

**HARRISVILLE CITY  
ORDINANCE 540**

**CP-2 (COMMERCIAL) ZONE AMENDMENTS**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE CP-2 (COMMERCIAL) USE STANDARDS IN THE CP-2 (COMMERCIAL) ZONE ADDING HEIGHT REQUIREMENTS FOR INDOOR COMMERCIAL ATHLETIC FACILITIES; 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**, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

**WHEREAS**, the City has adopted Commercial Use Standards to governing land use within the City;

**WHEREAS**, the City desires to amend Commercial Use Standards of Harrisville City as indicated herein;

**WHEREAS**, after publication of the required notice the planning commission held its public hearing on May 11, 2023, to take public comment on the proposed ordinance, after which the commission gave its recommendation to approve this Ordinance;

**WHEREAS**, the council received the \_\_\_\_\_ from the planning commission and held its public meeting on \_\_\_\_\_;

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

**Section 1: 11.12.020 Uses**

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 11.14 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
RECREATION AND ENTERTAINMENT			

<u>Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial</u>	<u>C</u>	<u>C</u>	
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**Section 2: 11.13.020 Main Building Development Standards**

3. Main Building height

Minimum – 10 feet

Maximum – 45 feet, with the following exception:

Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.

**Section 3: 11.13.060 Access Limitations**

Access directly onto a residential subdivision or a street that is primarily residential in nature to or from commercial and/or manufacturing uses is prohibited, with the following exception:

A commercial use may have access directly onto a residential subdivision or a street that is primarily residential in nature, if the subdivision is within an area identified on the General Plan Land Use Map as General Commercial, and the street is identified as a future collector or arterial on the Transportation Master Plan.

**Section 4:** 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 5:** 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 \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MICHELLE TAIT, Mayor  
Harrisville City

ATTEST:

\_\_\_\_\_  
JACK FOGAL  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2023.

PUBLISHED OR POSTED this \_\_\_ day of \_\_\_\_\_, 2023.

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) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE: \_\_\_\_\_

DRAFT

April 24, 2023

To: Mayor Tait, Harrisville City Council, and Harrisville Planning Commission

From: Mark Apuna, Triple Peaks LLC

Subject: Harrisville City Municipal Code Amendment (CP-2 Zone Height Requirements for indoor commercial athletic facilities)

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Triple Peaks LLC is in the process of developing a commercial indoor athletic facility, which includes two regulation-size football fields, multiple volleyball and pickleball courts, seating for spectators, and other amenities. The plans also include a pool, restaurant, and other facilities on the property. The facility will be located at approximately 2440 N Hwy 89 in the CP-2 Zone.

As currently planned, the facility will comply with all of the Land Use Ordinance requirements except the following:

- The maximum height limit of 45 feet in the CP-2 Zone
- The regulation restricting access from commercial uses onto residential subdivisions and streets

The proposed athletic facility has a maximum height of 70 feet instead of 45 feet. This is necessary to allow regulation football games to be played on the fields in the facility. Football involves kicking or punting balls high in the air, and the facility must be tall enough to accommodate this need without interference. Therefore, Triple Peaks LLC has submitted a Municipal Code amendment to add the use of "Commercial Indoor Athletic Facility, specifically including regulation size football fields, with a maximum height of 70 feet, which meet certain criteria (see Exhibit A). The language is purposely restrictive and narrowly tailored to this use. The options for amending the municipal code include:

- Adding a new **permitted use** to the CP-2 Zone for: Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.

OR

- Adding a new **conditional use** to the CP-2 Zone for: Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.

AND

- Changing the main building height standard from 45 feet to 70 feet for: Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.

The Harrisville City Land Use Ordinance states that the purpose of the CP-2 Zone is to “*provide areas of selected commercial activity for the sale of goods and services to the general public in a community and **regional market**. The location of the zone should be along selected locations adjacent to the **arterial streets** which run through Harrisville in order to provide good access with limited disturbance to the residential areas of the community. The physical development of Harrisville requires that uses be considered which do not adversely impact adjacent residential and agricultural land uses and provide a benefit to the community by **providing needed goods and services.**”*

This indoor athletic facility will be a significant addition for northern Weber County, which does not have a facility like this (**needed goods and services**) and can easily host regional events that will draw participants and spectators to Harrisville (**regional market**). The Triple Peaks property has frontage on Highway 89 (**arterial streets**) which can handle additional traffic capacity. The Harrisville General Plan Map shows all of the adjacent property as General Commercial zoning, and this facility provides an anchor for future commercial growth (see Exhibit B). The property is also near Pleasant View City’s commercial corridor (C-2 Zone) on 2550 N, which currently allows a maximum height of 65 feet (see Exhibit C).

The site plan for this facility shows access from both Highway 89 and 750 W (see Exhibit D). However, Section 11.13.060 of the Land Use Ordinance prohibits access directly onto a residential subdivision or a street that is primarily residential in nature to or from commercial and/or manufacturing uses. In order to accommodate for better traffic flow to and from this site, the following land use ordinance amendment is proposed:

- The existing language will remain with the following exception included: A commercial use may have access directly onto a residential subdivision or a street that is primarily residential in nature, if the subdivision is within an area identified on the General Plan Land Use Map as General Commercial, and the street is identified as a future collector or arterial on the Transportation Master Plan.

The proposed access on the site plan is located within A-1 zoning which is identified on the General Plan Land Use Map as General Commercial. In addition, 750 W is identified on the Transportation Master Plan as a future collector street. Several existing commercial uses south of this property have access from both Highway 89 and 750 W, so allowing this exception seems to fit well in this area.

Triple Peaks appreciates the City’s coordination efforts on this project that have taken place over the last year. Your support of this ordinance amendment will be a positive step in the right direction for the community.

# Exhibit A

## Harrisville City Municipal Code Amendment

**Option 1 – Permitted Use**

**11.12.020 Uses**

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
<b>RECREATION AND ENTERTAINMENT</b>			
Commercial indoor recreation facility (e.g. indoor soccer, mini golf, laser tag, etc).	P	P	
<a href="#"><u>Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.</u></a>	<u>P</u>	<u>P</u>	
Indoor live theater.	P	P	
Outdoor Swimming Pool	C	N	
Privately operated indoor or outdoor movie theater.	P	P	
Public park or recreation facility.	P	P	
Sexually oriented business limited to adult arcade, cabaret or theater.	N	C	11.14.020.1

**Option 2 – Conditional Use**

**11.12.020 Uses**

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
<b>RECREATION AND ENTERTAINMENT</b>			
Commercial indoor recreation facility (e.g. indoor soccer, mini golf, laser tag, etc).	P	P	
<a href="#"><u>Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.</u></a>	<u>C</u>	<u>C</u>	
Indoor live theater.	P	P	
Outdoor Swimming Pool	C	N	
Privately operated indoor or outdoor movie theater.	P	P	
Public park or recreation facility.	P	P	
Sexually oriented business limited to adult arcade, cabaret or theater.	N	C	11.14.020.1

### **11.13.020 Main Building Development Standards**

#### 3. Main Building height

Minimum- 10 feet

Maximum- 45 feet, [with the following exception:](#)

[Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.](#)

