

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: 6/17/2015
Date Adopted: _____
Date Effective: _____

AN ORDINANCE ENACTING PART 7-6-600P AND SECTION 7-6-216 AND AMENDING SECTIONS 7-5-101, 7-6-101, 7-14-105, AND 7-23-210 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CREATE THE RESIDENTIAL ESTATE AND A-2 ZONES, DEFINE REGULATIONS CONCERNING THESE ZONES, AND AMEND PROVISIONS GOVERNING THE REZONING OF PROPERTY WITHIN THE CITY.

WHEREAS, the Municipal Land Use, Development, and Management Act (“LUDMA”) grants authority to the City to define zones within the City and enact regulations applicable to those zones; and

WHEREAS, the availability of a variety of housing types for City residents is a compelling interest and essential goal for the City Council; and

WHEREAS, of the 27,000 single family homes in the City, only 22% are on lots of at least ten thousand square feet; and

WHEREAS, less than ten percent of single family homes in West Valley City are located on 12,000 square foot lots; and

WHEREAS, over half of all single family homes in the City were built prior to the City’s 1980 incorporation, with just 15% built in the last 15 years; and

WHEREAS, only 741 acres, which is just three percent of the City, is planned for residential use and is suitable for large lot single family development; and

WHEREAS, the City Council is committed to new residential development that provides a combination of open space, neighborhood-oriented improvements, and excellence in architectural and design standards; and

WHEREAS, West Valley City has an ample supply of affordable housing, with over half of housing units affordable to moderate income households, as set forth in the City’s Moderate Income Housing Plan, adopted pursuant to Section 10-9a-408 of LUDMA; and

WHEREAS, average home values in West Valley City are 36% lower than the Salt Lake County average; and

WHEREAS, West Valley City has a substantial shortage of “residential estate” housing opportunities compared to other communities within the Salt Lake Valley; and

WHEREAS, West Valley City has less single family housing, more multifamily housing, more tax credit rental units, and more mobile homes than comparable communities in the Salt Lake Valley; and

WHEREAS, West Valley City has eleven percent of the households within Salt Lake County, but has just 1.1% of the homes priced above \$250,000, which is a home affordable to households with a median income level; and

WHEREAS, over 30% of West Valley City households can afford a home priced above \$250,000, but the City has only 1.1% of the homes in the Salt Lake Valley in this price range; and

WHEREAS, the Bureau of Economic and Business Research affirmed in independent research that West Valley City has ample affordable housing and that the City should direct land use and economic development efforts toward the creation of additional housing opportunities for higher income households; and

WHEREAS, there is very little land remaining in the City that could address this housing imbalance, making immediate action necessary; and

WHEREAS, the City Council desires to enact zoning regulations that support the creation of residential estate properties of lasting value that will correct the housing imbalance and offer a variety of housing choices to residents of the City; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to enact Part 7-6-600P and Section 7-6-216 and amend Sections 7-5-101, 7-6-101, 7-14-105, and 7-23-210 of the West Valley City Municipal Code as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Enactment. Part 7-6-600P and Section 7-6-216 are hereby enacted as follows:

7-6-600P PART 6 – RESIDENTIAL ESTATE ZONE (“RE ZONE”)

7-6-601. PURPOSE.

The purpose of this zone is to provide areas in the City for large, estate lots for single family residential development.

7-6-602. PERMITTED USES.

The following are permitted uses in the RE Zone; no other permitted uses are allowed:

- (1) Agriculture
- (2) Community Uses
- (3) Home occupations – Minor, as defined in Title 7, Chapter 8.
- (4) Household pets
- (5) Signs (see Title 11 - Sign Ordinance)
- (6) Single-family dwellings
- (7) Temporary non-residential buildings
- (8) Uses customarily accessory to listed permitted uses

7-6-603. CONDITIONAL USES.

The following are conditional uses in the RE Zone; no other conditional uses are allowed:

- (1) Public utility installations (except lines and rights-of-way)
- (2) Home occupations – Major, as defined in Title 7, Chapter 8.
- (3) Planned unit developments that meet the requirements of 7-6-611.

7-6-604. MINIMUM LOT SIZE, FRONTAGE AND SETBACK REQUIREMENTS

- (1) The minimum lot size in the RE Zone is 15,000 square feet, except as provided in Section 7-6-611 of this Title.
- (2) The minimum frontage in the RE Zone is 100' wide.
- (3) The minimum front yard setback in the RE Zone is 30'. The minimum side yard setbacks in the RE Zone are 10'. Minimum side yard setbacks for corner lots are 20'.
- (4) The minimum rear yard setback in the RE Zone is 30'.
- (5) Accessory Buildings shall meet the setback requirements set forth in this Section 7-6-604, except for the rear yard setback, which is a minimum of 10' for Accessory Buildings.

