ORDINANCE NO. 2017-O-03

AN ORDINANCE AMENDING THE ACCESSORY STRUCTURE (UNOCCUPIED) 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 to provide a reasonable use of individual properties for single-family detached homes within stable, residential neighborhoods and to 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 accessory structures on 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 March 7, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on February 21, 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 March, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Roni Andreason, MMC
City Recorder

Date of first publication: March 13, 2017

Voting by City Council

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<th>&quot;Aye&quot;</th>
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<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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<td>Wayne Sharp</td>
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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.

17-7-1.9 Accessory structures (unoccupied).

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

A. Proximity. An accessory structure must be located no less than six feet from the main building.

B. Location. The accessory structure must be located in either the rear or side yard. Exception for corner lots provided in subsection I below.
C. Setbacks. The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

D. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

E. Stories. An accessory structure may range from one to one and one-half stories.

F. Building Area. The maximum area of an accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area.

G. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Corner lot exception. Unoccupied accessory structures may be allowed where one front yard functions as a side yard. On these lots, accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:

   i. The accessory structure may be allowed within one front yard; opposite of the front yard associated with the structural front entrance location.

   ii. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:

      a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-1.6.

      b. If a non-sight obscuring fence is existing, proposed to be constructed, or if no fencing is present, the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.
c. For every two feet the accessory structure is setback from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

iii. The maximum area of the accessory structure shall be one hundred square feet.

iv. All construction must be done in accordance with the building code.

v. The accessory structure must be located no less than six feet from the main building.

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.

17-7-2.9 Accessory structures (unoccupied).

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

A. Proximity. An accessory structure must be located no less than six feet from the main building.

B. Location. The accessory structure must be located in either the rear or side yard. Exception for corner lots provided in subsection I below.

C. Setbacks. The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

D. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

E. Stories. An accessory structure may range from one to one and one-half stories.

Attachment A – Accessory Structures
F. Building Area. The maximum area of an accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area.

G. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Corner lot exception. Unoccupied accessory structures may be allowed where one front yard functions as a side yard. On these lots, accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:

   i. The accessory structure may be allowed within one front yard; opposite of the front yard associated with the structural front entrance location.

   ii. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:

      a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-2.6.

      b. If a non-sight obscuring fence is existing, proposed to be constructed, or if no fencing is present; the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.

      c. For every two feet the accessory structure is setback from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

   iii. The maximum area of the accessory structure shall be one hundred square feet.

   iv. All construction must be done in accordance with the building code.

   v. The accessory structure must be located no less than six feet from the main building.

Attachment A – Accessory Structures