

MANTI CITY ORDINANCE NO. 2023-3
Elimination of Conditional Uses in Zones R-2 & R-3

AN ORDINANCE ELIMINATING CONDITIONAL USES IN THE R-2 & R-3 ZONES, AND ASSIGNING DEFINED USES TO OTHER ZONES, OR RETAINING DEFINED USES AS PERMITTED WITH SPECIFIC RESTRICTIONS OR REQUIREMENTS.

WHEREAS, the Manti City Council (the "Council") met in regular meeting on February 2nd, 2022 to discuss the possibility of eliminating "conditional uses" from the city's land use ordinance; and

WHEREAS, the Council voted at above referenced meeting to place a moratorium on the issuance of conditional use permits for a 6-month period; and

WHEREAS, the Council met together with the Planning Commission on May 31st, 2022 and discussed the Council's desire to eliminate "conditional uses" in the R-2 & R-3 zones and reassign current "conditional uses" in said zones to more appropriate zones, or retain in the R-2 & R-3 zones with specific requirements and /or restrictions; and

WHEREAS, the Planning Commission met on multiple occasions to discuss request and develop a recommendation for submission to the Council; and

WHEREAS, said recommendation was submitted by the Planning Commission to the Council; and

WHEREAS, the Planning Commission held a public hearing on May 9th, 2023 to take public comment regarding the proposed land-use ordinance change; and

WHEREAS, the City Council held a public hearing on June 7th, 2023 to take public comment regarding the proposed land-use ordinance change; and

WHEREAS, the Manti Council has the authority to modify the land-use ordinance; and

WHEREAS, the Council finds good cause for adopting the provisions set forth herein;

NOW THEREFORE, be it ordained by the Manti City Council, that the following modifications be made to the land-use ordinance and municipal code of Manti City, Utah.

Manti Code Municipal Code

17.40.012 Definitions

"Accessory dwelling unit": An additional residential unit that is located on the same lot as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure, and which contains separate living space, kitchen, and bathroom facilities.

"Density": A measure of the built or to-be built residential accommodation, being the number of dwellings situated on a unit of land.

"Disability": A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a history or record of such an impairment or a person who is perceived or regarded as having such an impairment.

"Duplex": A multi-family home with two units and two sets of tenants, one living in each side. A duplex has one owner that is responsible for renting out and maintaining the entire property.

"Institutional Care Center": An assisted living facility of any type, as defined by the Utah State Department of Health and Human Services, that is not a residential facility nor contained within a residential dwelling unit of a type authorized by the applicable zoning regulations.

"Intensity": The impact of a land use type on the land, e.g. apartment complexes are a high intensity land use while single-family residential is not.

"Overlay zoning district": A zoning district which is applied over one or more previously established zoning districts, establishing additional standards and criteria for covered properties in addition to those of the underlying zoning district; used to protect special features such as housing along transit corridors or historic buildings. Similar properties access to the government or public at large.

"Public": In reference to ownership, indicates that a facility or parcel of land is held and controlled by a government entity or is part of an easement or access that provides access to the government or public at large.

"Residential facility for persons with disabilities": A single-family home or other residential dwelling unit in which more than one person with a disability resides and that is subject to regulation or licensure by the Utah State Department of Health and Human Services.

"Semipublic": Having some features of a public institution and open to some persons outside the regular constituency.

"Single-family dwelling": A free-standing building designed to be occupied by one family, the structure having only one dwelling unit.

"Stacked multi-family dwelling": Units are "stacked" on top of each other (multi-story).

"Setback": The required separation between a lot line (and/or right-of-way line) and a building or structure line, within which a building or structure is prohibited. Setbacks prevent landowners from crowding the property of others and allow for the safe placement of utilities.

"Townhome": A single-family home that shares one or more walls with other independently-owned units; there are typically three or more units in a row.

"Twin home": A multi-family home with two units, technically classified as single-family homes sharing a wall. Each owner owns their portion of the house and the lot underneath it.

17.40.024 R-2 With Permitted Uses

R-2: This zone is intended to provide for medium density single-family and multi-family residences in attached and detached dwellings. Multi-family dwellings are permitted in this zone with defined requirements. See tables (17.40.050 & 17.40.060) for minimum lot sizes and setbacks.

