MIDVALE CITY COUNCIL MEETING
AGENDA
March 07, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 7th Day of March, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL

IV. PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS
A. Councilmember Stephen Brown
B. Councilmember Paul Glover
C. Councilmember Paul Hunt
D. Councilmember Quinn Sperry
E. Councilmember Wayne Sharp

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. PUBLIC HEARING(S) - 7:00 PM
A. Public Hearing regarding the Issuance and Sale of not more than $11,500,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2017; and to allow public input regarding potential economic impact that the project to be financed with the proceeds of the Series 2017 Bonds may have on the private sector; and related matters [Laurie Harvey, Asst. City Manager/Admin. Services Director]
B. Consider amendments to the FY2017 Budget for the General Fund and other funds as necessary
   [Laurie Harvey, Asst. City Manager/Admin. Services Director]
   ACTION: Approve Resolution No. 2017-R-10 approving the amendments to the FY
   2017 Budget for the General Fund and other funds as necessary

C. Consider a text amendment request to amend the accessory structure (unoccupied) standards for
   corner lots within single-family residential zones [Matt Hilderman, Associate Planner]
   ACTION: Approve Ordinance No. 2017-O-03 approving a text amendment request to
   amend the accessory structure (unoccupied) standards for corner lots within single-
   family residential zones

D. Consider a Subdivision Plat for Riverwalk at Bingham Junction Lot 8 Amended located at 7111
   South Bingham Junction Boulevard [Matt Hilderman, Associate Planner]
   ACTION: Approve a Subdivision Plat for Riverwalk at Bingham Junction Lot 8
   Amended located at 7111 South Bingham Junction Boulevard

E. Consider a request to Rezone Lot 2 of the Union Woods Subdivision located at 7120 South Union
   Park Avenue to include the Regional Commercial Residential Overlay [Lesley Burns, City
   Planner]

VIII. CONSENT AGENDA
   A. Approve Minutes of February 21, 2017 [Rori Andreason, H.R. Directory/City Recorder]
   B. Set date and time (March 21, 2017 at 7:00 p.m.) for a public hearing to consider amending the
      Transient Oriented Development Zone and the creation of the TOD Overlay Zone [Phillip Hill,
      Asst. City Manager/ Community Development Director]
   C. Set date and time (March 21, 2017, 7:00 p.m.) for a public hearing & discussion on a text
      amendment to amend the language for rear setbacks in the State Street Commercial (SSC) Zone
      [Lesley Burns, City Planner]

IX. DISCUSSION ITEMS
   A. Discuss Amendments to the Transient Oriented Development Zone and the creation of the TOD
      Overlay Zone [Phillip Hill, Asst. City Manager/Community Development Director]
   B. Discussion on a text amendment to amend the language for rear setbacks in the State Street
      Commercial (SCC) Zone [Lesley Burns, City Planner]

X. ADJOURN
In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for
participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three
working days advance notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall
Lobby, the 2nd Floor City Hall Lobby, on the City’s website at www.midvalecity.org and the State Public Notice Website at
http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members’
participation via electronic communication will be broadcast and amplified so other Council Members and all other persons
present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: MARCH 3, 2017

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
SUBJECT: Public Hearing regarding issuance of Sales Tax Revenue Bonds Series 2017

SUBMITTED BY: Laurie N. Harvey
Director of Administrative Services

SUMMARY:

The City is considering issuing Sales Tax Revenue Bonds in order to fund reconstruction and rehabilitation of roads. The project consists of bringing all roads in the City to a Pavement Condition Index of at least 80, and reconstructing and adding curb/gutter, sidewalk, and storm drain features to about fourteen Midvale City streets. The project is expected to begin this spring, with a completion date of spring 2020.

A parameters resolution was adopted on February 7, 2017, authorizing the issuance of not more than $11.5 million of sales tax revenue bonds at an interest rate not to exceed six percent (6.0%) per annum, to mature in not more than 21 years, and to be sold at a price not less than 97% of the total principal amount thereof. The resolution also authorizes officers of the City to approve the final terms and provisions of the bonds within the parameters set forth.

A notice of intent to issue bonds was published in the newspapers on February 11 and February 18. The notice included the date, time and place of tonight’s public hearing. The purpose of this public hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the Project will have on the private sector. A 30-day contest period will follow the public hearing.

FISCAL IMPACT:

We anticipate that the issuance of the bonds will provide construction funds of $9 million. Based upon a term of fifteen years, estimated debt service is about $750,000 per year. We plan to service the debt with B&C road revenue, which we estimate at $1.1 million per year.
SUBJECT: Midvale City Corporation Resolution No. 2017-R-10
Budget Opening #3 for Fiscal Year 2017

SUBMITTED BY: Laurie N. Harvey, Director of Administrative Services

SUMMARY: Staff proposes amendments to the FY 2017 Budget for the following funds: General Fund, Capital Improvement Projects Fund, Water Utility Fund, Sewer Utility Fund, and Storm Water Utility Fund. These amendments cover new grants and revenues, the carry-forward of unspent FY 2016 grants, operational adjustments, and revised revenue estimates. The resolution and budget detail are attached.

FISCAL IMPACT:

General Fund - increase to Fund Balance of $81,500
Capital Projects Fund – no change to Fund Balance
Water Utility Fund – no change to Fund Balance
Sewer Utility Fund – no change to Fund Balance
Storm Water Utility Fund – no change to Fund Balance


ATTACHMENTS: Resolution and proposed budget adjustments.
MIDVALE CITY CORPORATION
RESOLUTION 2017-R-10


Whereas, Utah State Code, Sections 10-6-109, 10-6-127, and 10-6-128 of the Uniform Fiscal Procedures Act for Utah Cities, requires that increases in appropriations for operating budgets of the General Fund and other funds be made by resolution of the governing body; and

Whereas, the required public notice was properly published in newspapers of general circulation in Salt Lake County; and

Whereas, pursuant to notice, the public hearing was held on the 7th day of March, 2017; and

Whereas, in compliance with statutory requirements, Midvale City amends the revenue and appropriation budgets of the following funds: General Fund, Capital Improvement Projects Fund, Water Utility Fund, Sewer Utility Fund, and Storm Water Utility Fund as detailed on the attached schedule:

Now therefore be it resolved, by the Midvale City Council, that the above budget amendments be made for the appropriate budgets for the Fiscal Year ending June 30, 2017.

This resolution shall become effective immediately upon passage thereof.

Passed and adopted by the City Council of Midvale City, State of Utah, this 7th day of March, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the City Council: “Aye” “Nay”

<table>
<thead>
<tr>
<th>Name</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
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<tr>
<td>Paul Glover</td>
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<td>Quinn Sperry</td>
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<td>Paul Hunt</td>
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<tr>
<td>Wayne Sharp</td>
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</table>
## GENERAL FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Revenue</th>
<th>A/C #</th>
<th>Expenditure</th>
<th>A/C #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant from SL County for B&amp;G Club (Jan - June)</td>
<td>$31,600</td>
<td>10-3370-200-000</td>
<td>$31,600</td>
<td>10-4151-540-100</td>
</tr>
<tr>
<td>Carryforward 2016 SL County grant for B&amp;G Club</td>
<td>32,800</td>
<td>10-3370-200-000</td>
<td>32,800</td>
<td>10-4151-540-100</td>
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<tr>
<td>Carryforward 2016 TRCC grant for splash pad</td>
<td>408,500</td>
<td>10-3370-400-000</td>
<td>450,000</td>
<td>10-4830-910-100</td>
</tr>
<tr>
<td>Contribution from Fund Balance for splash pad</td>
<td>41,500</td>
<td>10-3892-000-000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carryforward 2016 contrib from Arts Council (OSP)</td>
<td>30,000</td>
<td>10-3870-300-000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contribution to Fund Balance</td>
<td>(30,000)</td>
<td>10-3892-000-000</td>
<td></td>
<td></td>
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<tr>
<td>FY 2016 B&amp;C road fund surplus</td>
<td>93,000</td>
<td>10-3356-000-000</td>
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<tr>
<td>Contribution to Fund Balance</td>
<td>(93,000)</td>
<td>10-3892-000-000</td>
<td></td>
<td></td>
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<tr>
<td>Proceeds from insurance for building repairs</td>
<td>9,000</td>
<td>10-3640-000-001</td>
<td>9,000</td>
<td>10-4160-720-000</td>
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<tr>
<td>Increase codification - Recorder</td>
<td>5,000</td>
<td>10-4144-310-100</td>
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<tr>
<td>Decrease office supplies - Nondepartmental</td>
<td>(5,000)</td>
<td>10-4150-240-000</td>
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<tr>
<td>Increase electricity - Parks</td>
<td>3,600</td>
<td>10-4510-280-100</td>
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<tr>
<td>Decrease electricity - Bldgs and Grounds</td>
<td>(3,600)</td>
<td>10-4160-280-100</td>
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<td></td>
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<tr>
<td>Increase passthrough to CIP - building demo</td>
<td>15,000</td>
<td>10-4830-910-100</td>
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<tr>
<td>Decrease capital expenditure - Courts A/V system</td>
<td>(5,000)</td>
<td>10-4120-760-000</td>
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<tr>
<td>Decrease salaries - Courts</td>
<td>(10,000)</td>
<td>10-4120-110-000</td>
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<tr>
<td>Reallocate salaries &amp; benefits as needed - Intergov</td>
<td>(14,000)</td>
<td>10-4151-130-000</td>
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<tr>
<td>Reallocate salaries &amp; benefits as needed - Info Tech</td>
<td>5,000</td>
<td>10-4136-130-000</td>
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<tr>
<td>Reallocate salaries &amp; benefits as needed - Streets</td>
<td>6,000</td>
<td>10-4410-130-000</td>
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<tr>
<td>Reallocate salaries &amp; benefits as needed - Parks</td>
<td>16,000</td>
<td>10-4510-130-000</td>
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<tr>
<td>Reallocate salaries &amp; benefits as needed - Parks</td>
<td>(7,000)</td>
<td>10-4510-110-000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reallocate salaries &amp; benefits as needed - Court</td>
<td>(13,000)</td>
<td>10-4120-110-000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reallocate salaries &amp; benefits as needed - Planning</td>
<td>7,000</td>
<td>10-4610-130-000</td>
<td></td>
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<tr>
<td>Adjust estimated Motor Vehicle Tax revenue</td>
<td>105,000</td>
<td>10-3170-000-000</td>
<td></td>
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</tr>
<tr>
<td>Adjust estimated Sales Tax revenue</td>
<td>216,000</td>
<td>10-3130-000-000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjust estimated fines &amp; forfeitures</td>
<td>(425,000)</td>
<td>10-3511-000-000</td>
<td></td>
<td></td>
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<tr>
<td>Reverse FY 2016 transfer to Fleet Fund (Federal grant)</td>
<td>(104,000)</td>
<td>10-4830-910-600</td>
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<td></td>
</tr>
</tbody>
</table>

**TOTAL GENERAL FUND**

$419,400

$419,400
## MIDVALE CITY CORPORATION - BUDGET OPENING #3 - FY 2017

<table>
<thead>
<tr>
<th>Description</th>
<th>Revenue</th>
<th>A/C #</th>
<th>Expenditure</th>
<th>A/C #</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CAPITAL IMPROVEMENT PROJECTS FUND</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer from GF - splash pad</td>
<td>$ 450,000</td>
<td>41-3810-100-000</td>
<td>$ 450,000</td>
<td>41-4983-715-001</td>
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<tr>
<td>Transfer from GF - demolition of Old City Hall</td>
<td>15,000</td>
<td>41-3810-100-000</td>
<td>15,000</td>
<td>41-4983-707-005</td>
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<tr>
<td><strong>TOTAL CAPITAL IMPROVEMENT PROJ FUND</strong></td>
<td>$ 465,000</td>
<td></td>
<td>$ 465,000</td>
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<tr>
<td><strong>WATER UTILITY FUND</strong></td>
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<tr>
<td>Carryforward capital projects (2016 waterline project)</td>
<td>$ 625,000</td>
<td>51-3880-000-000</td>
<td>$ 625,000</td>
<td>51-5100-790-204</td>
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<tr>
<td><strong>TOTAL WATER UTILITY FUND</strong></td>
<td>$ 625,000</td>
<td></td>
<td>$ 625,000</td>
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</tr>
<tr>
<td><strong>SEWER UTILITY FUND</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase estimated revenue to cover benefits shortfall</td>
<td>$ 17,000</td>
<td>52-3710-100-000</td>
<td>$ 17,000</td>
<td>52-5200-113-000</td>
</tr>
<tr>
<td><strong>TOTAL SEWER UTILITY FUND</strong></td>
<td>$ 17,000</td>
<td></td>
<td>$ 17,000</td>
<td></td>
</tr>
<tr>
<td><strong>STORM WATER UTILITY FUND</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Increase estimated revenue - repair outfall FLSmidth</td>
<td>$ 35,000</td>
<td>54-3710-000-000</td>
<td>$ 35,000</td>
<td>54-5400-790-000</td>
</tr>
<tr>
<td>Carryforward capital projects (from bond issue)</td>
<td>875,000</td>
<td>54-3880-000-000</td>
<td>875,000</td>
<td>54-5400-790-700</td>
</tr>
<tr>
<td><strong>TOTAL STORM WATER UTILITY FUND</strong></td>
<td>$ 910,000</td>
<td></td>
<td>$ 910,000</td>
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</tbody>
</table>
SUBJECT:

Public Hearing for a text amendment request to amend the accessory structure (unoccupied) standards for corner lots within single-family residential zones– City wide

Ordinance No. 2017-O-03

SUBMITTED BY:

Matt Hilderman, Associate Planner

SUMMARY:

The City Council made a request to review our development lot standards for corner lots within the Single-Family Residential Zones (SF-1 & SF-2). The discussion suggested reviewing the existing lot and development standards for corner lots and proposing an allowance for additional development on larger corner lots with existing residential homes, specifically looking at the limitation created by the lot depth standard required on corner lots.

On December 14, 2016, Staff discussed with the Commission proposed language to allow an additional single family lot to be created in certain instances and on January 11, 2017, the Commission forwarded a positive recommendation of the ordinance amendment with the following motion:

“In order to provide additional opportunities for new single family detached homes in stable, residential neighborhoods and to mitigate visibility limitations on corner lots, I move that we forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 Zones corner lots as included in Attachment A but deferring a decision on ancillary buildings in those lots for further Staff review and rewriting of language.”

The current language for accessory structures within Single-Family Residential zones is identified as the following:

<table>
<thead>
<tr>
<th>Accessory Structure</th>
</tr>
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<tbody>
<tr>
<td>Located no less than 6 ft. from main bldg.</td>
</tr>
<tr>
<td>Located in either rear or side yard</td>
</tr>
<tr>
<td>Minimum of 2 ft. from rear and side lot lines, including eaves</td>
</tr>
<tr>
<td>Height not exceed 20 ft. to midpoint for sloped roof, 16 ft. to cornice for flat roof</td>
</tr>
<tr>
<td>May range from 1 to 1 ½ stories</td>
</tr>
<tr>
<td>Maximum building area is larger of 900 sq. ft. or 13% of lot area</td>
</tr>
<tr>
<td>May not have separate electrical, gas, sewer, or water services</td>
</tr>
</tbody>
</table>

The initial language proposed raised concerns from the Commission regarding the restriction requiring a corner lot accessory structure to be located behind a sight-obscuring fence. After further discussion with the Commission, additional language was proposed that included; a minimum two-foot (2’) setback from property lines behind a sight-obscuring fence; a minimum eight-foot (8’) setback from property lines if no sight-obscuring fence is present, shall not exceed a maximum footprint of 100 sq. ft., and for every foot away from the fence/property line an additional foot of height may be allowed.
Staff provided a few proposals for further review and discussion with the Planning Commission and included language from the information and exceptions identified above.

Planning Commission Recommendation

The Planning Commission reviewed this information on February 18, 2017 and forwarded a positive recommendation to the City Council to approve the revised ordinance language with the following motion:

“In order to provide a reasonable use of individual properties for single-family homes in stable, residential neighborhoods and to protect the streetscape on corner lot developments, I move we forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 zones for exceptions to accessory structures on corner lots, as included in Attachment A”

City Council Discussion

On February 21, 2017 the City Council discussed and addressed the ordinance language for this proposed text amendment. No further comments, suggestions, or requests were received.

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and receive any comments from the public for further discussion and review of the information received and provided. If the Council is comfortable with the proposal, Staff has prepared an ordinance, identified as Attachment A, from the information provided and direction from the City Council.

RECOMMENDED MOTIONS:

Option 1 – Recommend approval

“In order to provide a reasonable use of individual properties for single-family homes in stable, residential neighborhoods and to protect the streetscape on corner lot developments, I move that we adopt Ordinance No. 2017-O-03 to add language in the SF-1 and SF-2 zones for exceptions to accessory structures on corner lots, as included in Attachment A.”

Option 2 – Not recommend approval

“I find that the proposed text amendment to add language in the SF-1 and SF-2 zones for exceptions to accessory structures on corner lots for the City of Midvale is not appropriate for the following reasons:

1. ...
2. ...
And, therefore, move to deny this proposed text amendment.”

Attachments:

- Ordinance 2017-O-03
- Attachment A
ORDINANCE NO. 2017-O-03

AN ORDINANCE AMENDING THE ACCESSORY STRUCTURE (UNOCCUPIED) STANDARDS FOR CORNER LOTS WITHIN SINGLE-FAMILY RESIDENTIAL ZONES; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, the City has the authority to make and amend any regulation of or within the zoning district or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, Midvale City was made aware of additional uses not contemplated when the Zoning Ordinance was originally adopted with regard to corner lot development; and

WHEREAS, Midvale City recognized an additional opportunity to provide a reasonable use of individual properties for single-family detached homes within stable, residential neighborhoods and to further provide safety and security of individual properties and their uses; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016, to review the proposed amendment regarding development standards for accessory structures on corner lots and has forwarded a recommendation on such to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on March 7, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on February 21, 2017; and

WHEREAS, the City Council has taken into consideration testimony citizen testimony, planning and building analysis, and the Planning Commission’s recommendation, 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 the attachment to 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 judgement 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 this 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 _____ day of ____________, 2017.

________________________________________
JoAnn B. Seghini, Mayor

ATTEST:

______________________________________
Rori Andreason, MMC
City Recorder

Date of first publication: ________________

<table>
<thead>
<tr>
<th>Voting by City Council</th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quinn Sperry</td>
<td>_____</td>
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<td>Stephen Brown</td>
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<td>Paul Glover</td>
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<td>Paul Hunt</td>
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<tr>
<td>Wayne Sharp</td>
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Chapter 17-7-1
SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

Sections:

17-7-1.1 Purpose.
17-7-1.2 Use table.
17-7-1.3 Lot standards.
17-7-1.4 Development standards.
17-7-1.5 Neighborhood compatibility.
17-7-1.6 Fences, hedges and walls.
17-7-1.7 Landscaping.
17-7-1.8 Parking.
17-7-1.9 Accessory structures (unoccupied).
17-7-1.10 Master planned development.
17-7-1.11 Conditional use standards of review.
17-7-1.12 Home occupation standards.
17-7-1.13 Signs.
17-7-1.14 Duplex (two-family) overlay (OD) zone.
17-7-1.15 Agricultural overlay zone.
17-7-1.16 Related provisions.
17-7-1.17 Camping.

17-7-1.9 Accessory structures (unoccupied).

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

A. Proximity. An accessory structure must be located no less than six feet from the main building.

B. Location. The accessory structure must be located in either the rear or side yard. Exception for corner lots provided in subsection 1 below.
C. Setbacks. The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

D. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

E. Stories. An accessory structure may range from one to one and one-half stories.

F. Building Area. The maximum area of an accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area.

G. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Corner lot exception. Unoccupied accessory structures may be allowed where one front yard functions as a side yard. On these lots, accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:

   i. The accessory structure may be allowed within one front yard; opposite of the front yard associated with the structural front entrance location.

   ii. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:

      a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-1.6.

      b. If a non-sight obscuring fence is existing, proposed to be constructed, or if no fencing is present; the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.
c. For every two feet the accessory structure is setback from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

iii. The maximum area of the accessory structure shall be one hundred square feet.

iv. All construction must be done in accordance with the building code.

v. The accessory structure must be located no less than six feet from the main building.

Section 17-7-2.9 Accessory structures (unoccupied).

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

A. Proximity. An accessory structure must be located no less than six feet from the main building.

B. Location. The accessory structure must be located in either the rear or side yard. Exception for corner lots provided in subsection I below.

C. Setbacks. The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

D. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

E. Stories. An accessory structure may range from one to one and one-half stories.
F. Building Area. The maximum area of an accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area.

G. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Corner lot exception. Unoccupied accessory structures may be allowed where one front yard functions as a side yard. On these lots, accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:

   i. The accessory structure may be allowed within one front yard; opposite of the front yard associated with the structural front entrance location.

   ii. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:

       a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-2.6.

       b. If a non-sight obscuring fence is existing, proposed to be constructed, or if no fencing is present; the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.

       c. For every two feet the accessory structure is setback from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

   iii. The maximum area of the accessory structure shall be one hundred square feet.

   iv. All construction must be done in accordance with the building code.

   v. The accessory structure must be located no less than six feet from the main building.
SUBJECT:

Public Hearing and Subdivision Plat Approval for Riverwalk at Bingham Junction Lot 8 Amended located at 7111 South Bingham Junction Boulevard

SUBMITTED BY:

Matt Hilderman, Associate Planner

SUMMARY:

The Riverwalk at Bingham Junction Lot 8 Amended Subdivision plat consists of two (2) proposed lots on a total of 2.611 acres located North of Jordan River Boulevard (7200 South), between Bingham Junction Boulevard (900 W) and 700 West. The initial subdivision plat consists of nine, existing commercial lots known as the Riverwalk Retail Center Large Scale Master Plan and identified as Lot 8 of the Riverwalk at Bingham Junction Lot 4D & 4E Amended Subdivision plat. Each lot either provides or is proposed to provide commercial and retail services, including drive-thru and sit down restaurants, to accommodate the surrounding uses. The applicant and developer, Wadsworth Development Group, are requesting subdivision approval to create a 2-lot subdivision for the existing Lot 8. In addition, this plat continues to recognize the necessary public utility providers and easements for services. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay, and the Riverwalk Retail Center Development Agreement.

