ORDINANCE NO. 2016-O-07

AN ORDINANCE CREATING A NEW OVERLAY WITHIN THE REGIONAL COMMERCIAL ZONE DISTRICT WHICH ALLOWS MEDIUM AND HIGH DENSITY RESIDENTIAL AND MIXED-USE DEVELOPMENTS AND PROVIDES DEVELOPMENT STANDARDS FOR SUCH USES; 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, re-construction, 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 vision of the City; and

WHEREAS, the City has determined it is important to create a critical mass to help support and increase the vitality of existing and future commercial uses and better utilize the existing properties in the Regional Commercial Zone District; and

WHEREAS, the City has determined a way to do this is to allow medium and high density residential and mixed-use development under certain parameters in areas zoned Regional Commercial; and

WHEREAS, the Planning Commission discussed this concept on May 25, 2016 as part of its regular meeting; and

WHEREAS, the Planning Commission held a public hearing on June 8, 2016 to review proposed text amendment language regarding this concept, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on May 25, and the Planning Commission forwarded a recommendation with specific language to the City Council on June 8, 2016; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on July 12, 2016, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on June 28, 2016; and
WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds the creation of a new overlay within the Regional Commercial Zone District to allow medium and high density residential and mixed-use development is appropriate and within the best interests of the City.

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

Section 1. The Midvale Municipal Code, which sets forth the laws and policies within Midvale City, is hereby amended to include “ATTACHMENT A” of 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 12th day of July, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreasen, MMC
City Recorder

Date of first publication: July 17, 2016

Voting by City Council

<table>
<thead>
<tr>
<th></th>
<th>“Aye”</th>
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<tbody>
<tr>
<td>Stephen Brown</td>
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<tr>
<td>Paul Glover</td>
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<tr>
<td>Paul Hunt</td>
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<tr>
<td>Wayne Sharp</td>
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<td>Quinn Sperry</td>
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ATTACHMENT A
Chapter 17-7-12.1
Regional Commercial Residential Overlay

Sections:

17-7-12.1.1 Purpose.

17-7-12.1.2 Use Table.

17-7-12.1.3 Medium and High Density Residential and Mixed-Use Standards.

17-7-12.1.4 Site Design Requirements.

17-7-12.1.5 Parking and Access.

17-7-12.1.6 Architectural Standards.

17-7-12.1.7 Utilities.

17-7-12.1.8 Development Agreement Required

17-7-12.1.9 Signage.

17-7-12.1.1 Purpose.

The Midvale City General Plan identifies the Fort Union Area and 7200 South corridor between I-15 and State Street as "Opportunity Areas" of the City. Opportunity Areas are defined as those where changes in the types and/or intensities of current land uses are anticipated. Encouraging a mix of residential and commercial uses is important to provide the critical mass necessary to support the existing commercial, attract new, viable businesses to the area and support the growth of the region. This overlay zone implements the goal of supporting and enhancing existing commercial areas by providing standards for the development of medium and high density residential and mixed use developments within the Regional Commercial zone. This chapter informs the owners of the standards that will be applied in approving or disapproving proposed developments. A development plan including site layout, parking, landscaping, architecture and relationship to the surrounding commercial development shall be submitted along with a request to apply the Residential Overlay zone to any parcel within the Regional Commercial Zone.

To utilize the Regional Commercial Residential Overlay, it must be demonstrated the proposed development fulfills the following goals:
A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;

B. Creates a consistently high quality urban environment;

C. Enhances the investment of those locating within the Regional Commercial zone;

D. Promotes economic development by increasing the utilization of existing parcels within current developments;

E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;

F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and

G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.

17-7-12.1.2 Use table.

If a use is not specifically designated, then it is prohibited.

Table 17-7-12.1.2

<table>
<thead>
<tr>
<th></th>
<th>Allowed</th>
<th>Administrative</th>
<th>Conditional</th>
<th>Business License</th>
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<tr>
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<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mixed-Use*</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

*Allowed commercial uses within a mixed use building shall be subject to the use list in Table 17-7-12.2 and conditional use standards in Section 17-7-12.9 where applicable.
17-7-12.1.3 Medium and high density residential and mixed-use development standards.

The following development standards apply to all new development:

A. Lot Size. No minimum lot size, but must be sufficient to accomplish the goals of the Residential Overlay.

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

1. Front. When adjacent to a public road, the minimum front yard landscaped setback is fifteen feet, subject to the exceptions noted below. Corner lots have two front yards. The front yard setback is measured from the property line. The front yard setback is a build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. The structure may be set back an additional fifteen feet to allow for the inclusion of a courtyard. The Planning Commission may also modify this requirement for changes in wall plane due to architectural features or if the site is encumbered by curvilinear roads and/or property lines.

