



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.

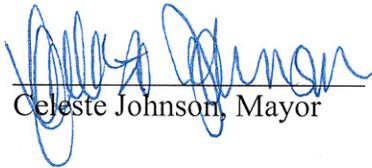
C. Rear Setback. All residential accessory structures shall be setback from the rear property line a distance of at least three (3) feet.

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 7th day of April 2020.

	AYE	NAY
Council Member Steve Dougherty	<u> X </u>	<u> </u>
Council Member Jeff Drury	<u> X </u>	<u> </u>
Council Member Lisa Orme	<u> X </u>	<u> </u>
Council Member Kevin Payne	<u> X </u>	<u> </u>
Council Member JC Simonsen	<u> X </u>	<u> </u>

APPROVED:


Celeste Johnson, Mayor

ATTEST:


Brad Wilson, City Recorder

APPROVED AS TO FORM:


Corbin Gordon, City Attorney





Certificate of Passage, Posting and Publication

I certify that on 7 April 2020 the Midway City Council adopted Ordinance 2020-05 (Accessory Dwellings).

I certify that a full, true, and correct copy of the ordinance was posted on 20 May 2020 at the following locations:

Midway City Office Building
United States Post Office (Midway)
Ridley's Express
7-Eleven (Midway)

I further certify that a summary of the ordinance was published in The Wasatch Wave on 27 May 2020.

Brad Wilson, Midway City Recorder

Dated 27 May 2020