The proposed amended subdivision plat is attached. This plat reflects and is consistent with the Small Scale Master Plan for the Riverwalk Shopping Center Lot 8, approved on March 3, 2016. The applicant has indicated that the existing structure for the tenant, identified as D1 Sports Training and proposed as Lot 8A, is estimated to be six-inches (6”) from the proposed lot line. The future building for Lot 8B, proposed to provide retail services, will also be six-inches (6”) from the proposed lot line, thus creating a one-foot (1’) separation between both structures. The total amount of parking stalls required for Lot 8A, based on the existing use, is estimated to be eight (8); the amended plat will provide a total of forty-eight (48) stalls, thus assigning a total of seventy-six (76) stalls remaining and available for Lot 8B. The applicant has also provided information that the pedestrian and vehicular accesses will continue to remain and be recognized in the existing declaration of covenants, conditions, and restrictions (CC&R’s).

The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall. All utility companies will need to be notified regarding utility easements and notes on the subdivision plat. For a minor subdivision approval, this request complies with the City’s subdivision requirements and final approval will require compliance with the conditions recommended below. All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body.
PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on this subdivision plat on February 8, 2017. Based on compliance with the City’s subdivision requirements and compliance with the approved Small Scale Master Plan for the remainder of the project, the Planning Commission forwarded a positive recommendation to the City Council to approve the amended subdivision plat for the Riverwalk at Bingham Junction Lot 8 Amended with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.
2. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Century Link Communications, and UTOPIA regarding the utility easements on the subdivision plat prior to final approval.

CITY COUNCIL DISCUSSION

On February 21, 2017 the City Council discussed and addressed the ordinance language for this proposed subdivision plat amendment. No further comments, suggestions, or requests were received.

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and receives any comments from the public for discussion and review. Staff further recommends the City Council approve the subdivision plat amendment for Riverwalk at Bingham Junction Lot 8 Amended with the following condition:

1. The applicant shall prepare a final subdivision plat and that all required signatures are obtained before final recording.

RECOMMENDED MOTION:

“I move that we approve the subdivision plat amendment for Riverwalk at Bingham Junction Lot 8 Amended with the following condition:

1. The applicant shall prepare a final subdivision plat and that all required signatures are obtained before final recording.”

Attachments:

- Vicinity Map
- Original Subdivision Plat
- SSMP Riverwalk Shopping Center Lot 8
- Declaration of Easement and Conditions
- Amended Subdivision Plat
GENERAL NOTES:
1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
8. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
9. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
10. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
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12. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
13. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.
DECLARATION OF EASEMENTS AND CONDITIONS

THIS DECLARATION OF EASEMENTS AND CONDITIONS ("DEC") is made as of the 25th day of June 2008, by and between RIVERWALK INVESTMENT HOLDINGS, LLC, a Utah limited liability company, ("Riverwalk") and JORDAN RIVER BOULEVARD PARTNERS, LLC, a Delaware limited liability company ("Jordan River Boulevard Partners").

RECITALS

This DEC is made with reference to the following facts and objectives:

A. Jordan River Boulevard Partners is the owner of a certain Parcel of land in the City of Midvale, County of Salt Lake, State of Utah more particularly described on Exhibit A, attached hereto (the "Jordan River Boulevard Partners Property").

B. Riverwalk is the owner of certain Parcels of land in the City of Midvale, County of Salt Lake, State of Utah, more particularly described on Exhibit A-1, attached hereto (the "Riverwalk Property", and together with the Jordan River Boulevard Partners Property, the "Shopping Center").

C. The Shopping Center consists of approximately 22.68 acres of land comprised of six (6) contiguous Parcels identified on the Site Plan attached hereto as Exhibit B (the "Site Plan"). Jordan River Boulevard Partners owns the Parcel identified on the Site Plan as "Parcel A" and Riverwalk owns the Parcels identified on the Site Plan as "Parcel B", "Parcel C", "Parcel D", "Parcel E", and "Parcel F."

D. The Shopping Center is part of a larger area of development which is encumbered by that certain Declaration for Bingham Junction recorded in the real property records of Salt Lake County, Utah on or about March 10, 2006 as Instrument Number 9659801, as amended by that certain Amended and Restated Declaration for Bingham Junction recorded in the real property records of Salt Lake County, Utah on or about November 20, 2007 as Instrument Number 10281123 (the "Master Declaration"). The Shopping Center is further encumbered by that certain Master Development Agreement for the Bingham Junction Project Midvale City, Utah (the "Master Development Agreement") dated April 6, 2005 by and between Littleson, Inc. and Midvale City and recorded in the real property records of Salt Lake County, Utah on or about March 10, 2006 as Instrument Number 9659803.

E. In accordance with and subject to the terms and conditions set forth in the Master Declaration, Jordan River Boulevard Partners and Riverwalk intend for the Shopping Center to be developed as an integrated retail shopping complex and not as a planned unit development. In order to effectuate the common use and operation of certain portions of the Shopping Center, Jordan River Boulevard Partners and Riverwalk desire to grant certain reciprocal easements into, onto, and across certain portions of the Shopping Center and impose certain conditions and restrictions thereon, as hereinafter set forth.
Subject to the requirements of this Agreement, each Party hereby grants and conveys to each other Party and to its respective contractors, materialmen, and laborers a temporary license for access and passage over and across the Common Area of the grantor's Parcel as shall be reasonably necessary for the grantee to construct and/or maintain improvements upon the grantee’s Parcel. Prior to exercising the rights granted herein, the grantee shall first furnish to the grantor a certificate of insurance showing that its contractor has obtained the minimum insurance coverage required by Section 5.4(b). Any Party availing itself of the rights granted in this Section shall promptly pay all costs and expenses associated with such work, shall diligently complete such work as quickly as possible, and shall promptly clean the area, and restore and/or repair the affected portion of the Common Area to a condition which is equal to or better than the condition which existed prior to the commencement of such work. Notwithstanding the foregoing, in the event a dispute exists between the contractor, laborers, suppliers, and/or others connected with construction activities, each Party shall have the right to prohibit the contractor, laborers, suppliers, and/or others working for another Party from using the Common Area on its Parcel until such dispute is settled or otherwise terminated.

3.2. Common Area. The Parties have agreed that the Common Area of the Shopping Center shall be initially constructed as shown on the Site Plan, or as finally approved by the City of Midvale, pursuant to a separate Development Agreement between Riverwalk and Jordan River Boulevard Partners; provided, however, that no fence or other barrier which would prevent or unreasonably obstruct the passage of pedestrian or vehicular travel within the Common Area shall be erected or permitted within or across the Common Area, exclusive of the limited curbing and other forms of traffic control depicted on the Site Plan and permitted staging and/or storage areas. The following minimum general design standards shall be complied with throughout the term of this DEC.

(a) Subject to governmental requirements, the lighting system shall be designed to produce a minimum maintained lighting intensity measured at grade at all points in the Common Area of 2.0 foot candle; provided, however, that the extreme edge of the parking or drive areas may have not less than a minimum maintained lighting intensity measured at grade of 2.0 foot candle, and provided further that the drive areas immediately in front of the entrance to any building shall have not less than a minimum maintained lighting intensity measured at grade of 4.0 foot candles. The type and design of the Common Area light standards shall be approved by the Approving Parties, which approval shall not be unreasonably withheld or delayed.

(b) The slope in the parking area shall not exceed a maximum of three percent (3%) nor be less than a minimum of one percent (1%).

(c) All sidewalks and pedestrian aisles shall be concrete or other approved materials. The automobile parking areas, drives, and access roads shall be designed in conformity with the recommendations of a registered soils engineer reasonably approved by the Approving Parties which shall require the installation of a suitable base and the surfacing with an asphalt concrete or concrete wearing material or other suitable product of similar efficacy and attractive appearance.

(d) Utility Lines that are placed underground shall be at depths designated in writing by professional qualified consultants, but not more or less than allowed by the Master Documents and City of Midvale's zoning or ordinances. If surface water retention and/or detention areas are located outside of the general parking lots, such areas shall be fenced or otherwise secured to impede public access thereto.

(e) The parking area on the Jordan River Boulevard Partners Property and on each separate Parcel shall contain sufficient ground level parking spaces in order to comply with the following minimum requirements:

DECLARATION OF EASEMENTS AND CONDITIONS - 9
(i) the number of parking spaces and the configuration of the parking spaces for each Parcel shall be in conformance with the requirements of the City of Midvale; and

(ii) if a business use contains a drive-up unit (such as remote banking teller or food ordering/dispensing facility), then, there shall also be created space for stacking not less than five (5) automobiles for each drive-up unit.

In the event of a condemnation of part of a Parcel or sale or transfer in lieu thereof that reduces the number of usable parking spaces below that which is required herein, the Party whose Parcel is so affected shall use its best efforts (including using proceeds from the condemnation award or settlement) to restore and/or substitute ground level parking spaces in order to comply with the parking requirements set forth in this DEC. If such compliance is not commercially feasible, such Party shall not be deemed in default hereunder, but such Party shall not be permitted to expand the amount of Floor Area located upon its Parcel unless authorized to do so by the Approving Parties in their absolute and unreviewable discretion. If such Floor Area is thereafter reduced other than by casualty, then the Floor Area on such Parcel may not subsequently be increased unless the parking requirement is satisfied or unless otherwise authorized to do so by the Approving Parties in their absolute and unreviewable discretion.

(f) Each Party hereby reserves the right, from time to time without obtaining the consent or approval of any other Party, to make at its own expense any change, modification, or alteration in portion of the Common Area on its Parcel provided that:

(i) such change, modification, or alteration does not violate any term or condition of this DEC or the Master Documents;

(ii) the accessibility of such Common Area for pedestrian and vehicular traffic (as it relates to the remainder of the Shopping Center) is not unreasonably restricted or hindered;

(iii) there shall be maintained at all times within such Common Area, a sufficient number of vehicular parking spaces to meet the parking requirements set forth in Section 3.2(e), as well as all governmental rules, regulations, and/or ordinances relating to parking requirements;

(iv) no governmental rule, ordinance, or regulation shall be violated as a result of such action, and such action shall not result in any other Party being in violation of any governmental rule, ordinance, or regulation;

(v) no change shall be made in the access points between the Common Area and the public streets, including any change to the access points to the Shopping Center from Bingham Junction Boulevard; provided, however, that additional access points may be created with the approval of the Approving Parties, such approval not to be unreasonably withheld;

(vi) at least thirty (30) days prior to making any such change, modification, or alteration, the Party desiring to do such work shall deliver to each other Party copies of the plans therefor, and provided further that, except for the initial construction of the Common Area, such work shall not occur between October 1st and the following January 31st;

(vii) The installation of outdoor facilities in the Common Area such as mailboxes, public telephones, and benches must be approved by the Approving Parties in their absolute and unreviewable discretion; and

DECLARATION OF EASEMENTS AND CONDITIONS - 10
SUBJECT:

Public Hearing on a request to Rezone Lot 2 of the Union Woods Subdivision (2.46 acres) located at 7120 South Union Park Avenue to include the Regional Commercial Residential Overlay

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

The applicant, Union Woods Acquisitions Partners LLC, represented by Dusty Harris, is proposing to redevelop a portion of its existing 5.58 acre office development site located at 7090 South Union Park Avenue. Currently, the property includes a six story office building (approx. 82,000 square feet of leasable space) and surface parking. The applicant is proposing to replace the majority of the surface parking with a 209 unit apartment building and a four level commercial parking structure. The existing office building would remain on approximately 3.12 acres of the site, which would also include the proposed commercial parking structure located directly west of the office building. The apartment building is proposed to be located on the remaining 2.46 acres of the site at the south end of the overall property. This proposal requires the following approvals from the City. (When the application was originally submitted, an amendment to the General Plan Proposed Land Use Map was also required. With the adoption of the Midvale City General Plan 2016, this is no longer necessary.)

1. A subdivision plat dividing the overall property into two lots, one lot for the office and proposed commercial parking structure and one lot for the proposed multi-family residential building.
2. A rezone of the 2.46 acre residential lot to include the Regional Commercial Residential Overlay.
3. A conditional use permit for the proposed multi-family residential use.
4. A site plan approval for the new structures and how they integrate with the existing and surrounding development.
5. A development agreement.

The City Council approved the final subdivision plat for the two lot subdivision on January 17, 2017. The applicant is completing the conditions of approval in order to record the plat.
At this time, the applicant is requesting the City Council approves the rezone request to include the Regional Commercial Residential Overlay (RCRO) on the 2.46 acres for the residential component of the proposed project (Lot 2 in the Union Woods Subdivision). This property is currently zoned RC. The ordinance requires that a proposed development plan be submitted in conjunction with this type of rezone request. It also requires that a development agreement be executed between the City and the property owner/developer to ensure the development is constructed in accordance with the expectations of the RCRO.

To utilize the RCRO, 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.

The applicant has submitted a written summary explaining how this proposal fulfills each of these goals, as well as a proposed site plan. The City Council will need to consider this rezone request in conjunction with the proposed site plan and determine if the proposal fulfills the goals in order for the applicant to utilize the RCRO to allow the residential component of this overall project.

On October 12, 2016, the Planning Commission conducted a public hearing and reviewed the development proposal in detail. After considering the public input received and all of the information provided regarding the specific development proposal, the Planning Commission forwarded a positive recommendation to the City Council to approve the rezone request. The Planning Commission’s motion was as follows:

“Based on consistency with the General Plan, and the finding that the proposed redevelopment of the 7090 South Union Park Avenue property fulfills goals A-G of the Regional Commercial Residential Overlay and supports and enhances the existing Fort Union commercial area, I move that we forward a positive recommendation to the City Council to rezone the proposed Lot 2 of the Union Woods Subdivision to include the Regional Commercial Residential Overlay. It is recommended that the effective date
of the ordinance approving the rezone be tied to the City Council’s approval and execution of a Development Agreement for the project site.”

The Planning Commission also approved the proposed preliminary site plan and conditional use permit with the following findings and conditions:

Findings:

1. With the conditions included with the Planning Commission’s approval, the proposed preliminary site plan complies with the development standards and requirements of the Regional Commercial Zone and the Regional Commercial Residential Overlay;
2. The proposed recreational amenity areas are appropriate and adequate for the proposed multi-family development in concept;
3. Because of the proposed proximity and pedestrian connections between the proposed apartment building and commercial parking structure, some of the required parking stalls for the proposed apartment building may be located in the proposed commercial parking structure, provided the number of stalls does not exceed 12% of the required apartment building parking and the number of parking stalls in the parking structure is at least 260 stalls;
4. With the proposed design and architectural details of the apartment building, including: the northeast corner having two story store front windows; the ground floor parking level having screened openings similar to window openings; the exterior material and color variations; and the building location not being directly adjacent to a public right-of-way; the two levels of podium parking and reduction in the amount of ground floor glass along the north elevation are appropriate;
5. The overall proposed apartment building design, including balconies, façade shifts, and variation in exterior materials and colors, is appropriate for the area; and
6. Based on the location, design and the exterior materials and colors being compatible with the existing office building and proposed apartment building, the proposed commercial parking structure is appropriate for the area.

Conditions:

1. This approval is contingent upon the City Council approving the general plan amendment changing the land use designation from office to mixed use and rezoning Lot 2 of the Union Woods Subdivision to include the Regional Commercial Residential Overlay.
2. The applicant shall obtain a “will serve” letter from Cottonwood Improvement District for sewer service prior to approval of the development agreement.
3. The applicant shall comply with all requirements from the City Engineer and Fire Marshal.
4. The applicant shall continue to work with Salt Lake Public Utilities in addressing and resolving any issues with the East Jordan Canal easement.
5. The apartment building and commercial parking structure shall comply with the International Building Code. At a minimum, the stairwell door proposed at the southwest corner of the parking structure will need to be relocated.

6. A snow removal plan for the site shall be prepared and approved by the City Planner.

7. A landscape plan documentation package shall be prepared. This plan shall include all plant materials, sizes and irrigation. The plan shall also include the following:
   - Protection of existing landscaping to remain.
   - Five additional street trees along Union Park Avenue to bring current office area landscaping into compliance with current street tree requirement of one tree per 30 feet of frontage.
   - Building foundation landscaping along the north elevation of residential building; and the north, south and east elevations of the commercial parking structure.
   - Twenty-five percent of the new trees and shrubs are required to be an evergreen variety.
   - One tree for every 400 square feet of landscape area.
   - Additional columnar type trees planted along the east and south parking structure elevations.

8. Detailed plans for the outdoor recreational amenity areas (courtyards) shall be prepared and reviewed by the Planning and Zoning Commission at such time as the final site plan is submitted.

9. Crosswalks, where the proposed and existing walkways cross driveways through the site, shall be stamped concrete or asphalt, or other distinguishable material.

10. The applicant shall work with the owner of The Shops at Fort Union and receive permission to construct the proposed walkway connections across The Shops’ property.

11. The applicant shall verify parking stall counts in the podium style parking in the apartment building and provide the parking layout for all levels in the commercial parking structure prior to submittal of the final site plan.

12. An exterior lighting plan, complying with the City’s exterior lighting standards, for the surface parking areas, including the existing surface parking lot, and the parking structure shall be prepared and approved.

13. The building elevations for the apartment building and commercial parking structure shall clearly show all exterior materials and colors. Color samples shall be provided to the Planning and Zoning Commission.

14. A detail of the trash enclosure for the existing office building shall be prepared. The enclosure shall provide complete screening and be compatible with the building and parking structure.

15. The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance and shall be reviewed and approved by the City Engineer, Fire Marshal and City Planner. The final site plan shall address the conditions of this approval.

16. The applicant shall work with the City in drafting a development agreement for this project site. This agreement will need to be executed in conjunction with the effective date of the ordinance approving the rezone to allow the Regional Commercial Residential Overlay. The development agreement shall
include a phasing land construction management plan addressing, at a minimum, how the existing office building will function during construction and provide temporary parking location(s) if necessary.

17. Before the final site plan is approved, the City Attorney will assure the Planning and Zoning Commission that legal issues surrounding all shared easements have been adequately resolved.

18. The applicant shall legally record the agreement to allow parking between the residential building and the commercial parking structure in perpetuity.

19. The applicant shall review with the Planning and Zoning Commission the final exterior color scheme before the final site plan is submitted, and show that the exterior finishes will not exceed the amount of stucco allowed.

20. The applicant will be responsible to provide an independent traffic study and work with the City Engineer to ensure the intersection at 1300 East and Union Park Avenue is designed to adequately handle traffic efficiently with the new development. This will be reviewed by the Planning and Zoning Commission at the time the final site plan is reviewed.

Currently, the City Engineer is reviewing the traffic study required by the Planning Commission, and the City Attorney is reviewing the existing shared easements on the property.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends that the City Council conducts the public hearing and provides the applicant and staff with a list of any items/questions that need to be addressed before a decision is made. This includes the required Development Agreement to be done in conjunction with the rezone.

**RECOMMENDED MOTION:**

“I move that we table a decision on this item, providing the applicant and staff an opportunity to address the items/issues discussed, as well as draft the development agreement for this project site which is required to be reviewed and approved in conjunction with the ordinance for the rezone.”

**Attachments:**

- Vicinity Map
- Approved Subdivision Plat
- Proposed Preliminary Site Plan
- Zoning Map
- Summary of Goals for Rezone
Union Woods
7090 S. Union Park Avenue
LEGEND:

Existing tree
(Deciduous and evergreen)
Potted plant on podium deck
Potted plant on podium deck
Proposed evergreen trees.

At least 25% of the landscaping must be evergreen.

No landscaping may be removed without replacement of equal or better quality.

A min of one tree for every 400 sf of landscaping is required for all landscaped areas.

All deciduous trees shall have a min. caliper size of two inches.

All ornamental trees shall have a min. caliper size of one and one half inches.

All evergreen trees shall have a min. height of six feet.
UNION WOODS MIDVALE, UTAH

HINES

SCALE: 1" = 20'

2ND RESIDENTIAL LEVEL OVER PODIUM LEVEL

HINES

ARCHITECTS ORANGE
144 NORTH ORANGE ST ORANGE, CA 92866 714.939.8000
WWW.ARCHITECTSORANGE.COM 08.10.2016
UNION WOODS MIDVALE, UTAH

HINES
1. EAST (FRONT) ELEVATION

2. NORTH ELEVATION

3. SOUTH ELEVATION

UNION WOODS MIDVALE, UTAH

HINES

MATERIALS AND FINISH LEGEND

1. EXTERIOR FINISH PLASTER
2. VINYL WINDOW
3. PERFORATED METAL RAILING
4. CORRUGATED METAL
5. CEMENTITIOUS FIBER-CEMENT PANEL
6. STOREFRONT WINDOW SYSTEM
7. METAL GARAGE SCREENING
8. FACE BRICK
9. CEMENTITIOUS FIBER-CEMENT SIDING

NOTE: ALL MATERIALS NOTED "URAPPROVED EQUAL"

EAST (FRONT) ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 20%
GROUND FLOOR GLASS - 10% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

NORTH ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 18% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

SOUTH ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 0% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

A-4.0 RESIDENTIAL ELEVATIONS
NORTH, SOUTH, AND EAST RESIDENTIAL ELEVATIONS
ARCHITECTS ORANGE
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KEY MAP N.T.S.

SCALE: 1” = 20’
UNION WOODS  MIDVALE, UTAH

CONCEPTUAL RESIDENTIAL PERSPECTIVES

HINES
UNION WOODS  MIDVALE, UTAH

HINES

CONCEPTUAL OFFICE PARKING STRUCTURE

OFFICE PARKING STRUCTURE (TYPICAL LEVEL)

MATERIALS AND FINISH LEGEND

1. ExTERIcR FINISH PlASTER
2. CONCRETE
3. CABLE RAILING
4. CONCRETE COLUMNS

UNION WOODS MIDVALE, UTAH

HINES

CONCEPTUAL OFFICE PARKING STRUCTURE

Scale: 1" = 20'

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A-4.3

OFFICE PARKING STRUCTURE
Union Woods – Proposed Project Meets Overlay Zone Goals

A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;
   - Project will include 209 units.
   - Will be the area’s first new high-density multifamily in years, bringing new critical mass of shoppers.
   - Is located directly adjacent to area retailers.

B. Creates a consistently high quality urban environment;
   - Hines is a premier global developer of high quality institutional projects, with 8,500 units completed or under development.
   - Architects Orange is known for its high density quality apartment project designs.
   - The materials committed to the exterior will be of high quality and the interior finishes will exceed those of other units in the area.

C. Enhances the investment of those locating within the Regional Commercial zone;
   - Retailers benefit from increased foot traffic, enhancing the value of their location.
   - Residents benefit from easy access to grocers, restaurants, and work locations.

