



CHAPTER 22 HISTORIC AREA MIXED-USE OVERLAY ZONE

Commented [1]: Policy Discussion: Zoning District Or Overlay?

152-22-1 Purpose And Intent

The purpose of the Historic Area Mixed-Use (HA-MU) overlay zoning district is to maintain and preserve the special character of pioneer homes located within the City while encouraging the continued use, maintenance, and special character of these homes.

This chapter contains provisions allowing for the mixed use of land for residential and limited commercial, and other identified uses to encourage flexibility and creativity in the design, development, or redevelopment of these properties that would not be possible under the conventional zoning districts previously outlined in this code.

The specific purposes of this zone are to:

- A. Promote the reuse of existing historic structures for the purpose of stabilizing and improving property values;
- B. Protect and enhance the City's attractions for tourists and visitors; and
- C. Encourage residential uses in conjunction with limited commercial and other compatible activities in order to enhance the vitality of businesses and maintain the special character of specific areas within the City.

152-22-2 Applicability

The provisions of this chapter shall apply to all lands, buildings, structures, natural features, or uses located within those areas that are defined by the HA-MU overlay zoning district and designated on the official zoning map for the City.

If there is a conflict between the provisions of this chapter and any other provisions of this title, the specific provisions of this chapter shall take precedence and control.

- A. Mapping of the HA-MU overlay zoning district. The applicability of the HA-MU overlay zoning district to a specific area shall be shown on the City's official zoning map.
- B. Permitted uses, permit requirements, and development standards. Except as otherwise provided by this chapter:
 1. Any land use normally allowed within the base zoning district (permitted or conditional) may be allowed within the HA-MU overlay zoning district, subject to any additional requirements as outlined in this chapter.
 2. Development within the HA-MU overlay zoning district shall obtain the zoning approvals as required by this title for the base zoning district; and
 3. Development within the HA-MU overlay zoning district shall comply with all applicable development standards of the base zoning district, and all other applicable provisions of this title.

152-22-3 Permitted Uses

In addition to the permitted uses of the base zoning district, permitted uses within the HA-MU overlay zoning district may include:

Chairperson: Charles Hammon

Vice-Chairperson: Elyssa Wall

Commissioners: Lawrence Stubbs, Derick Holm, Nation Fischer, Tracy Barlow, Rex Jessop



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- A. Agriculture;
- B. Additional Dwelling Unit
- C. Assisted Living Facility, Convalescent Care Facility;
- D. Bank or Financial Institution;
- E. Bed And Breakfast, Home;
- F. Bed And Breakfast Inn;
- G. Boarding House;
- H. Club or Service Organization;
- I. Condominium, Condominium Project;
- J. Cultural Services;
- K. Dwelling, Multiple-Family;¹
- L. Home Based Business;
- M. Licensed Family Child Care;
- N. Medical Service;
- O. Office, General;
- P. Personal Care Service;
- Q. Reception Center;
- R. Restaurant, General;
- S. Residential Hosting;
- T. School, Elementary, Middle, or High;
- U. Vacation Rental, Owner-Occupied; and
- V. Produce Stand.

152-22-4 Conditional Uses

In addition to the conditional uses of the base zoning district, conditional uses within the HA-MU overlay zoning district may include:

- A. Club, Private;
- B. Laundry or Dry Cleaning, Limited;
- C. Vehicle Repair, Limited; and
- D. Other Uses, as determined to be in harmony with the intent and purpose of this chapter and compatible with adjacent properties by the Planning Commission.

NOTES:

1. Multi-Family, Dwelling use will comply with RM-1 Development Standards as stated in Sec 152-13-4 Development Standards In Residential Zones