Exceptions:

a. Canopies at least eight feet above ground level may project up to five feet.

b. Balconies on second stories and above may project up to five feet.

c. Projections such as sills, cornices, eaves, and ornamental features may project up to two and one-half feet.

2. Rear. There is no rear yard setback except as required by the International Building Code and landscape buffers.

3. Side. There is no side yard setback except as required by the International Building Code and landscape buffers.

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 and higher must be setback one hundred sixteen feet. Structures can have stepped building heights to accommodate setbacks.
b. Residential Buffer. New development shall provide a minimum fifteen-foot landscaped buffer consisting of large trees, shrubs, and a six-foot screening wall as approved by the planning commission. The screening wall shall be constructed of wood, metal, brick, masonry or other permanent materials along all property boundaries adjacent to single family residential zones.

Residential Buffering
Standard

A – Large (Class 3) trees 30’ on center (alternate with 8’ tall evergreens)
B – Low shrub buffer
C – Tall shrub zone (8’ – 10’ mature height)
D – Six-foot-tall screening wall as approved by commission

C. Density. The maximum density for residential development is 85 units per acre.

D. Snow Removal. A plan for snow removal and/or storage shall be submitted for review by the planning staff.

17-7-12.1.4 Site Design Requirements

The following standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size in the zone:
A. Landscaping. The applicant shall professionally landscape the lot, according to an approved landscape plan, as a condition precedent to receiving a certificate of occupancy for all uses. The community development director shall evaluate landscape plans for all permitted uses. The planning commission shall evaluate landscape plans for conditional uses. Landscape plan approval is a condition precedent to issuance of a building permit for the parcel. All landscaping shall be in place prior to issuance of a certificate of occupancy, unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st.

1. Minimum Landscaped Area. The applicant must landscape a minimum of ten feet between the side yard or rear yard and the abutting property line when the side or rear yards are in public view.

2. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points.

3. Street Frontage Tree Requirements. An applicant shall provide at least one street tree for each thirty linear feet of frontage. Street frontage trees may be clustered or spaced linearly in the park strip as provided in an approved landscape plan.

4. Minimum Number of Trees. A minimum of one tree for every four hundred square feet of landscaping is required for all landscaped areas. Street trees may be included in calculations in order to meet this requirement.

5. Landscaped setback from edge of public right-of-way. The landscaped setback from the edge of a public right-of-way shall be fifteen feet.

6. Plant Materials. Areas requiring landscaping shall be planted with substantial live plant material including: plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.

   a. Types of Vegetation. At least twenty-five percent of the landscaping must be evergreen. Up to twenty-five percent of the landscape area can include specialty paving, street furniture, and outdoor seating areas. Trees that are planted in the park strip shall meet the specifications described in the standard construction specifications of Midvale City.
b. Size of Trees. The following standards apply to the use of plant and tree material.

i. Deciduous Trees. All deciduous trees shall have a minimum caliper size of two inches.

ii. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half inches.

iii. Evergreen Trees. All evergreen trees shall have a minimum height of six feet.

7. Standards of Title 17-7-12.6 (5) – Irrigation/Planting Plan.

8. Vegetation Protection. The property owner must protect existing significant vegetation during any development activity. Development plans must show all significant vegetation within twenty feet of a proposed development. Prior to certificate of occupancy, the property owner must demonstrate the health and viability of all large trees through a certified arborist.

9. Removal. No landscaping may be removed without replacement of equal or better quality. This shall include the installation of healthy plant materials as well as a tree for tree replacement as governed by this section.

10. Upgrading Pre-Existing Landscaping. The applicant must bring pre-existing landscaping into compliance with this code.

11. Crime Prevention Through Environmental Design (CPTED). The plan must demonstrate how CPTED principles will be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of three feet and trees with a proper ground clearance of six feet above walkways and sidewalks and eight feet above vehicular travel and parking lanes. To encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Symbolic barriers, such as low lying fences/walls, landscaping and signage shall be used to discourage crime and to promote
safety. Ground floor parking garages shall not be permitted immediately adjacent to streets. Developments shall have street side building elevations with extensive windows, and with balconies, decks or landscape terraces encouraged.

B. Fencing. Unless the applicant can demonstrate a need for fencing for the protection of recreational amenities or the screening of necessary ground level equipment and service areas, fencing is prohibited. Fencing around recreational amenities shall be designed to be visually open as with wrought iron or similar material.