A. Permitted uses:

1. Single-family dwelling
2. Agriculture
3. Nursery, pre-school, daycare
4. Household pets
5. Home occupation
6. Church
7. Public School
8. Public park and playground
9. Public buildings
10. Accessory buildings
11. Utility substations - with the following requirements:
 - Obscure fencing
 - Safety study
 - Noise study
 - Landscaping plan to be submitted with zoning permit application
12. Duplexes – with the following requirements
 - Building height maximum = 16 feet
 - Minimum lot size = .345 acres (per duplex)
 - Minimum street frontage = 105 linear feet
 - Property and yard use for the benefit and use of tenants only
 - Off-street parking for 2 vehicles per unit
 - Landscaping plan for front and side yards to be submitted with zoning permit application
 - Maintenance plan or proposed CC&Rs for managing common areas and shared walls, utilities, and improvements to be submitted with zoning permit application
13. Townhouses – with the following requirements
 - Maximum number of units per acre = 10
 - Minimum development size = 10 units, or 1 acre

- Off-street parking for 3 vehicles per unit, with one space being covered
- Off-street parking plan to be submitted with zoning permit application
- Landscaping plan to be submitted with zoning permit application
- Maintenance plan or proposed CC&Rs for managing common areas and shared walls, utilities, and improvements to be submitted with zoning permit application

14. Twin homes – with the following requirements

- Building height maximum = 16 feet
- Minimum lot size = .23 acres
- Minimum street frontage = 105 linear feet
- Property and yard use for the benefit and use of tenants only
- Off-street parking for 2 vehicles per unit, with one space being covered
- Landscaping plan to be submitted with zoning permit application
- Maintenance plan or proposed CC&Rs for managing common areas and shared walls, utilities, and improvements to be submitted with zoning permit application

15. Residential facilities for persons with disabilities

- Any residential unit may be occupied as a residential facility for persons with disabilities, regardless of whether such facility is operated on a for-profit or non-profit basis. All general land use and zoning standards that apply to construction, development, use, and occupancy of residential units of the unit type being occupied as a residential facility for persons with disability shall apply, except to the extent that a stricter standard applies under state or federal law or under rules promulgated by the Utah State Department of Health and Human Services or other applicable agency.
- The owner or operator of the facility must obtain and maintain all required state licenses.
- Occupancy limited to persons with a disability and staff members.
- Occupancy shall not be granted to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy could result in substantial physical damage to the property of others.
- Requests for accommodations to any zoning or other land use regulation shall be made to the city council and shall be accompanied by documentation explaining and justifying the reasonableness and need for the requested accommodation. No fee shall be imposed for a request for accommodation.

B. Special Development:

The following uses are not permitted within the zone, because they are generally incompatible with the goals, intent, and other permitted uses of the zone. However, these uses may be authorized for a particular property through the negotiation and execution of a development agreement through the process allowed under 17.52.020 if the applicant can demonstrate compatibility with adjacent uses and developments, a demonstrated need for

the project type, and the benefits that the city or its current or future residents will obtain that are not otherwise offered by current zoning and land use regulations for the property. Any development agreement must address the considerations and requirements described below related to the project type, in addition to any other consideration, term, or condition that the City and the applicant determine is appropriate.

1. Stacked multi-family dwellings (apartments, condominiums, etc.).
 - a. Maximum height: 3 stories consisting of no more than 35 feet from finished grade, excluding mechanical equipment and related facilities, so long as such equipment is screened from view from grade
 - b. Maximum density: 4 units per story, 12 units per building
 - c. Ownership and maintenance plan to demonstrate method of ownership and maintenance of shared construction, walls, equipment, parking areas, driveways and streets, and other common areas or facilities.
 - d. Landscaping and amenity plan to address and describe public or private recreational amenities and landscaping, such as parks, pavilions, trails, sidewalks, playgrounds, greenspace, and similar amenities.
 - e. Off-street parking: minimum of 3 spaces per 2 units, covered parking encouraged.
 - f. Architectural/design standards, with examples, to be provided
 - g. Description of lots, units, property lines, setbacks, and easements for project
 - h. Transportation plan to address street and driveway layout, snow removal areas, and vehicular and pedestrian connectivity.
2. Mobile home park, travel trailer park
 - a. Maximum density: 1 unit per 6,000 square feet.
 - b. Off-street parking: minimum of 2 dedicated spaces per unit, with 1 additional parking space provided for every 2 units.
 - c. Ownership and maintenance plan to demonstrate method of ownership and maintenance of common areas, utilities, parking areas, and private roads.
 - d. Landscaping and amenity plan to address and describe public or private recreational amenities and landscaping, such as parks, pavilions, trails,

sidewalks, playgrounds, greenspace, clubhouses, and similar amenities. Minimum 1,500 square feet of outdoor recreational amenities required per unit, not including roads, sidewalks, and clubhouses.

