

Ordinance No. ___ – Mixed-Use Zoning Amendment

HARRISVILLE CITY

ORDINANCE NO. ___

MIXED-USE ZONE

**AN ORDINANCE OF HARRISVILLE CITY, UTAH,
AMENDING SECTION 11.04.010 TO INCLUDE MIXED-USE;
AMEND THE ZONING MAP FOR PARCEL _____
TO COMMERCIAL AND MIXED-USE; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville City (hereafter "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, 1953, as amended, allows 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, the City received an application for Parcel No. _____ to amend the Zoning Map consistent with the "Mixed-Use" regulations set forth in the Harrisville Municipal Code;

WHEREAS, after publication of the required notice, the City's Planning Commission held its public hearing on July 12, 2017, to take public comment on this proposed ordinance, and subsequently held a public meeting on August 9, 2017, and gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and had held its public meeting on _____, 2017, to act upon this Ordinance;

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

Section 1: Amendment. The *Harrisville Municipal Code* is hereby amended to read as follows:

11.04.010 Establishment Of Zones

For the purpose of Title 11 of the municipal code, the city is divided into various zones in which land uses shall be classified and limited as specified in the municipal code. Zone classification may be determined on the basis of location, topographic features, transportation corridors, the natural environment, suitability and sustainability of development, and other reasonable considerations to guide the orderly physical growth, neighborhood compatibility and overall stability of the city.

1. Open-space Zone (O-1)

2. Agricultural Zone (A-1)
3. Low Density Residential (R-1-20)
4. Residential Estate Zone (RE-15)
5. Single Family Residential Zone (R-1-10)
6. Planned Community Commercial Zone (CP-2)
7. Planned Manufacturing Zone (MP)
8. Mixed-Use Zone (MU)

Section 2: Concept Plan. And Reversion The Concept Plan attached as Exhibit "A" is hereby adopted and incorporated by this reference. Development of Weber County Parcel Number: _____ shall substantially conform to the Concept Plan herein adopted. In the event that the development set forth in the Concept Plan is not commenced construction within two years of the date of this Ordinance, the zoning is automatically reverted to its prior zoning.

Section 3: Zoning Map Amendment. The Zoning Map Weber County Parcel Number: _____ is hereby amend from its current zone to Commercial (C-2) for the first 400 feet of frontage on Washington Boulevard, except any open space is hereby zoned Open Space (O-1). The Residential area set forth in the Concept Plan is hereby zoned "Residential Mixed-Use," except for any open space identified on the Concept Plan is hereby zoned Open Space (O-1).

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 _____, 2017.

 BRUCE RICHINS, Mayor
 Harrisville City

ATTEST:

 JENNIE KNIGHT,
 City Recorder


RECORDED this ____ day of _____, 2017.
 PUBLISHED OR POSTED this ____ day of _____, 2017.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
 In accordance with Utah Code Annotated §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) _____ 2) _____ and 3) _____ on the above referenced dates.

 City Recorder DATE: _____

MEMORANDUM

To: Harrisville City Planning Commission

From: Matthew Robertson, P.E. – City Engineer 

CC: Sean Lambert, Public Works Director
 Bill Morris, City Administrator
 Eric Thomas, Regency Construction
 Ryan Christensen, Gardner Engineering

RE: 1525 NORTH TOWNHOMES – FINAL REVIEW

Date: August 8, 2017

Our office has completed a review of the July 6, 2017 submittal of the plat and improvement plans for the 1525 North Townhomes; a revised version of these plans was sent to us on July 28, 2017. The applicant is submitting for preliminary and final approval at this time. We have been reviewing their plan submittals and previous comments and recommendations from our office have been addressed on the plans. We recommend granting final subdivision approval subject to the following items:

Comment (July 7, 2017)

