

**ORDINANCE # 2020-11-18-1**

**MANTI CITY  
AN ORDINANCE DEFINING MULTIPLE RESIDENTIAL ZONES**

WHEREAS, the Manti Municipal Code contains one single residential zone; and

WHEREAS, the Manti Municipal Code allows for no residential lots smaller than ¼ acre;

and

WHEREAS, the Manti Municipal Code allows for no multifamily housing; and

WHEREAS, the Mayor & Council desire to allow for more housing options within the municipal code; and

WHEREAS, the Mayor & Council desire to protect the character of existing developed neighborhoods;

NOW THEREFORE, be it ordained and enacted by the Manti City Council as follows:

**I.**

Manti Municipal Code Section 17.40 “Residential Zone” is hereby modified as follows:

**CHAPTER 17.40 – RESIDENTIAL ZONES, R1, R2 & R3**

**Sections:**

- 17.40.010 Purpose.**
- 17.40.012 Definitions**
- 17.40.020 Residential Zoning Districts.**
- 17.40.022 R-1 Residential Zone with Permitted & Conditional Uses.**
- 17.40.024 R-2 Residential Zone with Permitted & Conditional Uses.**
- 17.40.026 R-3 Residential Zone with Permitted & Conditional Uses.**
- 17.40.030 Establishment of Uses Not Specified.**
- 17.40.040 Accessory Dwellings.**
- 17.48.050 Minimum Lot Size.**
- 17.48.060 Required Setbacks and Frontage.**

**17.40.010 Purpose**

The purpose of the residential zones is to provide appropriate locations where residential neighborhoods may be established, maintained, and protected. The regulations also permit the establishment of, with proper controls, the public and semipublic uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

#### **17.40.011 Definitions**

- A. 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.
- B. Density: A measure of the built or to-be built residential accommodation, being the number of dwellings situated on a unit of land.
- C. 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.
- D. 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.
- E. 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 must be treated similarly.
- F. 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.
- G. Semipublic: Having some features of a public institution and open to some persons outside the regular constituency.
- H. Single-Family Dwelling: A free-standing building designed to be occupied by one family, the structure having only one dwelling unit.
- I. Stacked Multi-family Dwelling: Units are “stacked” on top of each other (multi-story).
- J. 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.
- K. 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.
- L. 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.

#### **17.40.020 Residential Zoning Districts**

The purposes of the Residential Zoning Districts (R) are to provide appropriate locations where residential neighborhoods may be established, maintained, and protected. The regulations also permit the establishment of, with proper controls, public and semipublic uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of families. The regulations are intended to separate residential developments by intensity and prohibit those uses that would be harmful to a residential neighborhood.

R-1 Single-Family Residential

R-2 Medium Density Single-Family & Multi-family Residential

R-3 Higher Density Single-Family & Multi-family Residential

## II.

Manti Municipal Code Section 17.40.022 R-1 Residential Zone is hereby created as follows:

### 17.40.022 R-1 Residential Zone

R-1: This zone is intended to provide single-family detached dwellings at a low density and is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions. See tables for minimum lot sizes and setbacks.

Permitted uses:

- A. Single-family dwelling
- B. Agriculture
- C. Nursery, pre-school, daycare
- D. Household pets
- E. Home occupation
- F. Church
- G. Public School
- H. Public park and playground
- I. Public Buildings

Conditional uses:

- A. Utility substation
- B. Clubs and lodges
- C. Public and private institutional care center
- D. Duplexes

## III.

Manti Municipal Code Section 17.40.024 R-2 Residential Zone is hereby created as follows:

### 17.40.024 R-2 Residential Zone

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 with more than 4 units require a conditional use permit. See tables for minimum lot sizes and setbacks.