- e. Transportation plan to address street and driveway layout, snow removal areas, visitor parking and vehicular and pedestrian connectivity. Internal roads must be private, and applicant must submit plan for layout, construction, and maintenance of private roads serving the project, with adequate fire access and on-site areas for snow removal.
- f. Utility plan for private utilities and fire protection.
- g. Lighting plan for streetlights.
- h. Two points of access onto public roads adjacent to park required.
- i. Fencing/theme wall around park on property lines required.
- j. Setbacks: project shall have minimum 20 foot setbacks on all property lines. Internal setbacks of units from private roads and adjacent units shall be determined by development agreement.

3. Public and private institutional care center – care institutions that are not residential facilities within residential dwelling units

- a. Landscaping and amenity plan to address and describe public or private recreational amenities and landscaping, such as parks, pavilions, trails, sidewalks, playgrounds, greenspace, and similar amenities.
- b. Transportation plan to address street and driveway layout, parking areas, on-site snow removal areas, and vehicular and pedestrian connectivity.
- c. Parking area to provide sufficient off-street parking for staff, patients, and visitors
- d. Architectural/design standards, with examples, to be provided

17.40.026 R-3 With Permitted Uses

R-3: This zone is intended to provide for single family homes on smaller lots as well as multi-family residences in attached dwellings at a medium density and other residential amenities adequate to maintain desirable residential conditions. Multi-family dwellings are permitted in this zone with requirements specified. A maximum of twelve units to the acre is permitted in this zone. See tables (17.40.050 & 17.40.060) for minimum lot sizes and setbacks.

A. Permitted uses:

1. Single-family dwelling
2. Agriculture
3. Nursery, pre-school, daycare
4. Household pets
5. Home occupation
6. Church
7. Public School
8. Public park and playground
9. Public buildings
10. Accessory buildings
11. Utility substations - with the following requirements:
 - Obscure fencing
 - Safety study
 - Noise study
 - Landscaping plan to be submitted with zoning permit application
12. Duplexes – with the following requirements
 - Building height maximum = 16 feet
 - Minimum lot size = .30 acres (per duplex)
 - Minimum street frontage = 100 linear feet
 - Property and yard use for the benefit and use of tenants only
 - Off-street parking for 2 vehicles per unit
 - Landscaping plan for front and side yards to be submitted with zoning permit application
 - Maintenance plan or proposed CC&Rs for managing common areas and shared walls, utilities, and improvements to be submitted with zoning permit application
13. Townhouses – with the following requirements
 - Maximum number of units per acre = 12
 - Minimum development size = 12 units, or 1 acre
 - Off-street parking for 2 vehicles per unit
 - Off-street parking plan to be submitted with zoning permit application
 - Landscaping plan to be submitted with zoning permit application

- Maintenance plan or proposed CC&Rs for managing common areas and shared walls, utilities, and improvements to be submitted with zoning permit application

14. Twin homes – with the following requirements

- Building height maximum = 16 feet
- Minimum lot size = .18 acres
- Minimum street frontage = 90 linear feet
- Property and yard use for the benefit and use of tenants only
- Off-street parking for 2 vehicles per unit
- Landscaping plan to be submitted with zoning permit application
- Maintenance plan or proposed CC&Rs for managing common areas and shared walls, utilities, and improvements to be submitted with zoning permit application

15. Residential facilities for persons with disabilities

- Any residential unit may be occupied as a residential facility for persons with disabilities, regardless of whether such facility is operated on a for-profit or non-profit basis. All general land use and zoning standards that apply to construction, development, use, and occupancy of residential units of the unit type being occupied as a residential facility for persons with disability shall apply, except to the extent that a stricter standard applies under state or federal law or under rules promulgated by the Utah State Department of Health and Human Services or other applicable agency.
- The owner or operator of the facility must obtain and maintain all required state licenses.
- Occupancy limited to persons with a disability and staff members.
- Occupancy shall not be granted to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy could result in substantial physical damage to the property of others.
- Requests for accommodations to any zoning or other land use regulation shall be made to the city council and shall be accompanied by documentation explaining and justifying the reasonableness and need for the requested accommodation. No fee shall be imposed for a request for accommodation.

