



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: March 10, 2020

NAME OF APPLICANT: Midway City

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

ITEM: 6

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 recommend to the City Council 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.*

Residential accessory structures would be required the following proposed setbacks:

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.

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.

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.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission 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 Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission 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