D. Promotes economic development by increasing the utilization of existing parcels within current developments;
   - This project maximizes use and value of the property by replacing a large surface parking lot with an institutional apartment project full of new residents/customers for adjacent retail uses.
   - The project also complements the use of commercial office and has an opposite traffic pattern, i.e., apartment cars will leave the site when office cars enter the site and vice versa.

E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;
   - The project will replace over 300 surface stalls with structured and shared parking, opening up land area for vertical development.

F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and
   - The project will include new pedestrian walkways and access points that provide for comfortable and short walks from residences to retailers and offices.
   - Landscaping, open spaces, and ground-floor materials will be consistent with neighboring properties and attractive to pedestrians.

G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.
• Project walkways will tie in with neighboring walkways to allow for easy access.
• Doors around the ground floor and pedestrian connections will enable access to neighboring properties in each direction.
• Several open spaces create opportunities for gatherings and activities.
Mayor Seghini called the meeting to order at 6:34 p.m.

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS

Chief Jason Mazuran said he did not have anything to report. Councilmember Paul Hunt said McDonalds contacted him and expressed their appreciation for the efforts of the police lately with the issues they have been having. Kane Loader said there have been some issues in Fort Union area as well so he will find out more about this and get with the Chief.

Chief Stephen Higgs said the findings from the audit have been turned into action items. These items can be tracked on the UFA website as progress is made. They are starting the budget process, which will be a whole new process from what they’ve seen in previous years, but it is all improvement. He said there are no legislative issues at this point that they are concerned with.

Phillip Hill discussed having a Council member serve on the Homelessness Shelter Board. He said Councilmember Paul Hunt offered to serve on that board. He announced that the Splash Pad has been completed. He said if there is any money left in the budget, they would like to install some shade structures. He discussed several legislative bills that may impact the City.

Larry Wright reported on the two vehicles that were declared surplus and sold. A Tacoma sold for 17,207. A Ford F150 sold $19,150 which was about 850 short on the reserve so he cleared the sale with Finance prior to selling the vehicle. The bleachers were selling for about $1,050 each, which is a lot higher than anticipated.
II. **CITY MANAGER'S REPORT**  
Kane Loader discussed additional legislative bills that may impact the City.

III. **GENERAL BUSINESS**  
A. Welcome and Pledge of Allegiance

   B. **Roll Call**  
   – Council Members Paul Hunt, Wayne Sharp, Quinn Sperry, Paul Glover, and Stephen Brown were present at roll call.

IV. **PUBLIC COMMENTS**  
– There was no one present who desired to speak.

V. **COUNCIL REPORTS**  
A. Councilmember Wayne Sharp  
   – suggested postponing action on items after a public hearing is held. He said the public made a comment that they feel the decision was being made too quickly. Phillip Hill said he would look into this further and bring it back to the Council for further discussion.

   B. Councilmember Stephen Brown  
   – asked about the light on 9th Avenue. Phillip Hill said it was designed poorly and is being redesigned. At this point, it’s safer to leave it as is rather than turning it off.

   C. Councilmember Paul Glover  
   – Had nothing to report.

   D. Councilmember Paul Hunt  
   – Had nothing to report.

   E. Councilmember Quinn Sperry  
   – Had nothing to report.

VI. **MAYOR REPORT**  
Mayor JoAnn B. Seghini  
– Had nothing to report.

VII. **CONSENT AGENDA**  
A. **APPROVE MINUTES OF FEBRUARY 7, 2017**

   B. **SET DATE AND TIME (MARCH 7, 2017 AT 7:00 P.M.) FOR A PUBLIC HEARING TO DISCUSS PROPOSED AMENDMENTS TO THE FY 2017 BUDGET**

   C. **SET DATE AND TIME (MARCH 7, 2017 AT 7:00 P.M.) FOR A PUBLIC HEARING ON A TEXT AMENDMENT REQUEST TO AMEND THE ACCESSORY STRUCTURE (UNOCCUPIED) STANDARDS FOR CORNER LOTS WITHIN SINGLE FAMILY RESIDENTIAL ZONES**

   D. **SET DATE AND TIME (MARCH 7, 2017 AT 7:00 P.M.) FOR A PUBLIC HEARING ON A SUBDIVISION PLAT FOR RIVERWALK AT BINGHAM JUNCTION LOT 8 AMENDED LOCATED AT 7111 SOUTH BINGHAM JUNCTION BOULEVARD**
E. SET DATE AND TIME (MARCH 7, 2017 AT 7:00 P.M.) FOR A PUBLIC HEARING ON A REQUEST TO REZONE LOT 2 OF THE UNION WOODS SUBDIVISION LOCATED AT 7120 SOUTH UNION PARK AVENUE TO INCLUDE THE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY

MOTION: Councilmember Quinn Sperry MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

VIII. ACTION ITEM
A. APPROVE RESOLUTION NO. 2017-R-09 APPOINTING WAYNE SHARP AS MIDVALE CITY’S REPRESENTATIVE ON THE UNIFIED POLICE DEPARTMENT BOARD

Kane Loader said this is in conjunction with the Mayor winding down towards the end of her term. An elected official is required to serve on that board. Councilmember Wayne Sharp has been serving as the alternate on that board and has agreed to serve as the City’s Representative on that Board.

Chief Mazuran expressed his appreciation to Mayor Seghini for her service.

MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2017-R-09 Appointing Wayne Sharp as Midvale City’s Representative on the Unified Police Department Board. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

IX. DISCUSSION ITEMS
A. DISCUSS PROPOSED AMENDMENTS TO THE FY2017 BUDGET

Laurie Harvey reviewed the proposed amendments to the FY 2017 budget as follows:
GENERAL FUND

Carryovers from FY 2016
- SL Co grant – B&G Club - $32,800
- TRCC grant (splash pad) - $408,500
  - $41,500 received in FY 2016
- Arts Council Contribution – OSP - $30,000
- B&C Funds from FY 2016 - $93,000

Changes in estimates
- Motor vehicle tax – increase $105,000
  - From $125,000 to $230,000
- Sales tax – increase $216,000
  - From $6.7 million to $6,916,000
- Fines/forfeitures – decrease $(425,000)
  - From $1,325,000 to $900,000
- Total changes in estimates - $(104,000)
  Offset by $104,000 transfer in from Fleet Fund (Vans)

New Revenues
- SL County grant – B&C Club - $31,600
- Insurance proceeds - $9,000
  - Add to improvements – Bldgs & Grounds

Interdepartmental Transfers
- Recorder – codification - $5,000
- Non Dept. – office supplies - $(5,000)
- Parks – electricity - $3,600
- Bldgs. & Grounds – electricity - $(3,600)
- P/T to CIP – CH demo costs - $15,000
- Court – A/V in courtroom - $(5,000)
- Bldgs./grounds – personal svcs. - $(10,000)
- Personal Services
  - Intergovernmental - $(14,000)
  - Court - $(21,000)
  - Information technology - $5,000
  - Legal - $3,000
  - Streets - $6,000
  - Parks - $9,000
  - Planning & Zoning $12,000

Summary of Proposed Amendments
- Carryover revenue $564,300
- New revenue $40,600
- Transfer from Fleet Fund $104,000
• Changes in estimates $(104,000)
  ◦ Total $ 604,900
• Departmental expenditures $58,400
• Pass through to CIP $465,000
• Increase in Fund Balance $81,500
  ◦ Total $ 604,900

WATER FUND

Carryforward capital projects
• From Fund balance - $625,000

Sewer Fund
• Increase revenue estimate - $10,000
• Personal Services costs - $10,000

Storm Water Utility Fund
• Carryover from FB (Bond proceeds) for capital projects - $875,000
• Increase in revenue estimates - $35,000
• Repair storm drain outfall near FLSmith
  One-third of total cost - $35,000

FLEET FUND
• Discussion
  ◦ Surplus at year end is allocated to departmental replacement fund balances where
    necessary (according to fund).
  ◦ Operations surplus/deficit is taken into consideration when determining future year
    operations contributions.
  ◦ At end of FY 2016, the Storm Water Utility Fund had a deficit capital replacement
    balance of $56,000). Transfer from General Fund accounts to bring to $0?

Municipal Building Authority
• Carryover remaining funds for building demolition - $144,000

Miscellaneous
• Events Coordinator – Budget Retreat item
• Emergency Management Coordinator
  ◦ Posting part-time position
• Water projects related to road bond
  ◦ Issue revenue bonds in FY 2018
    ◦ Water - $2 million
    ◦ Sewer - $6 million
B. DISCUSS A TEXT AMENDMENT REQUEST TO AMEND THE ACCESSORY STRUCTURE (UNOCCUPIED) STANDARDS FOR CORNER LOTS WITHIN SINGLE FAMILY RESIDENTIAL ZONES

Matt Hilderman said the City Council made a request to review the City’s development lot standards for corner lots within the Single-Family Residential Zones (SF-1 & SF-2). The Council suggested reviewing the existing lot and development standards for corner lots and proposing an allowance for additional development on larger corner lots with existing residential homes, specifically looking at the limitation created by the lot depth standard required on corner lots.

On December 14, 2016, Staff discussed with the Planning Commission proposed language to allow an additional single family lot to be created in certain instances and on January 11, 2017, the Commission forwarded a positive recommendation of the ordinance amendment with the following motion:

“In order to provide additional opportunities for new single family detached homes in stable, residential neighborhoods and to mitigate visibility limitations on corner lots, I move that we forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 Zones corner lots as included in Attachment A but deferring a decision on ancillary buildings in those lots for further Staff review and rewriting of language.”

The current language for accessory structures within Single-Family Residential zones is identified as the following:

**Accessory Structure**
- Located no less than 6 ft. from main bldg.
- Located in either rear or side yard
- Minimum of 2 ft from rear and side lot lines, including eaves
- Height not exceed 20 ft. to mid point for sloped roof, 16 ft. to cornice for flat roof
- May range from 1 to 1½ stories
- Maximum building area is larger of 900 sq. ft. or 13% of lot area
- May not have separate electrical, gas, sewer, or water services

The initial language proposed raised concerns from the Planning Commission regarding the restriction requiring a corner lot accessory structure to be located behind a sight-obscuring fence. After further discussion with the Planning Commission, additional language was proposed that included; a minimum two-foot (2’) setback from property lines behind a sight-obscuring fence; a minimum eight-foot (8’) setback from property lines if no sight-obscuring fence is present, shall not exceed a maximum footprint of 100 sq. ft., and for every foot away from the fence/property line an additional foot of height may be allowed.

Staff provided a few proposals for further review and discussion with the Planning Commission and included language from the information and exceptions identified above.

The Planning Commission reviewed this information on February 18, 2017 and forwarded a positive recommendation to the City Council to approve the revised ordinance language with the following motion:
“In order to provide a reasonable use of individual properties for single-family homes in stable, residential neighborhoods and to protect the streetscape on corner lot developments, I move we forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 zones for exceptions to accessory structures on corner lots, as included in Attachment A.”

C. DISCUSS A SUBDIVISION PLAT FOR RIVERWALK AT BINGHAM JUNCTION LOT 8 AMENDED LOCATED AT 7111 SOUTH BINGHAM JUNCTION BOULEVARD

Matt Hilderman said the Riverwalk at Bingham Junction Lot 8 Amended Subdivision plat consists of two (2) proposed lots on a total of 2.611 acres located North of Jordan River Boulevard (7200 South), between Bingham Junction Boulevard (900 W) and 700 West. The initial subdivision plat consists of nine, existing commercial lots known as the Riverwalk Retail Center Large Scale Master Plan and identified as Lot 8 of the Riverwalk at Bingham Junction Lot 4D & 4E Amended Subdivision plat. Each lot either provides or is proposed to provide commercial and retail services, including drive-thru and sit down restaurants, to accommodate the surrounding uses. The applicant and developer, Wadsworth Development Group, are requesting subdivision approval to create a 2-lot subdivision for the existing Lot 8. In addition, this plat continues to recognize the necessary public utility providers and easements for services. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay, and the Riverwalk Retail Center Development Agreement.

This plat reflects and is consistent with the Small Scale Master Plan for the Riverwalk Shopping Center Lot 8, approved on March 3, 2016. The applicant has indicated that the existing structure for the tenant, identified as D1 Sports Training and proposed as Lot 8A, is estimated to be six-inches (6”) from the proposed lot line. The future building for Lot 8B, proposed to provide retail services, will also be six-inches (6”) from the proposed lot line, thus creating a one-foot (1’) separation between both structures. The total amount of parking stalls required for Lot 8A, based on the existing use, is estimated to be eight (8); the amended plat will provide a total of forty-eight (48) stalls, thus assigning a total of seventy-six (76) stalls remaining and available for Lot 8B. The applicant has also provided information that the pedestrian and vehicular accesses will continue to remain and be recognized in the existing declaration of covenants, conditions, and restrictions (CC&R’s).

The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall. All utility companies will need to be notified regarding utility easements and notes on the subdivision plat. For a minor subdivision approval, this request complies with the City’s subdivision requirements and final approval will require compliance with the conditions recommended below. All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body.

The Planning Commission conducted a public hearing on this subdivision plat on February 8, 2017. Based on compliance with the City’s subdivision requirements and compliance with the approved Small Scale Master Plan for the remainder of the project, the Planning Commission
forwarded a positive recommendation to the City Council to approve the amended subdivision plat for the Riverwalk at Bingham Junction Lot 8 Amended with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.
2. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Century Link Communications, and UTOPIA regarding the utility easements on the subdivision plat prior to final approval.

D. DISCUSS A REQUEST TO REZONE LOT 2 OF THE UNION WOODS SUBDIVISION LOCATED AT 7120 SOUTH UNION PARK AVENUE TO INCLUDE THE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY

Lesley Burns said the applicant, Union Woods Acquisitions Partners LLC, represented by Dusty Harris, is proposing to redevelop a portion of its existing 5.58 acre office development site located at 7090 South Union Park Avenue. Currently, the property includes a six story office building (approx. 82,000 square feet of leasable space) and surface parking. The applicant is proposing to replace the majority of the surface parking with a 209 unit apartment building and a four level commercial parking structure. The existing office building would remain on approximately 3.12 acres of the site, which would also include the proposed commercial parking structure located directly west of the office building.

The apartment building is proposed to be located on the remaining 2.46 acres of the site at the south end of the overall property. This proposal requires the following approvals from the City. (When the application was originally submitted, an amendment to the General Plan Proposed Land Use Map was also required. With the adoption of the Midvale City General Plan 2016, this is no longer necessary.)

1. A subdivision plat dividing the overall property into two lots, one lot for the office and proposed commercial parking structure and one lot for the proposed multi-family residential building.
2. A rezone of the 2.46 acre residential lot to include the Regional Commercial Residential Overlay.
3. A conditional use permit for the proposed multi-family residential use.
4. A site plan approval for the new structures and how they integrate with the existing and surrounding development.
5. A development agreement.

The City Council approved the final subdivision plat for the two lot subdivision on January 17, 2017. The applicant is completing the conditions of approval in order to record the plat.

At this time, the applicant is requesting the City Council approves the rezone request to include the Regional Commercial Residential Overlay (RCRO) on the 2.46 acres for the residential component of the proposed project (Lot 2 in the Union Woods Subdivision).
This property is currently zoned RC. The ordinance requires that a proposed development plan be submitted in conjunction with this type of rezone request. It also requires that a development agreement be executed between the City and the property owner/developer to ensure the development is constructed in accordance with the expectations of the RCRO.

To utilize the RCRO, 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.

The applicant has submitted a written summary explaining how this proposal fulfills each of these goals, as well as a proposed site plan. The City Council will need to consider this rezone request in conjunction with the proposed site plan and determine if the proposal fulfills the goals in order for the applicant to utilize the RCRO to allow the residential component of this overall project.

On October 12, 2016, the Planning Commission conducted a public hearing and reviewed the development proposal in detail. After considering the public input received and all of the information provided regarding the specific development proposal, the Planning Commission forwarded a positive recommendation to the City Council to approve the rezone request. The Planning Commission’s motion was as follows:

“Based on consistency with the General Plan, and the finding that the proposed redevelopment of the 7090 South Union Park Avenue property fulfills goals A-G of the Regional Commercial Residential Overlay and supports and enhances the existing Fort Union commercial area, I move that we forward a positive recommendation to the City Council to rezone the proposed Lot 2 of the Union Woods Subdivision to include the Regional Commercial Residential Overlay. It is recommended that the effective date of the ordinance approving the rezone be tied to the City Council’s approval and execution of a Development Agreement for the project site.”

The Planning Commission also approved the proposed preliminary site plan and conditional use permit with the following findings and conditions:

Findings:
1. With the conditions included with the Planning Commission’s approval, the proposed preliminary site plan complies with the development standards and requirements of the Regional Commercial Zone and the Regional Commercial Residential Overlay;

2. The proposed recreational amenity areas are appropriate and adequate for the proposed multi-family development in concept;

3. Because of the proposed proximity and pedestrian connections between the proposed apartment building and commercial parking structure, some of the required parking stalls for the proposed apartment building may be located in the proposed commercial parking structure, provided the number of stalls does not exceed 12% of the required apartment building parking and the number of parking stalls in the parking structure is at least 260 stalls;

4. With the proposed design and architectural details of the apartment building, including: the northeast corner having two story store front windows; the ground floor parking level having screened openings similar to window openings; the exterior material and color variations; and the building location not being directly adjacent to a public right-of-way; the two levels of podium parking and reduction in the amount of ground floor glass along the north elevation are appropriate;

5. The overall proposed apartment building design, including balconies, façade shifts, and variation in exterior materials and colors, is appropriate for the area; and

6. Based on the location, design and the exterior materials and colors being compatible with the existing office building and proposed apartment building, the proposed commercial parking structure is appropriate for the area.

Conditions:

1. This approval is contingent upon the City Council approving the general plan amendment changing the land use designation from office to mixed use and rezoning Lot 2 of the Union Woods Subdivision to include the Regional Commercial Residential Overlay.

2. The applicant shall obtain a “will serve” letter from Cottonwood Improvement District for sewer service prior to approval of the development agreement.

3. The applicant shall comply with all requirements from the City Engineer and Fire Marshal.

4. The applicant shall continue to work with Salt Lake Public Utilities in addressing and resolving any issues with the East Jordan Canal easement.

5. The apartment building and commercial parking structure shall comply with the International Building Code. At a minimum, the stairwell door proposed at the southwest corner of the parking structure will need to be relocated.

6. A snow removal plan for the site shall be prepared and approved by the City Planner.

7. A landscape plan documentation package shall be prepared. This plan shall include all plant materials, sizes and irrigation. The plan shall also include the following:
   - Protection of existing landscaping to remain.
   - Five additional street trees along Union Park Avenue to bring current office area landscaping into compliance with current street tree requirement of one tree per 30 feet of frontage.
Building foundation landscaping along the north elevation of residential building; and the north, south and east elevations of the commercial parking structure.

- Twenty-five percent of the new trees and shrubs are required to be an evergreen variety.
- One tree for every 400 square feet of landscape area.
- Additional columnar type trees planted along the east and south parking structure elevations.

8. Detailed plans for the outdoor recreational amenity areas (courtyards) shall be prepared and reviewed by the Planning and Zoning Commission at such time as the final site plan is submitted.

9. Crosswalks, where the proposed and existing walkways cross driveways through the site, shall be stamped concrete or asphalt, or other distinguishable material.

10. The applicant shall work with the owner of The Shops at Fort Union and receive permission to construct the proposed walkway connections across The Shops’ property.

11. The applicant shall verify parking stall counts in the podium style parking in the apartment building and provide the parking layout for all levels in the commercial parking structure prior to submittal of the final site plan.

12. An exterior lighting plan, complying with the City’s exterior lighting standards, for the surface parking areas, including the existing surface parking lot, and the parking structure shall be prepared and approved.

13. The building elevations for the apartment building and commercial parking structure shall clearly show all exterior materials and colors. Color samples shall be provided to the Planning and Zoning Commission.

14. A detail of the trash enclosure for the existing office building shall be prepared. The enclosure shall provide complete screening and be compatible with the building and parking structure.

15. The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance and shall be reviewed and approved by the City Engineer, Fire Marshal and City Planner. The final site plan shall address the conditions of this approval.

16. The applicant shall work with the City in drafting a development agreement for this project site. This agreement will need to be executed in conjunction with the effective date of the ordinance approving the rezone to allow the Regional Commercial Residential Overlay. The development agreement shall include a phasing land construction management plan addressing, at a minimum, how the existing office building will function during construction and provide temporary parking location(s) if necessary.

17. Before the final site plan is approved, the City Attorney will assure the Planning and Zoning Commission that legal issues surrounding all shared easements have been adequately resolved.

18. The applicant shall legally record the agreement to allow parking between the residential building and the commercial parking structure in perpetuity.

19. The applicant shall review with the Planning and Zoning Commission the final exterior color scheme before the final site plan is submitted, and show that the exterior finishes will not exceed the amount of stucco allowed.

20. The applicant will be responsible to provide an independent traffic study and work with the City Engineer to ensure the intersection at 1300 East and Union Park Avenue is designed to adequately handle traffic efficiently with the new development. This will be
reviewed by the Planning and Zoning Commission at the time the final site plan is reviewed.

X. CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

MAYOR: Mayor JoAnn B. Seghini

COUNCIL MEMBERS: Council Member Wayne Sharp
                       Council Member Stephen Brown
                       Council Member Paul Glover
                       Council Member Paul Hunt
                       Council Member Quinn Sperry

STAFF: Kane Loader, City Manager; Phillip Hill, Asst. City Manager/CD Director; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; and Lisa Garner, City Attorney.

MOTION: Councilmember Wayne Sharp MOVED to go into a closed session to discuss the character, professional, competence, or physical or mental health of an individual. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

The Council went into closed session at 8:31 p.m.

MOTION: Councilmember Wayne Sharp MOVED to reconvene into open session. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

The Council reconvened into open session at 9:17 p.m.

XI. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.
The meeting adjourned at 9:17 p.m.

Rori L. Andreason, MMC  
H.R. DIRECTOR/CITY RECORDER

Approved this 7th day of March, 2017.
SUBJECT: Discussion regarding amendments to the TOD zone and the creation of the TOD Overlay Zone

SUBMITTED BY: Phillip Hill, Assistant City Manager/Director CD

SUMMARY:

The amendment before the Council would amend the current TOD zone, reducing the maximum allowable height from 7 stories to 3 stories and reducing the maximum allowable density from approximately 100 residential dwelling units per acre to 25 residential dwelling units per acre. Also, as part of this amendment, a new TOD Overlay zone that could be applied to properties within the TOD zone through a rezone process would be created, allowing up to 85 residential dwelling units per acre and a maximum allowable height of 7 stories. Through discussions with the Planning Commission on how these two zones would be applied, staff has drafted a map for each TOD area reflecting boundaries for the TOD and TOD Overlay zones at the request of the Commission. These boundaries are not final and may be amended by the City Council as a part of this process.

