



ORDINANCE 2022-02

AN ORDINANCE TO AMEND TITLE 16 OF THE MIDWAY CITY LAND USE CODE TO CHANGE SETBACK REQUIREMENTS IN RESIDENTIAL ZONES.

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

WHEREAS, retaining a rural atmosphere within Midway City is a key goal contained within the City's General Plan; and

WHEREAS, effective planning, including planning regarding setback requirements, will help Midway to preserve its view corridors, maintain open spaces, and reinforce a country/rural feeling; and

WHEREAS, the Midway City Council desires to amend Title 16 of the Land Use Code to change setback requirements within each of its residential zones.

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

Title 16 shall be amended in the following ways:

Section 16.7.6 Location Requirements (R-1-7)

A. Front Setback:

1. Dwellings - All dwellings shall be setback from front property lines a minimum distance of thirty feet (30'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.
2. Accessory Structures - All accessory structures shall be setback from front property lines a minimum distance of forty feet (40'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.

B. Side Setback:

1. Dwellings - All dwellings shall be setback from side property lines a minimum distance of ten feet (10').
2. Accessory Structures - All accessory structures shall be setback from the side property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum side setback line is twenty feet (20'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 25' side setback). For additional detail, see Exhibit 1 in this section.

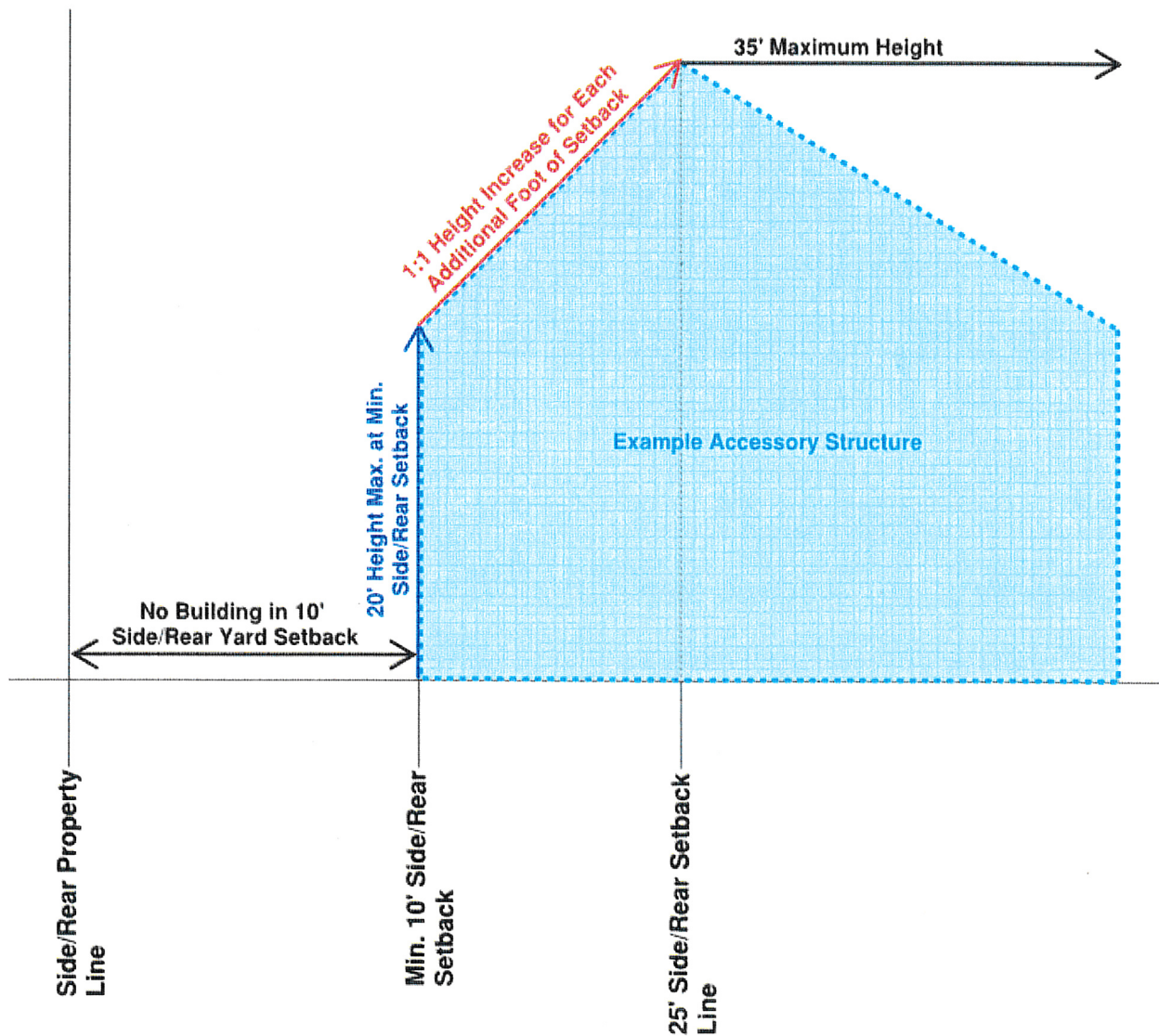
C. Rear Setback:

1. Dwellings - All dwellings shall be setback from the rear property line a minimum distance of thirty feet (30').
2. Accessory Structures - All accessory structures shall be setback from the rear property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum rear setback line is twenty feet (20'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 25' side setback). For additional detail, see Exhibit 1 in this section.

D. Accessory structures that are 200 square feet or less in size, are 12' or less in height, and have temporary foundations, may be located a minimum of 5' from a side or rear property line in any residential zone. There are no exceptions to the front or secondary front setback. At the owner's risk, they may be located on a platted public utility easement. If a utility is to be placed in the public utility easement, the property owner is responsible for removal of the structure to allow for the installation of the utility. A property owner is required to remove the structure within 30-days of receiving notice. All drainage from the accessory structure must be maintained on site.

E. Size of Dwelling. The ground floor area of all dwellings shall be not less than 900 square feet except as may be approved in a large-scale development.

Exhibit 1 –



Section 16.8.6 Location Requirements (R-1-9)

A. Front Setback:

1. Dwellings - All dwellings shall be setback from front property lines a minimum distance of thirty feet (30'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.
2. Accessory Structures - All accessory structures shall be setback from front property lines a minimum distance of forty feet (40'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.

B. Side Setback:

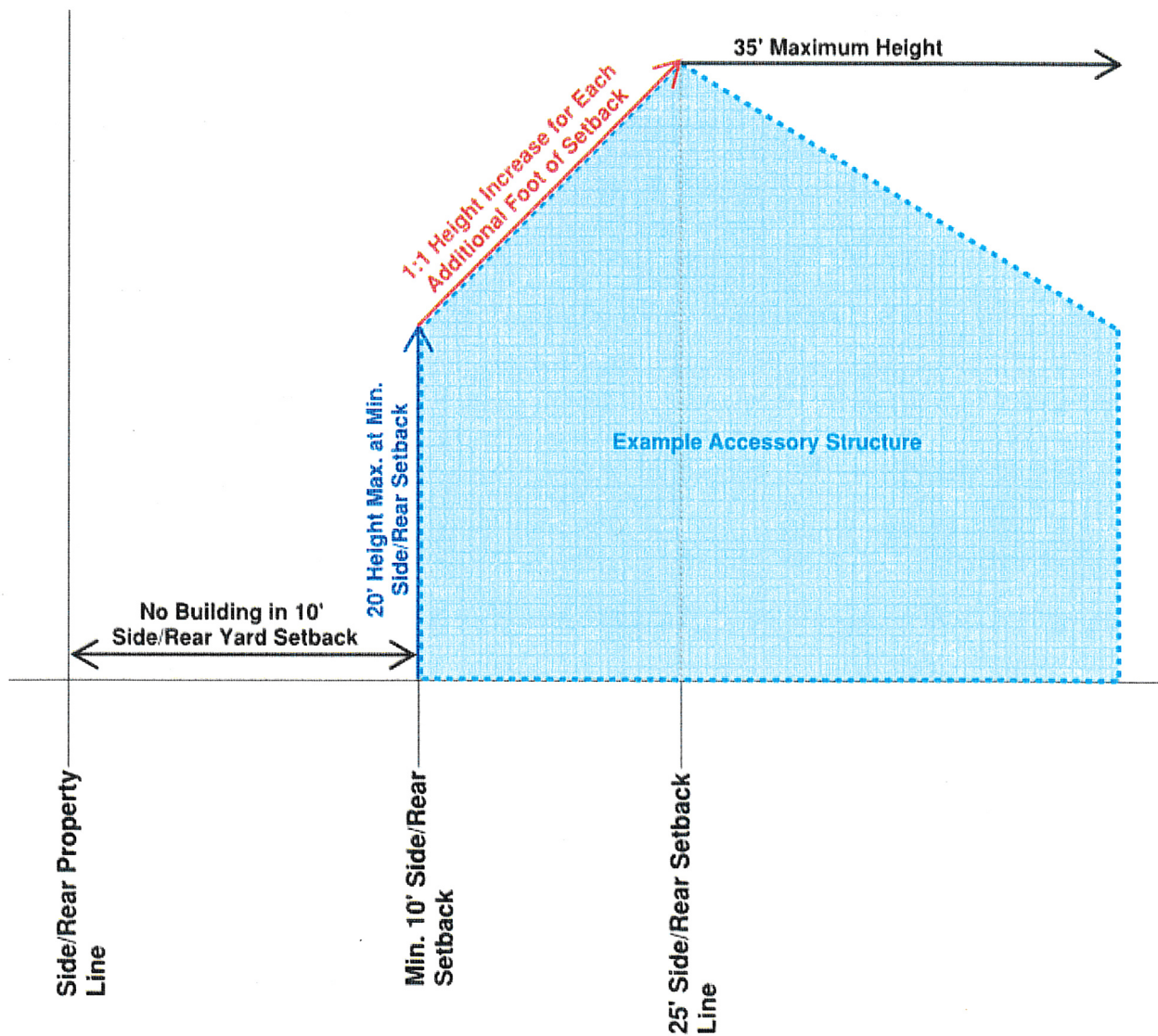
1. Dwellings - All dwellings shall be setback from side property lines a minimum distance of ten feet (10').
2. Accessory Structures - All accessory structures shall be setback from the side property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum side setback line is twenty feet (20'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 25' side setback). For additional detail, see Exhibit 1 in this section.

