

ORDINANCE 2023-06

AN ORDINANCE ADOPTING STANDARDS FOR DEVELOPMENT OF MULTIPLE UNIT DWELLINGS, PROVIDING FOR CODIFICATION, INCLUSION IN THE MUNICIPAL CODE, CORRECTION OF SCRIVERNER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Gunnison City is a fifth class city of the state of Utah; and

WHEREAS, Cities in the State of Utah are authorized to enact Land Use Regulations in order to promote and protect the health, safety and welfare of the community; and

WHEREAS, the Gunnison City Planning Commission reviewed proposed amendments to the Gunnison City codes pertaining to development of multi-unit dwellings and after a properly noticed public hearing, which was conducted on September 27, 2023, has forwarded a positive recommendation for the code amendment to the City Council; and

WHEREAS, the City Council has determined that the proposed amendment will promote additional housing options and standards for the long term viability of multiple unit dwellings in the best interest of Gunnison City.

NOW THEREFORE, BE IT ORDAINED BY THE GUNNISON CITY COUNCIL THAT:

Section I. Amendments Adopted. The City Land Use Ordinances and codes shall be amended as provided in Attachment A of this Ordinance, which consists of fourteen pages attached hereto and by this reference made part hereof.

Section II. Contrary Provisions Repealed. Any and all other provisions of the Gunnison City Municipal Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the Municipal Code of Gunnison City, Utah as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

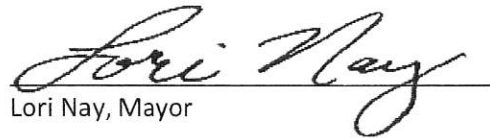
Section IV. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section V. Posting and Effective Date. Prior to 5:00 p.m. on November 16, 2023, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on November 16, 2023.

ADOPTED AND PASSED by the City Council of the City of Gunnison, Utah this 15th day of November, 2023.

ATTEST 

Valerie Andersen, City Recorder



Lori Nay, Mayor

Councilmember Robert Andersen	Yes
Councilmember Shawn Crane	Yes
Councilmember Stella Hill	
Councilmember Rod Taylor	Yes
Councilmember Michael Wanner	Yes

SECTION I. ADMINISTRATIVE MANUAL AMENDMENTS

- A. **Section 504 Minimum Requirements And Findings And Standards For Approval Of Conditional Use Applications And Conditional Use Sign Applications** is amended as follows: (Underlined text is added, stricken text is deleted)

The Council shall comply with the requirements of Section 803, Section 804, and Section 805, Zoning Ordinance in reviewing a conditional use application. Approval of a conditional use does not nullify requirements for site plan or architectural review approvals from the respective review boards. In those instances where additional review is necessary, any conditional use approval shall be predicated upon completing any associated review processes. The approved Conditional Use Permit, including its date of approval, effective date, and all required conditions, shall be recorded against the Subject Property in the Office of the Sanpete County Recorder.

SECTION II. LAND USE ORDINANCES AMENDMENTS

- A. **Section 1710 Requirements For Landscaping In Nonresidential ~~Zoning Districts~~ and Multiple Dwelling Developments** is amended as follows: (Underlined text is added, stricken text is deleted)

Site Landscaping and Screening Treatments. Landscape improvements should mitigate building and parking lot impact, add aesthetic interest, and character. Landscape designers shall recognize the following landscape design principles with Landscape Plan(s):

1. Landscape Buffers. Landscape buffers between dissimilar or conflicting land uses and site elements shall be provided. Landscape buffers shall be provided for off-street parking and service areas and streetscape landscape buffer areas shall be provided on the site perimeter; as required by the Land Use Authority, as applicable based on the following table.

