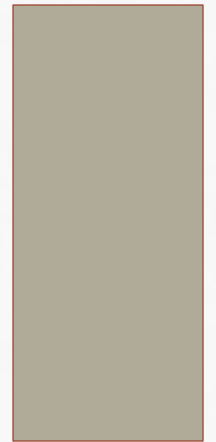


# RURAL PRESERVATION SUBDIVISION

CODE TEXT AMENDMENT



# PROPOSAL BACKGROUND

Section 16.18 of the land use code allows certain parcels in residential zoning districts to be developed as Rural Preservation Subdivisions. Planning staff is proposing amendments to a few subsections of section 16.18 in order to clarify and enhance requirements for developing property.

# PROPOSED AMENDMENT #1: SECTION 16.8.5 - DENSITY AND LOT SIZE

## 16.8.5 Density and Lot Size

A maximum density of one dwelling unit per five (5) acres of the original development parcel is allowed. **When calculating the allowable density, the developable acreage shall only consist of all areas within the development parcel with a slope less than 25% and shall not include wetlands.** Each lot is permitted one (1) dwelling unit. Clustering of lots is permitted if each lot complies with the minimum lot acreage for the zone in which it is located.

# PROPOSED AMENDMENT #2 - 16.18.17

## PERMITTED USES

### 16.8.5 Density and Lot Size

#### 16.18.17 Permitted Uses

The principal use permitted in the Rural Preservation subdivision is one residential living unit. Living area in accessory structures is allowed as outlined in this title. ~~No living space (kitchen, bedrooms, and full bathrooms) is allowed in any accessory structures.~~ Other uses are permitted as allowed by the zoning regulations governing the zone in which the lot is located

# PROPOSED AMENDMENT #3: SECTIONS 16.18.18.D - STANDARDS AND REQUIREMENTS AND 16.18.16 SETBACKS

## 16.18.18 Standard and Requirements

D. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:

1. The following streets shall require a minimum 100-foot setback for all structures, and should be noted on the plat:

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West.
- x. Cari Lane
- xi. 500 South
- xii 600 North

## 16.18.16 Setbacks

Setbacks for all structures must comply with the requirements for the zone in which the lot is located **and the setbacks noted in 16.18.18.D.**

# PROPOSED AMENDMENT #4: 16.18.7

## 16.18.7 ~~Open Space Remnant Parcels~~

No remnant parcels shall be created because of an application for a Rural Preservation Subdivision. All portions of an existing parent parcel must be included in the Rural Preservation Subdivision plat, unless it qualifies for one of the following exceptions:

1. If the excess property meets the zoning requirements and can be developed through a separate subdivision process, then it does not need to be included in the Rural Preservation Subdivision plat. The request for both subdivision proposals must proceed through the approval process together and the plats must be recorded in succession so that a new remnant parcel is not created.
2. The excess property shall be legally attached to an adjacent parcel. Proof of the new property description may be requested to demonstrate the transfer of the property.

# POSSIBLE FINDINGS

- The proposed adjustment would preclude slopes of 25% or greater being counted towards the developable acreage of a property
- Reducing density is supported by the General Plan
- The proposed adjustments would ensure that accessory structure requirements are consistent with other sections of the land use code
- The proposed adjustments would require a 100' structure setback from certain roads, which is supported by the general plan
- The proposed adjustments would clarify that creating a rural preservation subdivision should not result in the creation of a non-conforming parcel

# PLANNING COMMISSION RECOMMENDATION

**Motion:** Commissioner Bouwhuis: I make a motion that we recommend approval of an amendment to Section 16.18: Rural Preservation Subdivision of the Midway City Municipal Code. The proposed amendment would not allow some sensitive lands, including sloped areas, to count towards allowed density for Rural Preservation Subdivisions. Accept staff findings and accept the revisions in the report with the following changes. 16.8.5 change to developable acreage to say density qualifying acreage and that we exclude wetlands and slope. 16.18.18 the 50' setback be changed to a 100' setback. 16.18.7- Item 2 the language be changed to have more definitive language such as "shall".

**Seconded:** Commissioner Garland

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Bouwhuis, Wardle, Garland and Cliften

**Nays:** None

**Motion: Passed**