

Midway City Council
7 April 2020
Regular Meeting

Ordinance 2020-05 /
Accessory Structures in
Commercial Zones



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 7, 2020

NAME OF APPLICANT: Midway City

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

ITEM: 9

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 discuss and possibly approve a code text amendment to add commercial and residential accessory structures (no living or sleeping space) as a permitted use in the commercial zones, only commercial accessory structures for conditional uses would require a conditional use permit. Setbacks would also be added to the code for accessory structures.

The City has received requests to build accessory structures in the commercial zones and it was discovered that they 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 accessory structures as a permitted use would make the ability to construct such structures clear for commercial uses also, even though it is inferred in the code that commercial uses are allowed multiple structures.

The following is draft language that could be added to Section 16.5.2: Permitted and Conditional Uses that would address this issue:

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 found in Section 16.5.3 which states the following:

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.*

The Planning Commission has recommended that residential accessory structures in the commercial zones have front setbacks 15' that are greater than the dwelling. The reason for this recommendation is to maintain the streetscape appeal of Main Street and Center Street, the City's busiest roads. By requiring any residential accessory structure to have a setback 15' greater than the dwelling, this assures that the dwelling is the visual focus for residential properties and the accessory structures are not as visible since they are setback farther from the road, and in most cases, will be partially blocked from view by the

dwelling. Also, the Planning Commission, as part of its recommendation, is requiring that residential accessory structures are visually compatible with the dwelling. Since the commercial zones are the most visible areas of Midway, it is important the aesthetics of new structures are held to a higher to assure the attractiveness of Midway's core. If Main Street is attractive, this in turn will help the community by supporting tourism and making the community center a beautiful place for the residents of our community. Therefore, the Planning commission has recommended the following language to the City Council:

Section 16.5.4 Residential accessory structures (no living or sleeping space)

1. Residential accessory structures must be visually compatible with the dwelling on the same property. Staff will review and approve the proposed structure if it is found that the structure is visually compatible. If staff finds the proposed structure is not visually compatible with the dwelling, then the VAC will review the structure to assure compatibility.

2. Location Requirements

A. Front Setback. All residential accessory structures shall be setback at least forty-five (45) feet from the front lot line or fifteen (15) feet farther back than the front facade of the dwelling, whichever is greater.

B. Side Setback. All residential accessory structures 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.

Staff is proposing a 3' side and 3' rear setback which will allow the property owner to maximize the use of their property. The 3' setback would also leave enough room for drainage to remain on the owner's property and would also leave enough room for snow accumulation, that is common, with pitched metal roofs.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval 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. We also accept staff findings and that the front façade Setbacks would also be added to the code for accessory structures.

Seconded: Commissioner Whitney

Chairman Kohler: Any discussion the motion?

Chairman Kohler: All in favor.

Ayes: Commissioners: Ream, Simons, Bouwhuis and Whitney

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- Adding residential accessory structures as a permitted use will allow property owners 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.
- Requiring a 15' greater setback for residential accessory structures than the dwelling will help maintain the visual appeal of the streets in the commercial zones.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds 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 finds 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 2020-05

AN ORDINANCE AMENDING TITLE 16 OF THE MIDWAY CITY CODE REGARDING THE CONSTRUCTION OF ACCESSORY STRUCTURES IN COMMERCIAL ZONES, SETBACKS FOR COMMERCIAL ACCESSORY STRUCTURES AND ACCESSORY STRUCTURES IN GENERAL, AND RELATED MATTERS

WHEREAS, the City Council of Midway City desires to amend Title 16 of the Midway City Code regarding construction of accessory structures in commercial zones within the City; and

WHEREAS, the City Council also desires to set the required setbacks for commercial accessory structures; and

WHEREAS, the City Council desires to set the required setbacks for accessory structures in general; and

WHEREAS, the City has examined the issue and has determined that the amendments contained herein are in the best interest of the City and its citizens and visitors; and

WHEREAS, the City Council now desires to amend Title 16 of the Midway City Municipal Code to accomplish these purposes.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 16.5.2 of the Midway City Code is amended by adding the following Permitted and/or Conditional Uses:

Section 16.5.2: Permitted and Conditional Uses:

USES	C-2	C-3
Residential accessory structures (no living or sleeping space)	P	P
Commercial accessory structures	P	P

	(Conditional if associated with a conditional use)	(Conditional if associated with a conditional use)
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Commercial accessory structures are required to meet the same setback requirements as the main structures as listed in Section 16.5.3 of the Midway City Code, and which are restated as follows:

Setbacks Required -

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.

Section 16.5.4 of the Midway City Code is amended to provide that residential accessory structures are required to meet the following setbacks:

Section 16.5.4 Residential accessory structures (no living or sleeping space)

1. Residential accessory structures must be visually compatible with the dwelling on the same property. Staff will review and approve the proposed structure if it is found that the structure is visually compatible. If staff finds the proposed structure is not visually compatible with the dwelling, then the VAC will review the structure to assure compatibility.

2. Location Requirements

- A. Front Setback. All residential accessory structures shall be setback at least forty-five (45) feet from the front lot line or fifteen (15) feet farther back than the front facade of the dwelling, whichever is greater.

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.

This ordinance shall take effect upon publication as required by law.

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

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)