Permitted uses:

- A. Townhomes (Maximum 4 units)
- B. Twin homes
- C. Duplexes
- D. Single-family dwellings
- E. Agriculture
- F. Nursery, pre-school, daycare
- G. Household pets
- H. Home occupation
- I. Accessory buildings and uses
- J. Church
- K. Public School
- L. Public park and playground
- M. Public Buildings

Conditional uses:

- A. Townhomes (5 or more units)
- B. Mobile Home park, travel trailer park
- C. Utility substation
- D. Clubs and lodges
- E. Public and private institutional care center

**IV.**

Manti Municipal Code Section 17.40.022 R-3 Residential Zone is hereby created as follows:

**17.40.026 R-3 Residential Zone**

R-3: This zone is intended to provide for multi-family residences in attached dwellings at a medium density and other residential amenities adequate to maintain desirable residential conditions. Multi-family dwellings with 5 or more units require a conditional use permit. A maximum of twelve units to the acre is permitted in this zone. See tables for minimum lot sizes and setbacks.

Permitted uses:

- A. Townhomes (Maximum 4 units)
- B. Twin homes
- C. Duplexes
- D. Single-family dwellings
- E. Agriculture
- F. Nursery, pre-school, daycare
- G. Household pets
- H. Home occupation
- I. Accessory buildings and uses
- J. Church
- K. Public School
- L. Public park and playground
- M. Public Buildings

Conditional uses:

- A. Townhomes (5 or more units)
- B. Stacked Multi-family Dwellings
- C. Mobile Home park, travel trailer park
- D. Utility substation
- E. Clubs and lodges
- F. Public and private institutional care center

### **17.40.030 Establishment of Uses Not Specified**

Should the City Manager determine that a type or form of land use which an applicant is seeking to locate in the City does not appear as a listed permitted or conditional use, he shall refer the matter to the Planning Commission. Any non-listed use determined by the Planning Commission to be of the same general character as any other listed use may be allowed as if it were that other similar use. Appeals from the decision of the Planning Commission shall be to the City Council.

### **17.40.040 Accessory Dwellings**

The purpose of accessory dwelling standards and requirements is to:

1. Create new housing units while respecting the appearance and scale of single-family residential development;
  2. Provide more housing choices in residential districts;
  3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
  4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;
  5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
  6. Broaden the range of affordable housing throughout the City;
  7. Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption; and
  8. Support the economic viability of historic properties and the City's historic preservation goals by allowing accessory dwellings in historic structures.
- A. A permit is required for an accessory dwelling unit. The City may permit one (1) accessory dwelling unit for each lot that contains a single-family dwelling.
  - B. Property owner requesting a permit for an accessory dwelling unit agrees that lot upon which the primary residence and accessory dwelling unit are to be located cannot be split, and that this agreement or covenant will run with the property and will bind and apply to any

heirs, assigns and successors of the property owner. The property owner consents to the recording of this agreement as a notice imparting this covenant to the public.

- C. An accessory dwelling unit shall be a permanent structure with a foundation; portable units such as trailers, mobile homes, converted shipping containers and similar items are prohibited. An accessory dwelling unit may be created through, but not limited to, the following methods:
  - a. Converting existing living area within a single-family dwelling as an addition to an existing single-family dwelling, or within a single-family dwelling created as new construction; or
  - b. Converting an existing detached accessory building, as an addition to an existing accessory building, or as a newly constructed accessory building.
- D. The City shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal residence or accessory dwelling unit. Property owners may never rent or lease both the principal residence and the accessory dwelling unit.
- E. An accessory dwelling unit shall require one on-site parking space for each vehicle associated with the accessory dwelling unit, and shall have adequate on-site parking for all vehicles associated with the primary residence.
- F. Accessory dwelling units shall comply with the building height, yard requirements, and building coverage requirements of the underlying zoning district or applicable overlay district unless modified by the Historic Landmark Commission for a property located within a Historic Preservation Overlay District.
- G. No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single-family dwelling (if attached) and shall not cover more than twenty-five (25%) of the rear yard area (if detached). Detached dwelling units shall not exceed six hundred fifty (650) square feet.
- H. All accessory dwelling units located in an accessory building shall be subject to the following setback requirements:
  - 1. Shall be located a minimum of ten feet (10') from the single-family dwelling located on the same parcel.
  - 2. Side and rear yard setbacks:
    - a. New Accessory Buildings: Shall be located a minimum of ten feet (10') from any side or rear lot line.
    - b. Additions to Existing Accessory Buildings: The addition shall be located a minimum of ten feet (10') from any side or rear lot line. If an existing accessory building includes an addition, all of or portions of the existing structure may be used as an accessory dwelling unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted Fire Code of the City.
- I. An accessory dwelling may be permitted in a side yard provided that it meets all the required side and front yard setbacks for the zone and is at least ten feet (10') from the main dwelling. The exterior must look similar to the main structure by using the same building materials, colors, roof pitch, and design.
- J. Accessory dwellings shall be limited to one story and an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), unless a

