

**HARRISVILLE CITY
ORDINANCE 480**

VARIOUS LAND USE AMENDMENTS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTION 11.09.030 FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS; AMENDING SECTION 11.23.040 FOR SPECIAL PROVISIONS RELATING TO SIGNS; AMENDING SECTION 12.04.030 RELATING TO THE SUBDIVISION ESCROW AND STATE CODE COMPLIANCE; MAKING TECHNICAL CHANGES; 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, 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 June 8, 2016, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance on June 8, 2016;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on June 14, 2016, and desires to act on this Ordinance;

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

Section 1: **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Title 11 and Title 12 of the *Harrisville Municipal Code* is hereby amended to read as follows:

11.09.030 Accessory Building Development Standards.

1. Free standing residential accessory structure setbacks. Residential accessory structures (e.g. garage, shed, work shop, gazebo, and covered pergola) which are free standing shall only be located to the side or rear of the main building. The accessory building located in the side yard must be set back at least ten (10) feet from the side yard property line. For accessory structures located at least six (6) feet in the rear yard behind the main building, the side yard setback may be one (1) foot from a property line, except buildings with metal roofs shall be ~~eight (8)~~ three (3) feet from any lot line. No portion of the roof overhang shall be closer than one half foot (1/2') to any property line, and proper grading and drainage shall be installed to prevent additional drainage onto adjoining property. Placement of accessory buildings on utility easements is not allowed, without written permission from all easement holders. In the A-1 Zone, accessory

buildings may be located in the front yard so long as such as 30 feet from the road right of way, and at least 10 feet from the main building or dwelling. This section applies to commercial zones with occupied residential homes.

11.23.040. Special Provisions.

1. Sign projection. Wall signs shall not project more than 24 inches from the surface of the building and/or structure to which the sign is attached. Projecting signs shall:
 - a. Not extend more than six feet (6') from the face of the building.
 - b. Be taller than the parapet wall of the building.
 - c. Be a minimum of ten feet (10') above the ground.
2. Special occasions. Decorative signs for special occasions may be temporarily erected for short periods of time as follows:
 - a. Banner signs may be placed as a free standing sign on private property or hung on the building. ~~Freestanding banners may not be taller than six feet (6') in height, nor shall they be located in the sight triangle area of any street, driveway, or corner lot.~~
 - b. All signs are to be secured firmly to the building or if freestanding to poles or stakes so that the sign does not blow away. Any sign that does blow away is presumed to be in violation of this chapter.
 - c. The maximum size of the sign is limited to forty eight (48) square feet.
 - d. ~~The sign is not lighted.~~
 - e. The sign is made of weather proof materials and is not allowed to fall into disrepair by becoming tattered, ripped, having frayed edges or be become faded.
3. Signs using electricity. All signs which utilize or are illuminated by electricity shall comply with the applicable code.
4. Marquee signs. Marquee signs may be placed on, attached to, or constructed in a marquee. A marquee sign shall be elevated at least three feet (3') above the surface of the ground. Marquee signs shall comply with the applicable code.
5. Political or campaign signs. Political or campaign signs are permitted in accordance with the first amendment of the United States Constitution and shall be located and maintained so as not to become a public nuisance and shall be removed when such no longer serves its purpose or becomes litter.:
 - ~~a. Be non-commercial in nature.~~
 - ~~b. Be properly maintained in good order and not cause or contribute to any public nuisance.~~
 - ~~c. Shall not be illuminated.~~
 - ~~d. Shall be removed when no longer serving the purpose for which the sign was erected.~~
 - ~~e. Shall not exceed sixty-five (65) square feet per lot in any commercial or manufacturing zone.~~
 - ~~f. Shall not exceed twenty five (25) square feet in any residential zone.~~
 - ~~g. Shall not exceed ten (10) feet in height.~~
 - ~~h. Shall not be located on any roof.~~
 - ~~i. Shall not be located within the sight triangle or clear view area.~~
6. Shopping centers. In shopping centers, business signs shall be based on the width of the store front of each individual business, and signs for such businesses shall be attached to the front of each store and be as follows:
 - a. One detached or attached information or identification sign with a maximum size of two hundred (200) square feet of sign face for each street frontage may be used to designate the name of the shopping center and the names of the businesses located in the center or

other general public information permitted by this type of sign in a commercial or manufacturing zone.