C. Open Space, Landscaping and Outdoor Recreational Amenities. The applicant shall improve a minimum of thirty percent (30%) of the interior of the proposed development area as open space, landscaping and outdoor recreational amenity areas. These areas include such improvements as landscaped areas not less than five feet wide, landscaped setbacks, elevated plazas, walkways, paths, and outdoor recreation spaces such as pools, playgrounds, etc. Improved, common recreational amenities shall be concentrated into larger, more functional areas as much as possible.

D. Common Recreational Amenities. The applicant shall provide appropriate recreational amenities for the project. This shall be demonstrated to the Planning Commission as part of its review and approval of the project. These amenities can be indoor and/or outdoor facilities.

E. Pedestrian Connections. Walkways of at least five feet in width shall be incorporated within and between developments where possible. Where walkways cross roads or driveways, stamped concrete or asphalt, or other distinguishable material, shall be used to construct crosswalks.

17-7-12.1.5 Parking and Access

An applicant for new development must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles. If any land, structure, or use is changed to create more off-street parking demand, the owner must provide additional off-street parking for the new use as required by this chapter. Off-street parking and development access shall meet the following standards:

A. Parking Ratio Requirements. Required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed-restricted lots. Off-street parking shall meet the following standards; however, the Planning Commission may grant a reduction of up to twenty-five percent of the required parking upon an applicant’s demonstration of opportunities for shared parking within a mixed-use area or appropriate on-street parking.
Table 17-7-12.1.5

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Number of Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family</td>
<td></td>
</tr>
<tr>
<td>Studio and 1 Bedroom units</td>
<td>1.0 stalls per unit</td>
</tr>
<tr>
<td>2 Bedroom units</td>
<td>2.0 stalls per unit</td>
</tr>
<tr>
<td>3+ Bedroom units</td>
<td>2.5 stalls per unit</td>
</tr>
<tr>
<td>Guest parking</td>
<td>1.0 stalls per 4 units, unless Planning Commission determines fewer stalls are needed based on available shared parking with an office use</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td>subject to standards in Table 17-7-8</td>
</tr>
</tbody>
</table>

B. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing.

1. Parking. No parking is allowed within the required front yard setbacks.
   a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance triangle.
   b. Required Landscaping. The following landscaping standards apply to new development:
i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width;

iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, and perimeter landscaping of at least five feet in width.

2. Driveway Standards. For all new development, driveways shall comply with the following standards:

   a. No driveway shall be less than fifty feet from intersecting rights-of-way.

   b. Driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.

   c. Development Requiring Five or More Parking Spaces. The minimum two-way drive width is twenty-four feet. The maximum two-way drive width is thirty-six feet.

   d. Development Requiring Four or Fewer Parking Spaces. The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty feet.

3. Spacing. New development shall provide the following:

   a. A minimum of seventy-five feet spacing between major driveways is recommended. Shared use of drives is strongly recommended.

   b. Centerline. The centerline of intersections of the driveways of major traffic generators entering from opposite sides of roadway must be either perfectly aligned or offset by a minimum of one hundred fifty feet.

   c. Deviations. The city engineer may approve minor spacing deviations (equal to or less than ten percent).
Table 17-7-12.1.5

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Minimum Spacing Between Driveways (feet)</th>
<th>Minimum Spacing From Intersection (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>15</td>
<td>50</td>
</tr>
<tr>
<td>Collector</td>
<td>50</td>
<td>75</td>
</tr>
<tr>
<td>Arterial</td>
<td>75</td>
<td>150</td>
</tr>
</tbody>
</table>

4. Surfacing. Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.

5. Parking Space Dimensions. All new development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (equal to or less than ten percent) variations in parking space dimensions.

   a. Parking spaces must be nine feet wide by eighteen feet long;

   b. ADA parking space width requirements vary and shall be consistent with current Building Code standards; and

   c. Compact spaces with dimensions of nine feet wide by sixteen feet long may be provided. These spaces are not code spaces for the purpose of satisfying parking requirements.

6. Grading and Drainage. Parking shall be graded and constructed as follows:
a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;

b. Adequate control curbs must be installed to control drainage and direct vehicle movement;

c. Parking area drainage must be detained on-site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;

d. Driveways may not exceed a ten percent slope.

7. Street Access and Circulation. New development shall provide the following:

a. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.

b. Corner Lots. No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.

c. Driveway Access. For corner lots, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet from their intersection.

d. Drive-Through Developments. Applicants for all drive-up or drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way.

e. Common Driveways. To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
f. Off-Street Loading Spaces. Every structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle must provide and maintain adequate space for standing, loading, or unloading services off-street.

i. All such loading areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any front yard or in any street or right-of-way.

ii. Loading docks and loading areas must be screened from adjoining property and public rights-of-way.

C. Parking Garages and Structures. Parking garages and structures shall meet the following standards:

1. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.

2. This zoning ordinance is intended, among others, to encourage the use of parking structures and discourage the use of surface parking. Therefore, the Planning Commission may waive one or all of the following requirements if an architect can demonstrate that the requirement in question is not feasible and when the architect has utilized other architectural methods to blend the structure with neighboring structures and screen the visual impacts of the structure.

   a. Parking structures shall contain ground level retail, office or display windows along all street-fronting facades of the parking structure. Parking structures with street frontage in primarily residential areas may utilize residential units or residential architecture that reflects surrounding residential units to mask the visual impact of the parking structure.

   b. Parking structures that are not located adjacent to or within clear sight of a public street or other major transportation thoroughfare shall utilize plant material as screening to minimize the visual impact of the parking structure.

   c. Parking structures shall be designed with an architectural theme similar to the adjoining structures. Openings that face and can be seen from major vehicular and pedestrian thoroughfares shall be of similar size and, whenever possible, shape to those found on adjacent buildings.
d. Walls, materials, patterns, colors, roof forms, and front entryways shall conform to the standards for all buildings in the applicable project area and shall reflect those used for adjacent buildings.

e. Parking stalls shall be a minimum of nine feet (9') by eighteen feet (18').

f. The minimum aisle width is twenty-four feet.

g. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians.

h. Parking stalls located adjacent to walls or columns shall be one foot wider than the minimum required width to accommodate door opening clearance and vehicle maneuverability.

D. Access Management. All new development and an expansion by more than twenty-five percent of an existing building mass or site size shall comply with the following access management standards:

1. All driveways and curb cuts shall be installed according to the standards and specifications contained in the Midvale City Construction Standards and Specifications handbook. Curb cuts for pedestrian access shall orient toward each street frontage.

2. All newly installed driveways shall align with any existing access across the street. The Planning Commission may allow deviations to the requirement, provided the city engineer finds the driveway to be acceptable based on but not limited to access placement, traffic generated, and pedestrian and vehicular circulation.

3. New development or modifications to existing development shall not propose parking in such a way that users may be allowed to back onto public rights-of-way.

4. Existing nonconforming driveways within the zone shall be retired upon construction of a new building or the expansion of the area of an existing building or site by twenty-five percent or more.

5. Shared driveways between and among parcels are encouraged and allowed if the parties execute and record an easement, or a deed of dedication, in a form approved by the city attorney to ensure access in perpetuity for both parcels.
E. Outdoor Lighting Standards. LED light sources are the only allowed light sources for outdoor lighting. Light levels should be designed with minimum light trespass off-site by using a cut-off luminaire that is fully or partially shielded with little or no light distributed above the horizontal plane of the luminaire or other best practices that are available.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, a four to one uniformity ratio shall occur over the site, excluding canopy areas and main building entrances. The maximum allowed average horizontal luminance level and light source shall be as noted in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Average Footcandle</th>
<th>Light Source</th>
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<tbody>
<tr>
<td>Building entrance</td>
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<td>LED</td>
</tr>
<tr>
<td>Residential</td>
<td>2 f.c.</td>
<td>LED</td>
</tr>
<tr>
<td>Mixed-use</td>
<td>2 f.c.</td>
<td>LED</td>
</tr>
</tbody>
</table>

2. Pole Height/Design/Height. Luminaire mounting height is measured from the parking lot or driveway surface, and may range from sixteen feet to thirty-five feet, based on:

a. Review of the site plan;

b. Proposed land uses;

c. Surrounding land uses;

d. Parking area size;

e. Building mass;

f. Location of the site with respect to other lighting sources;
g. Impacts on the adjacent properties;

h. Topography of site; and

i. Other site features.

3. Large Parking Areas. Poles higher than twenty feet are appropriate only for parking areas exceeding two hundred stalls and not in close proximity to single family residential areas.


a. If metal fixtures or poles are used they should be black or dark brown;

b. The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape areas;

c. Wall-mounted lighting fixtures may not exceed eighteen feet in height; and

d. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity may not exceed twelve feet in height.

5. Submission Requirements. An application for development with outdoor lighting must contain the following:

a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;

b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and

c. Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cut off or light emission. A point-by-point light plan may be required to determine the adequacy of the lighting over the site.

6. Upgrading Pre-Existing Lighting. The applicant must bring pre-existing lighting into compliance with this code.
17-7-12.1.6 Architectural Standards

All new development must present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians.