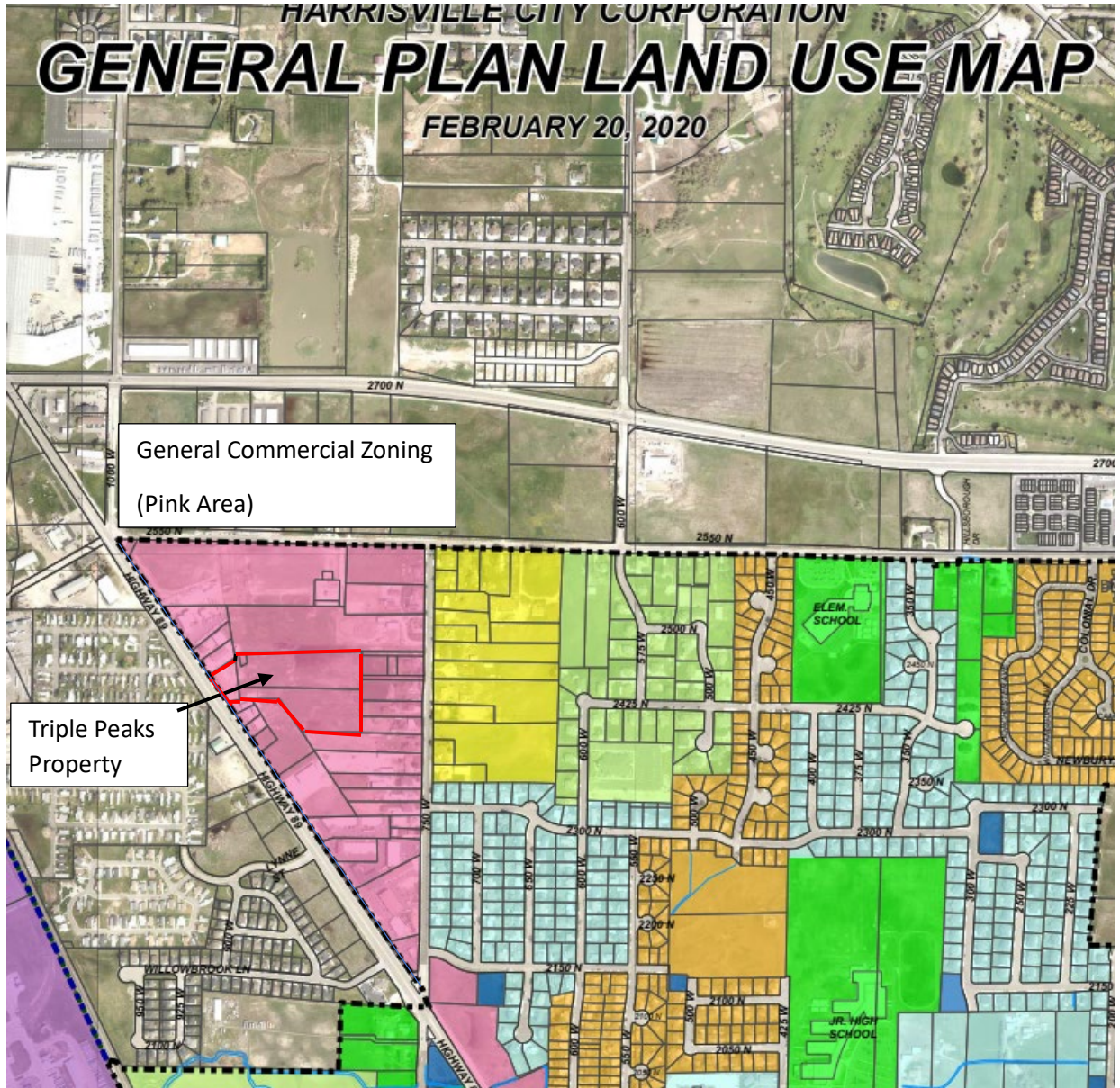
### **11.13.060 Access Limitations**

Access directly onto a residential subdivision or a street that is primarily residential in nature to or from commercial and/or manufacturing uses is prohibited, [with the following exception:](#)

