

**HARRISVILLE CITY  
ORDINANCE NO. 424**

**REPEAL R1-6 AND R-3 ZONES**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING THE R-6 AND THE R-3 ZONES IN THE LAND USE ORDINANCE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, after publication of the required notice the planning commission held its public hearing on July 14, 2010, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the city council received the recommendation from the planning commission and held its public meeting on July 27, 2010, and desires to act on this Ordinance;

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

**Section 1. Repealer.** This Ordinance repeals and vacates all reference to the R-6 and the R-3 zones set forth in the land use ordinances and the *Harrisville Municipal Code*.

**Section 2. Amendment.** The following chapters are amended to read as follows:

**Chapter 11.04  
ZONE DISTRICTS**

**Sections:**

**11.04.010. Establishment of zones.**

**11.04.020. Boundaries of zone.**

**11.04.030. Rules applicable where boundaries uncertain.**

**11.04.010 Establishment of zones.**

For the purpose of Title 11 of the municipal code, the city is divided into various zones in which land uses shall be classified and limited as specified in the municipal code. Zone classification may be determined on the basis of location, topographic features, transportation corridors, the natural environment, suitability and sustainability of development, and other reasonable considerations to guide the orderly physical growth, neighborhood compatibility and overall stability of the city.

1. Open-space zone O-1

2. Agricultural zone A-1
3. Low Density Residential R-1-20
4. Residential Estate Zone RE-15.
5. Single Family Residential Zone R-1-10
6. ~~Multiple Family Zone R-3~~
7. ~~Moderate Density Zone R-1-6~~
8. Planned Community Commercial Zone CP-2
9. Planned Manufacturing Zone MP

**11.04.020 Boundaries of zone.**

The boundaries of each of the said zones shall be shown on the official map entitled Official Zoning Map of Harrisville City, Utah and may be amended from time-to-time as provided by law. All boundaries, notations, and other data shown on said maps are made by this reference as much a part of this Title as if fully described and detailed herein. Said maps shall be filed in the custody of the city recorder in conjunction with the applicable ordinance that adopted said map or map amendment and may be examined by the public as provided by law.

**11.04.030 Rules applicable where boundaries uncertain.**

Where uncertainty exists as to the boundary of any zone, the following rules shall apply.

1. Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.
2. Where such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal, or other waterway or railroad right-of-way, or public park or other public land, or any section line, then in such case of the center of such stream, canal, or waterway or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
3. Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing on the map.
4. Where the application of the above rules does not clarify the zone boundary location, the appeal authority shall interpret the map.

**Chapter 11.08  
RESIDENTIAL LAND USE**

**Sections:**

**11.08.010. Purpose and intent.**

**11.08.020. Uses.**

**11.08.010. Purpose and intent.**

1. A-1-The purpose of the A-1 zone is to provide areas which are to be retained and used for a mixture of farming or agricultural uses and single family low density rural residential development. The zone is to be applied in areas with a high water table or where access to public roads is limited and the utilization of the open land areas for the keeping of animals has low impact on residential uses or the combination of residential large lots and agricultural uses is consistent with the general plan.
2. R-1-20- The purpose of the R-1-20 zone is to provide regulated areas for single family residential land use at low density levels. The zone is to be used to promote and preserve in appropriate areas conditions

favorable to large lot family life and when appropriate farm animals.

3. RE-15- The purpose of the RE-15 zone is to provide and protect residential development at a single family low density in a semi-agricultural or transition from a rural environment. It is also to provide for certain rural amenities on large lots, in conjunction with the primary residential nature of the zone.

4. R-1-10- The purpose of the R-1-10 zone is to provide regulated areas for single family residential development in a typical neighborhood setting fronting local roads and having all necessary utilities for residential development

5. ~~R-1-6- The purpose of the R-1-6 zone is to accommodate a need for a moderate density single family residential district. The intent of such a zone is a transition area from high traffic areas and areas where consolidated infrastructure is needed due to physical conditions such as shallow utility lines, surface water, etc.~~

6. ~~R-3 - The purpose of the R-3 zone is to provide moderate density and income residential areas that will accommodate the development of a variety of dwelling types from single family detached, single family row houses and multiple-family units. The intent of the zone is to act as transition from higher density traffic streets and intersections to lower density residential zones.~~

**11.08.020. Uses.**

1. This section designates the land uses allowed in each residential zone district in Harrisville City. More than one of the nondwelling unit land uses permitted in the respective zone may be allowed on a parcel or lot provided each use meets the lot area, setback requirements and any other special conditions established by Harrisville City Land Use Regulations.

2. All permitted and conditional land uses shall comply with all applicable regulations of Chapters 11.09 and 11.10 of the Land Use Regulations of Harrisville City and any other regulation governing the specific use prior to a building permit being issued for such a use to be constructed or to convert an existing structure to the permitted or conditional use.