Any properties zoned TOD with the final action of the City Council will be eligible for a rezone to the TOD Overlay zone through a rezone process involving public hearings with both the Planning Commission and City Council. As a part of the rezone process, a development agreement will be required between the city and the developer to memorialize site plan approvals and any conditional use permit approvals. The rezone and development agreement would be approved at the same City Council meeting and any requested changes to the project would be required to go back before the approving bodies. Any parcel zoned TOD Overlay through this process will be afforded all of the applicable development rights of that zone without need for a rezone process. It should be noted that whether a rezone is necessary or not, the developer will be required to enter into a development agreement with the City.

The Midvale City General Plan 2016 sets goals for public transit and associated opportunities in the City. The goal to “Develop standards in the vicinity of the Center Street and 7200 South TRAX Stations for mixed-use and transit oriented developments that take advantage of the proximity of transit while protecting the character of adjacent residential neighborhoods.” has helped to inform many of the recommended changes. Through the adoption of an amended TOD zone and the implementation of the TOD Overlay zone, standards will continue that take advantage of the proximity of the transit system while looking at identified parcels on a case by case basis to ensure the protection of the character of the adjacent stable residential neighborhoods as those parcels redevelop.
As part of these proposed ordinances, the following amendments are proposed to clean up and clarify existing language:

- **TOD**
  1. Single Family clean up (setbacks [porches, garages front setback], parking, accessory structures)
  2. Fencing height and materials
  3. Adding access management to multi-family
  4. Removal of street accessed garage requirement; not practical
  5. Clarifying that recreation amenities are not a requirement of commercial development

- **TOD Overlay**
  1. Residential open space 30% (TOD up to 40%)
  2. No changes to setbacks or buffering standards

Following a Public Hearing on February 08, 2017, the Planning Commission directed staff to provide the following:

1. Maximum heights and densities in TOD zones of surrounding jurisdictions; and
2. Map options including the elimination of certain parcels in the 7800 South TOD Overlay area and the inclusion of certain parcels in the 7200 South TOD Overlay area.

Included below is a synopsis of the maximum heights and densities allowed in surrounding jurisdictions. A copy of the actual text is included as an attachment.

<table>
<thead>
<tr>
<th>City</th>
<th>Maximum Height (stories)</th>
<th>Maximum Density (du/ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draper</td>
<td>4</td>
<td>35</td>
</tr>
<tr>
<td>South Jordan (I-15)*</td>
<td>20</td>
<td>Negotiated with City Council</td>
</tr>
<tr>
<td>South Jordan (town centers)*</td>
<td>5</td>
<td>Negotiated with City Council</td>
</tr>
<tr>
<td>Murray***</td>
<td>5+</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Sandy</td>
<td>Planned as an area</td>
<td>Planned as an area</td>
</tr>
<tr>
<td>South Salt Lake</td>
<td>Planning Commission above 4</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>

*One development approved at 17.8 du/ac; another at 52.8 du/ac
**One development approved at 36.2 du/ac
***Height may increase 1 foot for every foot beyond 100 feet from the nearest residential zone district

Also included as attachments are the maps requested, and two written appeals. The first appeal is from the owners of the parcel located at 7300 South and 300 West. The appeal requests that this parcel be included in the 7200 South TOD Overlay. The second appeal is from ICO Multifamily Holdings, owners of the Applewood Mobile Home Park. Their appeal
requests that the City consider increasing the TOD density from 25 to 35 dwelling units per acre, allowing for 4 stories rather than 3 as is allowed in the RM-25 zone, and counting roads, railroads and the like in the residential buffer calculations.

**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION (MOTION READY):**

N/A

**Attachments:**

- Proposed TOD & TOD Overlay text
- Proposed map amendments
- Written appeals
- Surrounding jurisdiction ordinances
Proposed TOD Overlay

TOD 37-foot buffer = 3 stories
TOD 66-foot buffer = 4 stories
TOD 83-foot buffer = 5 stories
TOD 100-foot buffer = 6 stories*
TOD 116-foot buffer = 7 stories*

* 6- and 7-story buildings are limited to structures directly adjacent to the State Street and 7200 South rights-of-way
Proposed TOD Overlay

TOD 37-foot buffer = 3 stories
TOD 66-foot buffer = 4 stories
TOD 83-foot buffer = 5 stories
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* 6- and 7-story buildings are limited to structures directly adjacent to the State Street and 7200 South rights-of-way
Proposed TOD Overlay

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Proposed TOD Overlay

- TOD 37-foot buffer = 3 stories
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- TOD 100-foot buffer = 6 stories*
- TOD 116-foot buffer = 7 stories*

* 6- and 7-story buildings are limited to structures directly adjacent to the State Street and 7200 South rights-of-way
A. Density: Consistent with the goals and objectives of the TSD, there shall be no maximum residential density or nonresidential intensity in the TSD. The following minimum residential densities are required in those portions of a TSD intensity area where residential uses are proposed to be built:

- TSD-1: Thirty five (35) du/ac.
- TSD-2: Fifteen (15) du/ac.
- TSD-3: Five (5) du/ac.

B. Required Buffer: An average two hundred foot (200') wide, with a minimum one hundred foot (100') wide, recreational or public use space buffer is required immediately south of and adjacent to the existing Galena Hills Subdivision. There shall be no buffer required east of the west right of way boundary of Galena Park Boulevard, as shown in section 9-14-110, exhibit 9-14-1 of this chapter. This buffer shall be extensively landscaped and extend the length of the existing single-family residential development, and is meant to assist in transitioning from the smaller scale of the existing residential development to the taller, denser development of the TSD. Public infrastructure, including roadways and related improvements may be located within the required buffer area only for the purpose of providing connectivity to existing or proposed street rights of way. The provision of this connectivity may be for permanent or temporary connections to the existing or realigned Galena Hills Boulevard right of way and shall be provided in a manner that the street connection within the buffer area is minimized to the greatest extent possible for the most reasonable alignment. With the exception of the connection to the existing or realigned Galena Hills Boulevard, there shall be no streets or roadways allowed within the buffer area. Those portions of residential or commercial buildings that are located within the area that is within fifty feet (50') of the required buffer shall be limited to a maximum of thirty six feet (36') in height.

C. Building Height: Massing and shadow studies will be required as part of site plan approval, and can be used as justification to modify the maximum or minimum heights allowed. Consistent with the goals and objectives of the TSD, there shall be no maximum building height in the TSD. Unoccupied accessory buildings shall have no minimum height requirement. The following minimum heights are required, unless minimum height standards are modified as part of the MAP, site plan approval process, or in order to comply with the buffer requirements of subsection B of this section:

- TSD-1: Forty five feet (45').
- TSD-2: Thirty six feet (36').
- TSD-3: No minimum.
A. Purpose Of The MU-TOD Subdistrict: The purpose of this subdistrict is to encourage the development of high intensity regional mixed land uses with maximum building height and bulk standards conducive to transit oriented development. The focus of such uses would be in appropriate areas along Jordan Gateway and I-15 in proximity to the "FrontRunner" Commuter Rail Station.

B. Permitted Uses: The following uses shall be permitted in the MU-TOD subdistrict:

- Accessory uses.
- Agriculture without livestock or poultry.
- Banks, credit unions, financial institutions without drive-up facilities.
- Business services.
- Educational facilities.
- Medical and dental offices or clinics.
- Office services.
- Personal services.
- Residential facility for disabled persons as required by state law.
- Restaurants without drive-up facilities.
- Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-TOD subdistrict:

- Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.
Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

Parks and recreational activities.

Preschool center facility.

Public buildings.

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure.

D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Commercial</th>
<th>Office</th>
<th>Vertical Mixed Use</th>
<th>Public And Quasi-Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum building height</td>
<td>1 story, extended¹</td>
<td>3 stories</td>
<td>2 stories</td>
<td>1 story, extended¹</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>20 stories²</td>
<td>20 stories²</td>
<td>20 stories²</td>
<td>3 stories</td>
</tr>
</tbody>
</table>

Notes:
1. Vertical architectural elements that make the buildings appear greater than 1 story.
2. "Step back" architecture may be required wherein building height adjacent to public streets may be limited in order to enhance pedestrian design.

17.74.100: REQUIREMENTS UNIQUE TO THE MIXED USE TOWN CENTER (MU-TC)

SUBDISTRICT: 🌐 -

A. Purpose Of The MU-TC Subdistrict: The purpose of this subdistrict is to encourage the development of medium intensity community and town center mixed uses with a "village" look and feel (i.e., human scale, pedestrian friendly, architecturally diverse). The location of such uses would be in appropriate locations along portions of Redwood Road and South Jordan Parkway, with a focus on the area around city hall and the South Jordan Towne Plaza.
B. Permitted Uses: The following uses shall be permitted in the MU-TC subdistrict:

- Accessory uses.
- Agriculture without livestock or poultry.
- Banks, credit unions, financial institutions without drive-up facilities.
- Business services.
- Educational facilities.
- Healthcare facilities and services.
- Medical and dental offices or clinics.
- Office services.
- Personal services.
- Residential facility for disabled persons as required by state law.
- Restaurants without drive-up facilities.
- Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-TC subdistrict:

- Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.
- Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.
- Churches, excluding temporary revival tents or structures.
- Daycare center facility.
- Health and fitness centers.
- Park and recreational activities.
- Preschool center facility.
- Public buildings.
- Public or private schools.
Restaurants with drive-up facilities located to the rear of the structure.

D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Commercial</th>
<th>Office</th>
<th>Vertical Mixed Use</th>
<th>Public And Quasi-Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum building height</td>
<td>1 story, extended&lt;sup&gt;1&lt;/sup&gt;</td>
<td>1 story, extended&lt;sup&gt;1&lt;/sup&gt;</td>
<td>2 stories</td>
<td>1 story, extended&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>4 stories&lt;sup&gt;2&lt;/sup&gt;</td>
<td>4 stories&lt;sup&gt;2&lt;/sup&gt;</td>
<td>5 stories&lt;sup&gt;2&lt;/sup&gt;</td>
<td>3 stories</td>
</tr>
</tbody>
</table>

MURRAY

17.146.060: HEIGHT REGULATIONS:

A. Height Restrictions: There are no height restrictions in the district except as provided herein. The height of a structure located within one hundred feet (100') of the nearest boundary of a residential zone district may not exceed fifty feet (50'). Beyond one hundred feet (100'), the building height may increase one foot (1') of height for each additional one foot (1') of setback from the residential zone district.

B. Measurement Of Distances:

1. For purposes of this section, the width of public or private roadways shall be included in computing setback distances. For example, if a roadway is located on the boundary of a residential zoning district, the measurements required under this section shall be made from the property line of that roadway which is nearest the residential use or zone. Otherwise, the measurement shall be made from the residential zoning district boundary.

2. Setback distances to structures located pursuant to this section shall be measured from the nearest residential zoning district boundary, except as otherwise provided in this section, to the nearest exterior wall of the structure.

3. Where residential zoning is separated from the mixed use zone by a federal interstate highway the height restrictions of this chapter shall not apply.
C. Authority: Nothing in this section shall be construed to limit the authority of the planning commission or community and economic development staff to review building materials, design elements and other aesthetic considerations as it deems proper to mitigate or modify the visual impact of the height of buildings upon surrounding land uses. (Ord. 10-04 § 2)

17.146.030: PERMITTED USES:

A. A use not specifically designated is prohibited. The inclusion of a major heading includes all subcategories listed under the major heading unless otherwise excepted.

B. The following uses are permitted in the district (where square foot limits are specified, they shall apply to individually operating businesses, not to the entire property):

<table>
<thead>
<tr>
<th>Use No.</th>
<th>Use Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Household units (except 1110, 1112, 1114, 1115, 1116, 1121, 1122; no density limit; condominiums by conditional use permit only).</td>
</tr>
<tr>
<td>1210</td>
<td>Residential facility for disabled persons.</td>
</tr>
</tbody>
</table>

17.146.040: CONDITIONAL USES:

The following uses and structures are permitted in the district only after a conditional use permit has been approved by the planning commission and subject to the terms and conditions thereof:

<table>
<thead>
<tr>
<th>Use No.</th>
<th>Use Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1140</td>
<td>Condominium, low rise or garden type (no density limit).</td>
</tr>
<tr>
<td>1150</td>
<td>Condominium, high rise (no density limit).</td>
</tr>
<tr>
<td>1210</td>
<td>Rooming and boarding houses (no density limit).</td>
</tr>
<tr>
<td>1515</td>
<td>Transient apartments rented by day or week (no density limit).</td>
</tr>
<tr>
<td>2000</td>
<td>Manufacturing industries (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).</td>
</tr>
</tbody>
</table>
17.13.210 - Transit oriented development overlay-core (TOD-C) district.

A. Purpose. The purpose of the transit oriented development-core (TOD-C) overlay district is to use incentives to encourage property owners adjacent to or near existing transit station to develop their property using transit oriented design principles while preserving rights under the existing base district designation. TOD-C overlay districts are established generally within one-half mile of transit stations. There is no maximum density prescribed for the TOD-C overlay district.

B. The TOD-C district is established:
1. To promote new, well-integrated high-density residential, commercial, office, institutional and other employment center development close to TRAX and transit stations;
2. To ensure that new development takes advantage of compatible, higher density, transit friendly, design opportunities in close proximity to transit systems in order to provide options for economic development and diversity;
3. To encourage pedestrian orientation and human scale in new development and promote public infrastructure that supports transit use and mixed-use development;
4. To manage parking and vehicular access utilizing shared parking and driveway access, and quality design of drive-through areas, to avoid pedestrian conflicts;
5. To promote residential development that is compatible with surrounding uses and that is of sufficient scale to create functional mixed use neighborhoods near transit; and
6. To encourage, through design, configuration, and mix of buildings and activities, a pedestrian-oriented environment which provides settings for social interaction and active community life.

C. Uses. In the transit oriented development overlay-core district, uses, buildings, structures or land shall not be used or developed except in accordance with the adopted land use matrix as found in Chapter 15 of this title. The overlay district shall not allow uses that are otherwise prohibited in the base district, unless specifically noted as a permitted or conditional use in the commercial land use matrix under Chapter 15.

D. Applicability. A property owner shall follow the provisions of the transit oriented development overlay-core district when developing or changing the use of property. If T.O.D. provisions are adopted as part of a development the city may allow for increased building heights, decreased setbacks and decreased parking requirements. For such incentives the city may require increased building architecture and site design features.
17.24.360 - Determination of allowable height.

A. Allowable Height. The maximum height of buildings shall be determined considering criteria including the following:

1. Appropriate maximum height relative to the surrounding area and properties;
2. Visual and aesthetic effects relative to any adjoining properties, as well as effects on light and air flow;
3. The zoning and uses of adjacent properties which may be adversely affected;
4. Effects of the allowed height relative to the existing and/or anticipated infrastructure, i.e. available parking, traffic, access control, drainage, and provision of utilities;
5. The location on the site shall be an important design consideration relative to the maximum height allowed.

B. Heights Greater than Forty-five (45) Feet. For all locations where buildings and/or developments have proposed heights of forty-five (45) feet or greater, the following additional standards shall apply:

1. Planning Commission Approval Required. All proposed heights greater than forty-five (45) feet shall require design review approval by the planning commission following procedures as set forth in this chapter.
2. Mitigation of Impacts to Scale. Where greater heights are proposed, the city may require the provision of amenities intended to mitigate the effects of the greater height with regard to providing a human scale at the street level on the site. The city may require the inclusion of plazas, appropriate landscaping, street oriented objects such as benches, planters, street lights and lamp posts, and other such items as deemed appropriate considering the particular development.
3. Mitigation of Impacts to Infrastructure. Where greater heights are proposed, the city may require the provision of additional measures to mitigate impacts directly related to the increased density of such a building. These may include underground or other structured parking, traffic control devices, street and capital facilities improvements, and other such items as deemed appropriate by the city.
4. Architectural Features Required. Where greater heights are proposed, the city may require the provision of architectural features at the street level, which are sufficient in detail to be compatible with and enhance the pedestrian and vehicle traffic at the scale of the street on which the building is located.

(Ord. 02-12 § 1 (Att. A (part)))
February 14, 2017

Midvale City Recorder
7505 South Holden Street
Midvale, UT 84047

Subject: APPEAL ON PROPOSED TOD ZONING;
OLD TRIANGLE INVESTMENT COMPANY PROPERTY
LOCATED AT 7300 SOUTH 300 WEST

Old Triangle Investment Company has Commercial Buildings know as Park 7300 and as well as a Commercial lot next to Park 7300, location is 7300 South 300 West Midvale, which is a part of the TOD Zoning.

In the Midvale City, Public Meeting held on February 8, 2017. It was purposed by the Planning Commission Staff to not include Park 7300 as part of the TOD Overlay. We strongly disagree and would like Midvale City Planning Commission to include Park 7300 as part of the TOD Overlay, for the stated reasons:

All surrounding Buildings; Motel-6, LaQuinta Inn, McDonalds, Business Building, Denny’s Diner, Chevron Service Station, Commercial Lot, East Side of 300 West, Harts Service Station, West Wind Karate, and Days Inn. All on the same block as Park 7300, which the planning Commission has designated them as part of the TOD Overlay. Which leaves out Park 7300 and not allowing the land to be used to its full potential. Nor does it make sense to leave only this parcel of land out of the TOD Overlay. Where Park 7300 is located is the perfect set up for a TOD OVERLAY property and uses the land to its highest potential and highest possible revenue for Midvale City.

Park 7300 has a natural road buffer which wraps around the east side (300 west) and the south side (Millennium Way) of Park 7300, this road also exits out onto the frontage road. Making easy freeway access to I-15 and I-215. There is easy ingress and egress with a traffic light on 7200 South 300 West. Park 7300 is within walking distance of Trax. Which is what was intended for high density developments.

Across Millennium Way on the south side of Park 7300 are storage units zoned TOD and to the east of the storage units on the corner is a commercial lot Zoned TOD which creates a buffer. Also, east side of 300 west are only Commercial Buildings zoned TOD Overlay.

The 300 West Street does not go through to any residential neighborhoods instead wraps around Park 7300 and turns in to Millennium Way. There is a dead end with grass and curb and gutter. There are buffers around Park 7300 and there for we see no reason Midvale City would not have it included in the TOD Overlay Zone.

Old Triangle Investment has listed Park 7300 and our Commercial lot to the north to be sold as one development. It is to not only to our benefit to have Park 7300 included in the TOD Overlay but also to allows the land to be used to its full potential and bring in the highest possible revenue to Midvale City.

Due to the confusion and hold on TOD Zones and changes to include TOD Overlay, we have lost two potential developers whom had funding from a Federal TOD zoned program. Developers couldn’t invest
time nor money in the development not being sure if they could build their development. And having to reapply and wait to see if their project for the TOD Overlay will only discourage developers from purchasing the land.

We have two developers interested in all of our property (park 7300 7 Commercial Lot) pending the outcome of the TOD Overlay and if the property is included. Old Triangle Company ask that you include Park 7300 as part of the TOD OVERLAY.

Please also consider moving as many uses as possible from the “Conditional” column to the “Allowed” column in Table 17-7-17.2. The planning staff should be able to approve plans that fully comply with all zoning issues. The “Conditional” approval requires another public hearing process that discourages developers (before you ever see the concept). The public hearing process for approval of a conditional use is unreasonable arduous for a plan that fully complies with all zoning requirements, as identified in the Midvale City’s zoning ordinances (which already went through a full public hearing process). Conditional uses are not good for developers (and not much better for cities that want revitalization).

The density of units in the TOD zone is not actually how densities are determined. Densities are determined by height restrictions and parking requirements. The density restriction is unnecessarily restrictive.

Parking ratios are unreasonably high for a “Transit Oriented Development”, which was designed to secure federal transportation funds (for Trax) and encourage density. This in turn was meant to encourage the use of the mass transit systems (called Trax locally). This was all part of a commitment to the US Government to receive funds for Trax, in anticipation of the 2002 Olympics. Anything the dilutes the densities is a failure to honor the promise made by Midvale City to the US Government. Please honor the promises made by your predecessors in Midvale City Government and remove density limits from the TOD zone (as originally designed).

We appreciate your time in reviewing our appeal and hope to have the outcome which will allow a developer to utilize the land to its highest potential and bring the highest possible revenue to Midvale City.

Included in this packet are some pictures of the Park 7300 and surrounding areas.

Sincerely,

Karl Freeman
Old Triangle Investment Company
801-205-9205
Phill,

I appreciated the staff presentation and discussion for the TOD Amendment heard before Planning Commission last week. I also appreciated that Councilman Wayne Sharp was in attendance to gather information from the hearing. I represent ICO Multifamily Holdings and during the public hearing I expressed general concerns about city initiated downzoning without property owner consent or involvement.

Specifically, I expressed concern about the 25 units per acre density that is proposed for properties not included in the TOD Overlay zone, which means the approximately 8 acres we own, the Applewood Trailer Park. I shared with the Planning Commission that a density closer to 35 to 40 units to the acres more correctly aligns with three story buildings. I am happy the Planning Commission tabled the TOD Amendment until they had opportunity to study it further.

I mentioned to the Planning Commission several three story projects that ICO has recently built along the Wasatch front with densities greater than the proposed 25 units per acre. Attached is a PDF of the site plans, elevations, and interior finishes for these projects for your review and sharing with the Planning Commission and others on the staff that are preparing information for the Commissioners to review.

You mentioned to the Commission that the 25 units per acre for the TOD Amendment was based upon RM-25 zoning. We have now studied the RM-25 zoning and have determined that the TOD Amendment is more restrictive than the RM-25 zoning because the RM-25 zone allows for density greater than 25 units per acre because of bonus density for master planning. RM-25 also allows for 4 story buildings, and the TOD Amendment limits height to three stories in certain areas, including Applewood. Fundamentally, TOD zoning should invite development at densities greater than non-TOD locations governed by the RM-25 zone.

We encourage the Planning Commission to modify the TOD Amendment to allow densities of 35 units per acre instead of the proposed 25 units per acre.

Also, upon further study of the proposed TOD buffer zones, we don't think it makes sense to require as much buffer along the Trax line. The Trax line already provides an approximate 50’ buffer from neighboring residential communities. It seems excessive to require an additional 37’ buffer for three story buildings, which combined with the Trax right-of-way is an 87’ buffer.