<u>Zone/Use</u>	<u>Front To Building/To Parking or Garage</u>	<u>Street Side To Building/To Parking or Garage</u>	<u>Side</u>	<u>Rear</u>
<u>Historic Main Street¹ (200 S to 100 N)</u>	<u>4-10'/6'</u>	<u>4-10'/6'</u>	<u>5'²</u>	<u>5'</u>
<u>CC</u>	<u>20'/10'</u>	<u>20'/10'</u>	<u>6'</u>	<u>6'</u>
<u>RC</u>	<u>20'/10'</u>	<u>20'/10'</u>	<u>8'</u>	<u>8'</u>
<u>L-1</u>	<u>25'/15'</u>	<u>20'/15'</u>	<u>10'³</u>	<u>10'³</u>

Multiple-unit residential dwellings ⁴	25'/30'	25'/25'	20'	30'
Nonresidential uses that may be appropriate in a residential zone	25'/15'	25'/15'	8'	8'

Table Notes:

1. Landscaping area requirements and material elements may be adjusted in accordance with Main Street overlay zone standards in Chapter 23.
2. This side yard requirement for the building can be waived when the associated building is constructed with 0 setback from a side property line and the adjoining building is or will be constructed to about the 0 setback.
3. Landscaping yards are not required within storage or material yards unless adjacent to a residential zone.
4. Landscape yards are to be established from the outer walls of any attached unit structures.

2. Parking Lot Landscaping. All off street parking areas shall be designed and constructed to meet the following minimum landscape requirements. Land Use Application approval by the Land Use Authority may require additional parking area landscaping to achieve the purposes of this Ordinance.

- i. Minimum Internal Parking Area Landscaping. All off street parking areas, providing twenty (20) or more off-street parking spaces shall provide a minimum of five percent (5%) of the total parking area as landscape treatments. Areas to be landscaped may include:
 - (1) Traffic islands.
 - (2) Peninsulas parallel to individual parking spaces.
 - (3) Planter areas located at the ends of parking rows or other planter areas located within the off-street parking area.

- ii. The area provided for off street parking shall be the greatest area defined by the distance from the curb-lines or edges of the outermost parking space, aisle, or driveways.

- iii. No required ~~setback~~ buffer areas shall be included as meeting the required parking area landscaping required by this Section.

- iv. All required landscaped areas shall be provided with a permanent and adequate means of irrigation and regularly maintained, including weed control.

- v. All parking lot hard surfacing shall provide a sufficient area around all trees and landscaping to permit water absorption and prevent soil compaction.

- vi. Off-street parking areas shall be screened from the street by landscaped ~~areas~~ and/or screening walls of sufficient height and opacity to continuously block the lowest three feet (3') of the cross-section view of the parking area.

- vii. Planter Islands and Peninsulas.
 - a. Dimensions: Islands and peninsulas shall be a minimum of six feet wide as measured between curbing. The length of the island or peninsula shall be 95% of

the adjacent parking stall(s)(E.g., an island would be 17' long adjacent to an 18' deep parking stall).

- b. Vegetation: Islands shall include one or more canopy shade trees and four (4) or more shrubs per eighty (80) square feet of planter area. Ground cover shall be provided over the entire landscape island or peninsula.
 - a-c. Curbing: All landscape islands or peninsulas shall have raised curbs surrounding them. Curbing may be designed to allow storm water infiltration into the landscape island under low impact design principles.
3. Landscape Materials. All proposed plants and landscape materials shall be consistent with (but not uniform) and of a similar scale with existing natural landscape, neighboring landscape, and adjacent areas where appropriate. Drought tolerant plant materials are encouraged. Developments should include a combination of evergreen trees in addition to deciduous trees and shrubs to achieve a nonbarren landscape design during winter months.
 4. Screening Walls, Fences, and Other Visual Barriers. Walls, fences, and barriers that create a continuous surface greater than twenty (20) feet in length shall be softened with landscaping.
 5. Non-vegetative Ground Cover. Non-vegetative ground cover treatments may include boulders, small stones less than ½ inch in diameter and bark and mulch. Areas of non-vegetative ground cover materials shall be broken up and interspersed with plant materials.
 6. Landscape Maintenance. All landscape plans shall include necessary irrigation plans and shall demonstrate that long-term landscape maintenance has been considered in the landscape design.