C. Rear Setback:

1. Dwellings - All dwellings shall be setback from the rear property line a minimum distance of thirty feet (30').
2. Accessory Structures - All accessory structures shall be setback from the rear property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum rear setback line is twenty feet (20'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 25' side setback). For additional detail, see Exhibit 1 in this section.

- D. Accessory structures that are 200 square feet or less in size, are 12' or less in height, and have temporary foundations, may be located a minimum of 5' from a side or rear property line in any residential zone. There are no exceptions to the front or secondary front setback. At the owner's risk, they may be located on a platted public utility easement. If a utility is to be placed in the public utility easement, the property owner is responsible for removal of the structure to allow for the installation of the utility. A property owner is required to remove the structure within 30-days of receiving notice. All drainage from the accessory structure must be maintained on site.

Exhibit 1 –



Section 16.9.6 Location Requirements (R-1-11)

A. Front Setback:

1. Dwellings - All dwellings shall be setback from front property lines a minimum distance of thirty feet (30'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.
2. Accessory Structures - All accessory structures shall be setback from front property lines a minimum distance of forty feet (40'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be

the same as for the primary frontage.

B. Side Setback:

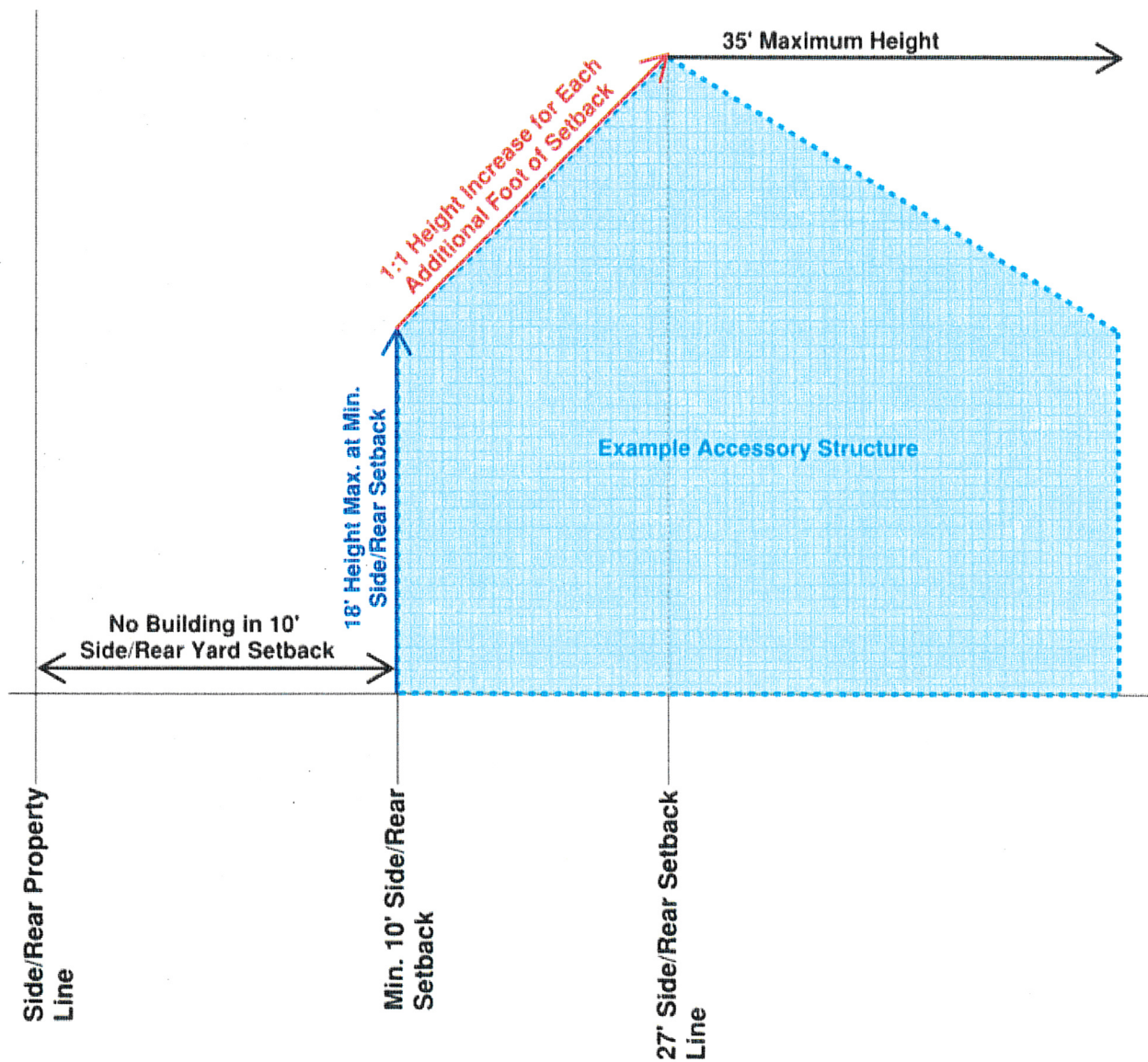
1. Dwellings - All dwellings shall be setback from side property lines a minimum distance of twelve feet (12').