- b. Electronic signs shall be in accordance with Section 11.23.030.6.
7. Construction project signs. Shall only be erected upon approval of the site plan by the planning commission or recording of a plat if a subdivision.
 - a. Construction project signs shall be removed within thirty (30) days after completion of the site plan project or final acceptance of the subdivision by the city.
 - b. Construction project signs are limited to providing information about the construction project and shall be non-illuminated.

12.04.030. Subdivision Improvements.

1. Time of Construction: ~~All improvements required as part of subdivision plat approval listed in this Chapter shall be installed prior to recording the final plat, unless otherwise provided.~~
 - a. Cash Escrow must be established and the final plat recorded prior to any construction, unless otherwise expressly authorized by the City Council.
 - b. No improvements shall be installed until their location and specifications are approved by the City Engineer. Water, sewer and storm drain facilities together with all other underground utilities with the public right-of-way, shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters and sidewalks.
2. Cash Escrow Account. The subdivider shall file with the City Council, a cash escrow account to assure the actual construction of such improvements as provided in this part. The escrow and improvements shall be:
 - a. Cash Escrow may only be held with an escrow agent pre-designated by the City.
 - b. The Cash Escrow shall include the amount of the City Engineer's approved cost estimate, along with any outstanding fees owed to the City or other entity, including tax or other liens, and the appropriate contingency amount.
 - ~~c. No construction shall commence until the escrow account has been established, unless expressly authorized by the City Council.~~
 - d. Construction is to be completed within a period of two (2) years in a manner satisfactory to and in an amount specified by the City Council and Public Works Standards.
 - e. Upon completion of the improvements for which an escrow has been filed, the subdivider shall call for inspection by the City Engineer, such inspection to be made within five (5) days from the date of request. If the inspection shows the minimum standards of design and specifications for materials and construction of public works have been met in completion of such improvements, all funds held in escrow shall be released except the ~~±5%~~ 10% guarantee, contingency, and inflation amount as authorized under Utah Code 10-9a-604.5(3). Each escrow under this part shall be established at ~~±15%~~ 110% of the total the estimated cost of construction of the improvements as determined by the City Engineer. Of the ~~±15%~~ 110% amount, ~~±5%~~ 10% is to guarantee improvements during the warranty period or contingency, construction inspection fees, to account for inflation, and for other project contingencies. This ~~±5%~~ 10% contingency and inflation amount shall be retained by the city throughout the one (1) year subdivision improvement guarantee period. If the funds are not released, refusal to release and reasons therefore shall be given to the subdivider in writing by the City Engineer and staff.
 - f. Subdivision Fees. City Engineering, inspections, construction management, acceptance. Subdivision fees to cover approvals and inspections and engineering review equal to five

percent (5%) cost of improvements as per Municipal Fee Schedule Section 1.85.010 shall be collected as part of the Cash Escrow if not paid by the time the Cash Escrow is established.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

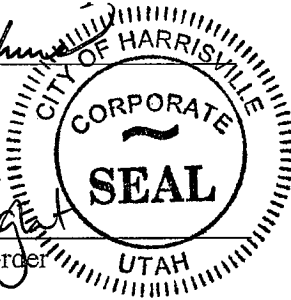
Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 14th day of June, 2016.


BRUCE RICHINS, Mayor

ATTEST:



JENNIE KNIGHT, City Recorder



RECORDED this 15th day of June, 2016.
PUBLISHED OR POSTED this 15th day of June, 2016.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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


JENNIE KNIGHT, City Recorder

DATE: 6/15/2016