7-6-605. RE ZONE MINIMUM HOUSING STANDARDS.

Each single family dwelling shall meet the following standards:

- (1) Ramblers shall be a minimum of 2,000 square feet and multi-level dwellings shall be a minimum of 3,000 square feet.
- (2) 100% brick exteriors are required. Stone accents are permitted.
- (3) Lots with double frontage adjacent to a street with 80 feet or more of Right-Of-Way, as defined in the Major Street Plan, shall have a solid, 6' tall masonry wall set back at least 10' from the closest edge of the sidewalk.
- (4) Laminated architectural shingles are required.
- (5) A minimum roof pitch of 6:12 is required.
- (6) A 3 car garage is required, except that a 2 car garage is permissible when there is a 20'

side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished.

- (7) Primary buildings must be designed and built with no more than two and one half stories above grade. Accessory buildings must be designed and built with no more than one story above grade.

7-6-606. HEIGHT RESTRICTIONS.

Primary buildings must be 30' or less in height. Accessory buildings must be 20' or less in height.

7-6-607. LANDSCAPING STANDARDS

All front yards shall be landscaped and include adequate irrigation to maintain live landscaping. All parkstrips and property between the 6' masonry walls and sidewalks shall be landscaped. Landscaping shall include 3 trees per frontage per lot. All landscaping required in this Section 7-6-607 shall be installed and completed within 6 months of the issuance of the Certificate of Occupancy.

7-6-608. LANDSCAPING BONDS REQUIRED.

Landscaping bonds must be deposited with the City in accordance with 7-6-610 and 7-6-611.

7-6-609. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

7-6-610. SUBDIVISION STANDARDS.

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (7) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

7-6-611. PLANNED UNIT DEVELOPMENT (“PUD”) STANDARDS

The minimum lot size in an RE Zone may be reduced to 12,000 square feet for PUDs provided the following standards are met:

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association (“HOA”) shall be established to maintain landscaping, parking areas, and other general maintenance of common areas.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2’, but in no event shall any front yard setback be less than 30’.
- (6) A trail system shall be required. The trail system shall provide access to, through, and between common open space areas and extend to adjoining community amenities, such as public parks and schools.
- (7) A minimum of 20% of the total PUD development is required for common open space.
- (8) Unique streetscapes are required comprising of, but not limited to: specialty lighting; minimum 8’ wide parkstrips; and narrow street widths.
- (9) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (10) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney’s Office.
- (11) Amenities must be included in the PUD, with the number depending on the size of the PUD. Potential amenities include, but are not limited to: clubhouse; community garden; swimming pool; sport court; playground; pocket park; water feature; and picnic shelter and barbeque area with seating.

7-6-216. A-2 ZONE.

The A-2 zone shall be identical to the A and A-1 zones in all respects and requirements, except for the minimum lot size. The minimum lot size for the A-2 Zone is 2 acres.

Section 3. Amendment. Sections 7-5-101, 7-6-101, 7-14-105, and 7-23-210 are hereby amended as follows:

7-5-101. ZONING AMENDMENTS.

(1) The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendment shall first be submitted to the Planning Commission for recommendation. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall

not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

(2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.

(3) Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M. Property under two acres within City limits may be rezoned to the A zone prior to August 30, 2015.

7-6-101. ESTABLISHMENT OF ZONES.

For the purpose of this Title, the City is divided into 23 classes of zones as follows:

Agricultural Zone:

A

A-1

A-2

Residential Zones:

RE

R-1-4

R-1-6

7-14-105. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE- FAMILY OR TWO-FAMILY DWELLING.

Applications for new construction of a single-family or two-family dwelling in West Valley City shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fees.

(2) Two copies of the Development Plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.

(3) Except as otherwise set forth in the RE Zone, the following design criteria shall be required:

7-23-210. PERMITTED AND CONDITIONAL USES--PREFERRED SITES FOR COMMUNICATION FACILITIES.

(1) The following table lists the zones in which communications facilities are permitted and conditional uses:

Commercial, Manufacturing, and Agricultural Zones (Non-Stealth)

(P=Permitted; **Wall Mount** **Roof Mount** **Monopole (< 2' wide)** **Co-Located Tower**
 C=Conditional;
 X=Not Permitted)

Zone

A	P	P	C	C
A-1, <u>A-2</u>	P	P	C	C
C-1	C	C	X	X
C-2	C	C	C	C
C-3	C	C	C	C
B/RP	C	C	C	C
M			P	

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER