ORDINANCE NO. 2014-O-09

AN ORDINANCE MODIFYING THE DEVELOPMENT STANDARDS FOR PARKING IN THE FRONT SETBACK OF LARGE BUILDINGS IN THE JUNCTION AT MIDVALE OVERLAY (SECTIONS 17-7-9.12.2.6 AND 17-7-9.12.2.11 OF THE MIDVALE ZONING ORDINANCE); 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, 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) 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 the parking needs of larger office buildings that are anticipated in The Junction at Midvale Overlay, the existing parking standards for large office buildings in this Overlay need to be modified; and

WHEREAS, the Planning Commission held a public hearing on August 13, 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 July 30, 2014, and the Planning Commission forwarded a recommendation on such to the City Council on August 13, 2014; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on September 2, 2014, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 19, 2014; 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 City Zoning and Subdivision Ordinance are hereby amended as included in 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 2nd day of September, 2014.

Johann B. Seghini
JoAnn B. Seghini, Mayor

ATTEST:

Robi Andreason, MMC
City Recorder

Date of first publication Sept. 9, 2014

Voting by City Council

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17-7-9.12.2.6 Retail/office/flex and mixed-use lot and development standards.

The following standards apply to all new development in the retail/office/flex and mixed-use land use areas:

C. Build-To Line. The front setback line is the build-to line. All retail/office/flex and mixed-use structures located in Subareas 2, 3, and 5 shall address adjacent streets by being constructed at the front yard setback, which is the build-to line. At least fifty percent of the front elevation must be built at the build-to line on all interior lots and at least thirty percent of the front elevation must be built at the build-to line on all corner lots. Recessed plazas, courtyards and trellises are encouraged.

1. Exceptions.

a. The applicant may increase the depth of the build-to line by up to fifteen feet if the variation is used to promote a pedestrian-oriented use, e.g., special landscaping, public plazas, outside seating for a restaurant, etc.

b. When a retail/office/flex or mixed-use structure is located within an area that is identified by the master plan as a predominately residential area, or when a structure is located adjacent to or on a street where residential structures are the dominant use, the build-to line shall be the same as that required for the dominant use on that block.

c. When one owner or lessee occupies more than one hundred twenty thousand square feet of interior tenant space on one contiguous parcel or site, up to five percent of the total parking supplied, not to exceed twenty parking spaces, may be located between the right-of-way and the front elevation so long as they are signed and used exclusively as handicapped, visitor and/or visiting executive parking. The remaining area in front of the building must be designed and constructed as a primarily pedestrian space even if limited vehicular access is allowed.
multiplying the square footage of the building by 0.0166 percent. Handicap stalls required in this area to meet building code are allowed in addition to this number, and will not count against the number calculated above. In allowing parking within the front setback, the following must be provided to minimize the visual impact of the parking from the public way and continue to focus on the pedestrian nature of the area between the public way and the front entrance of the building:

i. The parking area shall be constructed using specialty paving (stamped and/or dyed concrete or pavers, etc.) and be designed to provide a visual link between the pedestrian way and the building entrance, identifying the area as primarily pedestrian in nature;

ii. Public plazas or building entry features shall be visually and physically extended into the parking area to provide for further enhancement of the pedestrian experience;

iii. The depth of the parking area shall be minimized to the greatest extent possible.

iv. The parking area cannot encroach into any portion of required public open space.

17-7-9.12.2.11 Parking standards.

In addition to those standards found in Section 17-7-9.6 of the Bingham Junction zone, the following standards shall apply to the creation of surface and/or structured parking lots and areas:

A. Front Setbacks. No parking shall occur within the front setback of any building.

1. Exceptions. The following exceptions apply to the prohibition of parking within a front setback.

   a. When a single family attached or detached structure is located on a local street and is set back at least eighteen feet from the property line, a private driveway may be used for off-street parking.

   b. When one owner or lessee occupies more than one hundred twenty thousand square feet of interior tenant space on one contiguous parcel or site, up to five percent of the total parking supplied, not to exceed twenty parking spaces, may be located between the right-of-way and the front elevation so long as they are signed and used exclusively as handicapped, visitor and/or visiting executive parking. The remaining area in front of the building must be

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designed and constructed as a primarily pedestrian space even if limited vehicular access is allowed.

b. When one owner or lessee occupies more than one hundred twenty thousand square feet of interior tenant space on one contiguous parcel or site, exclusive parking for handicapped, visitor and/or visiting executives may be provided for between the right-of-way and the front building elevation so long as they are signed accordingly. The maximum number of visitor and/or visiting executive parking stalls allowed in this area will be calculated by multiplying the square footage of the building by 0.0166 percent. Handicap stalls required in this area to meet building code are allowed in addition to this number, and will not count against the number calculated above. In allowing parking within the front setback, the following must be provided to minimize the visual impact of the parking from the public way and continue to focus on the pedestrian nature of the area between the public way and the front entrance of the building:

i. The parking area shall be constructed using specialty paving (stamped and/or dyed concrete or pavers, etc.) and be designed to provide a visual link between the pedestrian way and the building entrance, identifying the area as primarily pedestrian in nature;

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