Thanks again for allowing our voice to be heard.

Darin E. Haskell
Ivory Development, Secretary
801-520-9163
Midvale City – Planning Commission Discussion

Development Examples & Amended TOD Zoning Implications

February 9th, 2017
Today’s Discussion

- Development Examples of market viable TOD product contemplated for ICO owned land, at some point in the future.
  - Park Lane Village; Farmington, Utah
  - Residences at Monteval; Orem, Utah
  - Residences at The District; South Jordan, Utah

- MF-25 vs. New TOD Zoning
Park Lane Village – Farmington, UT

- Units: 324
- Owner Site Acres: 9.65 (33.6 units/acre)
- Total Parking: 635 (1.92 stalls per unit)
  - Garages: 182
  - Stalls/Carparks: 453
Park Lane Village – Exteriors, Amenities, Exteriors
Park Lane Village – Clubhouse (won Clubhouse of the Year by UAA)
Residences at Monteval – Orem, UT

- Units: 132
- Acres: 4.17 (31.65 units/acre)
- Total Parking: 235 (1.78 stalls per unit)
  - Garages: 75
  - Stalls/Carparks: 160
Residences at Monteval – Exteriors, Elevations, Amenities
Residences at Monteval – Clubhouse
Residences at Monteval – Model Units
Residences at The District – South Jordan, UT

- Units: 258
- Acres: 10.05 (25.67 units/acre)
- Total Parking: 493 (1.90 stalls per unit)
  - Garages: 323
  - Stalls/Carparks: 170
Residences at The District – Exteriors, Elevations, Amenities
Residences at The District – Clubhouse
Residences at The District – Model Units
Today’s Discussion

- Development Examples of market viable TOD product contemplated for ICO owned land, at some point in the future.
  - Park Lane Village
  - Residences at Monteaval
  - Residences at The District

- Implications of New TOD Zoning
  - MF-25 vs. New TOD Overlay Zoning
  - TOD Overlay Zone
# RM-25 vs. TOD Zoning

<table>
<thead>
<tr>
<th></th>
<th>Current TOD Zoning</th>
<th>PROPOSED TOD Zone (More restrictive)</th>
<th>RM-25 Zone</th>
<th>Notes</th>
</tr>
</thead>
</table>
| **Density**      | • 100 units per acre  
• Applewood is limited to 3 stories at the current zoning, but can allow for 100 units to the acre. | • 25 units per acre  
• Proposed density limits financial feasibility, especially with new setbacks 66’ setbacks. | • 25 units per acre  
• *PC can award a density bonus of up to 10% for master planning if certain criteria is met | 1. Proposed TOD Zone is more restrictive on density than RM-25  
2. Project is financially unfeasible at 25 units/ac.  
3. TOD Zoning does award parking benefit over RM-25.  
See page 68 of the PCPacket020817.pdf |
| **Parking Ratio**| Unit within 1/8-mile of transit stop:  
• 1.25 stalls per 1BR  
• 1.25 stalls per 2BR  
• 1.50??? stalls per 3BR  
• Guest= +1 stall per 4 units | Same as Current TOD Zoning. | • 1.5 stalls per 1BR  
• 2 stalls per 2BR  
• 2.5 stalls per 3BR  
• Guest= space per every 4 units  
*can be lowered with PC approval |  |
| **Setback Req’** | • Front – 15’  
• Side – 0’ + landscape buffer  
• Rear – 0’ + landscape buffer | • Front – 15’  
• Side & Rear – 0’ + landscape buffer  
• Rear – 0’ + landscape buffer  
• BUT | • Front – 25’  
• Side – 10’  
• Rear – 20’ | RM-25 is more restrictive than TOD  
2. TOD Zone is more restrictive on bldg. height. |
| **Bldg Height**  | • Max height of 7 stories (only if project has frontage on State or 7200 S.) | • Maintains max of 7 stories within certain State & 7200 S. Frontage  
• Applewood is limited to 4 stories if 66 foot setback is maintained. | • 1-4 stories  
• Max height of 42’  
*May increase with PC approval |  |
| **Open Space**   | • 25% min. req for open space/ common amenities | • 25% min. req for open space/ common amenities | • 40% open space, with roads/trails linking to other trails (e.g. trail to TRAX station). | TOD allows for less open space  
3. RM-25 could allow for 4 stories; TOD zone could limit to 3 stories. |
| **Landscape Req.** | • Min. 15% requirement, including common amenities (clubhouse) | • Min. 15% requirement, including common amenities (clubhouse) | • Min 25%, but reduced landscaping is allowed if certain criteria met. | TOD Zone allows for less landscaping, but RM-25 can get there. |
| **Additional Incentives?** | No incentives are clearly defined. | No incentives are clearly defined. | RM-25 contains additional density, reduced parking, and other incentives for being a Master Planned Development. | See 17-7-4.9 Master planned development of the Midvale City Code  
If an RM-25 zoned project is master-planned, RM-25 could have higher density, equal parking ratios, etc. as a TOD Zone. |
Applewood is adjacent to UTA Trax Line, NOT neighboring residential. Would a 66’ Buffer or setback still be applicable in this case?

Recommend reducing TOD buffer setback from 66-feet.
Overview of Discussion Points

1. Density
   - The New TOD Zone lowers density from 100 units/acre to 25.
   - **TOD Zone is now more restrictive than RM-25**, which allows for 10% density bonus and other incentives for master planning.
   - **Applewood is financially unfeasible at 25 units/acre**.

2. Building Height
   - Applewood is now limited to 3 stories given the proposed density.
   - **TOD Zone is more restrictive than RM-25 Zone**, which allows up to 4 stories. **There is no benefit to being within a TOD Zone**.

3. Additional Incentives
   - The RM-25 Zone allows for additional incentives for Master Planning. Those incentives include, increased density, increased building height, reduced setbacks, reduced parking ratio, and more.
   - **The TOD Zone is not given additional incentives**. Unfortunately, this ensures the proposed TOD Zone is more restrictive, and a RM-25 zoned property could enjoy more flexibility, more density, etc. with proper approvals.

4. The New TOD Buffer Zone
   - Applewood’s East Property Line is adjacent to the UTA Trax Line and not residential. Therefore, **Buffer Zones on east property line should be removed/reduced because impact to residential is minimized**.
   - Would this buffer zone apply in this case? See Map on Slide 17.

Recommendation

- **Increase density to 35-40 units/acre**
- **Allow up to 4 stories on Applewood site**, consistent with the latest RM-25 zoning.
- **No action needed**. Just recognize that RM-25 can be more flexible and preferable to TOD Zoning.
- **Reduce west TOD Buffer**, because property is adjacent to UTA, NOT residential
Chapter 17-7-8
TRANSIT-ORIENTED DEVELOPMENT ZONE (TOD)

Sections:

17-7-8.1 Purpose.
17-7-8.2 Uses.
17-7-8.3 Single family residential lot development standards.
17-7-8.4 Medium and high density residential development standards.
17-7-8.5 Retail, office and mixed-use development standards.
17-7-8.6 Retail, office and mixed-use architectural standards.
17-7-8.7 Required landscaping.
17-7-8.8 Parking.
17-7-8.9 Utilities.
17-7-8.10 Signs.
17-7-8.11 Conditional use standards of review.
17-7-8.12 Live/work units.
17-7-8.13 Itinerant merchants.
17-7-8.14 Related provisions.

17-7-8.1 Purpose.

The purpose of this chapter is to provide standards for the development of land parcels within the transit-oriented development (TOD) zone. Development in this zone is intended to provide for traditionally suburban development, as a transition to the more urban development pattern allowed under the separate Transit Oriented Development Zone Overlay (TODO) and to:

A. Allow for and encourage high-quality transit-oriented development characterized by a mix of commercial and residential uses;

B. Revitalize areas proximate to TRAX and transit stations;

C. Encourage ground level retail uses that open directly onto sidewalks adjacent to public streets, and upper floor office and residential uses;

D. Allow a mix of uses and development that are compatible with adjacent residential neighborhoods;
E. Require coordinated, thematic landscaping to provide a distinctive visual quality to the area;

F. Require pedestrian connections within and among developments and between adjacent neighborhoods;

G. Manage parking and vehicular access utilizing shared parking and driveway access, with on-street parking and parking located behind buildings or in the interior of the block; and

H. Encourage, through design, configuration, and mix of buildings and activities, a pedestrian-oriented environment and provide settings for social interaction and active community life with wide sidewalks, focal points, street trees and street furniture.


17-7-8.2 Uses. If a use is not specifically designated, it is prohibited.

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Table 17-7-8.2

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17-7-8.3 Single family residential lot development standards.

The following development standards apply to all single family detached residential lot subdivisions in the residential land use areas. These are traditional single family residential lots that do not require additional open space and common areas within the development.

A. Lot Standards. Minimum area: The minimum lot area is three thousand five hundred square feet, subject to the following regulations:

1. Lot Width. The minimum lot width is forty-five feet, measured at the front setback line.
2. Lot Frontage. The minimum lot frontage is forty-five feet, unless the proposed lot is on the curve of a cul-de-sac, then the minimum lot frontage is thirty-five feet.

3. Lot Depth. The minimum lot depth is seventy-five feet, unless the proposed lot width is at least sixty-seven feet, then the minimum lot depth shall be sixty-seven feet. Corner lots must meet the minimum lot depth from both street frontages.

B. Setbacks. The minimum setbacks for primary structures in single family detached residential lot subdivisions are as follows:

1. Front. The minimum front yard setback is fifteen-twenty feet.
   a. Corner Lot Rule. Corner lots have two front yards.
   b. Exceptions. The following exceptions apply to all front yard setbacks in the zone:
      i. Front Porch. An open, front entry porch may encroach eight feet into the front yard setback.
      ii. Projections. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the front yard up to two and one-half feet.
      iii. Impervious Surfaces. A driveway with a width of twenty feet or forty percent of the lot frontage, whichever is greater, ten feet and a sidewalk of up to five feet in width from the driveway or street to the front door. The driveway may extend an additional ten feet in width behind the sidewalk.

2. Side. The minimum side yard setback is four-five feet, subject to the following exceptions:
   a. Distance Between Buildings. There shall be a combined minimum of ten feet between buildings.
   b. Projections. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet. If the front porch wraps around the structure, it may project into the side yard up to two feet.
eb. Stairs and Balconies/Landings. Outside stairways and balconies/landings required by building code for exterior doorways may project into the ten-foot combined separation side yard up to three feet but may not project into the required four-foot side yard.

3. Rear. The minimum rear yard setback is fifteen feet, subject to the following exceptions:

a. Corner Lot Rule. On corner lots there is no rear yard.

b. Projections. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet.

c. Stairs and Balconies/Landings. Outside stairways and balconies/landings required by building code for exterior doorways may project into the rear yard up to three feet.

C. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:

1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street.

2. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from buildings and to minimize road area.

3. Individual lots and buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.

4. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.

5. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

D. Build-to Line. The front yard setback is the build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. This provision does not apply to the development of cul-de-sac lots.

E. Height. The maximum height for a structure is twenty-eight feet to the midpoint for a sloping roof and twenty-five feet to the cornice for flat roofs.

F. Stories. All buildings must be from one to two and one-half stories.

1. Each lot shall provide two parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard of the property. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Except for a ten-foot driveway from the frontage that leads to a garage or other parking area located on the side or to the rear of a dwelling, off-street parking and access to parking areas shall be located on the side or rear of a property.

4.2. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.

H. Accessory Structures (Unoccupied). New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

1. Proximity. An accessory structure must be located no less than six feet from the main building.

2. **Setbacks Location.** The accessory structure must be located in either the rear or side yard.

3. **Setbacks.** The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code, with a five-foot setback, except an accessory structure located at the front yard setback of an adjacent corner lot must be at least fifteen feet from the corner lot line. If building code requirements can be satisfied, the side and rear setback may be reduced to three feet.
34. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

45. Stories. An accessory structure may range from one to one and one-half stories except that an accessory structure may not exceed the height of the main structure.

56. Building Area. The maximum area of an unoccupied accessory structure is the greater of nine hundred square feet or thirteen percent of the lot area.

7. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

8. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:

1. Lot Size. The accessory structure must be located on a lot with at least five thousand square feet.

2. Proximity. The accessory structure must be located no less than six feet from the main building.

3. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a five-foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case the side yard setback to the nearest side lot line must be at least fifteen feet.

4. Height. The accessory structure height may not exceed twenty-four feet to the midpoint for a sloped roof and twenty feet to the cornice for a flat roof.

5. Stories. An accessory structure may range from one to two stories except that an accessory structure may not exceed the height of the main structure.

6. Building Area. The maximum area of an accessory structure is the greater of nine hundred square feet or thirteen percent of the lot area. No more than six hundred square feet of the accessory structure shall be used for human occupancy.
7. Architecture. The materials, architectural style and pitch of primary and secondary roofs shall match those found on the primary structure.

J. Architectural Requirements.

1. Front Porches. Front porches shall be provided on all dwelling units, or as otherwise approved by the planning commission through specific design review. Porches shall be unenclosed, roofed structures attached to the dwelling structure. Porches shall be at least one to two feet above grade and defined by a railing, wall, columns or similar architectural features, provided accessibility requirements are met. Porches are encouraged to reflect the design of traditional porches found in older neighborhoods. Railings and porch supports shall be composed of relatively substantial members, preferably wood, metal and/or masonry or other materials that complement the design. Porches may encroach eight feet into the front yard setback and two feet into the side yard setback. All construction must be done in accordance with the building code.

2. Garages. Garages must be side- or rear-loaded and/or detached rear yard garages.

3. Colors, Materials, Roofs, Openings.

a. Building/Retaining Walls. No more than three materials shall be used for the primary wall surfaces on a building. Exterior finish shall be of traditional, time- and weather-tested techniques. Retaining walls shall be of materials complementary to the building’s materials.

b. Colors. Without limiting the use of color, exterior walls shall be subdued in color and not reflective. Intense colors should be used as accent only.

c. 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.

d. Openings. The following standards apply to openings of all structures:

i. Entry Doors. Main entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.

ii. Windows. Bay windows shall have from three to five sides.
K. 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 if it meets the following conditions:

   a. All property lines are located in order to determine that no fence, hedge, or wall extends beyond or across a property line. A fence, hedge, or wall may cross a property line if an agreement with the abutting property owner is obtained;

   b. No fence, hedge, or wall is placed nearer than six inches to any public sidewalk;

   c. Any fence, hedge or wall placed within ten feet of a driveway may not exceed three feet in height if a sight obscuring solid material is used, such as wood, vinyl, etc.; and four feet if nonobscuring open materials are used, such as wrought iron, picket with gaps no less than width of slat, etc., for the first ten feet behind the sidewalk; and

   d. 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.

   e. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Unless specifically being used for a bona fide agricultural use, perimeter fencing within a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes, or grape stakes.

   e. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:

   1) The fence must be free of damage, breaks or missing components or parts.

   2) Areas of the fence that are leaning more than twenty degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.

   3) All metal style fences shall be treated in a manner to prevent rust.
4) Plant materials growing on fences within clear view areas, i.e., within ten feet of a driveway near a sidewalk (see required setbacks above) or within the clear view triangle area, shall be maintained at a maximum height of three feet.

2. Height. No fence or wall may exceed six-seventy feet in height, four feet in height in the front yard setback, nor three feet in the clear view 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.

   e. Fencing up to eight feet in height may be allowed in the side(s) or rear yard provided one of the following requirements are met:

      i. The side(s) or rear property is adjacent to a freeway system or arterial or collector roadway.

      ii. Buffering between commercial/industrial uses and residential uses or between single family and multi-family residential uses.

      iii. Demonstration of safety and/or security matters.

Fencing eight feet in height shall comply with the following conditions:

   i. The proposed fence shall be reasonably compatible with respect to height from adjacent fences and shall transition consistently from one segment of fence to another.

   ii. The proposed fence shall be reasonably compatible with respect to materials from adjacent fences and shall include materials and colors that are similar.
iii. A building permit shall be obtained from the City and construction of fences and retaining walls must meet applicable requirements of the building code.

f. Corner lots may have a fence up to seven feet in height, enclosing the yard area opposite one of the side yards and along the street frontage, provided the fence does not extend into the remaining front yard setback. Any fence, hedge, or wall placed within ten feet of a driveway may not exceed three feet in height for sight obscuring solid material or four feet in height for nonobscuring open materials for the first ten feet behind the sidewalk.

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 in height are constructed with at least fifty percent non-opaque materials.

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.

L. Landscaping. Applicants for new development and existing residential property owners shall comply with the following landscaping standards:

1. Landscaping Required. Yard and setback areas visible from street access, including park strips, that are not utilized as approved parking or access for vehicles, trailers, etc., shall be landscaped. Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In addition, a combination of xeriscape plantings and designs that may include other decorative surfacing such as bark chips, crushed stone, mulch materials, decorative concrete or pavers shall also meet landscaping requirements. Structural features such as fountains, pools, statues, and benches shall also be considered part of the landscaping, but such objects alone shall not meet the requirements of landscaping.

2. Installation Time Frame Requirements. Landscape materials must be installed within six months of occupancy/notice of violation. This shall apply to all new or existing residential structures that are in a blighted condition, which do not comply with this chapter. This time frame will allow the owner to plant trees and other landscaping to ensure the survival of the plant material. Typically, installation of landscaping occurs in the spring or fall.
3. Maintenance. Individual(s), whether as the owner, lessee, tenant, occupant or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to water-wise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept visually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing, or improperly operating sprinkler system components. All unhealthy or dead plant material shall be removed or replaced within six months, or the next planting period (spring or fall), whichever comes first, while other defective landscaping features shall be removed, replaced or repaired within three months. Permanent, semi-permanent, and regular parking on landscaped areas is prohibited.

4. Hazards. Landscaping shall be maintained to minimize property damage and public safety hazards, including the removal/replacement of dead or decaying plant material, removal of low-hanging branches and those obstructing street lighting, sidewalks and traffic sight distance requirements. Trees planted in the public right-of-way must be selected from the city’s street tree selection guide. In the event a tree, shrub, or other plant causes damage to streets, sidewalks, trails, or other public improvements, the community development director and/or public works director or designee may order the removal of the offending vegetation and/or other landscape features.

5. Vegetation Protection. Development plans must show all significant vegetation within twenty feet of any proposed new development. The applicant must protect all significant vegetation during any new development activity.

6. Enforcement. Follow-up inspections and enforcement activities will be through the city’s code enforcement ACE program.


17-7-8.4 Medium and high density residential development standards. The following development standards apply to all new single family attached, single family detached, and multi-family development in the residential land use areazone, with the exception of single family detached residential lots subdivisions (see Section 17-7-8.3).
A. Setbacks. New development shall comply with the following setbacks:

1. Front. The minimum front yard setback is fifteen feet, which shall include a sidewalk of ten feet in width and a five-foot park strip, which shall incorporate tree wells, street furniture and planter boxes. The front yard setback is measured from the back of curb.
   
   a. Corner Lot Rule. Corner lots have two front yards.
   
   b. Projections. Sills, cornices, chimneys, flues and ornamental features may project into the front yard up to two and one-half feet, provided it does not impede pedestrian traffic on the sidewalk. Eaves, awnings and arcades and second story and above balconies may project into the front yard up to eight feet so long as these elements are at least eight feet above the ground and do not impede pedestrian traffic on the sidewalk.
   
   c. The structure may be set back an additional fifteen feet to allow for the inclusion of a courtyard.

2. Rear. There is no rear yard setback for multi-familynew development except as required by the International Building Code and landscape buffers and the single family setback.

3. Side. There is no side yard setback for multi-familynew development except as required by the International Building Code and landscape buffers and the single family setback.

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; five-story structures must be set back eighty-three feet; six-story structures must be set back one hundred feet; and seven-story structures must be set back one hundred sixteen feet.
   
   b. Projections. Sills, cornices, chimneys, flues, eaves, and ornamental features may project into the rear yard setback up to two and one-half feet.
   
   c. Stairs and BalconiesLandings. Outside stairways and balconiesLandings required by building code for exterior doorways may project into the rear yard setback up to three feet.
5. Each unit shall have access to a common area of at least three hundred square feet in size for each unit adjacent to said space, or a private yard of at least three hundred square feet in size shall be provided at the rear of each structure.

B. Build-to Line. The front yard setback is the 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 or patio.

C. Height. The maximum height for a residential structure is three stories. Buildings of six and seven stories are limited to State Street and 7200 South frontages. When a residential structure is located within sixty-five feet of a single-family structure, the maximum height of the structure or portion of the structure is three stories.

D. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:

1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street. Dwellings that front a courtyard, paseo, or common open space/recreation area are encouraged.

2. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.

3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.

4. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.

5. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.

6. Long building rows without varying setbacks or building mass should be avoided to prevent wind tunneling and long-term shadow casting.

7. Building planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.
8. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

9. The landscaped setback is the build-to line for buildings adjacent to a public right-of-way. At least fifty percent of the front elevation must be built within three feet of the build-to line.

E. **Floor Area Ratio** Maximum Density. For development of medium and high density residential uses, the maximum FAR is 3.0 density is 25 units per acre.

F. **Floor and Deck Height.** The following floor and deck heights apply to all structures:

1. Main Floor. The main floor of all residential units shall be no less than two and one-half feet above finished exterior grade.

2. Basement Floor. The basement floor of all residential units shall be no closer than four feet to finished exterior grade.

G. **Stories.** All building types must be from one to seven stories. Six- and seven-story buildings are limited to State Street and 7200 South frontages.

H. **Proximity.** There shall be a minimum separation of twenty feet between all habitable structures. Building separation may be reduced as follows if building code requirements are met: ten feet between one-story structures; fourteen feet between two-story structures; and eighteen feet between three-story structures.

I. **Fencing.** Fencing in interior to residential developments shall not exceed six feet in height in the rear and side yards. Fencing in a front yard is prohibited. **Perimeter project fencing may be increased to eight feet in height where appropriate.** Fencing located in the sight distance triangle shall not exceed three feet in height. The fencing of private yards shall be accomplished in a manner that does not create areas of common space that are unusable, inaccessible, or hidden from other residents of the project. Barbed or razor wire is prohibited.

