

Midway City Council
4 December 2018
Regular Meeting

Ordinance 2018-26 /
Accessory Structures in
Commercial Zones



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 13, 2018

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16.5: Commercial C-2 and C-3 Zones

ITEM: 7

Midway City is proposing a code text amendment of Section 16:5: Commercial C-2 and C-3 Zones. The proposed code amendment would add commercial and residential accessory structures as a permitted use in the commercial zones. Setbacks would also be added to the code for accessory structures.

BACKGROUND:

The purpose of this item is to consider a code text amendment that would add commercial and residential accessory structures (no living or sleeping space) as a permitted use in the commercial zones though commercial accessory structures for conditional uses would require a conditional use permit. Setbacks would also be added to the code for accessory structures.

Recently, the city has received requests to build accessory structures in the commercial zones and it was discovered that accessory structures are not specifically allowed as a permitted or conditional use. There are many nonconforming dwellings in the commercial zones and some of those property owners would like to build accessory structures such as detached garages, sheds, and other structures. Also, adding commercial accessory structures as a permitted/conditional use would make the ability to construct such structures clear for commercial uses also. There is mention in the code about

accessory commercial structures, but the addition of the proposed language would make the code much clearer. The following text in red is the proposed language that would be added to the use chart in the C-2 and C-3 zones.

| USES | C-2 | C-3 |
|--|---|---|
| Residential accessory structures (no living or sleeping space) | P | P |
| Commercial accessory structures | P (Conditional if associated with a conditional use) | P (Conditional if associated with a conditional use) |

If allowing accessory structures is approved, then adopting setbacks for these structures is needed. Staff is proposing the following setbacks:

Commercial accessory structures would be required the same setbacks as for the main structures as listed in the code which is the following (existing text):

1. *Front. 10’ minimum and 30’ maximum from the property line; however, an accessory or secondary building may be allowed by the City Council to be set back further provided all provision of this Title are met.*
2. *Side. None*
3. *Rear. None*
4. *Fuel pumps. 20 feet from any street*
5. *Setback from residential zones: 15 feet*
6. *Commercial structure setback from existing residential uses: 8 feet*
7. *Residential structure setback as part of a mixed-use development (single-family and apartments): 10 feet*
8. *Mixed-Use Structures. The commercial area of the structure must comply with the commercial structure setback requirements. The residential area of the structure located behind the commercial must comply with the residential structure setback requirements. Residential areas located above commercial may use the commercial structure setback requirements.*
9. *The City Council, upon an applicant’s request, may approve a setback different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.*

Residential accessory structures would be required the following proposed setbacks (proposed text in red):

Section 16.5.4 Residential Accessory Location Requirements (no living or sleeping space)

A. Front Setback. All residential accessory structures shall be setback at least thirty (30) feet from the front lot line or projected street right-of-way.

B. Side Setback. All residential accessory structures dwellings shall be setback from the side property lines a distance of at least three (3) feet. On corner lots, the side setback from any street shall not be less than thirty (30) feet.

C. Rear Setback. All residential accessory structures shall be setback from the rear property line a distance of at least three (3) feet.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Streeter I move that we recommend the approval of the proposed code amendment that would add commercial and residential accessory structures as a permitted use in the commercial zones. Setbacks would also be added to the code for accessory structures. Staff recommendation for setback.

Seconded: Commissioner

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Nicholas and O’Toole

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- Adding residential accessory structures as a permitted use will allow residents of this zone to better use and enjoy their property
- Adding commercial accessory structures will make it clear that they are allowed and what the requirements are for these structures

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council feels that the proposed language is an acceptable addition to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



ORDINANCE 2018-26

AN ORDINANCE AMENDING TITLE 16.5 REGARDING THE COMMERCIAL C-2 AND C-3 ZONES BY ADDING COMMERCIAL AND RESIDENTIAL ACCESSORY STRUCTURES AS A PERMITTED USE IN THE COMMERCIAL ZONES; ADDING SET-BACK REQUIREMENTS, AND RELATED MATTERS.

WHEREAS, the City Council of Midway City desires to amend the Midway City Code regarding permitted uses and set-back requirements for the C-2 and C-3 Commercial Zones; and

WHEREAS, the proposed amendment provides that commercial and residential accessory structures will be included as permitted uses in the C-2 and C-3 Zones; and

WHEREAS, the proposed amendment also provides set-back requirements for accessory structures; and

NOW THEREFORE, for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED, by the City Council of Midway City, Wasatch County, State of Utah:

Section 16.5.2 of the Midway City Code is hereby amended to add the following Permitted Uses:

| USES | C-2 | C-3 |
|--|---|---|
| Residential accessory structures (no living or sleeping space) | P | P |
| Commercial accessory structures | P (Conditional if associated with a conditional use) | P (Conditional if associated with a conditional use) |

Section 16.5 is further amended by adding section 16.5.4 as follows:

Section 16.5.4 Residential Accessory Location Requirements (no living or sleeping space)

A. Front Setback. All residential accessory structures shall be setback at least thirty (30) feet from the front lot line or projected street right-of-way.

B. Side Setback. All residential accessory structures dwellings shall be setback from the side property lines a distance of at least three (3) feet. On corner lots, the side setback from any street shall not be less than thirty (30) feet.

C. Rear Setback. All residential accessory structures shall be setback from the rear property line a distance of at least three (3) feet.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this _____ day of _____, 20_____.

| | AYE | NAY |
|--------------------------------|-------|-------|
| Council Member Lisa Christen | _____ | _____ |
| Council Member Jeff Drury | _____ | _____ |
| Council Member Bob Probst | _____ | _____ |
| Council Member JC Simonsen | _____ | _____ |
| Council Member Ken Van Wagoner | _____ | _____ |

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

DRAFT