

ORDINANCE 24-02

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.15, SECTIONS 10.15.060(B)(2), 10.15.110, AND 10.15.120 OF THE MORGAN CITY CODE REGARDING THE MIXED RESIDENTIAL OVERLAY (MRO) ZONE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 12, 2023, the City Council of Morgan City adopted Title 10, Chapter 10.15 – Mixed Residential Overlay (MRO) Zone; and

WHEREAS, the City recently received its first application for a mixed residential overlay zone to a parcel of property and it became apparent that several amendments needed to be made to the ordinance in order for this type of overlay zone to work effectively in the future; and

WHEREAS, the amendment to Section 10.15.060(B)(2) allows Usable Open Spaces on projects less than four (4) acres to be broken up into smaller areas and access to Usable Open Spaces be reduced from sixty feet (60’) to forty feet (40’); and

WHEREAS, the amendments to Sections 10.15.110 -and 10.15.120 require for following documents at the subdivision level: Master Development Agreement, Home Owners Association (HOA) Codes Covenants and Restrictions (CC&Rs), and a Maintenance Plan; and

WHEREAS, on February 20, 2024, after a public hearing, the Morgan City Planning Commission gave a favorable recommendation to the City Council to adopt and approve the proposed amendments to Title 10, Chapter 10.15; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend Title 10, Chapter 10.15 – Mixed Residential Overlay (MRO) Zone as outlined above for public safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

SECTION 1 Repealer. If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION 2. Enactment. Title 10, Chapter 10.15, Sections 10.15.060(B)(2), 10.15.110, and 10.15.120 of the Morgan City Code is hereby amended to read as follows:

10.15.060 OPEN SPACE REQUIREMENTS

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B. Usable Open Space.

...

2. The Usable Open Space areas must be accessible to all development residents. The Usable Open Space must be designed for multiple purposes and not landscaping in between buildings. Usable Open Spaces ~~greater than one (1) acre may be divided into two (2) areas~~ for projects 7 acres or less are permitted to be divided into one (1) to three (3) areas. Projects over 7 acres shall have Usable Open Spaces in one (1) to five (5) areas. No Usable Open Space area shall be less than 5,000 square feet. The following open space features meet the Usable Open Space requirements: plazas, courtyards, common

greens, parks, playing fields, gardens, shade structures, fountains, trails, play areas, sports courts, pools (including surrounding pool deck/pool house), splash pad, and playgrounds.

. . .

9. Resident access and visibility to the Usable Open Spaces are essential for public safety and to encourage usability. A minimum of 25% of the perimeter or a street front of ~~60~~40 feet (whichever is lesser) of the Usable Open Space shall be directly in front of a public or private street for access. The Usable Open Space Plan must show the perimeter and frontage access percentage.

. . . .

10.15.110 DOCUMENTS REQUIRED FOR APPLICATION

- A. Application and all typical documents required for rezone.
- B. Site Plan: including building envelopes, streets, alleys, parking, storm water areas, open space amenities, trails, snow storage, and utility corridors.
- C. Open Space Plan: including Usable Open Space, trails, amenities, trees, and storm water.
- D. Street tree plan.
- E. Conceptual building elevations of proposed building types.
- F. ~~HOA—Codes Covenants and Restrictions (CC&Rs)~~
 1. ~~The HOA CC&Rs must include management and policies for parking, outdoor storage, recreational vehicles, and landscape maintenance. Visitor parking policies shall address the need for visitor parking to be available.~~
 2. ~~The HOA must be managed by a third-party professional business that is independent of real estate ownership within the development and has no conflicts of interest with the real estate development.~~
- G. ~~Property and landscape management plans.~~
- H. ~~Master Development Agreement.~~

10.15.120 DOCUMENTS REQUIRED FOR BUILDING PERMITS AND OR SUBDIVISION (IN ADDITION TO TYPICAL DOCUMENTS)

- A. Building Elevations with materials and colors to be reviewed by Planning Staff in addition to building officials.
- B. Landscape Plans
 1. Full landscape plans for Townhomes and Twin homes. Front yard plans for Single-family Homes (both small and medium).
- C. Open Space Plan construction documents.
- D. Civil Construction Documents
- E. Plat
- F. HOA - Codes Covenants and Restrictions (CC&Rs)
 1. The HOA CC&Rs must include management and policies for parking, outdoor storage, recreational vehicles, and landscape maintenance. Visitor parking policies shall address the need for visitor parking to be available.
 2. The HOA must be managed by a third-party professional business that is independent of real estate ownership within the development and has no conflicts of interest with the real estate development.
- G. Property and landscape management plans.
- H. Master Development Agreement.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

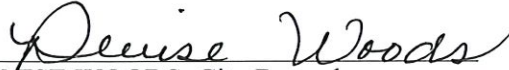
SECTION 4. Effective Date. This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 27th day of February, 2024.



STEVE GALE, Mayor

ATTEST:



DENISE WOODS, City Recorder



CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	<u>X</u>	___	___
Councilmember Wardell	___	___	<u>X</u>
Councilmember Turner	___	___	<u>X</u>
Councilmember Richins	<u>X</u>	___	___
Councilmember Alexander	<u>X</u>	___	___

(In the event of a tie vote of the Council):

Mayor Gale	___	___
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