7. Required Landscaping

- a. Landscape yards abutting residential zones shall include a minimum of one tree and five (5) shrubs for each thirty (30) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
- b. Side and rear landscape yards abutting a nonresidential development or property zoned for such shall include a minimum of one tree and four (4) shrubs for each forty (40) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
- c. Front and street side landscape areas shall include a minimum of one tree for each forty (40) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
- d. Plant sizes. The following minimum plant sizes shall be required:

<u>Type</u>	<u>Minimum Size</u>
<u>Canopy shade (deciduous) tree</u>	<u>2.0 inch caliper balled and burlapped equivalent</u>
<u>Evergreen tree</u>	<u>6.0 foot height balled and burlapped or equivalent</u>
<u>Ornamental tree</u>	<u>1.5 inch caliper balled and burlapped or equivalent</u>

Shrubs and ornamental grasses	5 gallon or adequate size consistent with design intent
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8. A landscaping plan shall be submitted for approval by the Technical Review Committee. All landscaping and maintenance systems shall be installed prior to a certificate of occupancy being granted. Where landscaping cannot be completed before October in the same year construction begins, a certificate of occupancy may be granted if a cash bond for completion of the landscaping is provided to the city. Bond amounts shall be determined by the city engineer consistent with the city development bonding regulations. Landscaping must be installed within six (6) months of bond posting.

B. **Section 1811 Number Of Required Off-Street Parking Spaces** is amended as follows: (Underlined text is added, stricken text is deleted)

The number of required off-street parking spaces shall be provided as required by Table 18-1, Minimum Off-Street Parking Requirements, and shall comply with the following:

1. ~~For multiple-unit dwellings, no off-street parking or parking area(s) shall be permitted in any front yard setback area, and no on-street parking shall be used to meet the required minimum off-street parking standards.~~

1.2. ~~Fractional Amount.~~ In calculating the total number of required off-street parking spaces, fractional amounts shall be rounded ~~up~~ to the nearest whole number.

2.3. ~~Unspecified Uses.~~ The Land Use Authority, based on the requirements for similar uses, shall determine the off-street parking requirements for any use not specifically listed.

Dwelling Unit, Multiple-Family

~~Three spaces per dwelling unit for the first 10 units in a development and Two (2) and 1/2 spaces per dwelling unit thereafter. A minimum 18' x 18' garage shall be provided per unit~~

C. **Section 1817 Trash Receptacles and Enclosures** is created and shall read as follows:

All multi-family and non-residential developments shall provide adequate waste collection facilities on site with designated access routes and turnaround areas appropriate for on-site pickup of site waste. Enclosures shall be provided for communal waste bins such that all sides of the containers are concealed from view of site visitors when waste is not being picked up.

D. Appendix A Table of Uses is amended as follows: (Underlined text is added, stricken text is deleted)

Use	A-1	RR	R-2	R-4	R-1 (MH)	R&C	CC	L-1	S-1
Dwelling Unit, Multiple-Family. A building containing three (3) or more dwelling units.	X	X	X	C	X	C	X	X	X
Dwelling Unit, Single-Family. A building containing one (1) dwelling unit.	P-1	P-1	P-1	P-1	P-1	<u>P-1/X⁴</u>	<u>P-1/X⁴</u>	<u>P-1/X⁴</u>	P-1
Dwelling Unit, Two-Family. A building containing two (2) attached dwelling units.	X	X	<u>GP-1</u>	<u>GP-1</u>	<u>GP-1</u>	<u>C/X⁴</u>	X	X	X

4. No new single-family or two-family homes are permitted on properties abutting Main Street or Highway 89.

E. Appendix B: Standards for Primary Buildings and Structures is amended as follows: (Underlined text is added, stricken text is deleted)