J. **Required Residential Open Space and Landscaping.** In addition to landscaping, irrigation and grading requirements found in Section 17-7-8.7, the following landscaping and open space requirements shall apply. All required landscaping shall be installed as a condition precedent to receiving 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 Landscape/Open Space Area. Active, improved landscape/open space area is required to meet whichever of the two following standards requires the greatest amount of open space area:

   a. The applicant shall improve not less than twenty-five percent of the interior of the proposed development area as landscape/open space; or

   b. The applicant shall improve as landscape/open space area not less than twice as much of the site area as is utilized for surface parking, including the parking stalls, aisles and associated hardscape but not including required parking lot landscaping or private driveways. Surface parking includes any dedicated parking spaces and associated paved areas not located in the enclosed levels of a parking structure, underneath living spaces, in a structure attached to a single family attached or detached dwelling, in a detached garage on the same parcel as a single family attached or detached dwelling, or in a driveway for a single family attached or detached dwelling.

2. Maximum Landscape/Open Space Area. Subsection (J)(1) of this section notwithstanding, no development shall be required to include more than forty percent landscape/open space area.

3. Minimum Landscaped Area. The applicant shall landscape twenty percent of the interior of the proposed development area. The required open space may be landscaped to comply with this requirement. Landscaped areas shall not be less than five feet wide. Building foundation landscaping is not interior landscaping. The applicant must landscape a minimum of ten feet between the side yard and the abutting property line when the side or rear yards are in public view.

4. Minimum Improved, Common Recreational Amenities. A minimum of fifteen percent of the land area shall be developed as active, improved common area to include such uses as mini parks, picnic areas, playgrounds, recreation areas and structures such as club houses, pavilions, swimming pools, etc. Improved, common recreational amenities shall be concentrated into larger, more functional areas as much as possible while continuing to provide each dwelling unit with an amenity within reasonable walking distance. Improved, common recreational amenities may count towards the required landscape/open space requirement.

5. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points. The landscaped area must be at least three feet in width.
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. 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.

   b. Types of Vegetation. At least twenty-five percent of trees and shrubs 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 Street Tree Selection Guide of Midvale City.

   c. 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. Existing, Incompatible Use Buffer Area. Residential developments shall be developed such that existing uses that are incompatible with the reasonable enjoyment of residential users for reasons of noise, dust, vibration or other nuisance impacts shall be buffered from that nuisance by way of distance, screening or other mitigation techniques and/or conditions as approved by the planning commission. The mitigating techniques and/or conditions shall be conditions of approval for the residential project.

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

J. 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.

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.

K. Characteristics of Housing Product.

1. Minimum Number of Models for Single Family Detached, Attached, or Other Multi-Family Residential Unit Combinations That Appear to Be a Single Large House. Any development of fifty or more units in any of the above-listed configurations shall have at least three different types of housing models. Any development of fewer than fifty units of the above-listed configurations shall have at least two different types of housing models.

2. Minimum Model Characteristics for Single Family Detached, Attached, or Other Multi-Family Residential Unit Combinations That Appear to Be a Single Large House. Each housing model shall have at least three characteristics which clearly and obviously distinguish it from the other housing models, such as different floor plans, exterior materials and colors, roof shapes, garage placement, window size/proportion/pattern, placement of the footprint on the lot, and/or overall building facade design.

3. Street-Accessed Garages. Only a maximum of fifty percent of street-accessed garages shall have garage doors facing the street with the balance being alternative side- or rear-loaded and/or detached rear yard garages, etc., except that all opposing block faces shall duplicate the opposite side of the street; only front driveway block faces will face each other; only alley-loaded block faces will face each other. Each such alternatively loaded garage plan will constitute a distinct model for the purposes here.
43. Single Family Attached (Townhouse). The development of contiguous townhouses is limited to fifty units (i.e., in any single location) and in groupings no larger than eight units each. Any additional development over fifty townhouses may be developed so long as one-third of the total approved units are located on uncontiguous lots, a minimum of one hundred fifty feet or three lots apart in all directions and in groupings no larger than eight units each. Any townhouse development larger than eight units shall provide at least two different unit models. Each unit model shall have at least three characteristics that clearly distinguish it from the other townhouse models.

L. Medium and High Density Residential Architectural Requirements.

1. Residential Architectural Standards. All new residential 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. All new residential development shall comply with the general architectural standards for the transit-oriented development zone and with each of the following architectural standards:

   a. Materials. All single family detached, attached, or other multi-family residential units, including combinations that appear to be a single large house, shall include a substantial use of brick, cultured brick, natural or cultured stone, wood or synthetic wood products.

   b. Base Materials. Each structure shall have a base or foundation with a minimum height of one-third the overall height of the structure. The base or foundation shall extend beyond the plane of the wall above it, creating a larger mass at the base of the building. The planning commission may allow for minor deviations to allow this base to terminate at visual breaks in the architecture, and the planning commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, or natural or cultured stone.

   c. Brick and Rock Pattern. Ledge stone, uncoursed ledge rock, random or coursed ashlar Flemish bond, English bond, common bond, running bond or drystack patterns shall be used for finished brick, rock and stone work. Herringbone, basketweave, vertical stack, stack bond, uncoursed roughly squared, and other vertical, irregular, or diagonal masonry patterns or vertical, non-alternating bond courses may be used only as an accent. Other masonry patterns shall not be used on vertical surfaces except as expressly authorized by the planning commission.

   d. 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, that the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.

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

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

g. Building Massing. Buildings that are uniformly three stories or more must step the roof form or interrupt it with other roof elements. The building mass of the elevation can be reduced by offsetting dwelling units, and varying building setbacks and heights.

h. Openings. Not less than twenty-five percent of any front or rear building face shall be made up of window or door areas. Not less than fifteen percent of any side building face shall be made up of windows or door areas unless an adjacent building within twenty feet of that side face obscures the majority of that side face from public view.

i. Protruding Features. Bay windows and other architectural elements protruding from the facades may be clad in other materials.

j. Miscellaneous. Security devices shall have materials and colors that complement the building’s architecture and building materials. Accessory structures shall be architecturally compatible with the primary development. Satellite dishes should be placed on the roof of a building, should be wired for use during construction, and shall not be placed within the public view or on the first floor of any building.

2. Roof Form. Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for cluster and multiple-dwelling structures. Where flat roofs are used, other techniques to provide scale and interest shall be used to refine large, continuous building forms. Long unbroken ridge or parapet lines are prohibited.

a. Generally, for structures lower than forty feet high, gable or hip roofs are preferred for the primary roof form. The primary gable roof slope shall not be less than 5:12 and not less than 6:12 for single family or duplex residences.

b. Secondary roof structures such as porch roofs, roofs over bay extensions, bay windows, etc., may include other roof forms such as shed roofs, and hip roofs in combination with gable roofs.
However, the secondary roofs shall be consistent or complementary with the primary roof form. Secondary roofs that slope should not be less than 4:12. Flat roofs may be also appropriate for small areas.

c. Front Entry Feature. All dwelling units or residential buildings shall have an exterior entry that is a prominent, architectural focal point directing people into the unit or building. This feature shall relate to the architecture of the structure and may include porches, stoops, roofs, etc.

d. Garages. Garage doors must be set back a minimum of twenty feet from the property line or sidewalk, whichever is greater, if off-street parking is to occur in the driveway. In all cases where garage doors face a street, the garage door shall be recessed a minimum of two feet behind the front line of the building living area (porches, bay windows, and similar projections not included). The style, materials, colors and roofs used in the construction of accessory structures, including garages and carports, shall be architecturally compatible with the primary structures.

3. Parking Enclosures. Parking enclosures/structures should be constructed within the same structure as the dwelling units whenever possible. Parking enclosures/structures shall be held to the same architectural standards as the residential structures.

M. 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.

1. For residential structures, roof-top mechanical equipment, vents, flues, fans and other pieces of equipment shall be screened and/or organized to leave sloped roofs as simple and uncluttered as possible, or, where roofs are flat, to be screened from view of a pedestrian at the far side of the adjoining right-of-way or one hundred feet from the front property line, whichever is less. Where such appurtenances are visible, they shall be painted a color that matches the roof color or other architectural features so that their visual impact is minimized.

2. 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. (Ord. 2016-04 § 1 (Att.
The following development standards apply to all new subdivisions of retail, office and mixed use development in the zone:

A. Lot Area. There is no minimum lot area.

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

1. Front. The minimum front yard setback is fifteen feet, which shall include a sidewalk of ten feet in width and a five-foot park strip, which shall incorporate tree wells, street furniture and planter boxes. The front yard setback is measured from the back of curb.

   a. Corner Lot Rule. Corner lots have two front yards.

   b. Projections. Sills, cornices, flues and ornamental features may project into the front yard up to two and one-half feet, provided it does not impede pedestrian traffic on the sidewalk. Eaves, awnings and arcades may project into the front yard up to eight feet so long as these elements are at least eight feet above ground and do not impede pedestrian traffic on the sidewalk.

   c. The structure may be set back an additional fifteen feet to allow for the inclusion of an outdoor dining area or courtyard.

2. Rear. There is no rear yard setback for new development except as required by the International Building Code, landscape buffers and the single family setback. The rear yard setback shall be of sufficient depth to allow proper parking and landscaped areas to the rear of the buildings. Unless otherwise approved as a conditional use by the planning commission, rear yards and the rear of buildings shall not abut a public street. On corner lots there is no rear yard except as required by the International Building Code and landscape buffers.

3. Side. There is no side yard setback for mixed-use development except as required by the International Building Code and landscape buffers. and the single family setback.
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; five-story structures must be set back eighty-three feet; six-story structures must be set back one hundred feet; and seven-story structures must be set back one hundred sixteen feet.

b. Projections. Sills, cornices, chimneys, flues, eaves, and ornamental features may project into the rear yard setback up to two and one-half feet.

c. Stairs and Balconies. Outside stairways and landings required by building code for exterior doorways and balconies may project into the rear yard setback up to three feet.

C. Build-to Line. The front yard setback is the 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 an outdoor dining area, courtyard, patio or other pedestrian oriented use.

Recessed plazas, courtyards and trellises are encouraged.

1. Exceptions. 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, i.e., special landscaping, public plazas, outside seating for a restaurant, etc.

D. Height. The maximum height for a structure is seven stories. Buildings of six and seven stories are limited to State Street and 7200 South frontages. When a structure or portion of a structure is located within sixty-five feet of a single family residential structure outside the project/development boundary, the maximum height of the structure or portion of the structure is three stories.

E. Maximum Density. For new development, the minimum FAR is 0.80 and the maximum FAR is 3.0. Density is 25 units per acre.

F. Floor and Deck Height. The following floor and deck heights apply to all structures within the zone:
1. **Main Floor.** The main floor of all residential units shall be no less than two and one half feet above finished exterior grade. The main floor of all commercial uses may be at grade and may not be below grade.

2. **Basement Floor.** The basement floor of all residential units shall be no closer than four feet to finished exterior grade. The basement floor of all commercial uses shall be no closer than eight feet to finished exterior grade.

G. **Stories.** All building types must be from one to **seven** stories.

H. **Required Landscaping and Recreational Amenities.** In addition to landscaping, irrigation and grading requirements found in Section 17-7-8.7, the following landscaping and recreational amenities requirements shall apply. All required landscaping and amenities shall be installed as a condition precedent to receiving 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.

1. **Minimum Landscape Area.** The applicant shall improve a minimum of fifteen percent of the interior of the proposed development area.

2. **Recreational Amenities/Open Space.** Each application shall include the applicant shall provide appropriate recreational amenities for projects with a residential component. These amenities can be indoor and/or outdoor facilities. Indoor facilities can include fitness rooms, community rooms, etc. Outdoor facilities can include elevated plazas and outdoor recreation spaces such as pools, playgrounds, pedestrian trails, etc. Outdoor recreation areas outside the building footprint can be counted towards the required landscape area.

   1. Lighted pedestrian trails or paved paseos which connect commercial and residential uses with open space and with abutting public trails; and

   2. Ten-foot-wide paved sidewalks along public rights-of-way.

I. **Building Orientation and Scale.** Retail, office, flex and mixed-use structures shall be oriented and scaled as follows:
1. Structures shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street except as approved by the city engineer. Structures that front a courtyard, paseo, or common open space/recreation area are encouraged.

2. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.

3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.

4. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.

5. Buildings shall be designed with separate residential and commercial entrances.

6. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.

7. Long building rows without varying setbacks or building mass should be avoided to prevent wind tunneling and long-term shadow casting.

8. Building planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.

9. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

10. Gathering areas in central areas and between buildings shall be encouraged. These areas shall be designed, through landscaping, hardscape, outdoor furniture, and public art, among others, to create a conducive atmosphere for people to come together.

J. Maximum Footprint. No commercial structure shall have a footprint in excess of twenty thousand square feet. Mixed-use structures have no maximum footprint.

K. Coverage. Buildings may cover up to eighty percent of the lot area.

L. 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 for commercial uses shall be a minimum of two hundred feet apart.

3. All newly installed driveways for commercial uses shall align with any existing commercial 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.

4. New development or conversion of an existing residential use to a commercial use shall not be allowed to park or propose parking in such a way that users may be required or allowed to back onto public rights-of-way.

5. Existing nonconforming driveways within the zone shall be retired upon construction of a new building.

6. 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.


17-7-8.6 Retail, office 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; incorporate interior pedestrian access between structures to minimize pedestrian travel through parking areas; and provide for the safety and convenience of pedestrians by constructing pedestrian crossings with stamped, dyed, or raised walks. All new development shall comply with the following architectural standards:

A. New Building Form. Structures shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls. The design shall create easy pedestrian access from adjacent uses, on-street parking, sidewalks and parking areas. Commercial buildings shall be designed with ground floor architectural separation to enhance street activity and "walkability." All proposed building designs must incorporate an expansive use of windows, balconies, terraces, arcades or other design features, which are oriented to the
street and other pedestrian accesses, to maximize the pedestrian interface. Windows, display windows and doors must comprise at least forty percent of street-facing facades on the commercial developments with first-floor commercial uses. Blank facades are not allowed to face public rights-of-way and may not exceed thirty feet in length on all other facades.

B. Walls. No more than three materials shall be used for primary wall surfaces. All exterior walls shall be constructed in compliance with the following:

1. Materials. Exterior finishes shall be of traditional, time- and weather-tested techniques and shall include a substantial use of brick, cultured brick, natural or cultured stone, prairie stone, and/or wood or synthetic wood products. Glazing may be used as a primary exterior material when glazing is proposed as a major architectural design element or look for a project area consisting of at least two buildings and including all of the buildings that are separated by a major feature such as a linear park, collector street, or similar element that sets an area apart. Retaining and screening walls shall be of materials complementary to the building’s materials.

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

3. Other Architectural Materials/Finishes. Architectural precast concrete, architecturally treated concrete masonry units, and architectural metals should be used primarily to provide architectural detail and relief. Fiberglass and/or metal panels may be used in relatively small quantities. The planning commission may allow other materials and material quantities that it finds add to the architectural excellence of the structure and project.

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

5. Base Materials. Each structure shall have a base or foundation with a minimum height of one-third the overall height of the structure. The base or foundation shall extend beyond the plane of the wall above it, creating a larger mass at the base of the building. The planning commission may allow for minor deviations to allow this base to terminate at visual breaks in the architecture, and the planning commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, or natural or cultured stone.
6. **Brick and Rock Pattern.** Ledge stone, uncoursed ledge rock, random or coursed ashlar Flemish bond, English bond, common bond, running bond or drystack patterns shall be used for finished brick, rock and stone work. Herringbone, basketweave, vertical stack, stack bond, uncoursed roughly squared, and other vertical, irregular, or diagonal masonry patterns or vertical, nonalternating bond courses may be used only as an accent. Other masonry patterns shall not be used on vertical surfaces except as expressly authorized by the planning commission.

7. **Color Scheme.** Buildings shall use a cohesive palette of colors which complement nearby buildings. Without limiting the use of color, large areas of walls shall be subdued in color and not reflective. Intense colors should be used as accent only.

8. **Design Consistency.** All exposed sides of a building shall be designed with the same level of care, quality and integrity. Buildings should be attractive and visually engaging from all exposed sides.

C. **Roofs.** Roof lines and shapes shall be consistent with the design and structure of the building, and should be consistent with the roof lines of adjacent buildings. Roof forms should reflect the facade articulation and building massing, as opposed to a single-mass roof over an articulated facade.

1. **Pitched Roofs.** Where pitched roofs are used, the following standards shall apply:
   a. All the roofs and secondary roofs of a building shall be constructed of the same material. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
   b. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for structures that are wider than they are tall. Long unbroken ridgelines are prohibited.

2. **Parapets.** Parapets shall be provided to articulate flat roofs and hide roof-mounted equipment. The following standards shall apply:
   a. Parapets shall have strong cornice detailing to provide interest and scale.
   b. Long unbroken parapets, particularly for buildings that are wider than they are tall, are prohibited.

3. **Rooftop mechanical equipment shall be hidden from view from the adjoining street with either a parapet or a penthouse. Penthouses shall utilize materials, colors and form similar to that of the building.
D. Openings. The following standards apply to openings of all structures:

1. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.

2. Windows. Bay windows shall have from three to five sides.

3. Corner Buildings. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks, and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public place.

4. Minimum Opening Area. Not less than twenty-five percent of any street-facing building facade shall be made up of window or door areas. Not less than fifteen percent of any other building face on a third or higher story shall be made up of windows, balcony or other opening areas unless an adjacent building within twenty feet of that side face obscures the majority of that side face from public view.

E. 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 may extend 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 combinations 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 or wall may exceed six-seven feet in height, four feet in height from the front of the primary structure forward, nor three feet in height 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.

F. Lighting. All lights placed on property entrances, along pedestrian pathways or on building facades shall be of a uniform, pedestrian-friendly theme and shall be down-directed and shielded to direct light to the entry or pedestrian way. All pedestrian pathways shall include either bollard lighting, or downturned lighting which shall not exceed twelve feet in height. Pedestrian lighting shall coordinate throughout the proposed development and shall complement adjacent mixed-use project lighting. The lighting design shall minimize light trespass. Spotlights and floodlights are prohibited with the exception of approved landscape lighting. Street lighting shall either be chosen from the city’s approved street light list or installed to match a theme set by previous developments within the zone.

G. 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.
1. For nonresidential and mixed-use structures, all roof-mounted mechanical and electrical equipment, communication antennas or dishes shall be screened from the view of a pedestrian at the far side of the adjoining right-of-way or one hundred feet from the front property line, whichever is less, or designed and/or located as part of the overall architectural design.

2. For residential structures, roof-top mechanical equipment, vents, flues, fans and other pieces of equipment shall be screened and/or organized to leave sloped roofs as simple and uncluttered as possible, or, where roofs are flat, to be screened from view of a pedestrian at the far side of the adjoining right-of-way or one hundred feet from the front property line, whichever is less. Where such appurtenances are visible, they shall be painted a color that matches the roof color or other architectural features so that their visual impact is minimized.

3. Refuse containers shall be screened from view on all sides. Screen walls and fences shall be one foot higher than the object to be screened. An opaque gate shall be included where required to complete screening.

4. Loading docks and/or service areas shall be located to the side or rear of buildings. Where they are directly visible from streets and nearby residential buildings, they shall be screened by walls at least eight feet high, or densely and continuously massed landscaping that maintains its screening capabilities in the winter. Raised planters, berms or other land forms may also be used in conjunction with landscaping or walls. A combination of dense, continuous landscaping and walls may allow the use of lower walls, but no lower than four feet high from finished grade.

H. Corner Lot Improvements. New development of corner lots shall include curb extensions in conjunction with on-street parking. All curb cuts shall be placed on each street frontage, and not at a central location at the apex of the corner radius.

I. Street Furniture. Each new mixed-use or commercial development shall include all-weather benches and shall incorporate trash receptacles and raised planters along the front facades of structures. All street furniture shall coordinate with one another and with adjacent mixed-use developments, and shall not be used for advertisement.

J. Weather Protection. All new mixed-use or commercial development shall incorporate awnings, arcades or roof projections along pedestrian pathways to shield pedestrians from adverse weather conditions. Weather protection features such as awnings, canopies, or arcades shall be provided at all customer entrances. Awnings shall not be backlit.
K. Streetscape. Sidewalks and park strips shall be finished with stamped and dyed concrete or brick pavers. Five-foot tree wells shall be incorporated into the park strip. Placement of street furniture (benches, trash cans and planter boxes) shall take place in the park strip.

L. Exterior Structure. All exterior walls of all structures shall be constructed in compliance with the following:

1. Finishes. All buildings shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units, brick cladding, natural and cast stone, prairie stone, architectural metals, and glazing. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance on all buildings. At least fifty percent of all buildings visible from a major thoroughfare shall be composed of brick, stone, architecturally treated concrete masonry units, architectural precast concrete and/or glazing.

2. Quality. High standards for exterior materials, exterior building systems, and their application are expected. In particular, the design and application of EIFS or synthetic stucco is expected to be of a high enough quality to allow for crisp detailing and substantial relief. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural precast concrete, or architecturally treated concrete masonry units.

3. Form Variations. Buildings shall provide variation in the form of facades that adjoin streets. Street-facing facades shall make use of at least two of the following variations. Secondary facades shall make use of at least one of the following variations. Variations should result from significant dimensional changes in plane, color or detail as accomplished by such devices as:

   a. Protruding bays or columns;
   b. Recessed entries;
   c. Upper level step-backs;
   d. Arcades;
   e. Offsets, projections and shifts in the general plane of the facade;
   f. Changes in materials or color;
   g. Bay windows;
h. Vestibules;

i. Porches;

j. Balconies;

k. Exterior shading devices;

l. Non-retractable canopies or awnings;

m. Projecting cornices;

n. Eaves; or

o. Any other variation the planning commission may approve that meets the intent of this subsection.

4. Window Treatments. Street-facing facades shall include at least two of the following window treatments with at least one window treatment per window. All other facades shall utilize at least one of the following window treatments per window. Treatments may include:

a. Varying the size and/or style of windows;

b. Window sills;

c. Window grids;

d. Window trim;

e. Window headers;

f. Window railing;

g. Recessed windows;

h. Arcades; or

i. Any other treatment the planning commission may approve that meets the intent of this subsection.
5. Architectural Treatments. Street-facing facades shall include at least two of the following architectural treatments. All other facades shall include at least one of the following architectural treatments. Treatments that add detail, character, and reduce the appearance of massive blank walls may include:

a. Ornamental details such as quoins, knee braces and exposed joists;

b. A change of material applied to at least twenty percent of the facade;

c. A change of color applied to at least twenty percent of the facade;

d. Decorative parapets;

e. Reveals;

f. Pilasters;

g. Architectural banding or belt courses;

h. Cornice other than that at the top of the building;

i. Rounded design at street corners;

j. A change of pattern applied to at least twenty percent of the facade;

k. A distinguished upper floor for buildings with at least four floors; or

l. Any other treatment the planning commission may approve that meets the intent of this subsection.

