ORDINANCE NO. 2017-O-02

AN ORDINANCE AMENDING THE LOT STANDARDS FOR CORNER LOTS WITHIN SINGLE-FAMILY RESIDENTIAL ZONES; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, the City has the authority to make and amend any regulation of or within the zoning district or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, Midvale City was made aware of additional uses not contemplated when the Zoning Ordinance was originally adopted with regard to corner lot development; and

WHEREAS, Midvale City recognized an additional opportunity for single-family detached home development within stable, residential neighborhoods and could further provide safety and security of individual properties and their uses; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016, to review the proposed amendment regarding development standards for corner lots and has forwarded a recommendation on such to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on February 7, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on January 24, 2017; and

WHEREAS, the City Council has taken into consideration testimony citizen testimony, planning and building analysis, and the Planning Commission’s recommendation, and has determined that this text amendment is appropriate and within the best interests of the City as a whole in protecting and promoting the health, safety, welfare and aesthetic quality of Midvale City.

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 the attachment to 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 judgement 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 this 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 7th day of February 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: February 17, 2017

Voting by City Council

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<thead>
<tr>
<th>City Council</th>
<th>&quot;Nay&quot;</th>
<th>&quot;Aye&quot;</th>
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<tbody>
<tr>
<td>Quinn Sperry</td>
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<td>Stephen Brown</td>
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<td>Paul Glover</td>
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<td>Paul Hunt</td>
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<tr>
<td>Wayne Sharp</td>
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Ordinance No. 2017-O-02
Chapter 17-7-1
SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

Sections:

17-7-1.1 Purpose.
17-7-1.2 Use table.
17-7-1.3 Lot standards.
17-7-1.4 Development standards.
17-7-1.5 Neighborhood compatibility.
17-7-1.6 Fences, hedges and walls.
17-7-1.7 Landscaping.
17-7-1.8 Parking.
17-7-1.9 Accessory structures (unoccupied).
17-7-1.10 Master planned development.
17-7-1.11 Conditional use standards of review.
17-7-1.12 Home occupation standards.
17-7-1.13 Signs.
17-7-1.14 Duplex (two-family) overlay (OD) zone.
17-7-1.15 Agricultural overlay zone.
17-7-1.16 Related provisions.
17-7-1.17 Camping.

17-7-1.3 Lot standards.

The following standards apply to all new subdivisions of land in the zone:

A. Lot Area. The minimum lot area is seven thousand square feet, subject to the following exception:

1. For the purpose of promoting owner-occupied residences, a lot complying with the requirements of the zone may be subdivided to allow for individual ownership of a pre-existing single family attached structure.

B. Lot Width. The minimum lot width is fifty-five feet, measured at the front setback line.
C. Lot Frontage. The minimum lot frontage is fifty-five feet unless the lot is on a cul-de-sac, in which case the minimum lot frontage is thirty-five feet.

D. Lot Depth. The minimum lot depth is ninety feet, unless the lot width is at least eighty-two feet, then the minimum lot depth shall be eighty feet. Corner lots must meet the minimum lot depth from both street frontages. The minimum corner lot depth requirement from one street frontage may be reduced provided the following items are satisfied:

1. Any new corner lot created by this provision must include a pre-existing residential structure. The pre-existing structure may or may not comply with the front yard setback requirements in Section 17-7-1.4 (A) (1).

2. The reduced lot depth dimension shall not be less than fifty-five feet, and shall be such that the pre-existing structure shall have at least the minimum side yard setback required in Section 17-7-1.4 (A) (2). Any existing accessory structure shall comply with the required setback for accessory structures.

3. The minimum lot area shall be seven thousand square feet. The minimum lot depth from the other street frontage shall be ninety feet. (Ord. 5/20/2003O-5 § 1 (part), 2003; Ord. 11-13-2001 § 2 (part), 2001)

Attachment A – Corner Lot Development
Chapter 17-7-2
SINGLE FAMILY RESIDENTIAL ZONE (SF-2)

Sections
17-7-2.1 Purpose.
17-7-2.2 Use table.
17-7-2.3 Lot standards.
17-7-2.4 Development standards.
17-7-2.5 Neighborhood compatibility.
17-7-2.6 Fences, hedges and walls.
17-7-2.7 Landscaping.
17-7-2.8 Parking.
17-7-2.9 Accessory structures (unoccupied).
17-7-2.10 Master planned development.
17-7-2.11 Conditional use standards of review.
17-7-2.12 Home occupation standards.
17-7-2.13 Signs.
17-7-2.14 Related provisions.
17-7-2.15 Camping.

17-7-2.3 Lot standards.

The following standards apply to all new subdivisions of land in the zone:

A. Lot Area. The minimum lot area is five thousand square feet, subject to the following exception:

1. For the purpose of promoting owner-occupied residences, a lot complying with the requirements of the zone may be subdivided to allow for individual ownership of a pre-existing single family attached structure.

B. Lot Width. The minimum lot width is forty-five feet, measured at the front setback line.

C. Lot Frontage. The minimum lot frontage is forty-five feet unless the proposed lot is on the curve of a cul-de-sac, then the minimum lot frontage is thirty-five feet.

D. Lot Depth. The minimum lot depth is ninety feet, unless the lot width is at least sixty-seven feet, then the minimum lot depth shall be eighty feet. Corner lots must meet the minimum lot depth from both street...
frontages. The minimum corner lot depth requirement from one street frontage may be reduced provided the following items are satisfied:

1. Any new corner lot created by this provision must include a pre-existing residential structure. The pre-existing structure may or may not comply with the front yard setback requirements in Section 17-7-1.4 (A) (1).

2. The reduced lot depth dimension shall not be less than forty-five feet, and shall be such that the pre-existing structure shall have at least the minimum side yard setback required in Section 17-7-1.4 (A) (2). Any existing accessory structure shall comply with the required setback for accessory structures.

3. The minimum lot area shall be five thousand square feet. The minimum lot depth from the other street frontage shall be sixty-seven feet. (Ord. 5/20/2003O-5 § 1 (part), 2003; Ord. 11-13-2001 § 2 (part), 2001)