ORDINANCE NO. 2016-O-04

AN ORDINANCE ELIMINATING THE MIXED-USE REQUIREMENT FOR BUILDINGS OVER FIVE STORIES IN THE STATE STREET COMMERCIAL AND TRANSIT ORIENTED DEVELOPMENT ZONES (SECTIONS 17-7-7, 17-7-8 OF THE MIDVALE MUNICIPAL CODE); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-504 Utah State Code, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, Midvale City has found a number of areas that require amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, and/or include new provisions to further the purpose and intent; and

WHEREAS, on September 15, 2015, the Midvale City Council adopted a temporary land use regulation, Ordinance No. 2015-O-09, creating an opportunity to address the challenges associated with implementing the existing zoning ordinances with respect to building height, setbacks and landscape buffers for higher density/intensity projects adjacent to single family residential neighborhoods; and

WHEREAS, during the six-month period of this temporary land use regulation, the City, through workshop meetings with the City Council and Planning Commission, discussed ways to amend the development standards in the RM-12, RM-25, SSC and TOD zones to address these transition areas; and

WHEREAS, the Planning Commission held a public hearing on March 9, 2016 to formally consider proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on February 24, 2016, and the Planning Commission forwarded a recommendation on such to the City Council on March 23, 2016; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on April 19, 2016, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on April 5, 2016; and

WHEREAS, the City Council took into consideration citizen testimony, planning analysis, and the Planning Commission’s recommendation, and determined that no
changes be made to the ordinance, with the exception of removing the mixed use requirement for buildings over five stories, until a more comprehensive review of all of the issues can be done that is based on the considerations and goals of the General Plan Update.

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

Section 1. The following chapters and sections of the Midvale Municipal Code are hereby amended as included in the ATTACHMENT A to this document.

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 30th day of May, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: May 8, 2016

Voting by City Council
Stephen Brown “Aye” “Nay”
Paul Glover “Aye” “Nay”
Paul Hunt “Aye” “Nay”
Wayne Sharp “Aye” “Nay”
Quinn Sperry “Aye” “Nay”

Ordinance No. 2016-O-04
TOD Zone – Chapter 17-7-8

1. Amend Section 17-7-8.4, medium and high density residential development standards, as follows:

   A. Setbacks. New development shall comply with the following setbacks:

      4. Single Family Setback. The minimum setback from the property line, when adjacent to a single family residential zone, is fifteen feet, subject to the following exceptions:

         a. Three-story structures must be set back thirty-seven feet; four-story structures must be set back sixty-six feet; and five-story structures must be set back eighty-three feet; six-story structures must be setback one hundred feet; and seven-story structures must be setback one hundred sixteen feet.

         b. Projections. Sills, cornices, chimneys, flues, eaves, and ornamental features may project into the rear yard up to two and one-half feet.

         c. Stairs and Balconies. Outside stairways and balconies may project into the rear yard up to three feet.

   C. Height. The maximum height for a residential structure is five seven stories. Buildings of six and seven stories are limited to State Street and 7200 South frontages. When a residential structure is located within sixty-five feet of a single family structure, the maximum height of the structure or portion of the structure is three stories.

   E. Floor Area Ratio. For development of medium and high density residential uses, the maximum FAR is 4.6 3.0.

   G. Stories. All building types must be from one to five seven stories. Six and seven story buildings are limited to State Street and 7200 South frontages.
2. Amend Section 17-7-8.5; retail, office and mixed-use development standards; as follows:

D. Height.
1. Mixed-Use. The maximum height for a mixed-use structure is seven stories. Buildings of six and seven stories are limited to State Street and 7200 South frontages. When a mixed-use structure or portion of a structure is located within sixty-five feet of a single family residential structure outside the project/development boundary, the maximum height of the structure or portion of the structure is three stories.

2. Commercial. The maximum height for a commercial structure is five stories. When a commercial structure is located within sixty-five feet of a single family structure outside the project/development boundary, the maximum height of the structure or portion of the structure is three stories.

E. Floor Area Ratio. For new mixed-use development, the minimum FAR is 0.80 and the maximum FAR is 3.0. For development commercial uses, the FAR is 0.80.

SSC Zone – Chapter 17-7-7

1. Amend Section 17-7-7.4 Lot and development standards as follows:

C. Height.

1. Mixed-Use. The maximum height for a mixed-use structure is fifty-five feet for a sloped roof or fifty-two feet for a flat roof, and may extend up to seventy-five feet for a sloped roof or seventy-two feet for a flat roof for portions of the structure more than fifty feet from a single family residential zoning district.

2. Commercial. The maximum height for a commercial structure is thirty-five feet for a sloped roof or thirty-two feet for a flat roof, and may extend up to fifty-five feet for a sloped roof or fifty-two feet for a flat roof for portions of the structure more than fifty feet from a single family residential zoning district.

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