Current Status (August 9, 2017)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Submit the geotechnical report and follow all recommendations from the report regarding excavation, backfill, pavement, and building construction. 2. Coordinate the re-alignment of the Chadwick ditch and work on the access road with Boyd Walters. Ensure that turnouts from the ditch to Mr. Walters's property are re-installed as necessary and functioning properly. 3. The Chadwick ditch is being used by UDOT for storm drain and North Ogden also adds groundwater to the ditch. This development will also add storm water to the ditch. It seems necessary to reach an agreement with the irrigation users as to how the ditch is to be maintained since it is not just irrigation water in the ditch. This could potentially be addressed with the development agreement. 4. The location of the intersection is within the Corridor Agreement with UDOT and they have agreed that a street can be constructed there. UDOT is reviewing the improvement plans and will need to approve all work within the UDOT right-of-way. A permit from UDOT will need to be obtained. 5. A 60' wide cross access easement has been provided on the plat between the commercial and residential areas. This easement is intended for | <p>Developer has indicated that the study has been completed but we have not received a copy of the report yet.</p> <p>The Developer has decided not to re-align the Chadwick Ditch and has indicated that they will not complete any work on their property from the ditch to the South. The existing access road and ditch will remain as-is to reduce impact to the neighboring property.</p> <p>This development will detain runoff on-site and then discharge at a controlled rate into the ditch at the west end of the property. Maintenance of the ditch at this connection and downstream of this point should be addressed in the development agreement.</p> <p>The ideal solution would be if North Ogden City were able to install a ditch from this point to the Mud Creek detention basin and thus eliminate the need to connect to the Chadwick ditch.</p> <p>UDOT Permit has not been obtained yet.</p> <p>Same</p> |
|--|---|

Comment (July 7, 2017)

Current Status (August 9, 2017)

future street connections from commercial development in the area. The City is not requiring the developer to install the new streets or utility stubs in this cross access easement since future development in the area is unsure. Future developers of the adjacent lots would be responsible to build the connecting streets through the easement but the easement provides a location for them to do so.

- | | |
|--|---|
| 6. Our office will provide addresses for the lots. Update final plat with addresses before plat is sent to the County for their review and recording of the plat. | Complete
Send to County for review |
| 7. An Engineer's Cost Estimate of the improvements needs to be submitted to our office for review. Once approved, this estimate will form the basis for the developer's agreement and the associated construction guarantee. | Can be submitted after approval from Planning Commission. |
| 8. A development agreement with the City is required as explained in the mixed-use ordinance, Ordinance No. 491. Some requirements unique to this development in addition to those listed in the ordinance may include snow removal, removal of existing buildings, detention basin maintenance, etc. | The development agreement will need to be drafted and approved by the City Council in order to receive final approval from the Council. |
| 9. We will prepare a PDF of the Improvement Plans containing our City Engineer Approval stamp. These are the only approved drawings to be used during construction. A copy of these drawings will be sent to Gardner Engineering for their use. | Can be completed after approvals from City. |
| 10. Prior to construction, the developer and his construction contractor must hold a pre-construction conference with our office and the City staff to review construction requirements. The storm water SWPPP shall be prepared and approved and the NOI filed with the State before the meeting is held. | To be completed before construction begins. |

Additional Item from Project Management Meeting held on July 20, 2017:

- The final grade of the development should not be such that any runoff drains onto neighboring properties. To mitigate any potential for runoff from the site to the property on the north, a drainage system will be installed with yard drains along the north property line.

Site considerations for the Planning Commission:

- A new 6' fence is shown on the plans on the north and south side of the townhomes. Planning Commission will need to approve the fencing.
- Landscaping will need to be approved by the planning commission.

1525 NORTH - TOWNHOMES

1525 NORTH WASHINGTON BLVD.
IMPROVEMENT PLANS
HARRISVILLE, WEBER, UTAH



SHEET INDEX

C1	=	COVER SHEET
C2	=	NOTES
C3	=	PRELIMINARY PLAN
C4	=	SITE GRADING AND DRAINAGE PLAN
C5	=	UTILITY PLAN
FP1	=	PLAN AND PROFILE
FP2	=	PLAN AND PROFILE
DT1	=	DETAILS
SW1	=	SWPPP



