ORDINANCE NO. 2015-O-03

AN ORDINANCE CREATING AN EXCEPTION TO THE REQUIRED SIDE YARD SETBACK FOR EXISTING ATTACHED GARAGES AND CLARIFYING THE EXISTING SETBACK LANGUAGE IN THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE DISTRICT (SECTION 17-7-1.4 A OF THE MIDVALE MUNICIPAL CODE); 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, reconstruction, 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 purpose and intent; and

WHEREAS, it has been determined that some of the older, single-family residential housing stock in Midvale was built with single car garages with no way to expand the garage area because of the required side yard setback; and

WHEREAS, it has been determined that the inability to create a more usable and practical garage space for today’s lifestyles is forcing some homeowners to consider moving from neighborhoods they would otherwise live; and

WHEREAS, Midvale City desired to provide opportunities for these homeowners to continue living in these older neighborhoods by providing mechanisms for appropriate home remodeling to occur to accommodate today’s lifestyles and needs; and

WHEREAS, the Planning Commission held a public hearing on March 11, 2015 to review 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 February 25, 2015, and the Planning Commission forwarded a recommendation on such to the City Council on March 11, 2015; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on April 7, 2015, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on March 24, 2015; and
WHEREAS, the City Council has taken into consideration citizen testimony, planning and building analysis, and the Planning Commission recommendations, 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 chapter 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 7th day of April, 2015.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: April 19, 2015

Voting by City Council

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<td>Stephen Brown</td>
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ATTACHMENT A
SF-1 Zone District – Garage Side Yard Setback Exception

17-7-1.4 Development standards.

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

A. Setbacks. The minimum setbacks in the zone are as follows:

1. Front. The minimum front yard setback is thirty feet. If fifty percent or more of the lots on the block are developed with a front yard setback of twenty-five feet or less, the front yard setback shall be twenty feet.

   a. Corner Lot Rule. Corner lots have two front yards.

   b. Exceptions. The following exceptions apply to all front yard setbacks in the zone:

      i. Front Porch. An open, front entry porch may encroach eight feet into the front yard setback.

      ii. Projections. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the front yard up to two and one-half feet.

      iii. Impervious Surfaces. A driveway with a width of twenty feet or forty percent of the lot frontage, whichever is greater, and a sidewalk of up to five feet in width from the driveway or street to the front door. The driveway may extend an additional ten feet in width behind the sidewalk.

2. Side. The minimum side yard setback is eight feet, subject to the following exceptions:

   a. Projection. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet.

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b. Stairs and Balconies Landings. Outside stairways and balconies landings required by Building code for exterior doorways may project into the side yard up to three feet.

c. Single Family Attached Structure. In the case of a pre-existing single family attached structure, the structure shall be exempt from the interior side yard setback.

d. Attached Single Car Garages and Carports. In the case where an existing single family residence has an attached garage or carport that accommodates less than two cars because of its width, the garage or carport may be extended to four feet from the side property line provided the following items are satisfied:

i. The extended structure area is for a garage use only; the encroachment into the side yard setback cannot be used as habitable space,

ii. The extended structure shall not exceed one story, and shall not extend above the roofline of the existing residential structure,

iii. The width of the garage shall not exceed twenty-four feet; the depth of the garage shall not exceed twenty-four feet,

iv. Eaves may extend an additional one foot beyond the outside wall of the garage or carport; no other projections, including stairs and landings shall be allowed within the four foot setback,

v. All Building codes shall be addressed,

vi. This exception is intended to provide a property owner of an older home with an attached single car garage or carport the ability to have a standard attached two car garage or carport where it otherwise would not be allowed because of the eight foot side yard setback,

vii. All new home construction shall comply with the eight foot side yard setback.

3. Rear. The minimum rear yard setback is twenty-five feet, subject to the following exceptions:

a. Corner Lot Rule. On corner lots, there is no rear yard.
b. Projection. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet.

c. Stairs and Balconies Landings. Outside stairways and balconies landings required by Building code for exterior doorways may project into the rear yard up to three feet.