2. Accessory Structures - All accessory structures shall be setback from the side property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum side setback line is eighteen feet (18'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 27' side setback). For additional detail, see Exhibit 1 in this section.

C. Rear Setback:

1. Dwellings - All dwellings shall be setback from the rear property line a minimum distance of thirty feet (30').
2. Accessory Structures - All accessory structures shall be setback from the rear property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum rear setback line is eighteen feet (18'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 27' side setback). For additional detail, see Exhibit 1 in this section.

- D. Accessory structures that are 200 square feet or less in size, are 12' or less in height, and have temporary foundations, may be located a minimum of 5' from a side or rear property line in any residential zone. There are no exceptions to the front or secondary front setback. At the owner's risk, they may be located on a platted public utility easement. If a utility is to be placed in the public utility easement, the property owner is responsible for removal of the structure to allow for the installation of the utility. A property owner is required to remove the structure within 30-days of receiving notice. All drainage from the accessory structure must be maintained on site.

Exhibit 1 –



Section 16.10.6 Location Requirements (R-1-15)

A. Front Setback:

1. Dwellings - All dwellings shall be setback from front property lines a minimum distance of thirty feet (30'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.
2. Accessory Structures - All accessory structures shall be setback from front property lines a minimum distance of forty feet (40'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be

the same as for the primary frontage.