6. Storefronts. Awnings, canopies, arcades or other architectural features should be used to reduce glare on storefront glass and to shelter the pedestrians standing near the storefront. Cantilever awnings and canopies from the building face so as to keep sidewalks as clear and unobstructed as possible. The planning commission may permit limited use of supporting columns as part of a thematic design or corporate standard so long as the columns do not hinder pedestrian traffic or access.

7. Primary public entry(s) shall be architecturally emphasized so that pedestrians can easily find them.
8. **Drive-Through Windows.** Drive-through windows shall be located at the side or rear of buildings. While not desirable, a drive aisle may be located between the building and the street so long as its width is minimized, any pedestrian crossings of it are clearly delineated with special paving treatments, no parking spaces occur off of it and a low wall, railing with landscaping, or a continuous hedge at least three feet high shall be provided between stacked cars and the sidewalk.

9. Opaque (solid) storefront security closures (rolling doors, etc.) are not allowed.

10. **Entryways.** Each large retail building on a site shall have clearly defined, highly visible customer entrances featuring a combination of several elements such as:

    a. Canopies, awnings or porticos;
    b. Projecting eaves and cornices;
    c. Recesses/projections of wall surfaces;
    d. Arcades;
    e. Raised parapets over the door;
    f. Peaked roof forms;
    g. Lighting features;
    h. Entry plazas;
    i. Display windows;
    j. Architectural details such as masonry tile work and moldings which are integrated into the building structure and design;
    k. Integral planters or wing walls that incorporate landscaping; or
    l. Signs integrated with the building architecture.

11. **Secondary Facades.** Building facades that face the street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone, and shall provide variety and interest in the facade through the introduction of such elements as pilasters, recessed or protruding bays, changes
in materials and/or colors, building lighting elements, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.

12. Mixed-Use Buildings. Buildings that include both commercial and residential uses shall make use of architecture, materials, terracing, scale and other techniques to create a distinct separation between the commercial and residential uses in the structure.

   a. Mandatory Elements. Mixed-use structures shall feature a combination of at least two of the following several elements, such as:

      i. Terracing that creates a visual break between the commercial and residential areas of the structure;

      ii. Material, color, and/or texture changes between the commercial and residential floors of the structure;

      iii. Bulk or facade shifts between the commercial and residential floors of the structure;

      iv. Architectural treatments that make the commercial portions of the structure serve as a base for the residential floors;

      v. The use of a significant percentage of transparency on the commercial levels of a structure and smaller openings for the residential floors;

      vi. The use of balconies and/or bay windows for residential floors;

      vii. Any other element the planning commission may approve that meets the intent of this subsection.

   b. Signage. Mixed-use structures shall make substantial use of signage that is pedestrian in scale and is intended to guide visitors in locating the commercial and residential portions of the structure.

M. Miscellaneous. Security devices shall have materials and colors that complement the building's material. Accessory structures shall be architecturally compatible with the primary development. Satellite dishes over eighteen inches shall not be placed in front yards.
17-7-8.7 Required 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 residential, mixed-use and commercial 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 yet to be completed, which landscaping shall be installed by the following May 31st. The following landscaping standards apply to all new mixed-use, multi-family and commercial development in the zone and to the expansion by more than twenty-five percent of an existing building mass or site size:

A. Minimum Landscaped Area. Landscape planters shall be integrated into the overall site design.

B. Building Foundation Landscaping. If the ground adjacent to the front building foundation is landscaped, the landscaped area shall not project more than three feet from the foundation wall.

C. Residential Buffer. New development shall provide a minimum fifteen-foot landscaped buffer consisting of large trees, shrubs, and a sixfoot seven-foot screening wall (up to eight feet if warranted and 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.
D. Plant Materials. Areas requiring landscaping shall be planted with substantial, thematic, live plant material including plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.

1. 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.

2. Size of Trees. The following standards apply to the use of plant and tree material:

   a. Deciduous Trees. All deciduous trees shall have a minimum caliper size of two inches.
b. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half inches.

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

3. Professionally Designed and Installed Prior to Certificate of Occupancy. Landscaping shall be professionally designed and shall be installed with an automatic sprinkling system designed to cover all planted areas, with no runoff. The applicant must install required landscaping 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.

E. Irrigation/Planting Plan. The applicant must submit a landscape plan documentation package. The landscape documentation package shall be submitted to and approved by the city prior to the issue of any permit. A copy of the approved landscaped documentation package shall be provided to the property owner or site manager. The landscape plan documentation package shall consist of the following items:

1. Documentation.

   a. Project Data Sheet. The project data sheet shall contain the following:

      i. Project name and address;

      ii. Applicant’s or applicant’s agent’s name, address, phone and fax number;

      iii. Landscape designer’s name, address, phone and fax number; and

      iv. Landscape contractor’s name, address, phone and fax number, if known.

   b. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:

      i. Location of all plant materials, a legend with botanical and common names, and size of plant materials;

      ii. Property lines and street names;
iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;

iv. Existing trees and plant materials to be removed or retained;

v. Designation of landscape zones; and

vi. Details and specification for tree staking (trees less than a two-inch caliper must be double-staked until the trees mature to two-inch caliper), soil preparation, and other planting work.

c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:

i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system;

ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;

iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and

iv. Installation details for irrigation components.

d. Grading Plan. A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:

i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;

ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements;

iii. Grade shall slope away from the structure as required by the International Building Code.

2. Landscape Design Standards.
a. Plant Selection. Plants selected for landscape areas shall consist of plants that are well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. For projects located at the interface between urban areas and natural open space (non-irrigated), extra-drought-tolerant plants shall be selected that will blend with the native vegetation and are fire-resistant or fire-retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided. Areas with slopes greater than thirty-three percent shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization. Parking strips and other landscaped areas less than four feet wide shall be landscaped with water-conserving plants.

b. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Nonporous material shall not be placed under the mulch.

c. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches and amending the soil with organic material as per specific recommendations of the landscape designer based on the soil conditions.

d. Turfgrass. Plan shall delineate turfgrass areas and include a calculation (percentage) of irrigated turfgrass not to exceed fifty percent of the landscaped areas. Turf areas shall be on a separate irrigation zone from other landscape zones.

e. Trees. Trees less than a two-inch caliper must be double-staked until the trees mature to a two-inch caliper.

3. Irrigation Design Standards.

a. Pressure Regulation. A pressure-regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer’s recommended pressure for the sprinklers.
b. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shutoff device, and the ability to adjust run times based on a percentage of maximum $E_{to}$.

c. On slopes exceeding thirty-three percent, the irrigation system shall consist of drip emitters, bubblers or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate runoff.

d. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.

e. Drip emitters or a bubbler shall be provided for each tree unless located in a turf area. Bubblers shall not exceed one and one-half gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the city due to the limited number of trees on the project site.

f. Sprinklers shall have matched precipitation rates with each control valve circuit.

g. Check valves shall be required where elevation differences will cause low-head drainage. Pressure-compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.

h. Filters and end flush valves shall be provided as necessary for drip irrigation lines.

i. Valves with spray or stream sprinklers shall be scheduled to operate between six p.m. and ten a.m. to reduce water loss from wind and evaporation.

j. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

k. Spacing of irrigation heads shall not exceed fifty-five percent of coverage diameter.

a. As part of the site plan approval process, a copy of the landscape plan documentation package shall be submitted to the city for review and approval.

b. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the planning department to verify compliance with the approved landscape plans.

c. The city reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this section are not satisfied.

F. 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. Mature landscaping, which has been approved to be removed, shall be replaced with like plantings exceeding the minimum requirements of this section.

G. 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.

H. Upgrading Preexisting Landscaping. The applicant must bring preexisting landscaping into compliance with this code upon an increase of more than twenty-five percent of the current building mass or site size.

I. Minimum Number of Trees. A minimum of one tree for every four hundred square feet of landscaping is required for all areas that are not on street frontage or adjacent to residential areas.

J. Street Trees. In order to promote a uniform appearance within the zone, street trees will be selected from Midvale’s “Street Tree Selection Guide.”

K. Lighting. All pedestrian pathways shall include either bollard lighting, or down-directed lighting which shall not exceed twelve feet in height. Pedestrian lighting shall coordinate throughout the proposed development and shall complement adjacent mixed-use project lighting.

L. 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.


### 17-7-8.8 Parking

An applicant for new development or the expansion by more than twenty-five percent of an existing building mass or site size in the zone must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles as follows. The planning commission may grant a reduction of up to thirty-five percent of required parking upon an applicant’s demonstration of opportunities for shared parking within a mixed-use development or reduced parking need due to proximity to public transportation.

#### Table 17-7-8.8

Parking

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Number of Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living</td>
<td>1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater</td>
</tr>
<tr>
<td>Auditorium</td>
<td>1 per 5 seats or 3 per 100 s.f. of assembly area</td>
</tr>
<tr>
<td>Bed and Breakfast Inn</td>
<td>1 per bedroom plus 1 per employee per shift</td>
</tr>
<tr>
<td>Cafe/Deli</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Child Care Facility/Center</td>
<td>1 per on-duty employee and 1 per 6 children</td>
</tr>
<tr>
<td>Convenience Store, Support Commercial Uses</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
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<tr>
<td>Uses</td>
<td>Parking Requirement (Number of Spaces)</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Hospital, Limited Care</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>1 per suite and 1 space per 200 s.f. of separately leasable space</td>
</tr>
<tr>
<td>Indoor Entertainment, Theater</td>
<td>1 per 4 seats or 5 per 1,000 s.f. of floor area depending on type of facility</td>
</tr>
<tr>
<td>Master Planned Development</td>
<td>Determined by planning commission, based on proposed uses and potential for shared parking</td>
</tr>
<tr>
<td>Medium and High Density Residential Developments (single family attached, single family detached, multi-family)</td>
<td>(See subsection D below)</td>
</tr>
<tr>
<td>Offices, General</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Offices, Intensive and Clinic, Medical</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Public and Quasi-Public Institution, Church and School; Public Utility</td>
<td>The greatest of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f.</td>
</tr>
<tr>
<td>Recreation Facility, Private</td>
<td>1 per 4 persons (based on the facility's maximum rated capacity)</td>
</tr>
<tr>
<td>Recreation Facility, Commercial</td>
<td>The greatest of: 1 per 4 seats, 5 per 1,000 s.f. of floor area, or 1 per 3 persons rated capacity</td>
</tr>
<tr>
<td>Retail and Service Commercial, Personal Service</td>
<td>3 for each 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Retail and Service Commercial, Regional</td>
<td>5 for each 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Retail and Service, Auto Related and Gas Stations</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Restaurant, Standard and Bar</td>
<td>1 for every 100 s.f. of net leasable floor area, including kitchen areas</td>
</tr>
</tbody>
</table>
Table 17-7-8.8
Parking

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Number of Spaces)</th>
</tr>
</thead>
<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>
</tr>
<tr>
<td>Shopping Centers or Complexes of Multi-Tenant Retail Spaces</td>
<td>3.5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Single Family Residential Subdivision</td>
<td>2 spaces per dwelling unit; developments with private street shall include guest parking at a rate of one space for every 4 units</td>
</tr>
</tbody>
</table>

A. Location of Parking.

1. Off-Street Parking. The parking required herein must be located on the property except as specifically exempted herein.

2. On-Street Parking. Parallel parking spaces on designated public and private streets may be used to meet the guest parking needs of residential and mixed uses. The city engineer will designate streets available for parking based on the width of the traveled surface, traffic demand, best engineering practices and adopted fire codes.

3. Front Setback. No parking shall occur within the front setback of any building, except that 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. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply. 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.

   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.
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;

ii. Parking areas with over ten stalls must have a minimum of ten percent interior landscaping;

iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, a minimum of ten percent interior landscaping, 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. No driveway or aisle shall exceed three hundred feet in length unless traffic-calming devices/techniques are used to slow traffic and safely allow pedestrian crossings.

c. Commercial 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.

   i. One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.

   ii. Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty-six feet.

C. Parking Garages and Structures. Parking within a parking garage or structure requires:

1. Aisle. The minimum aisle width is twenty-four feet.

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

3. Location. The parking structure shall not be located on a street frontage.
43. Design/Architecture. Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures. Parking garages and structures shall meet the following standards:

   a. Parking structures shall include pedestrian walkways and connections, a layout that considers safe walking routes to elevators, stairways, doors, and to the sidewalk system. These shall be clearly marked and continuous in design.

   b. 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.

   c. 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.

   d. 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.

   e. 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.

   f. Parking stall width may be reduced to eight feet, three inches.

   g. 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.

   h. The planning commission may waive one or all of the foregoing design/architecture requirements if a competent 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.

D. Medium and High Density Residential Use Parking Standards. Parking for new medium and high density residential uses shall comply with the following:
1. Surfacing. Parking areas and driveways must be hard-surfaced with asphalt, concrete or a comparable material approved by the city engineer; maintained in good condition; and clear of obstructions at all times.

2. Parking Requirements. The required number of off-street parking spaces available within a medium or high density residential project is dependent on the proximity of the project to a major transit facility. The parking requirements are as follows:

   a. Units located within one-eighth of a mile of the transit stop must have one and one-quarter parking spaces per two bedroom unit;

   b. Units located within a quarter of a mile of the transit stop must have one and one-half parking spaces per two bedroom unit;

   c. Units located outside of the quarter mile line will have parking as determined by the planning commission;

   d. One bedroom units shall be allowed a one-quarter parking space per unit reduction in the parking requirement;

   e. Units with three or more bedrooms shall include an additional one-quarter parking spaces per unit;

   f. One additional guest parking space for every four units shall be included on the parking plan although on-street parking, where allowed by the city engineer, may be used to meet this requirement;

   g. Projects that lack direct and unimpeded pedestrian access to the transit stop or that lack a viable and sustainable parking control plan shall include parking as required by the planning commission regardless of location;

   h. Mixed use projects shall include the parking spaces required for the commercial portion of the project at the dimensions required for commercial parking lots. These parking places may be shared with a residential use as allowed under this title, but they shall be concentrated near the commercial use to ensure access to the commercial use patrons.
3. Parking Space Dimensions. All new medium and high density residential 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. Up to sixty percent of the total parking spaces must be at least eight and one-half feet wide by eighteen feet long, however, the remaining parking spaces must be at least 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 and motorcycle spaces may be included in a project but will not count toward the parking requirement.

4. 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;

   e. Drives serving more than one dwelling shall provide a minimum twenty-foot transition area at no greater than a two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and

   f. The maximum storm water discharge level accepted by the city is two-tenths of a cubic foot per second per acre.

5. Street Access and Circulation. New medium and high density 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. Corners. 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 corners, 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. Aisle. A minimum aisle width of twenty-four feet is required.

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.

E. Commercial Use Parking Standards. Parking for new commercial uses shall comply with the following:

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

2. Parking Space Dimensions. All new commercial 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.

3. 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;

e. Drives serving more than one single family dwelling shall provide a minimum twenty-foot transition area at no greater than a two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and

f. The maximum storm water discharge level accepted by the city is two-tenths of a cubic foot per second per acre.

4. Street Access and Circulation. New commercial 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.

F. Calculation of Spaces. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

G. Outdoor Lighting Standards. 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 Footcandle</th>
<th>Light Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building entrance</td>
<td>5 f.c.</td>
<td>Metal halide or high-pressure sodium LED</td>
</tr>
<tr>
<td>Canopies</td>
<td>20 f.c.</td>
<td>Metal halide or high-pressure sodium LED</td>
</tr>
<tr>
<td>Retail car lots</td>
<td>Front row 10 f.c. or less; 2 f.c. average over site;</td>
<td>Metal halide or high-pressure sodium LED</td>
</tr>
</tbody>
</table>
Use | Maximum Average Footcandle | Light Source |
--- | --- | --- |
 | 50% reduction in light levels between midnight and sunrise | sodiumLED |
Commercial uses | 2 f.c. | Metal halide or high-pressure sodiumLED |
Historic districts | 2 f.c. | High-pressure sodiumLED |
Residential | 1 f.c. | 150 watt high-pressure sodium on 15 ft. poles at 250 ft. spacingLED |
T.O.D. and mixed Mixed-use | 2 f.c. | Metal halide in parking areas, high-pressure sodium for all otherLED |

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.

4. Design Standards.
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 are 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 Preexisting Lighting. The applicant must bring preexisting lighting into compliance with this code upon application with the business license department for a change in ownership, new business in a stand-alone structure or in a multi-tenant structure in which the new business utilizes more than fifty percent of the building square footage on the site, in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.

H. Parking Lot Use. A parking lot shall only be constructed for uses allowed within the zone in which it is located. 

17-7-8.9 Utilities

A. Utility Burial. 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.

B. City-Wide Utility Infrastructure. Each project and each structure within each project shall include infrastructure that facilitates connection to Questar Gas, Rocky Mountain Power, Comcast Cable, UTOPIA Fiber, and Qwest Communications. This requirement may be waived if any of the aforementioned utilities decline, in writing, the opportunity to install or utilize the necessary infrastructure. The director of community and economic development and authorized deputies may approve the waiver. (Ord. 10/21/2008O-8 § 1 (part), 2008: Ord. 10/16/2007O-15 § 1 (part), 2007: Ord. 11-20-2001 § 2 (part), 2001. Formerly 17-7-8.8)

17-7-8.10 Signs

Signage for each application must comply with an approved theme, which is uniform throughout the proposed development, and which complements the approved signage of near or adjacent pedestrian-oriented development. If a regulated sign type is not specifically designated, it is prohibited.

Table 17-7-8.10

<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</td>
<td>6 s.f.</td>
<td>4'</td>
<td>One per ground-level tenant. Must not impede pedestrian movement.</td>
</tr>
<tr>
<td>Awning/Canopy</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</td>
<td>32 s.f.</td>
<td>6'</td>
<td>Removed within 15 days from final voting day. 3'</td>
</tr>
</tbody>
</table>
Table 17-7-8.10

**Signs**

<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></td>
<td></td>
<td></td>
<td>max. height in clear view triangle.</td>
</tr>
<tr>
<td>Construction</td>
<td>32 s.f.</td>
<td>12'</td>
<td>Removed prior to certificate of occupancy.</td>
</tr>
<tr>
<td>Directional</td>
<td>4 s.f.</td>
<td>3'</td>
<td>Located at drive entrances and on-site only.</td>
</tr>
<tr>
<td>Flat or Wall (includes Window)</td>
<td>Sign 1: 15% of wall surface; Signs 2—3: combined signage 5% of wall surface</td>
<td>n/a</td>
<td>Must be attached to main building. All signs attached to facade, including awning signs, window signs and wall signs, determine sign area.</td>
</tr>
<tr>
<td>Monument</td>
<td>32 s.f.</td>
<td>6' (total)</td>
<td>At least 1 foot of pedestal. May be placed on berm, w/ top of sign ≤ 9'; 3' max. height in clear view triangle; 3' from sidewalk.</td>
</tr>
<tr>
<td>Projecting Wall Sign</td>
<td>12 s.f.</td>
<td>n/a</td>
<td>May extend 4’ from facade perpendicular to facade. Must be 8’ above sidewalk. One per ground level tenant.</td>
</tr>
<tr>
<td>Real Estate</td>
<td>32 s.f.</td>
<td>12'</td>
<td>3’ max. height in sight distance triangle.</td>
</tr>
<tr>
<td>Suspended</td>
<td>60 s.f.</td>
<td>n/a</td>
<td>Sign area is 1 sq. ft. per lineal foot of building.</td>
</tr>
<tr>
<td>Temporary</td>
<td></td>
<td></td>
<td>See text.</td>
</tr>
<tr>
<td>Window</td>
<td>25% of window area</td>
<td></td>
<td>See text.</td>
</tr>
</tbody>
</table>

A. Multiple Sign Types. No more than two different sign types shall identify a business.

B. Wall Signs. One wall sign is permitted per sidewalk frontage. There shall be no more than two wall signs per tenant space. The maximum sign area is one square foot per each lineal foot of building elevation on which the sign is located, not to exceed sixty square feet. The overall length of a sign shall not exceed eighty percent of the width of the building on which it is located. The maximum letter size for a one-row sign shall be twenty-four inches and eighteen inches for two rows. Restaurants or other eating establishments may have one additional wall-mounted menu sign not to exceed three square feet. Second-floor tenants may have one
additional wall-mounted directory sign located near street-level entrances not to exceed three square feet. The following four types of wall signs are allowed; all others are prohibited:

1. An externally illuminated aluminum sign panel with cut out and/or channel letters illuminated by a specified cut-off floodlight fixture mounted to the building.

2. An internally illuminated aluminum sign panel with cut out and/or reverse channel letters illuminated by neon tubes or fluorescent lamps behind the sign panel and/or letters.

3. An externally illuminated individually fabricated channel letter form using a specified cut-off floodlight fixture mounted to the building.

4. An internally illuminated channel letter mounted to the building.

C. Awning/Canopy Signs. All awnings and canopies shall be constructed of a canvas-like material or architectural metal. The design and color shall relate to the storefront design. No awning or canopy sign may extend more than five feet over the sidewalk and shall be at least eight feet above the sidewalk. Awnings and canopies that are utilized for signage shall use contrasting letters that are painted, applied or sewn onto the vertical drip of the awning or canopy. Letters shall not exceed eight inches in height nor occupy more than eighty percent of the width of the awning or canopy.

D. Projecting Signs. One projecting sign may be attached to the building perpendicular to the facade facing the sidewalk per ground level tenant space. A projecting sign shall be made of a rigid material with the bracket and sign panel relating to the storefront design. Projecting signs may not exceed twelve square feet in size, or project more than four feet from the facade, and must be at least eight feet above the sidewalk.

E. Door/Window Signs. Lettering and logos may be applied directly onto storefront windows. This includes white gold leaf, applied vinyl, painted, etched or sandblasted. Total area of the sign (including lettering and logos) shall not exceed ten percent of the window area on which it is located. Storefront windows and doors shall be limited to a maximum of two square feet of coverage with stickers, credit card decals, hours of operation, etc. There may be one window sign listing the names of second-floor tenants near street-level entrances. This sign shall not exceed six square feet and is not to be included in the ten percent allowance.

F. Suspended Signs. Suspended signs shall be located near the entrance to the business/tenant space and may be used in place of rather than in conjunction with a wall sign. The maximum sign area is one square foot per each lineal foot of building elevation on which the sign is located, not to exceed sixty square feet. Signs
shall be located so as to emphasize design elements of the buildings. No suspended sign shall be less than eight feet above the sidewalk.

