

Midway City Council
6 October 2020
Regular Meeting

Ordinance 2020-18 /
Double Frontage Lots



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: October 6, 2020
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Addition of Section 16.13.48: Double Frontage

ITEM: 9

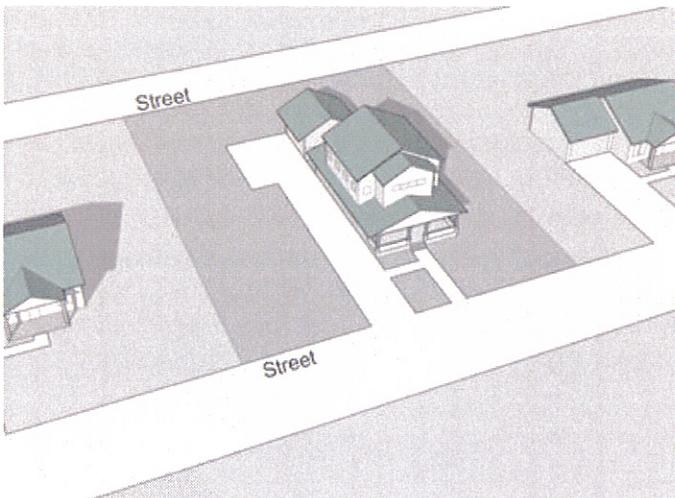
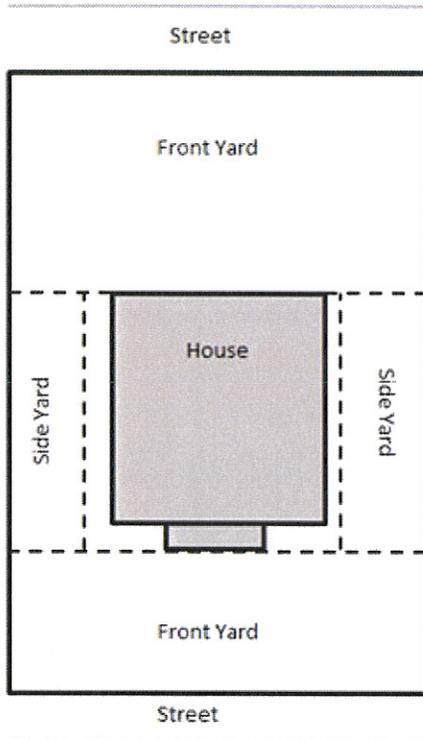
Midway City is proposing to adopt new code text to the Midway City Municipal Code. Section 16.13.48: Double Frontage and Section 16.2.49: Definitions would be added to the code that would regulate when double frontage lots are allowed.

BACKGROUND:

The City is proposing an addition to the City's Municipal Code in the Land Use Chapter, Title 16. The proposed code would create regulations regarding when double frontage lots are allowed. Specifically, when a road can be constructed along the rear boundary of a property when there is already a road in the front of the property. A double frontage lot is defined as a lot, other than a corner lot, with frontage on more than one street. Another definition is an interior lot bounded by two or more abutting street lines that do not intersect. Generally, double frontage lots are discouraged or prohibited by cities and counties because they create lots with less desirable circumstances where streets are on both the front and rear of the lots. This is especially difficult when a property owner purchases a lot with a field in the rear and that property is developed and a road is placed right on the rear property line of the existing home. This is the situation that the proposed code would regulate.

The City does require double frontage lots when a subdivision fronts on a collector street. This is to avoid driveways accessing directly to the collector road which creates safety issues and traffic efficiency issues. With the City's current code that requires open space to front the collector roads, it is unlikely that we will see more subdivisions such as Fox Den that have backyards fronting Michie Lane.

The following are examples of double frontage lots:



The following is the proposed language that would regulate double frontage lots:

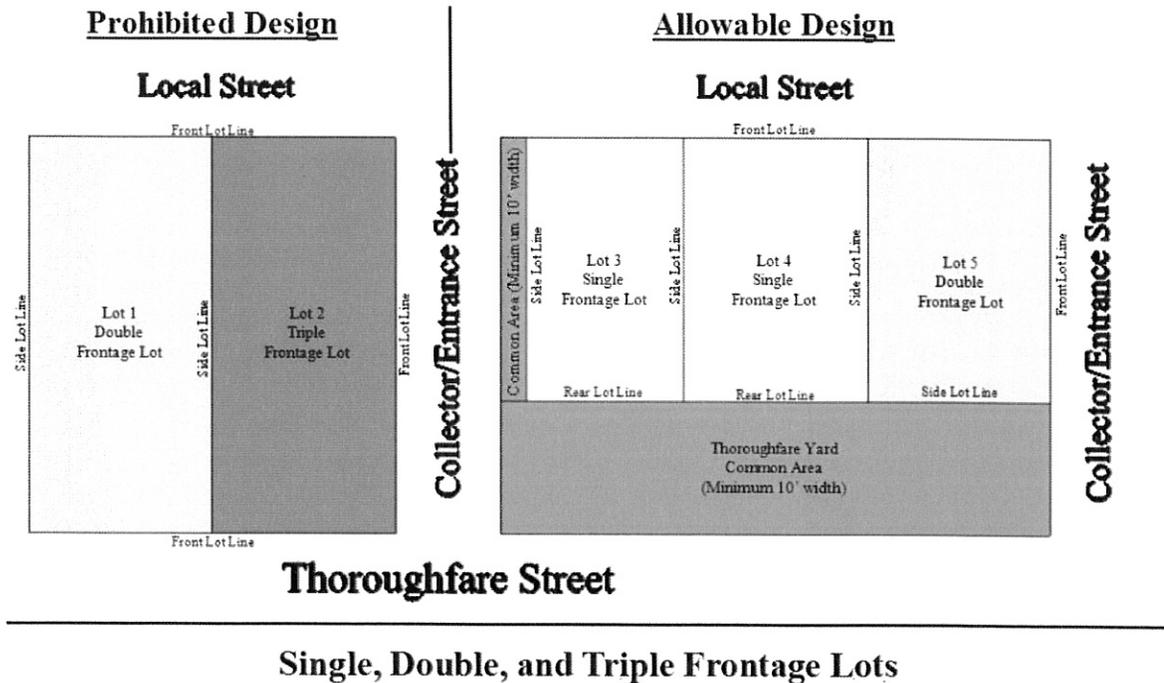
Section 16.2: Definitions

49 d. Double Frontage Lot. An interior lot bounded by two or more abutting street lines that do not intersect. For the purposes of the land use code, any lot with less than fifty (50) feet from the rear lot line to a street right-of-way shall be considered a double fronted lot.

Section 16.13.48 Double Frontage Lots.

Double frontage lots shall not be permitted in zones R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, and RA-1-43 except in situations where access is not allowed onto a collector (does not include local or minor collector roads) or arterial roads as outlined in the Midway Road System Master Plan.

Wasatch County has a similar ordinance that regulates double frontage lots. One issue that they have discovered is that developers will create a small strip of open space or common area behind a lot and claim that the lot is not double fronted. The proposed code includes a definition of a double frontage lot which requires that any area less than 50' behind a lot will not change the status of the lot regarding double frontage. For a lot to not be considered double fronted, the area behind the lot would need to be greater than 50' in depth from the rear lot line to the edge of the street right-of-way. The following is an example to illustrate this point assuming that the green area below the three lots is greater than 50' wide:



The proposed code would reduce the ability for some properties to develop. There could be situations in Midway that a subdivision backs up to a field and the proposed code would limit where future roads could be located. It could be that the only location where a road could be placed would create a double frontage situation and therefore, would not be permissible, which in turn would make the property not developable. There may also be situation that a field with a home is proposed for development. It may be the only place that would not create double frontage would be to demolish the dwelling to place the road.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Cliften: I make a motion that we recommend adopting new code text to the Midway City Municipal Code in Section 16.13.48 and including the definition of 16.2. Double Frontage would be added to the code that would regulate when double frontage lots are allowed. Also adding the RA-1-43 into the language, and that we would accept staff findings.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Simons, Cliften, Bouwhuis, Whitney and Garland

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed code would regulate when double frontage lots may be created
- Double frontage will not be allowed when a lot backs a local, minor collector, or local collector street
- Double frontage will be allowed when a lot backs a collector or arterial street
- The proposed code may reduce the ability of some properties to develop

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

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 2020-18

AN ORDINANCE TO EXPAND TITLE 16 OF THE MIDWAY CITY LAND USE CODE TO ADDRESS AND PROHIBIT DOUBLE FRONTAGE LOTS

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, the City Council of Midway City desires to address double frontage residential building lots; and

WHEREAS, the City Council now desires to expand Title 16 of the Midway City Land Use Code to accomplish these purposes.

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

Section 16.2 Definitions shall be amended to read as follows:

49 d. Double Frontage Lot. An interior lot bounded by two or more abutting street lines that do not intersect. For the purposes of the land use code, any lot with less than fifty (50) feet from the rear lot line to a street right-of-way shall be considered a double fronted lot.

Title 16 of the Midway City Land Use Code shall be expanded to include the following:

Section 16.13.48 Double Frontage Lots

Double frontage lots shall not be permitted in zones R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, and RA-1-43 except in situations where access is not allowed onto a collector (does not include local or minor collector roads) or arterial roads as outlined in the Midway Road System Master Plan.

These ordinances 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)