1. Height. The maximum height for a structure is eighty five feet (85') to the highest occupied floor plate. The highest occupied floor, roof, parapet, elevator overruns and stairs may exceed the height limit up to thirty feet (30'). Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

2. Ground Floor Materials. Other than windows and doors, eighty percent (80%) of the remaining ground floor wall area shall be clad in durable materials. Durable materials include brick, masonry, textured or patterned concrete and/or cut stone. Other materials may be used as accent or trim provided they cover twenty percent (20%) or less of the ground floor adjacent to a street. Other materials may be approved at the discretion of the Planning Commission.

3. Podium Parking. No more than two levels of podium style parking above grade may be provided, and must be approved by the Planning Commission based upon the applicant providing architectural design and materials that address pedestrian scale.

4. Ground Floor Glass. The ground floor elevation facing a street or drive shall not have less than sixty percent (60%) glass surfaces for commercial & office uses and forty percent (40%) for residential uses between three (3) and eight (8) feet above grade. All ground floor glass shall be non-reflective and allow visibility into the building. The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan(s) required by the use cannot effectively accommodate this requirement and other architectural elements are used to (a) create visually interesting facades, (b) avoid large areas of blank facades, and (c) provide a human scale and details.

5. Ground Floor Uses. On the ground floor, a permitted or conditional use other than parking shall occupy at least seventy five percent (75%) of the width of any street facing building façade. The Planning Commission may reduce or eliminate this requirement based on architectural design, landscaping and siting.

6. Maximum Length of Blank Walls. The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the ground floor level along any street or drive facing façade shall be fifteen feet (15'). Changes in plane, color, texture, materials, scale of materials,
patterns, art, or other architectural detailing are acceptable methods to create variety and scale as are architectural features such as bay windows, recessed entrances or windows, balconies, cornices, columns, or other similar architectural features. The architectural feature must be either recessed or project a minimum of twelve inches (12").

7. Stucco. The use of stucco should be limited to architectural relief and shall not exceed twenty-five percent of a front elevation or fifty percent of any elevation. The planning commission may determine, on a case-by-case basis, the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.

8. Prohibited Materials. Vinyl and aluminum siding products are prohibited as wall materials.

9. Color Scheme. The use of a single color scheme, minimal detailing, or blank (or largely blank) walls is not permitted.

10. Screening. Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas is visible from public streets and alleys and adjacent properties. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

   a. All building equipment and service areas shall be located on the roof of the building or in the rear yard. These elements shall be sited to minimize their visibility and impact, or screened and enclosed as to appear to be an integral part of the architectural design of the building. Measures shall be taken to mitigate noise impacts on adjacent properties.

   b. Refuse containers shall be screened from view on all sides. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof. Screening fences, walls and/or plantings shall be one foot higher than the object to be screened. An opaque gate shall be included where required to complete screening.

17-7-12.1.7 Utilities.

All utilities within the proposed development shall be buried. The owner shall install conduit within the development’s proposed right-of-way for the eventual burial of overhead utilities throughout the zoning district. If the planning commission finds, upon the review and recommendation of the city engineer,
that such installation is not feasible at the time of development, the applicant shall bond for the future
installation of said conduit. All underground conduit shall be installed in conformance with city
standards as identified in City Construction Standards and Specifications.

17-7-12.1.8 Development Agreement

A development agreement, in a form satisfactory to the city attorney and city council, shall be required
for new development to ensure the property owner complies with the provisions of the Overlay,
conditional use permit and site plan approvals, and allowing the property owner the right to develop in
accordance with the approved plan for a period up to, but not exceeding, ten years.

17-7-12.1.9 Signage.

All signage shall comply with Section 17-7-12.10. Residential structures shall be allowed one
additional monument sign interior to the site. These signs shall comply with the following:

Table 17-7-12.1.9

<table>
<thead>
<tr>
<th>Signs</th>
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<tbody>
<tr>
<td>Monument*</td>
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* A monument sign under this provision shall not exceed thirty-two square feet or six feet in height with
a minimum one-foot pedestal, and shall be located in a landscaped area associated with a project
entry or focal point. The applicant may forgo the one-foot pedestal if the landscaped area is improved
with something other than turf. The sign may be located on a berm provided the top of the sign does
not exceed nine feet in height above finished grade. Monument signs shall not be constructed within
the clear view area and shall be set back at least three feet from a public sidewalk and property lines.
The sign shall have, as the prominent feature, the name of the development (i.e., "Midvale Village," "Midvale Plaza," etc.). It is intended that the top two feet of the sign area be utilized to identify the
name of the development. All other lettering shall be no taller than four inches in height. The lettering
font style for tenant identification shall be the same for all tenants within the proposed development.
Monument signs shall be constructed with materials similar to that of the surrounding building(s).