

WASHINGTON TERRACE CITY

ORDINANCE 20-01

IN-FILL RESIDENTIAL DEVELOPMENT

AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING CHAPTER 17.10 RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT REGULATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Washington Terrace 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 update its land use regulations relating to in-fill development;

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 January 30, 2020, to take public comment on this Ordinance, and subsequently gave its recommendation to Approve;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on February 18, 2020, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace 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**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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: Adoption.** Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

Chapter 17.10

IN-FILL RESIDENTIAL DEVELOPMENT STANDARDS

Sections:

- 17.10.010 Purpose And Intent.
- 17.10.020 Application Process.
- 17.10.030 Application Contents.

- 17.10.040 Development Agreement.**
- 17.10.050 Eligibility and Guidelines.**
- 17.10.060 Administration.**

**17.10.010 Purpose and Intent.**

The City Council finds that standard zoning practices are inadequate to address the development of residential in-fill parcels identified by the City to ensure that these developments are well-planned, sensitive to adjoining properties, and accommodate the needs of the City. This Chapter is intended to address challenges presented by infill, configuration, phasing projects, and other challenges presented by in-fill development. The City recognizes that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner. It is also acknowledged that regulations be enforced and assured in accordance with a development agreement. This Chapter is to create enabling provisions for adopting a specialized zone for in-fill development and applying them to particular properties.

**17.10.020 Application Process.**

The owner, or the owner's authorized agent, of an eligible property identified on the In-fill Development Map may petition the City to create an individual "In-fill Development Zone" (IDZ) which is a sub-zone and applies to a particular property. The application shall include the elements listed in this Chapter. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-zone, map it to the property and approve the Master Development Agreement required in this Chapter. The application for a sub-zone creates no rights in the property owner until any such sub-zone and the Master Development are approved by the City Council and recorded against the property.

**17.10.030 Application Contents.**

1. Compliance. Compliance with the eligibility requirements and guidelines.
2. Application. Any application under this Chapter for a sub-zone shall include the following:
  - a. A fee equal to the anticipated costs incurred by the City.
  - b. A map of the property proposed for the sub-zone including topographical information at 2' contours or more detailed.
  - c. The proposed sub-zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Development Agreement.
  - d. A proposed Development Agreement.

**17.10.040 Development Agreement.**

1. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering or may make any modification to a Development Agreement that the City Council deems appropriate and in applying the Development Agreement to the property as a part of the creation and mapping of the sub-zone.

2. Required elements in Development Agreement include but are not limited to:
  - a. Plan of the entire project showing residential layout.
  - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines.
  - c. Proposed development standards for residential including lot areas, dimensions, and setbacks.
  - d. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
  - e. Proposed process for implementing, administering, enforcing, and making modifications to the proposed project.
  - f. A provision ensuring that the City cannot be held liable for any damages arising out of the project and the Development Agreement.
  - g. Construction and escrow.
  - h. Any other items that the City Attorney deems appropriate.

**17.10.50 Eligibility and Guidelines.**

- 1) Eligible Parcels. The In-fill Development Map set forth in Exhibit "A" adopted and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. Parcels not identified on the In-fill Development Map are not eligible. The Owner of any parcel not identified on the In-fill Development Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.
- 2) Requirements. The existing zoning and General Plan shall be residential.
- 3) Guidelines. The following guideline apply:
  - a) Size and Access. Meet the size and access criteria as follows:
    - i) Being accessed from a public street.
    - ii) Be of sufficient size for egress without interfering with adjoining properties and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
    - iii) Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
    - iv) Be capable of being serviced by utilities and infrastructure.
    - v) Be no more than two (2) stories, including any basement.
  - b) Architecture and Design. Meet the architecture and design criteria as follows:
    - i) Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
    - ii) Provide for the following architectural features:
      - (1) Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall consist of: cement board, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.

- (2) Color schemes, such as earth-tones, that promote curb appeal.
- (3) Varied rooflines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
- (4) Front porches shall include decorative exterior lighting.
- c) Density. The density of lots in any in-fill development shall be calculated based upon the average density of the surrounding residential uses on a per acre basis as calculated by the Building Official.

**17.10.060 Administration.**

- 1) Administrative Function. It is policy that after the legislative adoption of the sub-zone and Development Agreement, that implementation shall be an administrative function and not legislative.
- 2) Maintenance. Unless otherwise provided in the Development Agreement, all infrastructure in the sub-zone shall be maintained and operated by an owner association established for that purpose.
- 3) Covenants. Any covenants, conditions, and restriction shall be approved by the City as part of the Development Agreement.
- 4) Escrow. As part of the Development Agreement, the applicant shall enter into an Escrow Agreement. The escrow funds shall be deposit in escrow account with a federally insured financial institution approved by the City and be in the amount equal to the cost of the improvements not yet installed and as estimated or approved by the City Engineer. The City shall be authorized to draw upon the funds to complete any improvement, and the escrow amount shall additionally include costs incurred by the City for approval of the development, and ten percent of the total costs of improvements as determined by the City Engineer as a contingency warrant amount.

PASSED AND ADOPTED by the City Council on this 18 day of February, 2020

Mark P. Allen  
Mayor

ATTEST:  
[Signature]  
City Recorder

RECORDED this 18 day of February, 2019.  
PUBLISHED OR POSTED this 20 day of February, 2019.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) city website, and 3) newspaper on the above referenced dates.

[Signature]