B. Side Setback:

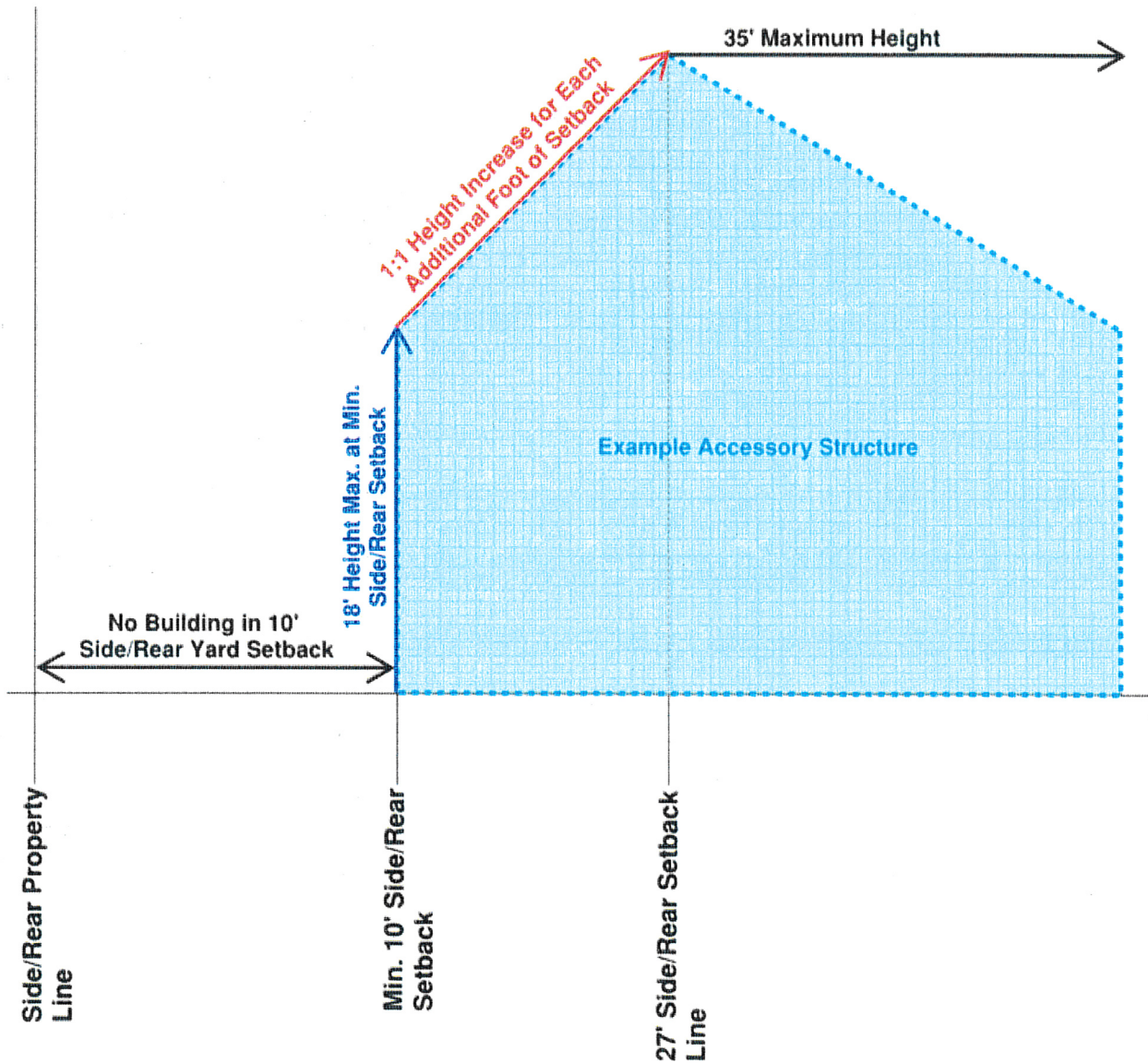
1. Dwellings - All dwellings shall be setback from side property lines a minimum distance of twelve feet (12').
2. Accessory Structures - All accessory structures shall be setback from the side property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum side setback line is eighteen feet (18'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 27' side setback). For additional detail, see Exhibit 1 in this section.

C. Rear Setback:

1. Dwellings - All dwellings shall be setback from the rear property line a minimum distance of thirty feet (30').
2. Accessory Structures - All accessory structures shall be setback from the rear property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum rear setback line is eighteen feet (18'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 27' side setback). For additional detail, see Exhibit 1 in this section.

- D. Accessory structures that are 200 square feet or less in size, are 12' or less in height, and have temporary foundations, may be located a minimum of 5' from a side or rear property line in any residential zone. There are no exceptions to the front or secondary front setback. At the owner's risk, they may be located on a platted public utility easement. If a utility is to be placed in the public utility easement, the property owner is responsible for removal of the structure to allow for the installation of the utility. A property owner is required to remove the structure within 30-days of receiving notice. All drainage from the accessory structure must be maintained on site.**

Exhibit 1 –



Section 16.11.6 Location Requirements (R-1-22)

A. Front Setback:

1. Dwellings - All dwellings shall be setback from front property lines a minimum distance of forty feet (40'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.
2. Accessory Structures - All accessory structures shall be setback from front property lines a minimum distance of fifty feet (50'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be

the same as for the primary frontage.

