ORDINANCE NO. 2015-O-01

AN ORDINANCE CREATING NEW DEVELOPMENT STANDARDS FOR SPORTS/ATHLETIC FACILITY FENCING AND LIGHTING FOR RETAIL/OFFICE/FLEX/MIXED USE PROJECTS IN THE BINGHAM JUNCTION ZONE AND RIVERWALK OVERLAY, AND ADDING A NEW SIGN TYPE AND STANDARDS FOR COMMERCIAL BUILDINGS IN SUBAREAS 2, 3 AND 5 OF THE BINGHAM JUNCTION ZONE (SECTIONS 17-7-9.12.1.8 C, 17-7-9.6 F, 17-2-1, 17-2-19, 17-7-9.4 D, 17-7-9.4.2 D, 17-7-9.4.3 D AND 17-7-9.4.5 D OF THE MIDVALE MUNICIPAL CODE); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9-401 through 10-9-405 Utah Code Annotated 1953 as amended, 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, it was determined that, in order to accommodate larger commercial outdoor recreation/entertainment type uses that are anticipated in the Bingham Junction Zone, new development standards needed to be created; and

WHEREAS, the Planning Commission held a public hearing on December 17, 2014, to review 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 December 3, 2014, and the Planning Commission forwarded a recommendation on such to the City Council on December 17, 2014; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on January 20, 2015, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on January 6, 2015; and

WHEREAS, the City Council has taken into consideration citizen testimony, planning and building analysis, and the Planning Commission recommendations, and has determined that this text amendment is appropriate and within the best interests of the City as a whole in protecting and promoting the health, safety, welfare and aesthetic quality of Midvale City.
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 ATTACHMENTS A, B and C 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 20th day of January, 2015.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: Feb 25, 2015

Voting by City Council

<table>
<thead>
<tr>
<th></th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Quinn Sperry</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
17-7-9.12.1.8 Retail/office/flex and mixed-use architectural standards.

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

A. Walls. No more than three materials shall be used for primary wall surfaces. Exterior finishes shall be of traditional, time- and weather-tested techniques. Retaining and screening walls shall be of materials complementary to the building’s materials. Buildings shall use a cohesive palette of colors which complement nearby buildings. Without limiting the use of color, large areas of wall shall be subdued in color and not reflective. Intense colors should be used as accent only.

B. Roofs. All the roofs and dormer roofs of a building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.

C. Fences, Hedges, and Walls. The following standards apply to new development of fences, hedges and walls:

1. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback of a zone district if it meets the following conditions:

   a. All fences and walls meet the requirements of Title 15 of this code, Buildings and Construction;

   b. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner;

   c. No fence, hedge, or wall may be placed nearer than six inches to any public sidewalk;
d. Only one fence or wall shall be allowed per property line. Double fences, walls or combination thereof are prohibited; and

e. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet above the ground and does not extend more than two feet above the temporary fence.

2. Height. No fence structures may exceed six feet in height, four feet in height from the front of the primary structure forward, or three feet in the sight distance triangle, measured as follows:

a. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;

b. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;

c. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and

d. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.

3. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet in height so long as all portions above six feet are constructed with at least fifty percent non-opaque materials. Fencing around golf courses and driving ranges may be constructed to a height such that 99% of all errant objects are contained as demonstrated by the applicant through submittal of appropriate data/studies and approved by the Planning Commission. This fencing shall comply with the following requirements:

a. All golf course and driving range netting shall be constructed of black netting and be at least 90% transparent;

b. The minimum setbacks shall be the same as for structures in the zone. Setbacks may be increased by the Planning Commission if it is found...
necessary to provide appropriate buffering from roadways and adjacent properties;

3. Landscape buffering shall be provided to visually soften the fencing from the vantage point of the motorist and pedestrian. Buffering may include plant materials, berming, or a combination thereof;

d. Poles for fencing shall be painted black, bronze or blue/grey to blend with the sky. The Planning Commission, based upon a color study submitted by the applicant, shall approve the final color scheme for the poles; and

e. Any other conditions deemed necessary by the Planning Commission pursuant to the General Review Criteria noted in Section 17-7-9.9 of the Municipal Code to mitigate the impacts of the fencing on the surrounding area.

4. Conformance with This Section. No person shall construct, alter, or maintain a fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures except in conformance with all of the requirements of this section.
ATTACHMENT B
BINGHAM JUNCTION ZONE
LIGHTING FOR OUTDOOR ATHLETIC FACILITIES AMENDMENT

17-7-9.6 Parking.