REQUIREMENTS	ZONING DISTRICTS								
	A-1	RR-1	R-2	R-4	R-1-MHP	R & C	CC	L-1	S-1
<p><u>Building Foundation Requirements</u></p> <p>All buildings and structures shall be constructed in compliance with all requirements of this Ordinance and the Building Code, as adopted and as applicable. All habitable buildings and structures shall be located constructed on and permanently attached to a site-built permanent foundation that meets the Building Code, as adopted</p>									
<p><u>Minimum Dwelling Size:</u></p> <p><u>The minimum habitable living area of each dwelling:</u></p>	<p>Single Family 1,000 s.f.</p>		<p>Single family 1,000 s.f.</p> <p>Two-Family 900 s.f.</p>	<p>Single family 900 s.f.</p> <p>Two-Family 850 s.f.</p> <p>Multi-Family 800 s.f.</p>	<p>Single family 700 s.f.</p> <p>Two-Family 850 s.f.</p> <p>Multi-Family 800 s.f.</p>	<p>Single family 900 s.f.</p> <p>Two-Family 850 s.f.</p> <p>Multi-Family 800 s.f.</p>		<p>Single family 900 s.f.</p>	
<p><u>Minimum Lot Sizes and Widths:</u> The following standards are for specified residential uses permitted within the city's zones. Permitted non-residential uses or multi-family developments with more units than those listed below must have sufficient acreage and site dimensions to comply with the development standards of this code based on the intended use.</p>									
<p><u>Minimum Lot Size – Internal lot</u></p>	40 acres	1 acre – Single-Family	10,000 sq ft. Single-Family.	<p>7,500 sq ft. - Single-Family.</p> <p>10,000 sq ft. - Two-Family</p> <p>12,500 sq ft. - Three-Family</p> <p>15,000 sq ft. - Four-Family,</p> <p>2.0 acres – Church,</p> <p>5 acres – School.</p>	<p>As necessary to comply with city development standards, required by the Land Use Authority for Land Use Application approval.</p>				

		<p>2.5-acres - Church, 5-acres - School.</p>	<p>2.0-acres - Church, 5.0-acres - School.</p>		
<p>Minimum Lot Size for Corner Lots</p>	<p>40 acres</p>	<p>1 acre - Single-Family 2.5-acres - Church 5-acres - School.</p>	<p>12,000 sq ft. Single-Family 18,000 sq ft. Two-Family 2.0-acres - Church, 5-acres - School.</p>	<p>9,000 sq ft. - Single-Family. 12,000 sq ft. - Two-Family 15,000 sq ft. - Three-Family 18,000 sq ft. - Four-Family, 2.0-acres - Church, 5-acres - School.</p>	<p>As <u>necessary to comply</u> <u>with city development</u> <u>standards, required</u> by <u>the Land Use Authority</u> <u>for Land Use Application</u> <u>approval.</u></p>
<p>Minimum Lot Width - <u>Internal</u> <u>lot</u></p>	<p>200 feet</p>	<p>130 feet - Single- Family, 200-feet - Church, 200-feet - School. See also Section 1115 for lots.</p>	<p>100 feet - Single-Family 118* feet - Two-Family 200-feet - Church, 200-feet - School. See also Section 1115 for cul-de-sac lots.</p>	<p>75 feet - Single-Family 90 feet - Two-Family 100 feet - Three-Family 110 feet - Four-Family, 200-feet - Church, 200-feet - School. See also Section 1115 for cul-de-sac lots.</p>	<p>As <u>necessary to comply</u> <u>with city development</u> <u>standards, required</u> by <u>the Land Use Authority</u> <u>for Land Use Application</u> <u>approval.</u></p>

		cul-de-sac lots.			
Minimum Width for Corner Lots	Lot 240 feet	160 feet - Single-Family, 240 feet Church, 240 feet School.	120 feet - Single-Family. 142* feet - Two-Family, 240 feet Church, 240 feet School.	90 feet - Single-Family 110 feet - Two-Family 120 feet - Three-Family 135 feet - Four-Family, 240 feet - Church, 240 feet - School.	As necessary to comply with the development standards of this code required by the Land Use Authority for Land Use Application approval.

