: STANDARDS AND REQUIREMENTS

10-15-3: CONCEPT PLAN APPROVAL REQUIRED PRIOR TO REZONING APPLICATION

10-15-4: FINDINGS REQUIRED TO APPROVE AN APPLICATION FOR A PLANNED ZONE

10-15-5: CONCEPT PLAN TO CONSTITUTE PLANNED ZONE REQUIREMENTS

10-15-6: CONDITIONS UNDER WHICH PLANNED ZONE MAY REVERT TO ORIGINAL ZONING

10-15-7: ADDITIONAL REQUIREMENTS

10-15-1: PURPOSES

1. To encourage and provide a means of effectuating desirable development through the use of variations in siting, mixed land uses, and/or varied dwelling or other buildings.
2. To preserve the amenities and compatibility of P zones by adoption of a general development plan showing proper orientation, desirable design character, and compatible land uses.
3. To provide for the orderly preplanning and long term development for a variety of uses or large tracts of land which are under unified ownership or development control, so as to ensure that the entire tract will provide an environment of stable and desirable character.
4. To give the developer reasonable assurance that phased development plans prepared in accordance with an approved general plan will be acceptable to Honeyville City.

Phased development plans shall include subdivision plans and/or site plans as provided for in this chapter.

To enable the adoption of measures providing for development of the surrounding area in character compatible with the planned zone.

HISTORY

Adopted by Ord. 2009-01 on 4/8/2009

10-15-2: STANDARDS AND REQUIREMENTS

The following provisions shall apply in a P zone, which zone shall also be subject to other provisions of this code, except that where conflict in regulations occur, the regulations specified in this chapter, or on a development plan approved pursuant to this chapter, shall apply.

1. P zones may be established on parcels of land which are suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purposes and objectives of this chapter. No P zone shall include less than five (5) acres of contiguous land.
2. No ordinance establishing a P zone shall be adopted unless and until there is on file with Honeyville City written consent of every property owner within such zone at the time of adoption of the ordinance, agreeing:

1. That the owner will be bound by the conditions and regulations proposed and which will be effective within the zone, and
2. To record such written agreement with Honeyville City and the Box Elder County recorder.
3. Before detailed studies of any P zone development plans shall be undertaken by the planning commission, there shall be on file with Honeyville City the written request of all property owner(s) within the proposed zone that such detailed studies be made.
4. Standards for area, coverage, density, yard requirements, parking and screening for P zone uses shall be governed by the standards of the residential, commercial, or industrial zone most similar in nature and function to the proposed P zone use(s), as determined by the planning commission, and as contained in an approved preliminary design plan for the development. Standards for public improvements shall be governed by applicable ordinances, regulations and laws. Exceptions to or modification of these standards may be made by the planning commission and by the city council, when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the proposed development as a whole.

HISTORY

Adopted by Ord. [2009-01](#) on 4/8/2009

10-15-3: CONCEPT PLAN APPROVAL REQUIRED PRIOR TO REZONING APPLICATION

Prior to the filing of a formal P zone rezoning application, the applicant shall have obtained concept plan approval for the development from the planning commission, which plans shall have been certified to the city council. Upon receipt of the approved concept plan, the city council shall proceed with the rezoning procedures outlined in this code. Such procedures shall be deemed to have been satisfied by the meeting of the development requirements (which must be met incident to obtaining concept plan approval from the planning commission).

HISTORY

Adopted by Ord. [2009-01](#) on 4/8/2009

10-15-4: FINDINGS REQUIRED TO APPROVE AN APPLICATION FOR A PLANNED ZONE

After public hearing following required legal notice, the city council may by ordinance establish a P zone, provided that it finds that the facts submitted with the application and presented at the hearing establish that:

1. The proposed development or a given unit thereof can be substantially completed within two (2) years of the establishment of the P zone.
2. Each phase of the development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning.

3. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P zone.
4. Commercial development can be justified economically at the locations proposed, if any, to provide commercial facilities.
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
6. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the final plan.
7. The P zone is in conformance with the general plan.
8. Existing or proposed utility services are adequate for the population and use densities proposed.

HISTORY

Adopted by Ord. [2009-01](#) on 4/8/2009

10-15-5: CONCEPT PLAN TO CONSTITUTE PLANNED ZONE REQUIREMENTS

At the time of adoption of any ordinance establishing a P zone, the city council shall make appropriate arrangements with the applicant to ensure the accomplishment, at the scheduled times, of the public improvements, public dedications, and grants of easement to be shown on the approved concept plan. The P zone shall be given an appropriate name, number or letter to identify it; and, the approved concept plan shall be adopted by reference and become a part of this code.

HISTORY

Adopted by Ord. [2009-01](#) on 4/8/2009

10-15-6: CONDITIONS UNDER WHICH PLANNED ZONE MAY REVERT TO ORIGINAL ZONING

1. If no development has occurred to effectuate a P zone development within two (2) years after the zone is created, the planning commission shall review the action and determine whether or not the continuation of a given P zone is in the public interest. If the planning commission so recommends, the city council may order the area reverted to the original zone from which it was created.
2. If the land within a P zone is sold to a new owner(s), the planning commission or the city council shall require the new owner(s) to accept in writing all obligations and guarantees required by the preliminary design plan of the original owner(s). In the event that such agreement is not provided, the city council may return the zoning of the P zone to the original zoning which existed prior to creation of the P zone.
3. If the owner(s) or developer of the P zone is unwilling or unable to carry out the requirements of the preliminary design plan because claimed adequate water supplies, wastewater disposal, streets, or other major elements of approval cannot or will not be provided as required, the city council may stop all development in the zone until such failure has been remedied or may revert

the zoning to the original zoning which existed prior to creation of the P zone, without waiting for the two (2) year period provided above.