B. Side Setback:

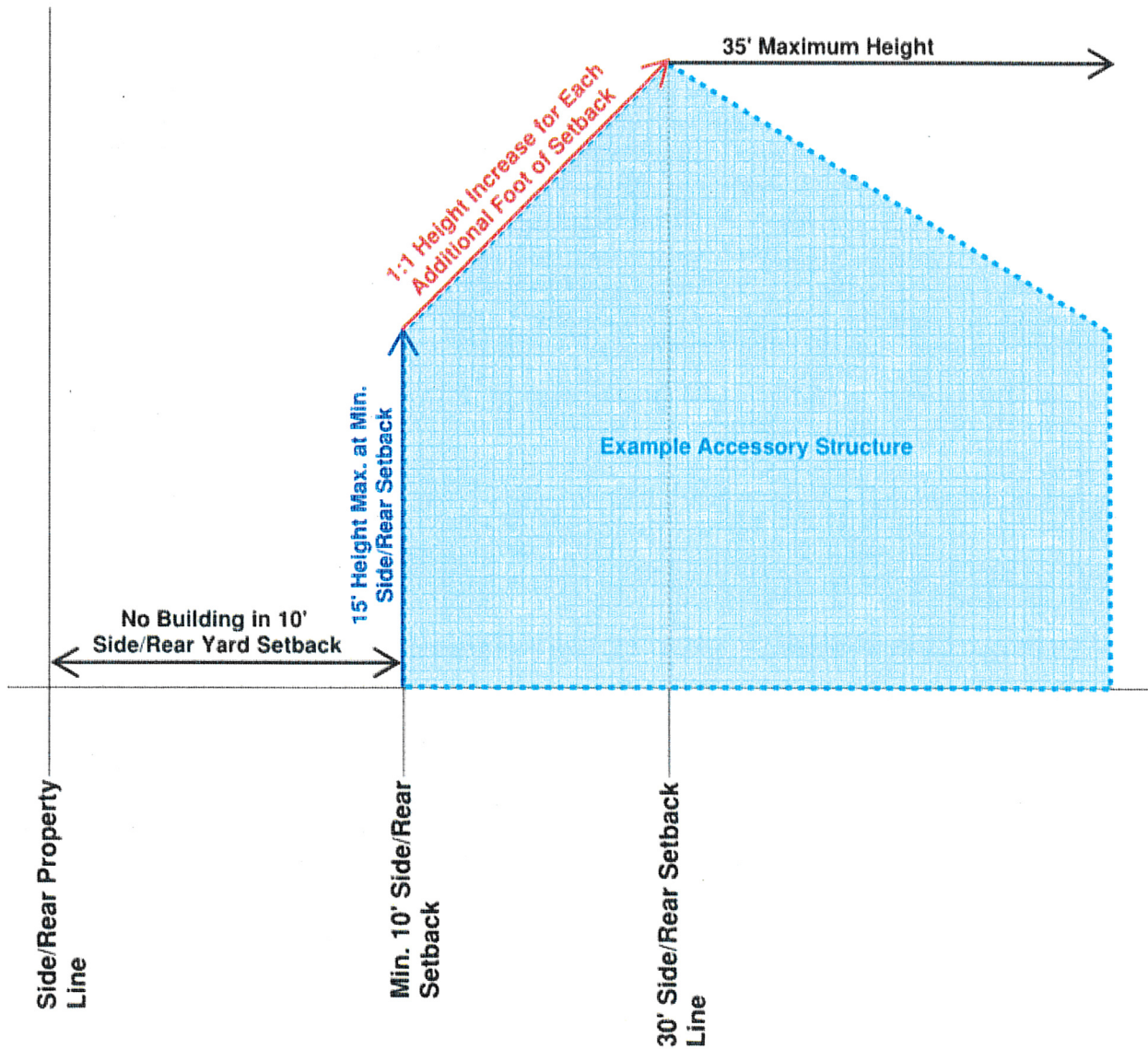
1. Dwellings - All dwellings shall be setback from side property lines a minimum distance of twenty feet (20').
2. Accessory Structures - All accessory structures shall be setback from the side property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum side setback line is ten feet (10'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 30' side setback). For additional detail, see Exhibit 1 in this section.