3. Any land use that is not listed in this section is not permitted in that zone where the use is desired.

4. Any use in the following table is permitted if such use has a “P” designation in the zone where the use is listed. A “C” designation indicates that a conditional use permit is required according to the procedures of Chapter 11.18 of this Land Use Ordinance before the use can be allowed. An “N” indicates the use is not allowed in the specific zone where it is listed. If the last column in the use table includes a number this refers to a section in chapter 15 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

1. Land Use	Zone						Specific Use Regulation
	A-1	R-1-20	RE-15	R-1-10	R-1-6	R-3	
<b>Agricultural Uses</b>							
Agricultural accessory structure e.g. greenhouse, cold storate	P	P	P	P	P	N	11.10.020.1
Commercial crop and fruit production	P	P	P	P	N	N	11.10.020.2
crop and fruit production for property owners personal use	P	P	P	P	P	P	
Plant nursery	P	P	P	N	N	N	11.10.020.3

**Animal Raising**

Accessory building	P	P	P	P	P	P	
Animals for family food production	P	P	P	P	<del>N</del>	<del>N</del>	11.10.020.4
Dairy farm	P	N	N	N	<del>N</del>	<del>N</del>	11.10.020.5
Horse raising	P	P	P	N	<del>N</del>	<del>N</del>	11.10.020.6
Other animal raising	P	P	P	<del>N</del>	<del>N</del>	<del>N</del>	11.10.020.7
Household pets	P	P	P	P	P	P	

**Recreation, Education, Istitutional**

Church, place of worship	P	P	P	P	P	P	11.10.020.8
Public or private school grades K-12	P	P	P	P	P	P	
Golf Course, full size	P	P	P	P	P	P	
Public park or recreation facility	P	P	P	P	P	P	

**Residential**

Accessory building	P	P	P	P	P	P	
Accessory swimming pool	P	P	P	P	P	P	11.10.020.9
Home occupation	P/C	P/C	P/C	P/C	P/E	P/E	11.10.020.10
Multiple family dwelling, 4 or less dwelling units	N	N	N	N	<del>N</del>	P	11.10.020.11
Multiple family dwelling, 5 to 8 dwelling units	N	N	N	N	<del>N</del>	E	11.10.020.12
Residential facility for persons with a disability	P	P	P	P	P	P	11.10.020.13
Residential facility for the elderly	P	P	P	P	P	P	11.10.020.14
Single family dwelling	P	P	P	P	P	P	
Single family rowhouse dwelling	N	N	N	N	<del>N</del>	E	11.10.020.15
Two family dwelling	N	N	N	N	<del>N</del>	P	11.10.020.16

**Transportation, Communication, Utilities**

Public utility substation, electric, water tank, etc.	C	C	C	C	E	E	11.10.020.17
Telecommunication tower	P	P	N	N	<del>N</del>	<del>N</del>	11.10.020.18
Television or radio transmitting tower	C	N	N	N	<del>N</del>	<del>N</del>	
Television or satellite dish	<del>P</del>	<del>C</del>	<del>P</del>	<del>C</del>	<del>P</del>	<del>C</del>	11.10.020.19


5. Land which is not being used for any of the permitted uses, shall be left in its natural condition and with its natural vegetation. Clearing of the ground or removal of vegetation excluding those plants considered to be abated for the public good (dyers woad, yellow star thistle, Canadian thistle, etc.) is not permitted. In cases deemed a potential fire hazard the mowing of the vegetation to appropriate heights is not considered removal of the vegetation.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific

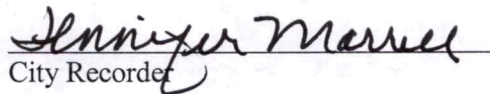
application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this 7 day of July, 2010.

  
RICHARD HENDRIX, Mayor

ATTEST:

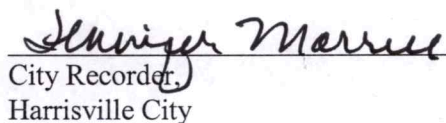
  
City Recorder

Roll call vote is as follows:		
Mr. Allen	<input checked="" type="radio"/>	no
Mr. Crowther	<input checked="" type="radio"/>	no
Ms. Fowers	<input checked="" type="radio"/>	no
Mr. Richins	<input checked="" type="radio"/>	no
Mr. Wilhelmsen	<input checked="" type="radio"/>	no

RECORDED this 12 day of August, 2010.  
PUBLISHED OR POSTED this 19 day of August, 2010

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) The Cabin on the above referenced dates.

 DATE: 8-19-10  
City Recorder,  
Harrisville City