HISTORY

Adopted by Ord. [2009-01](#) on 4/8/2009

10-15-7: ADDITIONAL REQUIREMENTS

Notwithstanding the flexibility offered to development within a P zone, at no time will the following be allowed:

1. Dwellings or commercial structures located on less than one-half (½) acre, and only with approval and assurance from district sanitation that water treatment/disposal is adequate.
2. A street less than sixty feet (60') in width.
3. Noncompliance to setback and height requirements for structures from the zone most normally applicable to such structures.
4. Open or public spaces left barren, unlandscaped or otherwise unsightly or unprotected from erosive elements.
5. Anything which could be deemed to create an unmitigated safety hazard or otherwise cause a public nuisance.

HISTORY

Adopted by Ord. [2009-01](#) on 4/8/2009

Some additional sample language to supplement the existing Planned Zone , P

18.35.020 Applicability.

A. ...require a zone change together with a concept plan approval. Development agreements are required in all cases.

B. Such developments shall be done only in conformance with this chapter, shall require subdivision approval following the requirements of the city subdivision regulations, and shall be developed only in conformance with an approved development plan.

C. During the initial zone change/concept phase, a decision as to the appropriateness of the proposed development at the location, and the acceptability of the design plan, shall be made. **Such appropriateness and acceptability shall be judged on compatibility with the general plan, design features, compatibility with surrounding land uses,** and the prominence and suitability of natural or open space features.

D. All conditions identified as part of this process shall become a written part of the record and shall be recorded on the plat or by separated development agreement.

E. ...a minimum size of 10 acres.

F. **An application for a development under the zone change/concept plan process, does not guarantee the property owner the right to exercise the provisions of this chapter. Such zoning shall be approved by the planning commission and the city council only if, in their judgment, the proposed development fully meets the intent, purposes and requirements of the General Plan and Zoning Ordinance.**

18.35.030 General Standards of Approval.

A. Through the zone change process, land may be classified as suitable for a Planned Zone Development pursuant to the following considerations as determined appropriate by the Planning Commission and City Council:

1. The classification is not in conflict with any applicable element of the General Plan.

2. The land has features which are compatible with clustering or other nonstandard development.

3. The land has features which are compatible with the coordination and design of open spaces such as natural and scenic environmental features including wetlands, drainage courses, ridge line, slopes, trees, rock outcroppings, natural trails, and other special features.

4. Such land will be better preserved and enhanced by integrated planning and design as a whole, pursuant to the provisions of this Chapter, rather than under conventional zoning regulations.

PLANNING COMMISSION SUGGESTED WATER ORDINANCE CHANGES

ORDINANCE #	RECOMMENDED CHANGE
8.1.6 and 8.1.14	Suggested to removing "servants" and add "employees" to the list. <u>8-1-6: USE WITHOUT PAYMENT PROHIBITED</u> It shall be unlawful for any person by himself, family, ~~servants or~~ agents, ~~or employees~~ to utilize the city water or sewage system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It shall be unlawful to injure, deface or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system. <u>8-1-14: SCARCITY OF WATER</u> In time of scarcity of water, whenever it shall in the judgment of the mayor and the city council be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, ~~servants or~~ agents, ~~or employees~~ to violate any proclamation made by the mayor in pursuance of this chapter.
8.1.7.2	Questioned whether this applies to "accessory dwellings" as a second user. And should the phrase "(2) or more families or service users" be changed to (2) or more service users." <u>8-1-7: USE WITHOUT AUTHORITY; RESTRICTIONS</u> 2. Separate Connections: It shall be unlawful ~~for two (2) or more families or service users~~ (2) or more service users to be supplied from the same service pipe, connection or water meter unless special

PLANNING COMMISSION SUGGESTED WATER ORDINANCE CHANGES

	permission for such combination usage has been granted by the city council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this subsection shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections or meters at a subsequent time.
8.1.17.2	Questioned whether unused or abandoned water connections after Jan. 1, 1980 still pay the fee accumulative from Jan. 1, 1980? <u>8-1-17: ABANDONED SYSTEMS</u> 2. Turn-On Fee: All unused, old and abandoned water connections shall be charged a turn-on fee of twenty-five dollars (\$25.00) per year or portion thereof, which fee shall be accumulative from January 1, 1980 until the date turned on.
8.1.20	Selling error from the met er should be from the meter. <u>8-1-20: MAINTENANCE REQUIRED FOR WATER SYSTEMS</u> 1. Water Service Lines: 1. It shall be the sole responsibility of the property owner to maintain the water service line from the met-er meter to the building receiving service.
8.2.2.b	Concerns about 4 acre-feet of water per irrigated acre for outside secondary use. Is this an appropriate amount? Spelling error; pre instead of per.

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	<u>8-3-2. Amount of Water Entitlement Required for Development:</u> 1. <u>City may, in its discretion, accept any Water Entitlement, determined to meet the dedication requirements of this ordinance.</u> 2. <u>The amount of water to be conveyed to the City shall be determined as follows:</u> a. <u>Inside Residential Use: Applicant shall convey to City, Water Entitlements of .25 acre-feet per equivalent residential unit for residential units.</u> b. <u>Outside Secondary Use: Applicant shall convey to City, Water Entitlements of 4 acre-feet ~~pre~~ per irrigated acre under the proposed use.</u>
8.1.13	Remove 8-1-13 from the ordinances <u>8-1-13: FIRE HYDRANTS</u> ~~Water for fire hydrants will be furnished free of charge by the city. Installation and repairs on such hydrants shall be at the expense of the city and shall be made under the direction of the city. All customers shall grant the city, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city.~~