

Midway City Council
18 February 2020
Regular Meeting

Ordinance 2020-06 /
P-160 Zone



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 14, 2020

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment/Addition – P-160 Zone

LOCATION OF ITEM: Wasatch Mountain State Park area located in Midway's Growth Boundary

ITEM: 8

Midway City is proposing a code text amendment/addition of Title 16. The proposal will create a new zone to be called the Preservation Zone (P-160). The proposed code will state the permitted and conditional uses allowed in the zone along with all other regulations for the new zone.

BACKGROUND:

This proposal is to create a new low-density preservation zone that would be added to the City's land use code found in Title 16 of the Midway City Municipal Code. The new zone was discussed by the Planning Commission and the City Council when the City recently increased the City's growth boundary to include some of the Wasatch Mountain State Park. During the public meetings with the Planning Commission and City Council it was discussed that a new zone could be created that would be very similar the current Wasatch County zoning of the property which is P-160 and would be applied to the increased area recently added to the City's Land Use map. If a new zone were not created, then the property would be zoned RA-1-43 which is the least dense zone the City has but has a much greater density than the P-160 zone. The approved City Council motion stated that the zone for the property would be determined in the future. Therefore, staff has created a draft code for the newly proposed P-160 zone for the Planning Commission and City Council to consider. The proposed code is similar to the County's P-160 zoning code but has been modified to better match Midway's code.

ANALYSIS:

All the property that would be designated as P-160 on Midway's Land Use Map is currently zoned P-160 in Wasatch County. There are only two property owners in this area which are Heber Light and Power and the State of Utah. The vast majority of the property is owned by the State with only a small parcel owned by Heber Light and Power which is 1.81 acres. This property is surrounded completely by Wasatch Mountain State Park and, therefore, had to be included in the growth boundary.

If the State Park property is annexed into the City, it appears the City would not have much control over future development in the park much like the County currently does not and has not had much control over past development. The property is owned by the State and the State has land use authority over the property even if the property is in the City limits. The City does need to assign a zone to the property so staff has determined that the best zone would be one very similar to what the current County zoning is. It is unlikely that the zoning will ever be used on the future development conducted by the State Park but there is the remote possibility that the land may become private in the future. In times past, the State Park has traded park property with private owners. If the property is ever owned by a private individual, then the zoning would determine the allowed land uses and regulations for the property.

PROPOSED CODE:

CHAPTER 16.12 Preservation Zone (P-160)

Section 16.12.1 Objectives and Characteristics

Section 16.12.2 Permitted Uses

Section 16.12.3 Conditional Uses

Section 16.12.4 Area Requirements

Section 16.12.5 Width and Frontage Requirements

Section 16.12.6 Location Requirements

Section 16.12.7: Site Plan Provisions

Section 16.12.8 Size of Dwellings

Section 16.12.9 Supplementary Requirements

Section 16.12.1 Objectives and Characteristics

The purpose of the preservation zone (P-160) is to establish areas in Midway where development may be limited due to the remoteness of services, topography and other sensitive environmental issues. Furthermore, the specific intent in establishing the preservation zone (P-160) is for the following purposes:

- A. Protect the present and future water supply of Midway and surrounding areas;*
- B. Protect natural features and sensitive environmental areas;*
- C. Protect forestry land;*
- D. Prevent excessive soil erosion and water pollution;*

- E. Preserve and protect recreational opportunities;*
- F. Cooperate and support State Park projects that allow the public to use and enjoy existing and future State Park recreational and support facilities.*