F. Appendix C: Definitions is amended as follows: (Underlined text is added, stricken text is deleted)

Dwelling, Multiple Unit or Multiple Family: A building or series of buildings containing three (3) or more dwelling units, each of which is designed for and occupied by only one family. This use includes the following dwelling types in addition to others consistent with this definition:

1. Dwelling, Condominium: An individually owned dwelling unit, meeting the definition of condominium, as provided in Section 57-8-1, Utah Code Annotated 1953, as amended, and complying with all requirements of the "Condominium Ownership Act," Section 57-8-1.
2. Dwelling, Attached Single Family (a.k.a. Townhomes): An independent dwelling unit under individual ownership which is attached by a common wall to one or more similarly designed units which are located on separate lots or parcels of land, and which have no other housing units built over or under them. These are typically designed to be several in-line units.

Dwelling, Single Family: A standalone building containing only one (1) dwelling unit on a single property. A Single-Family Dwelling with an approved accessory apartment is included in this definition.

Dwelling, Two-Family or Duplex: A standalone building containing two (2) distinct dwelling units which share one or more common walls and have no direct internal access to one another.

G. **Section 1730 MULTIPLE-UNIT DWELLING STANDARDS** is hereby created to read as follows:

- A. General Standards. The standards of this part shall be in addition to those provided in applicable paragraph B or C of this section.
- 1. If listed as conditional use in an applicable zone, a multiple-unit dwelling development shall obtain conditional use approval prior to final approval of any site plan or architectural review under these standards.
- 2. Parking Standards: Parking shall meet the requirements described in Chapter 18.
- 3. Landscaping Standards: All multiple-unit dwelling developments shall comply with the landscaping requirements of Chapter 1710.
- 4. Architectural Standards: The following architectural requirements shall apply to all multiple-unit developments. Compliance with these standards shall be determined by the City's Architectural Review Committee (ARC) before an application is made for a building permit:
 - (a) Entrances: Where appropriate based on-site layout, entrances to buildings or ground floor units should be oriented toward the public right-of-way with entry sidewalks that connect directly to public sidewalks. Entrances should be identifiable by an architectural treatment such as a covered portico or a different roofline treatment.
 - (b) Fenestration: Each elevation shall have at least one window per unit on such elevation. Window openings shall be designed with three-dimensional relief, which may include a combination of pop outs, shutters, keystone features, etc. Appropriate use of three-dimensional relief around windows and doors.

(c) Building Articulation: All exterior walls shall be articulated through combinations of the following techniques:

- 1. Facade modulation: Stepping portions of the facade to create shadow lines and changes in volumetric spaces,



Figure 1: Appropriate use of three-dimensional relief around windows and doors.

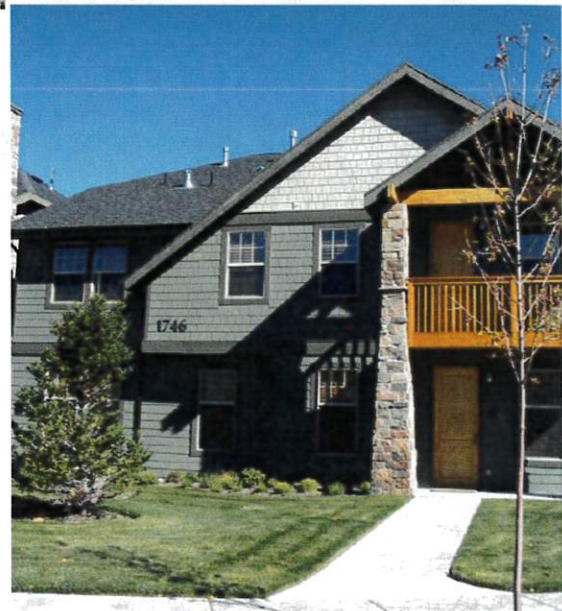
2. Use of engaged columns or other expressions of the structural system, porch columns must be wrapped with an appropriate brick or stone or other substantial architectural features,
3. Providing projections such as balconies, cornices, covered entrances, porte-cocheres, trellises, pergolas, arcades, and colonnades (providing such trellises and awnings extend outward from the underlying wall surface at least 24 inches),
4. Variation in the rooflines by use of dormer windows, overhangs, arches, stepped roofs, gables, or other similar devices,
5. Wraparound porches, particularly on corner lots,
6. Rear and side elevations are not allowed to be flat wall expanses. They must be articulated by at least two (2) of the following means: change in wall plane of five feet (5') for every thirty feet (30'), covered deck or patios along at least forty percent (40%) of the rear elevation, bay or box windows, or chimneys, horizontal or vertical material changes (e.g., wainscot, gable finish, etc.), or sufficient plantings to create similar variation to the plane of the building elevations.