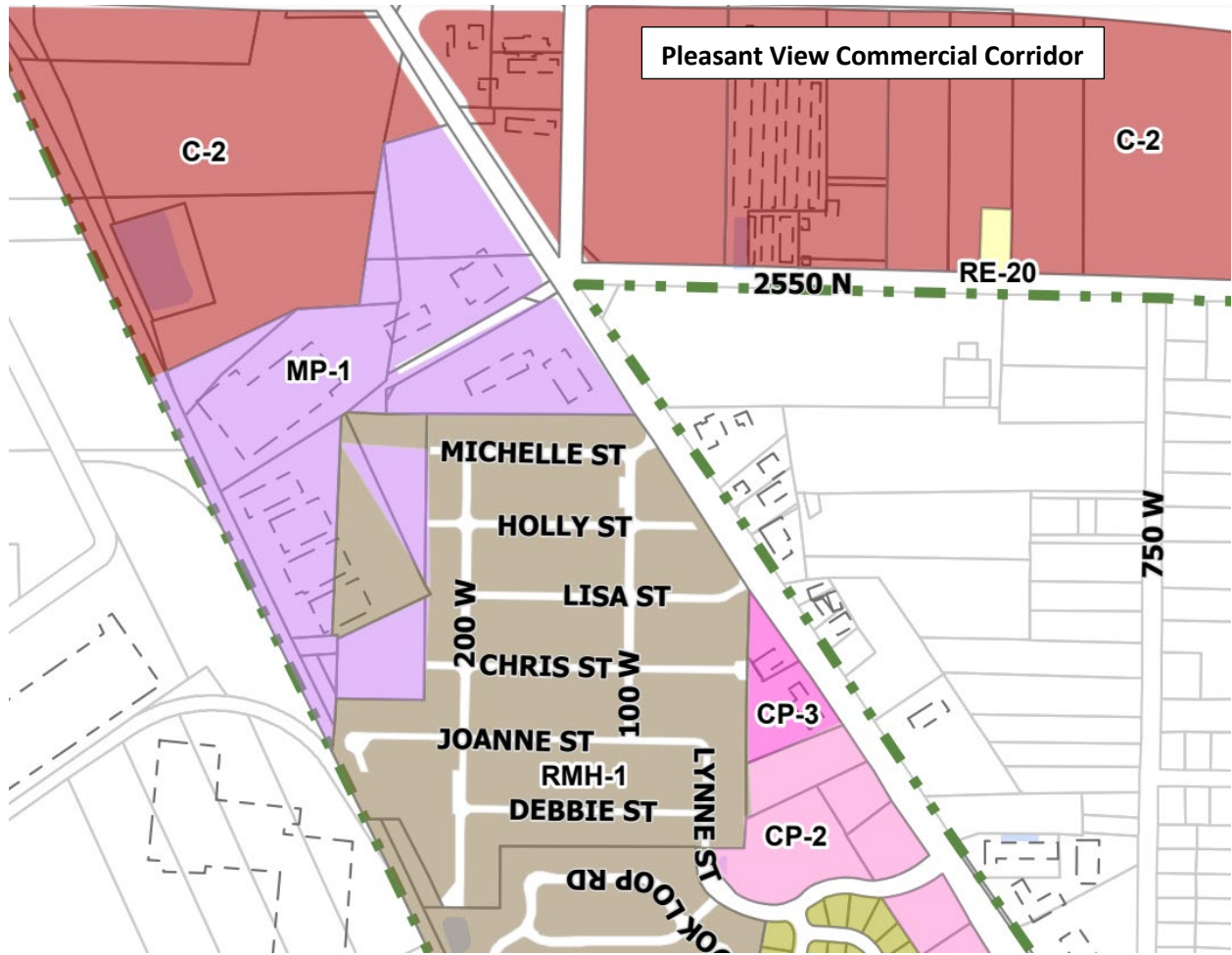
[A commercial use may have access directly onto a residential subdivision or a street that is primarily residential in nature, if the subdivision is within an area identified on the General Plan Land Use Map as General Commercial, and the street is identified as a future collector or arterial on the Transportation Master Plan.](#)