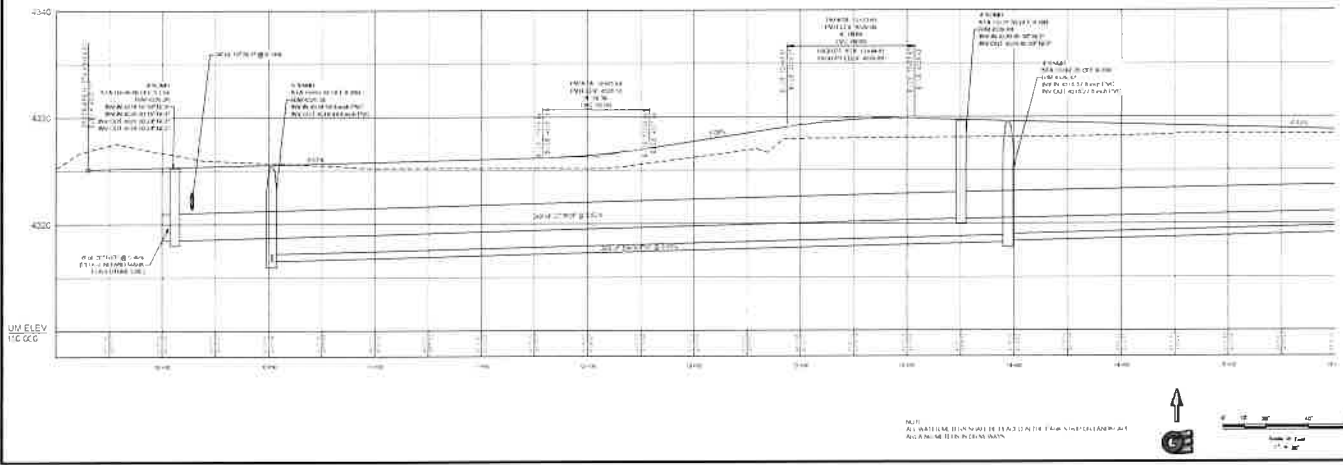
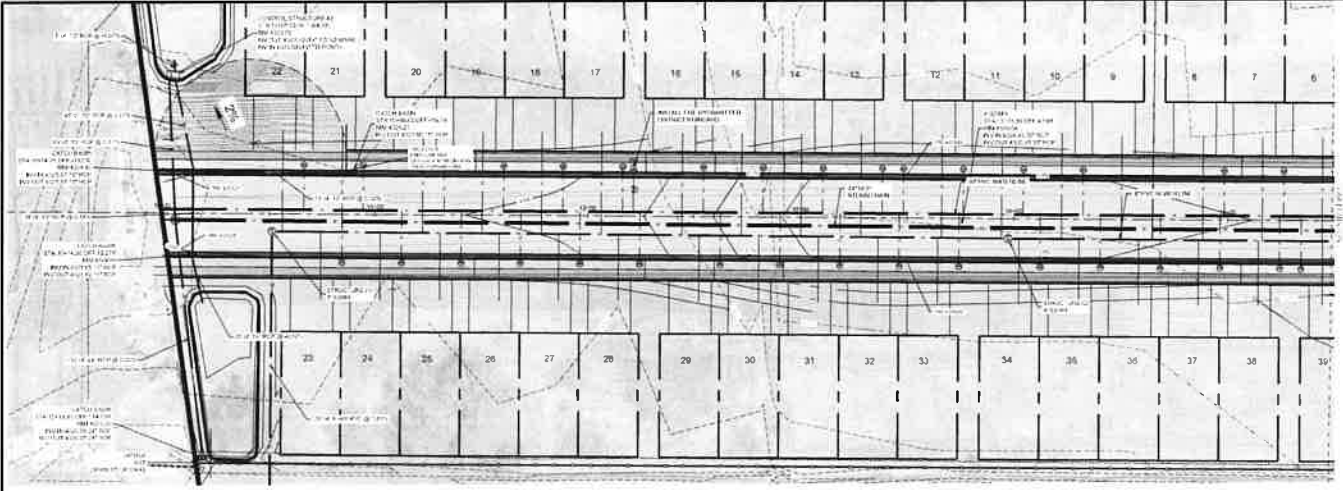
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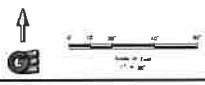
COVER
TOWNHOMES
1525 N. WASHINGTON BLVD
HARRISVILLE, WEBER, UTAH



