ORDINANCE NO. 2015-O-06

AN ORDINANCE INCREASING THE OVERALL RESIDENTIAL DENSITY TO 19.3 UNITS PER ACRE IN THE SILVER REFINERY OVERLAY (SECTION 17-7-9.12.3.3 C OF THE MIDVALE MUNICIPAL CODE) AND CREATING A DEFINITION AND PARKING STANDARD FOR “SENIOR AFFORDABLE HOUSING” IN ALL ZONES THAT ALLOW MULTI-FAMILY USES (SECTION 17-2-19 “S” AND CHAPTERS 17-7-3, 17-7-4, 17-7-5, 17-7-7, 17-7-8, 17-7-9, 17-7-9.12.3, 17-7-15 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, it has been determined that it is important to provide senior affordable housing in Midvale; and

WHEREAS, it has been determined that by increasing the density from 16 u/a to 19.3 u/a in the Silver Refinery Overlay, it will allow for the development of a much needed affordable senior housing project; and

WHEREAS, it has been determined that a senior affordable housing use does not require the same amount of parking as a typical multi-family residential development, and a parking standard requiring less parking is appropriate for the development and the overall community; and

WHEREAS, the Planning Commission held a public hearing on April 22, 2015 to review proposed text amendment language regarding these issues, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on April 8, 2015, and the Planning Commission forwarded a recommendation on such to the City Council on April 22, 2015; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on May 19, 2015, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on May 5, 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 ATTACHMENT A and ATTACHMENT B 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 19th day of May, 2015.

JoAnn B. Seghini, Mayor

ATTEST:
Rori Andreaon, MMC
City Recorder

Date of first publication: May 27, 2015

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. 2015-O-06
17-7-9.12.3.3 Large scale master plan requirement.

The property is required to be master planned as a whole under the large scale master plan provision prior to any specific development applications, i.e., small scale master plans, subdivision plats, conditional use permits, site plans, being accepted by the city for review and approval. Each development application must be consistent with the large scale master plan. The large scale master plan must include the following elements:

A. At a minimum, the plan shall show the general layout of future development including general uses, public open space, roads, circulation, and main vehicular and pedestrian accesses.

B. A dedication of at least nine percent of the real property to be improved, at no cost to the city, as accessible and useable public open space. It is expected that the historical cemetery be made a part of this public open space area. The dedication is based on the clustering and increased densities allowed within the overlay.

C. The maximum residential density within a designated residential use parcel shall be sixteen 19.3 units per acre for all residential areas combined.

D. Vehicular accesses shall comply with the city’s typical access management standards.

E. For vertical mixed-use development, the maximum FAR is 3.0.

F. In conjunction with the large scale master plan, a development agreement, in a form satisfactory to the city attorney and city council, shall be recorded with the property wherein the property owner, and its successors and assigns, agree to comply with the provisions of the conditional use permit for the master planned development. This agreement shall also provide security, to the satisfaction of the city attorney and city council, for all on- and off-site public improvements associated with the development.

G. The large scale master plan, and all subsequent development applications, will demonstrate that it is in conformance with applicable institutional controls.

H. Subdivisions, small scale master plans, site and project plans, conditional use permits and building permits within the silver refinery overlay shall be in accordance with the current building code, this chapter, and Section 17-7-3 and Title 16 of the Midvale City Code.
ATTACHMENT B
SENIOR AFFORDABLE HOUSING

17-2-19 “S” definitions.

“Senior Affordable Housing” means a residential development/use restricted to persons 55 and older, where a minimum of 80% of the units are affordable to a household making 50% of the area median income (AMI) or less. Project must be guaranteed to remain affordable, as defined above, for a minimum of 50 years. With the exception of the parking space requirement that is called out separately, all senior affordable housing developments shall be considered under the applicable multi-family residential or medium and high density residential development standards.

Create a parking requirement for “senior affordable housing” in the RM-12, RM-25, Mixed Use, State Street Commercial, Transit Oriented Development, Bingham Junction, Silver Refinery Overlay, and State Street Overlay zone districts by adding the language below to the following tables and sections:

*Tables 17-7-3.7, 17-7-4.7, 17-7-5.7, 17-7-7.8, 17-7-8.8, 17-7-15.8

*Sections 17-7-9.6 (A)(2), 17-7-9.12.3.13 (D)(3)

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement</th>
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<tbody>
<tr>
<td>Senior Affordable Housing</td>
<td>Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking</td>
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