C. Rear Setback:

1. Dwellings - All dwellings shall be setback from the rear property line a minimum distance of forty feet (40').
 - a. If the front and rear setbacks limit the main dwelling structure to a depth that is less than 45', the rear setback may be reduced by the amount needed to allow for up to a 45' structure depth. In no case shall the rear setback be less than 30' and a reduction assumes that a proposed structure will be built to the minimum front setback line.
2. Accessory Structures - All accessory structures shall be setback from the rear property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum rear setback line is ten feet (10'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 30' side setback). For additional detail, see Exhibit 1 in this section.

- D. Accessory structures that are 200 square feet or less in size, are 12' or less in height, and have temporary foundations, may be located a minimum of 5' from a side or rear property line in any residential zone. There are no exceptions to the front or secondary front setback. At the owner's risk, they may be located on a platted public utility easement. If a utility is to be placed in the public utility easement, the property owner is responsible for removal of the structure to allow for the installation of the utility. A property owner is required to remove the structure within 30-days of receiving notice. All drainage from the accessory structure must be maintained on site.**

Exhibit 1 –



Section 16.12.6 Location Requirements (RA-1-43)

A. Front Setback:

1. Dwellings - All dwellings shall be setback from front property lines a minimum distance of fifty feet (50'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be the same as for the primary frontage.
2. Accessory Structures - All accessory structures shall be setback from front property lines a minimum distance of sixty feet (60'). On corner lots or lots with more than two frontages, the front setback for the secondary frontage(s) shall be

the same as for the primary frontage.

B. Side Setback:

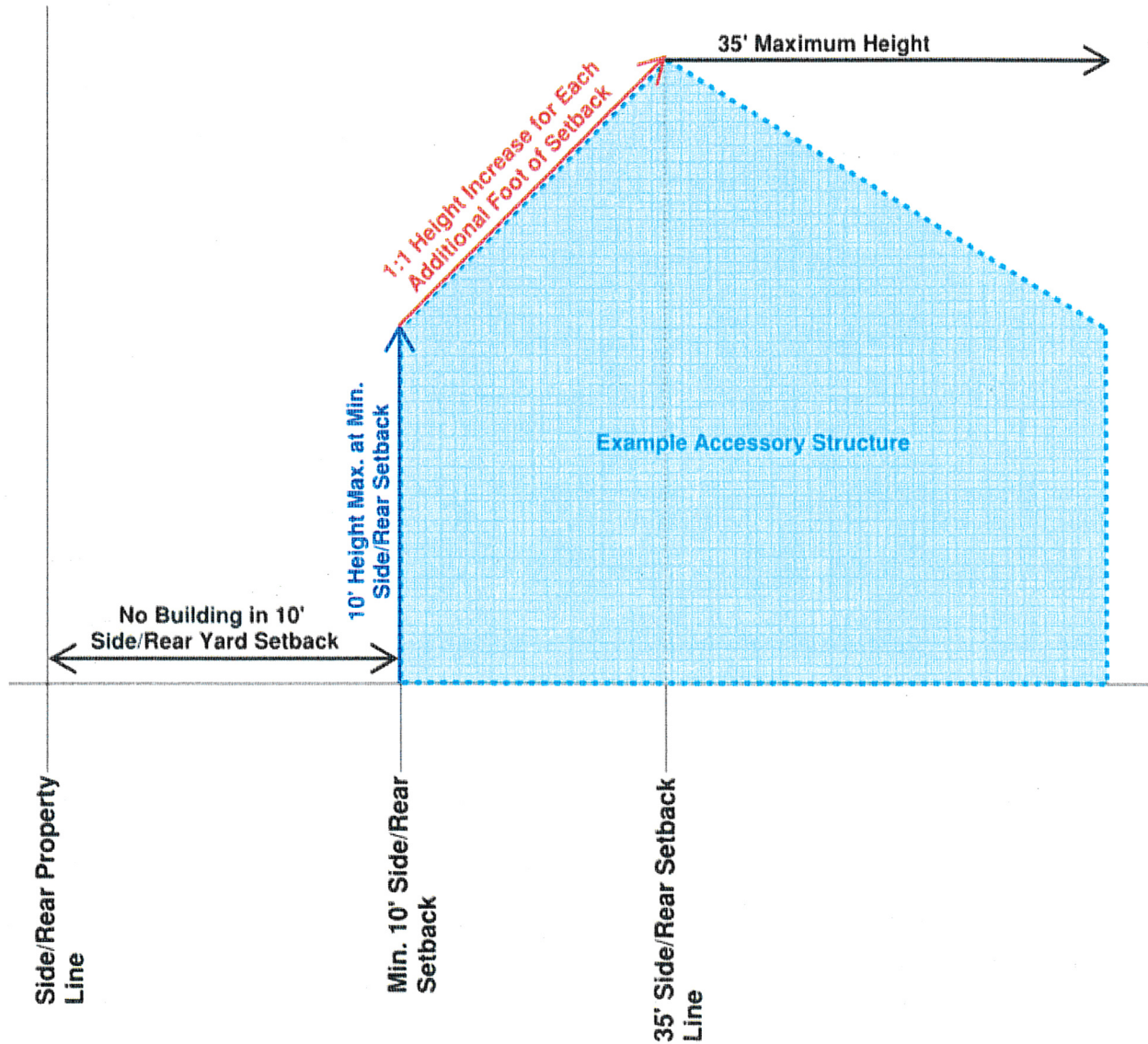
1. Dwellings - All dwellings shall be setback from side property lines a minimum distance of thirty feet (30').
2. Accessory Structures - All accessory structures shall be setback from the side property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum side setback line is ten feet (10'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 35' side setback). For additional detail, see Exhibit 1 in this section.