conditional use permit is granted for a greater height. The maximum height of an accessory building containing an accessory dwelling unit shall be at least 3 feet less than the primary single-family dwelling on the property.

K. An accessory dwelling unit may not be used for short-term rentals (periods of less than 30 days) unless it complies with the Short-Term Rental ordinance.

L. An accessory dwelling unit must have all utility services (water, power, electricity) connected to the primary residence and may not be separated.

### 17.40.050 Minimum Lot Size

(All lot sizes are listed in square feet)

	R-1	R-2	R-3
Single-family dwelling	10,890 (.25 acre)	8,000 (.18 acre)	6,000 (.14 acre)
Agriculture	43,560 (1 acre)	43,560 (1 acre)	43,560 (1 acre)
Nursery, pre-school, daycare	10,890 (.25 acre)	8,000 (.18 acre)	6,000 (.14 acre)
Accessory dwelling units	10,890 (.25 acre)	8,000 (.18 acre)	6,000 (.14 acre)
Church	43,560 (1 acre)	43,560 (1 acre)	43,560 (1 acre)
Public School	250,000 (5.74 acres)	250,000 (5.74 acres)	250,000 (5.74 acres)
Public park and playground	10,890 (.25 acre)	10,890 (.25 acre)	10,890 (.25 acre)
Public Buildings	21,780 (.5 acre)	21,780 (.5 acre)	21,780 (.5 acre)
Townhome	--	10,000 (.23 acre)	8,000 (.18 acre)
Twin Home	--	10,000 (.23 acre)	8,000 (.18 acre)
Duplex	16,335 (.375 acre)	15,000 (.345 acre)	12,000 (.30 acre)
Stacked Multi-family Dwellings	--	--	125,000 (2.87 acres)

### 17.40.060 Required Setbacks & Street Frontage

(All setbacks are measured from the property line. Where the building is a single-family attached dwelling, such as a twin home or townhome, all setbacks apply to the building as a whole, except for the shared line between units.)

	R1	R2	R3
<b>Primary Use Minimum Required Setbacks from Property Line (in feet)</b>			
Front yard (garage does not project in front of any portion of front facade or is sideloaded)	30	30	30
Front yard with projecting garage	30	30	30
Front yard on arterial street with driveway access from arterial street	40	40	40
Front yard on arterial street with no driveway access from arterial street	40	40	20
Side yard	10	10	10
Side yard(s) on street frontage	25	25	25
Rear yard	30	30	30
Rear yard abutting street frontage for multiple-family dwellings	--	--	30
Rear yard for properties on corner lots	10	10	10
<b>Primary Use Maximum Setbacks from Property Line (in feet)</b>			
Front yard	40	40	40
<b>Maximum Projections into Required Yard (in feet)</b>			
Unenclosed front porches	5'		
Unenclosed rear yard porches, decks, patios, etc.	15'		
<b>Minimum Required Frontage (in feet)</b>			
Minimum lot width along dedicated street for single-family homes	80	70	60
<b>Minimum Setback between Primary Use Buildings on Same Lot (in feet)</b>			
Side to side	n/a	n/a	16



Back to side	n/a	n/a	30
Back to back	n/a	n/a	45

V.

This Ordinance shall take effect on December 1, 2020.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF  
MANTI, UTAH, this 18<sup>th</sup> day of November, 2020.

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Korry L. Soper, Mayor

Attest:

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JoAnn Otten, City Recorder