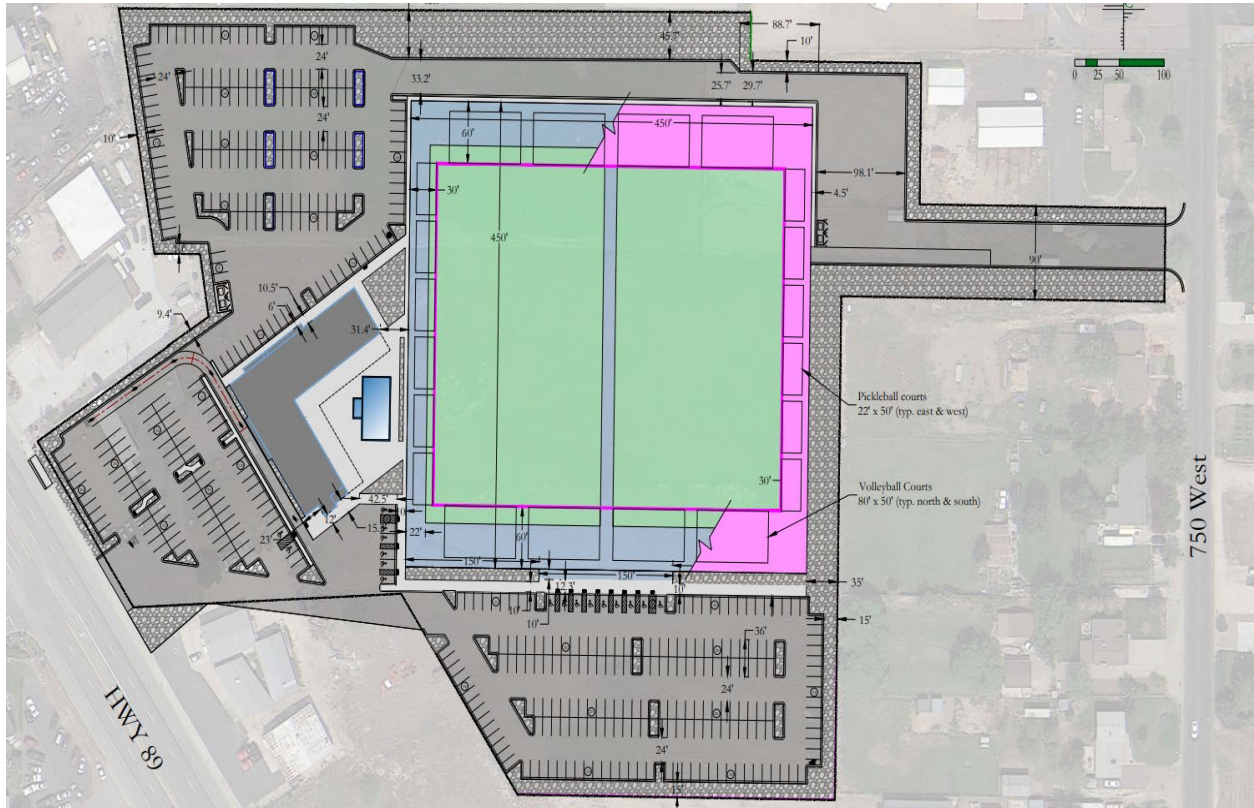
# Exhibit B



# Exhibit C



# Exhibit D





**Text Change Amendment to the Land Use Ordinance**

**Date**

04/24/2023

**Address**

6214 N Creekside Dr

**State**

UT

**Email Address**

utahflyingrealtor@gmail.com

**Ordinance You Are Requesting to Amend (Please be specific such as 10.4.2 Section A):**

11.12.020 Uses Section 4 or 11.13.020 Main Building Development Standards Section 3

**Full Name**

Mark Apuna

**City**

Mountain green

**Zip Code**

84050

**Phone Number**

8018667635

**Please upload a .doc file with a draft of the new ordinance you wish to implement. Your draft will be reviewed and edited by the City Attorney. You will be contacted with any questions or concerns during the editing process.**

[Harrisville City Municipal Code Amendment.docx](#)

**Signature of applicant. By signing below, I agree that the filing fee is not refundable, and I am not guaranteed that the proposed amendment to the Harrisville Municipal Code will be implemented.**