C. Rear Setback:

1. Dwellings - All dwellings shall be setback from the rear property line a minimum distance of fifty feet (50').
 - a. If the front and rear setbacks limit the main dwelling structure to a depth that is less than 45', the rear setback may be reduced by the amount needed to allow for up to a 45' structure depth. In no case shall the rear setback be less than 40' and a reduction assumes that a proposed structure will be built to the minimum front setback line.
2. Accessory Structures - All accessory structures shall be setback from the rear property lines a minimum distance of ten feet (10'). The maximum height of an accessory structure at the minimum rear setback line is ten feet (10'). The height of the accessory structure may increase by one foot for each additional foot it is setback into the property, to a maximum of 35' (e.g., a 35' building height allowed at the 35' side setback). For additional detail, see Exhibit 1 in this section.

- D.** Accessory structures that are 200 square feet or less in size, are 12' or less in height, and have temporary foundations, may be located a minimum of 5' from a side or rear property line in any residential zone. There are no exceptions to the front or secondary front setback. At the owner's risk, they may be located on a platted public utility easement. If a utility is to be placed in the public utility easement, the property owner is responsible for removal of the structure to allow for the installation of the utility. A property owner is required to remove the structure within 30-days of receiving notice. All drainage from the accessory structure must be maintained on site.

Exhibit 1 –



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

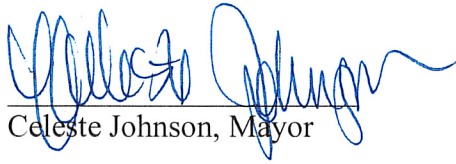
PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah this 1st day of February 2022.

Council Member Steve Dougherty	<u> Aye </u>
Council Member Jeff Drury	<u> Aye </u>
Council Member Lisa Orme	<u> Aye </u>
Council Member Kevin Payne	<u> Aye </u>

Council Member JC Simonsen

Aye

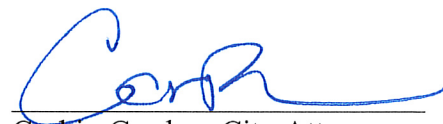
APPROVED:


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 1 February 2022 the Midway City Council adopted Ordinance 2022-02 (Setbacks).

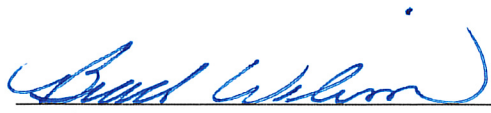
I certify that a copy of the ordinance was deposited in the office of the municipal recorder.

I certify that a full, true, and correct copy of the ordinance was posted on 10 March 2022 at the following locations:

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

I certify that a summary of the ordinance was published on the Utah Public Notice Website on 10 March 2022.

I further certify that a summary of the ordinance was published in The Wasatch Wave on 16 March 2022.


Brad Wilson, Midway City Recorder

Dated 22 March 2022

