

**HARRISVILLE CITY
ORDINANCE 518**

MIXED-USE/INFILL COMMERCIAL AMENDMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING
SECTION 11.11.030 TO MIXED-USE/INFILL IN CERTAIN
COMMERCIAL AREAS; 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, the City desires to meet the challenges presented by growth and development by adopting additional regulations for mixed-use in certain commercial areas;

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 February 10, 2021, 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 March 9, 2021, and now 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 Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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. Section 11.11.030 of the *Harrisville Municipal Code* is hereby adopted to read as follows:

Section 11.11.030

11.11.030 Sub-zoning.

2. Mixed-use Commercial (MU-C) Sub-zone.
- a. Eligibility Requirement. Any commercial zone or area planned for commercial as specified in the Mixed-use Map in the General Plan that is adjoining an eligible parcel as set forth in the Mixed-use Map in the General Plan for MU-LP Sub-zone, including City roads, but excluding Highway 89, may be considered as a MU-C Subzone subject to this part.
 - b. Commercial Requirements. A minimum (fifty-one) 501% of the total area of the proposed MU-C shall include commercial elements. Commercial elements include any areas used for a any commercial use as specified in this part, landscaping, open space, and commercial parking. No area used for residential landscaping or parking shall be considered a commercial element under this part. All frontage along state roads or highways must be commercial use or uses calculated at a average depth of one-hundred and fifty (150) feet along the length of the entire frontage, or such frontage area may be consolidated into one large parcel calculated to the minimum square footage equal to or exceed that area that the frontage would have been. Proposed commercial uses shall be specified in the Plan. Commercial uses are businesses that generate revenue and as further defined under this part to only include are limited to: retail, food and beverage service, personal service, professional and/or medical services, gym fitness and/or and recreation, educational, and/or institutional, and commercial office space. Conditional uses are permitted subject to conditions. Standards for conditions include those which mitigate noise, environmental, light, odor, dust, hours of operation, and mitigate other adverse impacts on residential uses. In order for consideration of an application, the commercial uses, as provided in this part, shall be the dominant and primary element of the proposed plan and map.
 - c. Plan Map Requirements. A proposed Master Development Plan is required to show the area of the project, proposed lots, roadways, trails, and proposed uses blended to adjoining areas, including 20% landscaping and/or open space which is required as part of the application. Parking and residential areas are to be obscured by the commercial uses on the first level for all frontage that is a commercial use as defined in this section, except where secondary residential levels are proposed. Height limits shall not exceed three (3) stories. Housing units shall be arranged in clusters not to exceed five (5) connected units. Plans shall follow all other requirements of the municipal code as possible, such as landscaping, architecture, and screening standards. A favorable Plan will incorporate architectural variation, exceptional design, quality construction, LEEDS standards, dark sky compliant lighting, pedestrian and accessibility concepts, and other unique trends that support the community.
 - d. Master Development Plan. A proposed Master Development Plan (Plan) must be prepared and submitted with the application. The Plan shall include a proposed map with detailed phasing plans, trails map, transportation plans and studies, sensitive lands map, geo-technical and wetland reports, conservation plan, proposed land uses, proposed site standards, architectural renderings of

commercial and residential buildings and landscaping designs and owner association, covenants (CC&Rs), historical resources and preservation, maintenance plans, and any other documents associated with the Plan.

- e. 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 by the City during the totality of the development process.


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 9th day of Mar, 2021.


MICHELLE TAFT, Mayor
Harrisville City

ATTEST:


JENNIE KNIGHT, City Recorder



RECORDED this 11th day of March, 2021.
PUBLISHED OR POSTED this 11th day of March, 2021.

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: 3/11/2021