C1

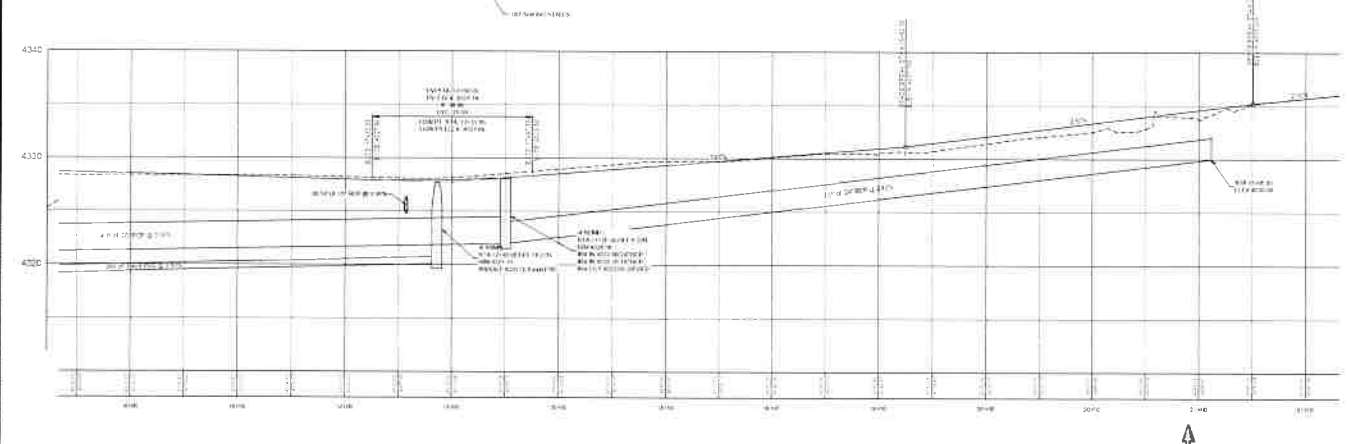
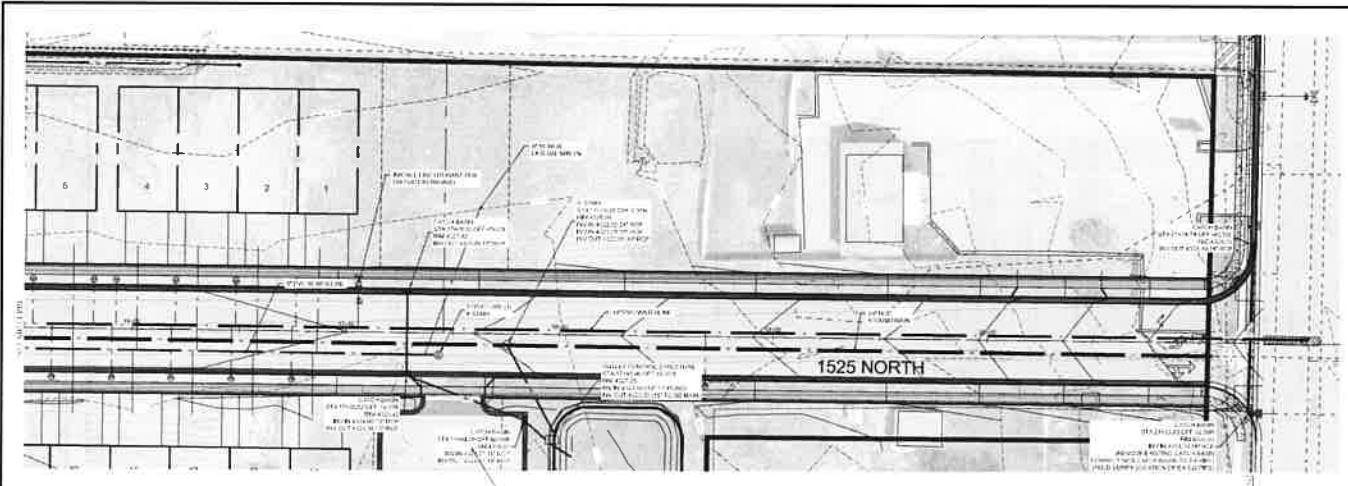


<p>PLAN AND PROFILE</p> <p>TOWNHOMES</p> <p>1525 N. WASHINGTON BLVD</p> <p>HARRISVILLE, WEBER, UTAH</p>	<p>GARDNER ENGINEERING</p> <p>PROFESSIONAL ENGINEERING</p> <p>UTAH LICENSE NO. 10000</p> <p>275 S. 200 W. STE. 200, HARRISVILLE, UT 84403</p>	<p>DATE: _____</p> <p>REVISION: _____</p> <p>SCALE: _____</p> <p>PROJECT NO: _____</p> <p>DATE: _____</p>
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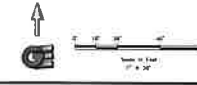


ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES.

PPI



NOTE: ALL WALLS ARE TO BE CONSTRUCTED TO MATCH THE EXISTING CURBLINE AND ARE TO BE IN THE SAME PLANE.