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- Commented [2]:** Recommend + ?
- Commented [3]:** AGRICULTURE: The tilling of soil, raising of crops, horticultural activities, gardening, keeping or grazing of domestic animals and noncommercial feed yards, but not including any agricultural business or industry.
- Commented [4]:** Recommend + ?
- Commented [5]:** Recommend +
- Commented [6]:** BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than three (3) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of this chapter.
- Commented [7]:** Recommend +
- Commented [8]:** BED AND BREAKFAST INN: A commercial activity within a residential structure where not less than four nor more than ten (10) rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the
- Commented [9]:** Recommend + ?
- Commented [10]:** BOARDING HOUSE: A building
- Commented [11]:** Recommend + ?
- Commented [12]:** Recommend + ?
- Commented [13]:** HOME BASED BUSINESS: A
- Commented [14]:** Recommend +
- Commented [15]:** Recommend +
- Commented [16]:** PERSONAL CARE SERVICE: An
- Commented [17]:** Recommend +
- Commented [18]:** RECEPTION CENTER: A facility
- Commented [19]:** Recommend +
- Commented [20]:** RESIDENTIAL HOSTING: A limited
- Commented [21]:** City notes state permitted, BUT:
- Commented [22]:** CLUB, PRIVATE: Any nonprofit
- Commented [23]:** Define specific criteria for use? i.e.
- Commented [24]:** Policy Discussion: Any concerns
- Commented [25]:** What about Vehicle Repair, limited?
- Commented [26]:** City notes state permitted, BUT:
- Commented [27]:** VEHICLE REPAIR, LIMITED: An
- Commented [28]:** A lot of these business have lots of

Addendum B- Historic Mixed-Use Dev.

Historic Definition

- The commission would potentially like to adopt a definition for the application of the overlay and would like some developed to consider. Here's what I think might be effective elements of definitions:
 - Short Creek Subdivision: defined by those parcels of residential land in the Short Creek Subdivision with previous residential development
 - Construction: defined by those parcels with construction of residential development prior to the adoption of Land Use Ordinances in 2018
- **Deliverable: One or more definitions of what would make a property eligible for Historic Overlay Designation**
- **Recommend the elements outlined above be added to Section 152-22-2 Applicability under item A. Mapping of the HA-MU overlay zoning district. (K)**
- **Also recommending deletion of Chapter 49 – Uses In Historic Buildings to avoid conflicts with new HA-MU overlay zoning district. Chapter 49 appears to be standards related to previous Chapter 22 requirements. (K)**

Dwelling, Multi-Family Further Defined

- Commission members would like to consider conditional or more narrowly defined Dwelling of Multi-Family. Here is what might be some things they might like to consider:
 - Limiting Number of Residential Units: There is some discussion to limit the density of units to be consistent with the RM-1 designation which is currently 6 units per lot
 - Existing Building: An additional requirement that they would like to consider is allowing RM designation to only lots where the existing primary residential building will be substantially maintained. **Need additional information on this item. It this issue only in the RM zoning district, or are other zoning districts and areas of the City affected? Also, what is meant by substantially maintained? We may be better off to address under nuisance, abatement of dangerous buildings, etc. (K)**
- **Deliverable: Include where appropriate draft sections which could be included in the Overlay and may be added as conditions for use.**
- **In the proposed HA-MU overlay zoning district, recommend relocating "Dwelling, Multiple-Family" from Section 152-22-3 Permitted Uses to Section 152-22-4 Conditional Uses with additional subitem stating the maximum density of Dwelling, Multiple-Family within the HA-MU zoning district shall be limited to six (6) dwelling units per lot. (K)**
 - **If there will be additional stipulations besides the notation added to Dwelling, Multiple-Family, alternatively we would suggest moving those criteria to a new Section (i.e. 152-22-5) for enhanced readability and administration. (K)**

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Housekeeping

- Final analysis on the implementation of the overlay without property owner consent.
- **The proposed HA-MU overlay zoning district would be considered an adoption of a land use regulation. §10-9a-205 requires the following:**
 - **Notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation.**
 - **Notice of each public meeting on the subject.**
 - **Public hearing notices shall be mailed to each affected entity at least 10 calendar days before the public hearing, posted in at least 3 public locations within the City/or on the City's official website AND posted on the Utah Public Notice Website at least 10 calendar days before the public hearing.**
 - **Public meeting notices shall be posed 24 hours before the meeting in at least 3 public locations within the City/or on the City's website.**
- **Because the HA-MU overlay zoning district would be considered part of a zoning map enactment or amendment §10-9a-205 also requires:**
 - **The City mail a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.**
 - **The notice shall:**
 - **Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments.**
 - **State the current zone in which the real property is located.**
 - **State the proposed new zone for the real property.**
 - **Provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted.**
 - **State that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment.**
 - **State the address where the property owner should file the protest.**
 - **Notify the property owner that each written objection filed with the City will be provided to the City Council.**
 - **State the location, date, and time of the public hearing.**
- **In our opinion RCC does not believe there to be any issues/conflicts regarding adoption of the proposed HA-MU overlay zoning district and constitutional takings. However, RCC would advise the City to consult their attorney prior to adoption of the HA-MU overlay zoning district for their interpretation and legal advice on the matter. (K)**

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