F. Outdoor Lighting Standards. LED, induction, high-pressure sodium, or metal halide 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 Foot candle</th>
<th>Light Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building entrance</td>
<td>5 f.c.</td>
<td>LED, induction, metal halide or high-pressure sodium</td>
</tr>
<tr>
<td>Canopies</td>
<td>20 f.c.</td>
<td>LED, induction, metal halide or high-pressure sodium</td>
</tr>
<tr>
<td>Retail car lots</td>
<td>Front row 10 f.c. or less</td>
<td>LED, induction, metal halide or high-pressure sodium</td>
</tr>
<tr>
<td></td>
<td>2 f.c. average over site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>50% reduction in light levels between midnight and sunrise</td>
<td></td>
</tr>
<tr>
<td>Commercial uses</td>
<td>2 f.c.</td>
<td>LED, induction, metal halide or high-pressure sodium</td>
</tr>
<tr>
<td>Residential</td>
<td>1 f.c.</td>
<td>150 watt high-pressure sodium or wattage equivalent LED or induction on 15' poles @ 250' spacing</td>
</tr>
<tr>
<td>T.O.D. and</td>
<td>2 f.c.</td>
<td>LED, induction or metal halide in parking</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 twenty 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 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.

e. Lighting for outdoor athletic facilities may be mounted on a roof or wall at a height above the typical eighteen foot maximum provided it is demonstrated by the applicant through submittal of appropriate documentation and light studies showing that the facility cannot otherwise be properly lighted. This lighting shall comply with the following requirements:

   i. Light fixtures and necessary supports shall not extend more than four feet above the roof line;

   ii. Light fixtures shall include appropriate shields to ensure no light trespass off the site;

   iii. Light fixtures shall include appropriate shields and louvers to minimize, to the greatest extent possible, any point source light pollution;

   iv. Light fixtures and supports shall be painted to blend with the color scheme of the structure to which they are mounted;

   v. Light fixtures shall be dimmable to address any possible unforeseen light impacts once they are constructed and operable; and

   vi. The Planning Commission shall review the hours of light usage, and shall approve an appropriate usage schedule depending on the specific situation and impacts on the surrounding area.

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.
17-2-1 “A” definitions.

Abandoned sign” means a sign structure which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found. Within one year after vacation of a tenant or change of ownership in an existing business, all on-site nonconforming signs must be removed or brought into compliance by the property owner. Nonconforming off-premises signs lacking advertising for a period of one year shall also be considered abandoned. If removal does not occur voluntarily, Midvale City may remove the entire nonconforming sign, both face and structure, and all costs incurred shall be the responsibility of the property owner. Once determined abandoned and nonconforming, such signs shall not regain any legal nonconforming status later, even if the original business re-occupies the property.

“Above canopy sign” means a sign which is mounted entirely above the front fascia of a canopy and oriented parallel to the building wall surface.

“Access” means vehicular and/or pedestrian ingress and egress to structures, facilities or property.
17-2-19 "S" definitions.

"Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, or product, which are visible from any public way. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features intended to draw the attention of observers.

Sign, abandoned. See "Abandoned sign."

Sign, above canopy. See "Above canopy sign."


Sign, animated. See "Animated sign."

17-7-9.4 D. Sign Standards Common to All or Multiple Subareas.

14. Above Canopy Signs. Above canopy signs are permitted as follows:

a. The canopy shall be a horizontal element on the building and shall not include a sloped roof. The canopy design and color shall relate to the building entrance, shall not extend more than five (5) feet over the sidewalk, and shall be at least eight (8) feet above the sidewalk;

b. The sign height shall not exceed one and one half (1½) times the fascia height or four (4) feet, whichever is less. In no instances shall the sign project above the building roofline.

c. The sign width shall not exceed 80% of the canopy width;

d. The sign shall only be located above the front fascia of the canopy;

e. The sign shall project no farther from the building than the associated canopy;

f. The sign shall be constructed of individual letters only and shall include only one line of lettering;

g. The sign may be externally or internally illuminated; and
The sign area used for the above canopy sign shall be included in any calculation of wall sign area.

17-7-9.4.2 D Sign Standards Specific to Subarea 2; and 17-7-9.4.3 D Sign Standards Specific to Subarea 3; and 17-7-9.4.5 D Sign Standards Specific to Subarea 5.

C = Commercial

R = Residential

MF = Apartments and Condos

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Area Max.</th>
<th>Height Max.</th>
<th>General Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-Frame (C, MF)</td>
<td>6 s.f.</td>
<td>4'</td>
<td>One per ground level tenant. Must not impede pedestrian movement.</td>
</tr>
<tr>
<td>Above Canopy Sign (C)</td>
<td>80% of width; part of allowed wall sign percentage</td>
<td>1 1/2 times fascia height or 4', whichever is less</td>
<td>Constructed of individual letters one line of copy. Canopy cannot have sloped roof.</td>
</tr>
<tr>
<td>Awning/Canopy (C, MF)</td>
<td>5% of wall surface; 80% of width</td>
<td>80% of vertical drip</td>
<td>Constructed of canvas-like materials or architectural metal. Design and color to relate to storefront. May extend 5' from facade at least 8' above sidewalk.</td>
</tr>
<tr>
<td>Campaign (C, R, MF)</td>
<td>32 s.f.</td>
<td>6'</td>
<td>Removed within 15 days from final voting day. 3' max. height in clear view triangle.</td>
</tr>
</tbody>
</table>