ORDINANCE NO. 2012-18

AN ORDINANCE CREATING
CHAPTER 17-7-16 "PUBLIC FACILITIES OVERLAY ZONE" OF THE
MIDVALE CITY MUNICIPAL CODE; ALSO PROVIDING A SAVING CLAUSE
AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the
City has authority to adopt the Midvale City Municipal Code; and

WHEREAS, the City Council of Midvale City, Utah, held a public hearing regarding the
addition of Chapter 17-7-16 of the Midvale City Municipal Code on November 27, 2012; and

WHEREAS, the City Council of Midvale City, Utah, find it appropriate to adopt such an
ordinance to ensure adequate advertisement opportunities for businesses within the overall
Bingham Junction zone.

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

Section 1. The Municipal Code which sets forth the laws and policies within Midvale
City, is hereby amended as follows:

See Attachment "A"

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 date of first publication.

PASSED AND APPROVED this 27th day of November, 2012.

JoAnn B. Seghini, Mayor

Voting:                          "Aye"  "Nay"
Colleen Costello       ☑       ☐
Paul Glover           ☑       ☐
Robert Hale           ☑       ☐
Paul Hunt             ☑       ☐
Wayne Sharp           ☑       ☐

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: Dec 4, 2012
Chapter 17-7-16
PUBLIC FACILITIES OVERLAY ZONE

Sections:
17-7-16.1 Purpose.
17-7-16.2 Uses.
17-7-16.3 Review process.
17-7-16.4 Criteria and required findings.
17-7-16.5 Development agreement.
17-7-16.6 Specific review criteria for certain public facility uses.
17-7-16.7 Modification to use or plan.
17-7-16.8 Related provisions.

17-7-16.1 Purpose.

The purpose of the Public Facilities Overlay Zone is to provide for locations and appropriate standards for a range of public uses conducted by governmental and specified agencies. These uses are operated for the benefit of the community, and provide basic services and essential support services for the community. Because of the nature of these uses, they are generally not identified with any specific zone district, having the need to locate in areas that best serve the community. The overlay zone allows the City Council, through its legislative discretion, to provide for areas in which to locate Public Facilities to best support the community in a cost effective and efficient manner. It is the intent of this overlay to protect neighboring private uses from incompatible public uses and ensure the impacts associated with the public uses are appropriately mitigated.

17-7-16.2 Uses.

The following uses may be allowed in a Public Facilities Overlay Zone. These uses must be conducted by a governmental or specified agency. If a use is not specifically designated, it is prohibited.

A. Government Buildings
B. Fire Station
C. Police Station
D. Park/Playground
E. Recreation and Community Center
F. Library
G. Educational Institution
H. Cemetery

17-7-16.3 Review Process.

The review process for all applications intended to utilize the Public Facilities Overlay Zone shall follow the process outlined in Section 17-3-1 Amendments to the zoning code or map. The application shall include a binding site plan, which shall be reviewed in conjunction with the proposed use. The Public
Facilities Overlay rezone is contingent upon approval of the site plan. The site plan shall include the information required in Section 17-3-3 E Site Plan Review.

17-7-16.4 Criteria/Required Findings.
The planning commission may recommend and the city council may grant approval of a Public Facilities Overlay zoning designation only if it determines, in written findings, the application has demonstrated the following:

A. There is a demonstrated need for the public facility within the community at large and it is not contrary to the public interest.
B. The public facility is consistent with the goals and policies of the general plan, and applicable ordinances of the city where feasible.
C. The public facility is located, planned and developed in such a manner that it is not inconsistent with the health, safety or general welfare of persons residing or working in the city. This includes, but is not limited to the following:
   1. The generation of noise, noxious or offensive emissions, or other nuisances which may be injurious or detrimental to the surrounding area.
   2. The availability of public services to support the public facility, including utilities; vehicular, pedestrian and public transit systems; police; fire; education; and social and health services.
   3. The adequacy of landscaping, screening and buffering, building setbacks, parking, open space, or other development characteristics necessary to mitigate the impact of the public facility on neighboring properties.
   4. Proposed public facilities which exceed the bulk, height, density, or other use standards in the underlying zone must demonstrate such variances are essential to the function or operation of such facility. The development standards of the underlying zone and adjacent development shall be utilized where feasible.
D. The public facility complies with the specific review criteria for the use contained herein.

17-7-16.5 Development Agreement
The city council may find that a proposed public facility requires a development agreement to ensure the use and facility continue to operate in the manner consistent with the development approval. In this instance, a development agreement, in a form satisfactory to the city attorney and city council, wherein the property owner and service provider agree to comply with the provisions of the development approval, including any required on and off-site public improvements associated with the development, shall be made part of the development approval process.

17-7-16.6 Specific Review Criteria for Certain Public Facility Uses
In addition to the foregoing, the following criteria must be satisfied in order to approve an application for each of the following uses:
   A. [add at later date]

17-7-16.7 Modification to Use or Plan
Modifications to a public facility shall be reviewed by the community and economic development department. If the community and economic development department determines the proposed
modification is major, the major modification will require reapplication and reconsideration consistent with the process and requirements of this chapter.

17-7-16.8 Related Provisions.

A. Title 5, Licensing.
B. Title 16, Subdivisions.
C. Chapter 17-2, Definitions
D. Chapter 17-3, Administration and Enforcement