Figures 2-4: Appropriate articulation and use of building materials on a multi-family structure.

(d) Building Materials:

1. Exterior Materials: Thirty percent (30%) of any elevation facing a street must contain masonry materials. For calculation purposes, this shall include windows and entry door areas. Examples of permitted materials include brick, stone, split faced block, or cut stone.



2. Material Changes: Material types should wrap corners and terminate at interior corner locations. Multi-story buildings should provide materials, color changes, and/or design elements that distinguish building levels, especially the ground level from upper stories.

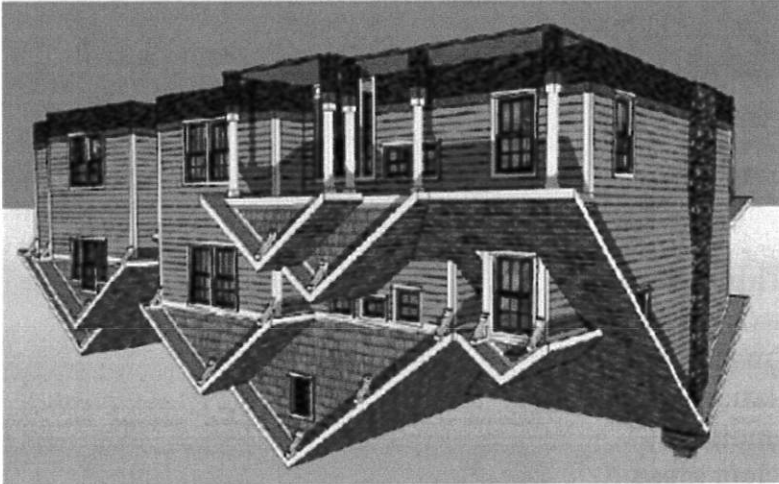


Figure 5: Appropriate use of materials in context with building architecture

3. Material Colors: Colors should consist of earth tones, e.g., natural shades of wood, stone, or brick.

5. Minimum Floor Area: The minimum habitable floor area of each unit shall not be less than eight hundred (800) square feet. Multi-story dwellings should have a minimum floor area of one thousand two hundred (1,200) square feet.

6. Accessory Dwellings: Dwelling units which are part of an approved multiple-unit development may not have accessory apartments.

B. Three to Four-unit Dwellings. The following additional site requirements shall apply to developments having three (3) to four (4) units:

1. Open Space. In addition to the required front yard setback at least seven hundred (700) square feet of usable recreation open space shall be provided per unit.

2. Landscaping. The following standards shall be in addition to those found in Chapter 1710 Requirements for Landscaping.