B. Special Development:

The following uses are not permitted within the zone, because they are generally incompatible with the goals, intent, and other permitted uses of the zone. However, these uses may be authorized for a particular property through the negotiation and execution of a development agreement through the process allowed under 17.52.020 if the applicant can demonstrate compatibility with adjacent uses and developments, a demonstrated need for the project type, and the benefits that the city or its current or future residents will obtain

that are not otherwise offered by current zoning and land use regulations for the property. Any development agreement must address the considerations and requirements described below related to the project type, in addition to any other consideration, term, or condition that the City and the applicant determine is appropriate.

1. Stacked multi-family dwellings (apartments, condominiums, etc.).
 - a. Maximum height: 3 stories consisting of no more than 35 feet from finished grade, excluding mechanical equipment and related facilities, so long as such equipment is screened from view from grade
 - b. Maximum density: 4 units per story, 12 units per building
 - c. Ownership and maintenance plan to demonstrate method of ownership and maintenance of shared construction, walls, equipment, parking areas, driveways and streets, and other common areas or facilities.
 - d. Landscaping and amenity plan to address and describe public or private recreational amenities and landscaping, such as parks, pavilions, trails, sidewalks, playgrounds, greenspace, and similar amenities.
 - e. Off-street parking: minimum of 3 spaces per 2 units, covered parking encouraged.
 - f. Architectural/design standards, with examples, to be provided
 - g. Description of lots, units, property lines, setbacks, and easements for project
 - h. Transportation plan to address street and driveway layout, snow removal areas, and vehicular and pedestrian connectivity.
2. Mobile home park
 - a. Maximum density: 1 unit per 6,000 square feet.
 - b. Off-street parking: minimum of 2 dedicated spaces per unit, with 1 additional parking space provided for every 2 units.
 - c. Ownership and maintenance plan to demonstrate method of ownership and maintenance of common areas, utilities, parking areas, and private roads.
 - d. Landscaping and amenity plan to address and describe public or private recreational amenities and landscaping, such as parks, pavilions, trails, sidewalks, playgrounds, greenspace, clubhouses, and similar amenities.

Minimum 1,500 square feet of outdoor recreational amenities required per unit, not including roads, sidewalks, and clubhouses.

- e. Transportation plan to address street and driveway layout, snow removal areas, visitor parking and vehicular and pedestrian connectivity. Internal roads must be private, and applicant must submit plan for layout, construction, and maintenance of private roads serving the project, with adequate fire access and on-site areas for snow removal.
- f. Utility plan for private utilities and fire protection.
- g. Lighting plan for streetlights.
- h. Two points of access onto public roads adjacent to park required.
- i. Fencing/theme wall around park on property lines required.
- j. Setbacks: project shall have minimum 20 foot setbacks on all property lines. Internal setbacks of units from private roads and adjacent units shall be determined by development agreement.

- 3. Public and private institutional care center – care institutions that are not residential facilities within residential dwelling units
 - a. Landscaping and amenity plan to address and describe public or private recreational amenities and landscaping, such as parks, pavilions, trails, sidewalks, playgrounds, greenspace, and similar amenities.
 - b. Transportation plan to address street and driveway layout, parking areas, on-site snow removal areas, and vehicular and pedestrian connectivity.
 - c. Parking area to provide sufficient off-street parking for staff, patients, and visitors
 - d. Architectural/design standards, with examples, to be provided

17.16.160 Two-Family Dwellings

The afore detailed changes negate code section 17.16.160 (Two Family Dwellings), which is thus hereby repealed.

- 1. **Repeal of Conflicting Provisions.** Any provision of Manti City Code addressing R-2 & R-3 Residential Zones Permitted and Conditional Uses and/or Two-Family Dwellings (17.40.024, 17.40.026 and 17.16.160) which predates or conflicts with this Ordinance is hereby repealed.
- 2. **Effective Date.** This Ordinance shall take effect on June 7, 2023.

PASSED AND APPROVED this 8th day of June 2023.

MANTI CITY

By *AC Bigelow*
Alfred C. Bigelow Mayor

ATTEST:

JoAnn Otten
JoAnn Otten, City Recorder



Voting:

Gary Chidester	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Darren Dyreng	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Jeff Killian	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Jason Vernon	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Mary Wintch	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>