ORDINANCE NO. 2016-O-11

AN ORDINANCE CLARIFYING THE LANGUAGE FOR PARKING AND LANDSCAPING REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX LOTS IN THE SF-1, SF-2, RM-12 AND RM-25 ZONE DISTRICTS; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-504 Utah State Code, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, re-construction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, Midvale City has found a number of areas that require amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, and/or include new provisions to further the vision of the City; and

WHEREAS, the City determined a need to clarify the language regarding the requirements for parking and landscaping for single family and duplex lots, and specific language and formatting within the zoning ordinance for these requirements was created as a text amendment; and

WHEREAS, the Planning Commission held a public hearing on July 27, 2016 to review the proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on July 13, 2016, and the Planning Commission forwarded a recommendation with specific language and formatting to the City Council on August 10, 2016; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on September 6, 2016, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 23, 2016; and

WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds it is appropriate and within the best interests of the City to make these clarifications in the Midvale Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:
Section 1. The following chapters and sections of the Midvale Municipal Code are hereby amended as included in ATTACHMENT A of this document.

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 24th day of September, 2016.

JdAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: Sept. 11, 2016

Voting by City Council
Stephen Brown    ☑    ☐
Paul Glover     ☑    ☐
Paul Hunt       ☑    ☐
Wayne Sharp     ☑    ☐
Quinn Sperry    ☑    ☐
ATTACHMENT A

SF-1, SF-2, RM-12 and RM-25 Zone Districts – Clarification for Parking and Landscaping Requirements for Single Family and Duplex Lots

Chapter 17-7-1
SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

17-7-1.4 Development standards.

The following development standards apply to all new development in the zone:

E. Parking/Driveway Access. Each lot shall provide two parking spaces in accordance with Section 17-7-1.8 A. a garage or the side or rear yard of the property. The driveway shall have a maximum paved width of twenty feet, or forty percent of the lot frontage, whichever is greater. The driveway may extend an additional ten feet in width behind the sidewalk.

F. Landscaping. Each lot shall be landscaped in accordance with Section 17-7-1.7 A.

FG. Utilities. Each dwelling must be serviced by a public water and sewer system.

17-7-1.8 Parking.

A. All residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.

B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or
anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Landscaped areas in front of the dwelling space shall not be surfaced for parking.

C. An applicant for new development shall propose on-site parking as follows:

Table 17-7-1.8

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<thead>
<tr>
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<tbody>
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<td>Accessory Structure—Occupied</td>
<td>1 space in addition to requirements for primary structure</td>
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<td>Child Care Facility/Center</td>
<td>1 space per on-duty employee and 1 per 6 children</td>
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<tr>
<td>Group Home</td>
<td>The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift</td>
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<tr>
<td>Master Planned Development</td>
<td>As determined by planning commission, based on the proposed uses and the potential for shared parking</td>
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<td>Neighborhood Commercial</td>
<td>2 spaces per 1,000 s.f. of leasable area</td>
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<td>The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f.</td>
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<td>Single Family/Duplex</td>
<td>2 spaces per dwelling unit (may be comprised of pavers or gravel)</td>
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Chapter 17-7-2
SINGLE FAMILY RESIDENTIAL ZONE (SF-2)

17-7-2.4 Development standards.

The following development standards apply to all new development in the zone:

E. Parking/Driveway Access. Each lot shall provide two parking spaces in accordance with Section 17-7-2.8 A. a garage or the side or rear yard of the property. The driveway shall have a maximum paved width of twenty feet, or forty percent of the lot frontage, whichever is greater. The driveway may extend an additional ten feet in width behind the sidewalk.

F. Landscaping. Each lot shall be landscaped in accordance with Section 17-7-2.7 A.

F.G. Utilities. Each dwelling must be serviced by a public water and sewer system.

17-7-2.8 Parking.

A. All residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Parking-in-the-side-or-rear-yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.

B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Landscaped areas in front of the dwelling space shall not be surfaced for parking.
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Chapter 17-7-3
MULTIFAMILY RESIDENTIAL—MEDIUM DENSITY ZONE (RM-12)

17-7-3.7 Parking.

A. All single family and duplex residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.

B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Landscaped areas in front of the dwelling space shall not be surfaced for parking.
Chapter 17-7-4
MULTIFAMILY RESIDENTIAL—MEDIUM TO HIGH DENSITY ZONE (RM-25)

17-7-4.7 Parking.

A. All single family and duplex residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.

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