- a. A maximum of thirty five percent (35%) of the area in the required front setback may be used for automotive parking or driving aisles. The remaining area may include landscaping, porch areas and/or walkways, as approved by the ARC.
3. Building Design: In addition to the architectural standards in paragraph A, each dwelling unit shall be distinguishable from the adjoining unit by means of building articulation and/or roof design. The following shall also apply:
- a. Porches: Covered and open front porches should comprise at least fifty percent (50%) of the front elevation (not including the garage), in no case being less than ten feet (10') in width or six feet (6') in depth. Porches and porch overhangs may encroach into the required front setbacks up to five feet (5').
 - b. Garages and carports: Garages and carports must meet all required setbacks. Garages should be subservient to the living area of the home. They should not be a dominant feature on the structure which could be accomplished by means of recessing the garage, having a side entry attached, or a combination of the above. Developments on corner lots should design the homes such that garage doors and/or carports face separate streets.



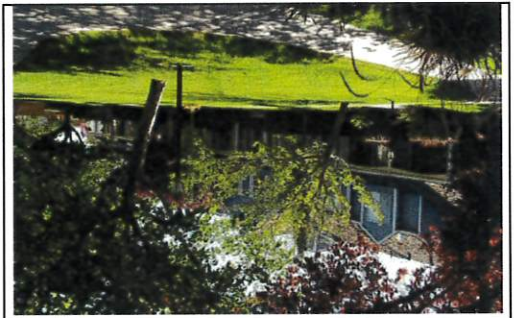
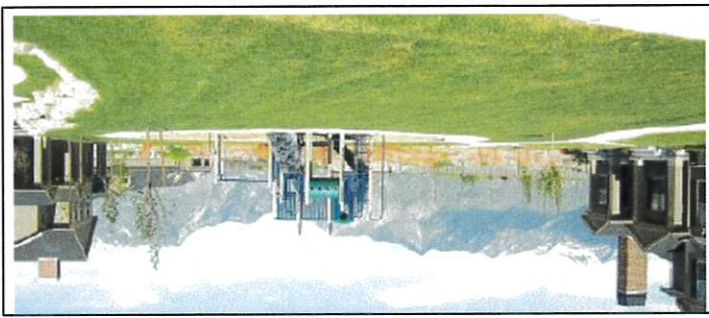
Figure 6: Example of using porches and varied roof designs to distinguish between units.

- C. Multiple Dwelling Developments with Five or More Dwellings. The following additional site requirements shall apply to developments with multiple-unit dwellings having five (5) or more units:
1. Required Open Space:
 - a. There shall be a minimum sixty (60) square foot private area attached to each unit, which may be a patio or balcony area, for the use and enjoyment of the associated tenant.
 - b. For multi-story or condominium developments of five (5) or more units, an additional four hundred (400) square feet of usable recreation open space per unit shall be provided exclusive of the required front yards.

2. **Recreational Amenities:** One tot lot area shall be provided for each development consisting of at least eight (8) residential units except when developments are located within a publicly traversable distance of one thousand (1,000) linear feet of a public park that has a tot lot. In such cases, a tot lot may be replaced with another amenity (e.g., barbecue pavilion, gazebo, sports court, etc.) as approved by the Planning Commission.

An additional tot lot shall be provided for each additional twenty (20) units. When developments are large and require several tot lots, the Planning Commission may approve another amenity (e.g., barbecue pavilion, gazebo, sports court, etc.) as a replacement for the tot lot(s) to diversify the amenities for the development. The appropriate balance of tot lots and other amenities will be determined by the Planning Commission on a case-by-case basis.

Each tot lot or approved amenity shall be at least six hundred (600) square feet, and may be consolidated to create larger tot lots and/or amenities. The size of playground equipment in a tot lot should accommodate and be designed for five (5) to twelve (12) year old children. The required tot lots and approved amenities can count towards the open space requirement.



3. **Garages:** Garages must meet all required setbacks. Garages should be subservient to the living area of the home. They should not be a dominant feature on the structure which could be accomplished by means of recessing the garage or having a side entry attached or a combination of the above.

4. Storage Areas: Each unit shall be provided with a storage locker/unit having a minimum of 60 square feet of floor space, 8 feet of head room, and be accessible by a standard size door.

Figure 9: Example of recessed garages.