Section 16.12.2 Permitted Uses

- A. Agriculture.*
- B. One-family dwellings and related accessory buildings and uses. Accessory uses and buildings include garages, personal greenhouses less than one thousand (1,000) square feet, swimming pools and incidental bathhouses, and carports.*
- C. Customary household pets, including but not limited to cats, dogs, and canaries. This does not include the breeding of dogs and cats or other pets for sale or other use. Notwithstanding the foregoing no more than three cats or three dogs are permitted at one time at any single-family residence, unless a Conditional Use Permit shall have first been obtained in conformance with the applicable animal control standards under this Code. A conditional use which allows more than three cats or dogs shall not be approved on any lot that is less than one acre in size.*
- D. The keeping of animals and fowl in numbers according to the following point system:*
 - 1. Animals may total 50 points per ½ acre.*
 - 2. Animals shall be worth the following points each:*
 - a. Chickens, pigeons, pheasants, and other similar birds; 2 points.*
 - b. Geese, ducks, peafowl, turkey and other similar birds; 10 points.*
 - c. Sheep, llamas, calves, foals, and other similar sized animals; 25 points.*
 - d. Horses, cattle, and other similar sized animals; 40 points.*
 - e. For the purpose of this point system, an animal and one offspring shall be considered to be one animal until six months after the birth of the offspring.*
 - 3. The keeping of swine in any numbers shall not be allowed. Permission may be granted by the Zoning Administrator to raise swine for FFA, 4-H, and similar projects. Permission must be granted annually. The number of animals requested, and location of pens shall be made known to the Zoning Administrator in order to determine approval.*
 - 4. The above requirements do not apply to commercial farming and dairy operations in existence at the time of the adoption of this Title.*
- E. Farm machinery and farm products maintenance and storage sheds.*
- F. Barns, corrals, pens, coops, and feed storage buildings for the keeping of animals and fowl and the storage of farm products, provided uses for the care and keeping of livestock and fowl are located at least 100 feet distance from any existing dwelling on a neighboring lot or parcel or 50 feet from side and rear property lines, whichever is greater, and 100 feet from the front property lines; also, small animal hospitals without outside runs.*
- G. Churches, not to include temporary revival tents or buildings.*
- H. Home Occupations.*
- I. Irrigation distribution channels*
- J. Water pressure control stations and pumping plants*
- K. Other water utilities or irrigation*
- L. Underground sewage pipeline right of way*
- M. Forestry activities and related services*
- O. State Park recreational and support facilities*

Section 16.12.3 Conditional Uses

- A. Public utility facilities and buildings.*
- B. Cottage Industries.*
- C. Electric utilities*
- D. Gas pressure control stations*
- E. Water storage*
- F. Water storage covered*
- G. Underground pipeline right of way and pressure control stations*

Section 16.12.4 Area Requirements

The minimum area for lot area or parcel size in the P-160 zone shall be one hundred sixty (160) acres per one-family dwelling.

Section 16.12.5 Width and Frontage Requirements

The minimum width and frontage for a lot for a one-family dwelling shall be 320 feet.

Section 16.12.6 Location Requirements

A. Front Setback. All buildings and structures shall be set back at least 30 feet from the front lot line or projected street right-of-way.

B. Side Setbacks. All dwellings shall be set back from the side property line a distance of at least 14 feet, and the total distance of the 2 side setbacks shall be at least 30 feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that a 3-foot side setback shall be required for accessory buildings which are located more than 100 feet from the front lot line and at least 12 feet to the rear of any dwelling. On corner lots, the side setback from any street shall not be less than 30 feet for both main and accessory buildings.

C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least 30 feet. Accessory buildings on interior lots shall be set back not less than 10 feet from the rear property line, except that a 2-foot rear setback shall be permitted for accessory buildings meeting fire resistive requirements of the building code. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least 30 feet, except that for dwellings having an attached garage or carport, the setback shall not be less than 20 feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than 3 feet.

Section 16.12.7: Site Plan Provisions

Before the issuance of a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the planning department showing the location of any existing conditions, structures, topography or any environmentally sensitive lands located on the lot.

Section 16.12.8 Size of Dwellings

The ground floor area of all dwellings shall be not less than 1,400 square feet.

Section 16.12.9 Supplementary Requirements

See Chapter 16.13 Supplementary Requirements in Zones.

POSSIBLE FINDINGS:

- The proposed code will define regulations in the P-160 zone for properties not owned by the State of Utah.
- The proposed code has the same density as the existing Wasatch County code and the language and uses are generally similar.
- The City must designate a zone for the property of either RA-1-43 or a proposed zone, such as P-160 before any property is annexed into the City.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds the proposal is acceptable and in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds there are unresolved issues.
 - 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 request is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



ORDINANCE 2020-06

AN ORDINANCE AMENDING TITLE 16 OF THE MIDWAY CITY CODE TO ADD CHAPTER 16.12 REGARDING A NEW PRESERVATION ZONE (P-160) TO THE CODE, AND RELATED MATTERS.

WHEREAS, the City Council of Midway City desires to create a low-density preservation zone that will be similar to the current P-160 zone in the surrounding areas of Wasatch County; and

WHEREAS, the City Council determined that all of the new P-160 zone shall apply to areas proposed to be annexed into Midway City, but which are already zoned P-160 in Wasatch County; and

WHEREAS, the City Council has determined that the P-160 zone will help meet all of the purposes expressed in the proposed language contained herein; and

WHEREAS, the City Council has determined that the adoption of this Ordinance will be in the best interests of Midway City.

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

Section 1: The following new section 12 is added to Title 16 of the Midway City Code:

CHAPTER 16.12 Preservation Zone (P-160)

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Section 2: 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 _____, 2020.

	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