DATE	DESCRIPTION

DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____
 PROJECT NO.: _____
 SHEET NO.: _____

GARDNER ENGINEERING
 1525 N. WASHINGTON BLVD
 HARRISVILLE, UTAH

PP2

\$150

HARRISVILLE CITY
CONDITIONAL USE PERMIT APPLICATION

Petition Number: 113
Fee Amount: \$150.00

Date: July 13, 2017
Receipt Number: 048521

Land Serial Number: _____

Owner of Record: Bryan Crowell
Owner's Address: 1135 E 3350 N.
N. Ogden UT 84114
Phone: 801-698-5990

Petitioner: Preston Crowell
Petitioner's Phone Number: 801-628-0042
Petitioner's Mailing Address: 145 W. Savannah Ln.

Street address of property
for which conditional use is requested
145 W. Savannah Ln.

Petitioner's e-mail: topirangym@gmail.com
Present zoning of property: _____
Present Use of the property: Home/gym

List any conditional uses previously granted for this property and the date they were approved:
A. _____
B. _____
C. _____

All previously granted conditional uses will be cancelled unless included with this petition.

PROPOSED CONDITIONAL USE OR USES FOR THE PROPERTY:

- 1. Private training / personal training
- 2. _____
- 3. _____

This petition must be signed by the property owner or record or the petitioner must furnish an affidavit from the owner giving authorization to appear before any city administrative or legislative body to act on behalf of the owner in matters pertaining to this petition.

Petitioner: [Signature] Date: 7/20/17

11-18-030. Review procedure:

- 1. Application for a conditional Use Permit shall be made at the city offices for consideration by the planning commission.
- 2. Detailed location, site, and building plan shall accompany the complete application forms provided by the city. For structures in existence, only a location and site plan need be provided.
- 3. The application together with all pertinent information shall be considered by the planning commission at its next regularly scheduled meeting.
- 4. Third party notice. The planning commission may provide third party notice in the form and manner specified by law or by the commission.

11.18.050. Basis for issuance of conditional use permit.

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. That such use will not, at the particular location be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements of the surrounding land uses or community, but will be compatible with the existing surrounding uses, buildings, and structures. In determining compatibility and mitigation of detrimental effects, the planning commission shall consider;
 - a. The location of parking lots, access ways, delivery areas and on site vehicle circulation patterns created by the site design and their relationship to adjoining uses and whether or not such site design adversely impacts the surrounding uses by exposing them to loss of privacy, objectionable views of large paved or graveled areas or loading and unloading areas and whether or not there are design considerations or property improvements that can mitigate these impacts;
 - b. The location of the use does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns the planning commission shall consider;
 - i. the orientation of driveways and if they direct traffic to the major streets or the local streets and if directed to the local streets the impact it creates to the safety, purpose and character of the local street;
 - ii. parking locations and size and if they encourage street side parking and walking to the proposed use which impacts adjacent land uses; and
 - iii. hours of peak land use creating traffic volumes at times of the day or night that would impact the surrounding uses.
 - c. The design of the building or buildings and the exterior building materials proposed to be used on the building and if the design and materials are similar in visual qualities such as, but not limited to, roof line shapes, building material color, reflectivity, and other visual qualities in order to ensure that the building design is not out of character with the surrounding area or creates a visual nuisance that impacts adjacent properties;
 - d. The hours of operation of the proposed use when compared with the hours of activity of the surrounding uses and the potential of such hours of operation to create noise, light or other nuisances not acceptable to the enjoyment of the existing surrounding uses or common to the surrounding uses;
 - e. The location and size of outdoor storage areas and their relationship to adjacent land uses and if such storage creates adverse impacts to the surrounding uses in terms of visual appearance, noise, dust, odor, fire potential or hazardous material storage and the safe distances or other measures taken to screen or absorb the impacts on the proposed site; and
 - f. The location of exterior lighting and signage will not be directed to or impact adjacent residential uses .
2. That the proposed use will comply with the land use regulations specified in this ordinance for such use in the specific zone the use is proposed in;
3. That the proposed use conforms to the goals, policies and governing principles and land use of the Master Plan for Harrisville City.
4. That the proposed use will not lead to the deterioration of the environment by emitting pollutants to the ground or air of such a type or of such a quantity so as to detrimentally effect, public or private property including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole.

APPEAL: Any person aggrieved by the decision of the planning commission may appeal the decision to the city council, designated as the appeal authority by filing such appeal within 15 days after the date of the final action of the planning commission. The appeal authority may uphold or reverse the decision of the planning commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the appeal authority shall be final.

EXPIRATION: One year from the date of the final action of the planning commission.

Revised 12/2012