G. Monument Signs. A monument sign is only allowed to identify projects that encompass a minimum of one and one-half acres, and not individual stores or tenants. One monument sign may be allowed per project. A monument sign shall not exceed thirty-two square feet or six feet in height, and shall be located in a landscaped area associated with a project entry or focal point. 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.

H. A-Frame Signs. One freestanding A-frame signboard per ground-level tenant may be placed on the sidewalk of at least ten feet in width, provided the sign does not interfere with pedestrian movement. The signboard copy space shall not exceed three feet in height and two feet in width with a maximum sign height of four feet.

I. Clearance and Setbacks. The following standards apply:

1. At intersecting streets all signs shall be located outside of the clear view area.

2. For signs over pedestrian ways, the clearance between the ground and the bottom of any projecting or ground sign shall not be less than eight feet.

3. For signs over driveways for vehicular traffic, the minimum clearance shall be fourteen feet.

4. All monument signs shall be a minimum of three feet from a public sidewalk or property line.

J. Temporary Signs. The following provisions regulate the use of temporary signs. If a temporary sign type is not specifically designated, it is prohibited.

1. Attachment. Temporary signs may not be permanently attached to the ground, buildings or other structures.

2. Grand Opening Events Signs. Promotional signage, such as pennants, streamers, banners, balloon signs, and inflated sign displays, may be used for grand opening events for new businesses. Such promotional signage must be initiated within the first three months of a new business receiving a certificate of occupancy, and may be used for a maximum of thirty consecutive days. Said signs shall be
used in such a manner so as not to constitute a safety hazard. A temporary sign permit shall be required. Promotional signage shall not include illuminated signs or devices.

3. Feather Flags. A maximum of one feather flag is allowed per business in a multitenant building. One feather flag per fifty feet of frontage or a maximum of five are allowed for stand-alone businesses. Feather flags may be displayed on private property for a period of fourteen consecutive days per calendar quarter up to four times per calendar year, with a maximum height of twelve feet. A temporary sign permit shall be required for each display period.

K. Outdoor Advertising. The following provisions regulate the use of bus benches, shelters, ad stands and newspaper stands.

1. Bus Benches and Shelters.
   a. Construction. Benches and shelters shall be constructed of durable materials and shall be kept in good repair. Shelter materials shall be black in color. Benches and shelters which are in disrepair or are unsafe or unstable will not be permitted and may be removed by the city. A concrete pad (not to extend beyond the footprint of the bench or shelter by more than one foot) and paved access (three feet in width) to the curb will be required for all benches and shelters (see diagram below). A bench may utilize concrete already installed in the park strip. Benches and shelters must be securely fastened to the concrete pad to prevent their unauthorized removal. The existing concrete pad must be repaired, including removal of attachment bolts and repair of all holes, by the bench sign company after removal. The business name and telephone number of the owner shall be printed on the bench or shelter in a conspicuous location.

   ![Diagram of bus bench and shelter]

   b. Location. Benches and shelters may be located along dedicated public rights-of-way only at bus stops established by the Utah Transit Authority. Shelters must be located behind the sidewalk.
All street improvements must be in place and the park strip must measure at least five feet in depth for a bench location. Bench signs shall be no closer than two feet from the curb in order to avoid injuries to persons waiting at the benches by the opening of doors of the bus. Benches and shelters shall not obstruct the sidewalks, roadways or other locations where the signs may pose a hazard to motorists or pedestrians. Benches and shelters installed by the Utah Transit Authority shall take priority at allowable locations. Benches and shelters to be placed on private property shall require a letter of approval from that property owner to be submitted to the city. The bench or shelter and an area within a ten-foot radius shall be maintained by the owner twice per week.

c. Area. The sign portion of a bench sign shall not exceed sixteen square feet in area (two-foot maximum height and eight-foot maximum width) and the sign portion of a shelter shall not exceed thirty square feet (six-foot maximum height and five-foot maximum width).

d. Density. No more than one bench or shelter shall be located at each Utah Transit Authority bus stop unless otherwise justified by the Utah Transit Authority because of heavy demand.

e. Insurance. Each bench or shelter company shall provide proof of liability insurance in the minimum amount of five hundred thousand dollars.

f. Permit. A temporary sign permit shall be approved and issued by the director of community and economic development or designee prior to the installation of a bench or shelter. A fee shall be paid for said permit for each bench or shelter as provided in Resolution 02/26/02C. The permit shall be valid for one year, renewing at the beginning of each fiscal year. Benches and shelters installed by the Utah Transit Authority or other public agencies shall be exempt from the payment of a fee. A change in the text of the sign for the bench or shelter or a substitution of benches or shelters shall not require the issuance of a new permit or the payment of an additional fee if the bench or shelter is placed in the same location as originally permitted.

g. Revocation and Removal. The issuance of a permit to locate a bench or shelter within the city of Midvale creates only a license, revocable upon a showing of cause by the city, and shall create no permanent rights of any kind. Each bench or shelter must be removed within thirty days of written notification. Benches or shelters not moved within the thirty-day period will be removed by the city at the owner’s expense. Removal expense per bench shall be calculated based on using a two-man crew and one truck for one hour.

2. Newspaper and Ad Stands.
a. Construction. Newspaper and ad stands shall be constructed of durable materials and shall be kept in good repair. Newspaper and ad stands must be securely fastened to a concrete pad either in the park strip or behind the sidewalk to prevent their unauthorized removal. The concrete pad must be repaired, including removal of attachment bolts and repair of all holes after removal. The business name and telephone number of the owner shall be printed on the stand in a conspicuous location.

b. Location and Density. Newspaper and ad stands may be located along dedicated public rights-of-way only at bus stops established by the Utah Transit Authority. All street improvements must be in place and the park strip must measure at least five feet in depth. There shall be no more than three stands per established bus stop. The stand may not be located adjacent to any mailbox, post, pole or monument and shall not impede or interfere with reasonable use of pedestrian traffic, display windows or building entrances or the reasonable use of any fire hydrant, traffic signal box or emergency call box.

c. Advertising. No advertising is allowed on the exterior except a logo or other information identifying the publication.

d. Permit. A temporary sign permit shall be approved and issued by the director of community and economic development or designee prior to the installation of a newspaper or ad stand. A fee shall be paid for said permit for each newspaper or ad stand as provided in Resolution 02/26/02C. The permit shall be valid for one calendar year. A substitution of newspaper or ad stands shall not require the issuance of a new permit or the payment of an additional fee if the newspaper or ad stand is placed in the same location as originally permitted.

e. Revocation and Removal. The issuance of a permit to locate a newspaper or ad stand within the city of Midvale creates only a license, revocable upon a showing of cause by the city, and shall create no permanent rights of any kind. Each newspaper or ad stand must be removed within thirty days of written notification. Newspaper or ad stands not moved within the thirty-day period will be removed by the city at the owner’s expense. Removal expense per stand shall be calculated based on using a two-man crew and one truck for one hour.


17-7-8.11 Conditional use standards of review.

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

A. General Review Criteria. An applicant for a conditional use in the zone must demonstrate:

1. The application complies with all applicable provisions of this title, state and federal law;

2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;

3. The use is not detrimental to the public health, safety and welfare;

4. The use is consistent with the general plan, as amended;

5. Traffic conditions are not adversely affected by the proposed use, including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;

6. Sufficient utility capacity;

7. Sufficient emergency vehicle access;

8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in Section 17-7-1.8;

9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;

10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site, including compatibility with buildings on adjoining lots and to the street;

11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
12. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential and appropriateness of the proposed structure to the topography of the site.

B. Specific Review Criteria for Certain Conditional Uses. In addition to the foregoing, the community and economic development department and planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:

1. Conditional Use.

   a. Child Care. Each application for a child care facility or center must include:

      i. Proof of a state child care license;

      ii. Compliance with state, federal and local law; and

      iii. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation.

   b. Assisted Living/Senior Housing/Congregate Care. Each application for an assisted living, senior housing or congregate care use must comply with the following:

      i. The maximum number of residents shall be:

         (A) Eight for structures fronting on public streets smaller than collector streets; and

         (B) Sixteen for structures fronting on public streets considered collector streets or larger.

      ii. A complete application shall include:

         (A) Proof of state license for assisted living, senior housing, congregate care, or its equivalent;

         (B) A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots and complies with Utah Department of Health standards;

         (C) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;
(D) A sign plan which includes no more than two square feet of signage for facilities on public streets smaller than collector streets, and monument signs not to exceed thirty-two square feet for facilities on public streets considered collector streets or larger; and

(E) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in Section 17-7-8.8.

2. Administrative Conditional Use.

a. Telecommunications Facility. This subsection applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Two types of wall-mounted antennas are allowed: stealth-mounted and non-stealth-mounted. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

(1) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.
(2) Area Limitations for Stealth Wall-Mounted Antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not exceed five percent of any exterior wall of the building. Stealth wall-mounted antennas may occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and is not visible from public vantage points.

(1) Area Limitations for Non-Stealth Wall-Mounted Antennas. The total area for all non-stealth wall-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

ii. Roof-Mounted Antenna. Two types of roof-mounted antennas are allowed: stealth-mounted and non-stealth-mounted. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

(1) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly
proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building.

(2) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

iii. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width.

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv. Monopole with Antennas and Antenna Support Structure Greater Than Two Feet in Width.

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.
(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

v. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower’s height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

vii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(C) Antenna transmissions will not interfere with public safety communications;

(D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;
Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

Location and zoning compliance of accessory buildings associated with the telecommunications facility.

viii. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(A) Structural capacity of the antenna towers;

(B) Geographic telecommunications area requirements;

(C) Mechanical or electrical incompatibilities;

(D) Inability or ability to locate equipment on existing antenna towers; and

(E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

ix. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

x. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city’s test-drive agreement.

b. Outdoor Dining. Each application for an outdoor dining use shall comply with the following:
i. The dining area shall be located on private property or leased public property and does not diminish parking or landscaping.

ii. The dining area shall not impede pedestrian circulation.

iii. The dining area shall not impede emergency access or circulation.

iv. The outdoor furnishings shall be compatible with the streetscape and associated building.

v. No music or noise shall be in excess of the city noise ordinance, Section 8.01.070. Outdoor music shall not be audible off premises.

vi. No use after ten-thirty p.m. and before seven a.m.

vii. No part of the outdoor dining area shall be located within one hundred feet of any existing residential use (measured from the edge of the outdoor dining area to the closest property line of the residential use), unless the residential use is part of a mixed use building or the outdoor dining area is separated from the residential use by a commercial building.

viii. Cooking facilities shall be located within the primary building. No cooking utilities, including grills, shall be permitted in the outdoor dining area.

ix. The outdoor dining area shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.

c. Fences Greater Than Six Seven Feet in Height. Each application for a fence greater than six seven feet in height must comply with the following:

i. The applicant must demonstrate that a fence greater than six seven feet in height is necessary to better promote public health, safety, welfare, and aesthetic quality in the area and the height requested is the minimum necessary to achieve this.

ii. The fence design, i.e., materials, color, features, height, must be compatible with the associated development in terms of theme, architecture and function. All barbed wire or other sharp, pointed, or electrically charged fences are prohibited.

17-7-8.12 Live/work units

Live/work units are residential townhouse dwellings designed so that the first floor may be used either as living space or as commercial/retail space, as the owner chooses. Live/work units are regulated as follows:

A. A live/work unit may be located only in mixed-use areas or on the fringes of residential areas within two hundred fifty feet of an entrance to the development from an arterial or collector street;

B. Live/work units shall not exceed forty percent of the units in an MPD and shall be designated as live/work units on the final plat;

C. Vehicular access to live/work units/areas must be planned in a way that mitigates the impacts from additional commercial traffic to neighboring residential-only units;

D. In addition to the parking spaces required by the residential needs, live/work units must have an additional two parking spaces adjacent to and dedicated for the commercial portion of the occupancy. Parking may be shared when five or more live/work units are adjacent to each other but no less than one and one-half parking spaces per unit must be provided. Parking may also be shared with primarily retail/office/flex uses at the discretion of the planning commission;

E. Allowed commercial uses shall be limited to the ground floor of the live/work unit;

F. Live/work units shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds gross vehicle weight;

G. Live/work units shall not include identifying signage in excess of a four-square-foot nameplate attached to the dwelling;
H. Live/work units are limited to the on-site employment of immediate family who occupy the dwelling and up to one employee that does not occupy the dwelling (this criteria is not intended to limit the number of employees who are engaged in business but conduct all work activities off premises);

I. Live/work dwellings shall be designed to reflect their status as primarily residential units;

J. Live/work units shall not cause a demand for municipal services in excess of that associated with normal residential use;

K. Live/work units shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes; and

L. Live/work units are limited to professional office, nonindustrial artistic, architectural/engineering office, real estate office, mail/Internet supply offices and other similar uses. Retail uses are prohibited except that architectural, artistic, engineering, drafting, and similar on-premises products may be displayed and sold by appointment only. Other prohibited uses include animal-related uses, auto-related uses, medical offices, sexually oriented businesses, and any use prohibited in the applicable zoning district. (Ord. 10/21/2008O-8 § 1 (part), 2008: Ord. 10/16/2007O-15 § 1 (part), 2007)

17-7-8.13 Itinerant merchants. The city shall not issue a business license for an itinerant merchant unless the following general and applicable specific criteria are demonstrated as part of the business license application:

A. General Itinerant Merchant Criteria.

1. Location on Private Property. The business and any activity associated therewith must be located on private property and only as a secondary use to another primary commercial use. The business shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by the city) or on vacant or residentially used property, regardless of the zoning district.

2. Impervious Surface. The business must be located on a hard surface with no portion of the business located in a landscaped or non-improved area.

3. Setbacks. The business must be located a minimum of ten feet behind the inside edge of the public sidewalk (or fifteen feet from the edge of the road right-of-way if no sidewalk exists); five feet from
combustible walls, roof eave lines, awnings, etc.; ten feet from any building openings (i.e., doors, windows, vents, etc.); and five feet from a fire hydrant, driveway, handicapped parking space and loading area.

4. **Lease.** There must be a valid lease or written permission from the private property owner expressly allowing the use of property for the business that is the subject of this section. The merchant shall demonstrate the ability to utilize an existing restroom facility on or nearby the property.

5. **Traffic Safety.** The business location shall not impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet and the itinerant business shall not interfere with the internal parking lot circulation.

6. **Parking.** The site must have adequate parking to accommodate the primary use(s) on site as well as any area used by the itinerant business. No part of the itinerant merchant business shall occupy required parking stalls for the primary use(s).

7. **Power.** All electrical wiring must be in compliance with the National Electrical Code and approved by the Midvale City Building Department. Extension cords and generators are prohibited.

8. **Temporary Only.** All aspects of the business shall be temporary in nature with no permanent facilities constructed on site, with the exception of the required permanent power source.

9. **Maintenance.** The area around the business shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The merchant is responsible to clean up all trash, litter, spills, etc., within a minimum twenty-foot radius of the business.

10. **Business Conduct.** The business may not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion-producing devices to attract attention to its operation.

11. **Regulatory Compliance.** All applicable local and state regulations (i.e., food permit, tax numbers, registration, etc.) shall be met.

12. **Business License.** All requirements of Chapter 5.14 of the Midvale Municipal Code shall be met.

13. **Site Plan.** A site plan, drawn to scale, showing the exact location of the itinerant merchant (including all components of the business) with setbacks to buildings, sidewalks, roadways, driveways,
parking, fire hydrants, and other important features shall be provided. A photograph or illustration showing components of the business, including cart and awning dimensions, trash receptacles, coolers, signage, electrical plans, etc., shall be provided, as well as other information required to show compliance with the applicable requirements contained herein.

B. Specific Itinerant Merchant Criteria.

1. Vending Cart. Each business license application for a vending cart must comply with the following:
   
a. There shall be a minimum separation of one thousand three hundred twenty feet between all vending cart locations. This separation shall be measured as a radius in all directions, with the vending cart location being the center point.

b. The vending cart must be located no closer than thirty feet from a single family residential zone.

c. Any vending cart selling food items shall not be located within two hundred feet of the primary public entrance of an existing restaurant use. The exception to this is an existing restaurant is allowed to operate a vending cart within this area, provided all other provisions of this section are satisfied.

d. A minimum of two on-site parking stalls are required for the vending cart use. One of these stalls shall be dedicated for the use of the itinerant merchant’s patrons; the other for a business employee.

e. The vending cart shall be constructed of surface materials that are primarily stainless steel and in accordance with the Salt Lake Valley Health Department regulations. Transparent, plastic sides may be extended above the cart’s preparation/counter surface, provided these sides do not extend beyond the width or length of the cart and three feet above the preparation/counter surface, if it is kept clean, and is free of signage and other attachments. The vending cart shall not exceed a width of four feet and a length of six feet (a hitch may extend a maximum of two feet beyond the length of the cart). The maximum height of the vending cart, excluding canopies or umbrellas, shall be five feet. A vending cart may include a built in canopy provided it does not extend more than three feet beyond the width of the cart on each side and any extension beyond the cart width is a minimum of seven feet above the parking lot surface. This canopy shall be an earth tone color; a stainless steel canopy is acceptable.
f. The vendor shall be limited to three stacked coolers (each cooler shall not exceed three and three-quarters square feet in size), one trash receptacle, one chair, and a freestanding umbrella (not to exceed a six-foot diameter) external to the vending cart. All other freestanding devices, i.e., signs, propane tanks, tables, racks, customer seating, overhead structures (i.e., tarps, enclosures, canopy extensions), etc., are prohibited. The freestanding umbrella shall be an earthtone color, and, if extending beyond the front and side edges of the cart, must be a minimum of seven feet above the parking lot surface.

g. Signage shall be attached to the vending cart and occupy no more than four square feet on the street facing side of the cart. Signs shall not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs are prohibited.

h. A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach on the vending cart.

i. All aspects of the business shall be moved on and off the premises each day of operation. No overnight parking or outdoor storage is allowed. Any vending cart selling food items must be cleaned and stored at a commissary approved by the Salt Lake Valley health department.

j. The vending cart and all related business items shall be maintained in good condition and repair at all times.

k. The business shall not be conducted before six a.m. and after ten p.m.

2. Seasonal Produce Stand. Each business license application for a seasonal produce stand must comply with the following:

a. One produce stand business shall be permitted on each parcel of private property.

b. A minimum of three on-site parking stalls are required for the produce stand use. Two of these stalls shall be dedicated for the use of the itinerant merchant’s patrons; the other for a business employee.

c. The business shall sell fresh fruits and vegetables only; merchandise and nonperishable food items are not allowed.
d. Produce shall be displayed under a tent, awning or canopy. This structure shall be an earthtone color and have a maximum size of one hundred square feet.

e. Signage must be attached to the tent, awning or canopy and shall not exceed ten square feet on each side of the structure. One A-frame sign complying with the city’s A-frame sign standards may be utilized. No flashing or animated lights or searchlights may be used. No off-site signage is allowed, including within the public right-of-way.

f. The produce stand and all related business items shall be maintained in good condition and repair at all times.

g. All aspects of the business shall be moved on and off the premises each day of operation. No overnight parking or outdoor storage is allowed.

h. Produce stands can be operated between June 1st and October 31st each year.

i. The business shall not be conducted before ten a.m. and after ten p.m. (Ord. 2014-04 § 1 (Att. A) (part); Ord. 11/10/2009O-20 § 1 (Att. A) (part), 2009; Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009; Ord. 10/21/2008O-8 § 1 (part), 2008; Ord. 10/16/2007O-15 § 1 (part), 2007; Ord. 5/16/2006O-5 § 1 (part), 2006; Ord. 11-20-2001 § 2 (part), 2001. Formerly 17-7-8.11)

Chapter 17-7-17
TRANSIT-ORIENTED DEVELOPMENT OVERLAY ZONE (TODO)

Sections:
17-7-17.1 Purpose.
17-7-17.2 Use Table.
17-7-17.3 Medium and High Density Residential Standards.
17-7-17.4 Retail, office and mixed-use development standards.
17-7-17.5 Retail, office and mixed-use architectural standards.
17-7-17.6 Required landscaping.
17-7-17.7 Parking requirements.
17-7-17.8 Utilities.
17-7-17.9 Development Agreement.
17-7-17.10 Signs.
17-7-17.11 Conditional use standards of review.
17-7-17.12 Live/work units.
17-7-17.13 Itinerant merchants.
17-7-17.14 Related Provisions.

17-7-17.1 Purpose.

The Midvale City General Plan identifies the areas around Trax stations 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
areas by providing standards for the development of high quality, higher density residential, commercial and mixed use developments within the Transit Oriented Development zone. This chapter informs the owners of the standards that will be applied in approving or disapproving proposed developments. Due to the urban nature of this overlay zone as a result of the increased density and building height, additional mitigating standards are included to supplement the standards of the Transit Oriented Development (TOD) zone. A development plan including site layout, parking, landscaping, architecture and relationship to the surrounding development shall be submitted.

The goals for developing within the Transit Oriented Development Zone Overlay include the following:

A. Provides critical mass necessary to help facilitate the reinvestment and redevelopment of the existing commercial base within the Transit Oriented Development zone and surrounding commercial areas;
B. Takes advantage of transit and existing transit opportunities;
C. Creates a consistently high quality urban environment;
D. Provides pedestrian connections within and among developments and between adjacent neighborhoods to create a walkable area;
E. Enhances the investment of those locating within and around the Transit Oriented Development zone;
F. Respects the existing development pattern through a variation in height, form and scale;
G. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents;
H. Promotes economic development by increasing the utilization of existing undeveloped or underdeveloped parcels.

17-7-17.2 Use table.

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

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<th>Uses</th>
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Table 17-7-17.2
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### Type of Business License

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**17-7-17.3 Medium and high density residential development standards.**

The following development standards apply to all new medium and high density residential development.

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

1. Front. The minimum front yard setback is fifteen feet, which shall include a sidewalk of ten feet in width and a five-foot park strip, which shall incorporate tree wells, street furniture and planter boxes. The front yard setback is measured from the back of curb.
   a. Corner Lot Rule. Corner lots have two front yards.
   b. Projections. Sills, cornices, chimneys, flues and ornamental features may project into the front yard up to two and one-half feet, provided it does not impede pedestrian traffic on the sidewalk. Eaves, awnings, arcades and second story and above balconies may project into the front yard up to eight feet so long as these elements are at least eight feet above the ground and do not impede pedestrian traffic on the sidewalk.

2. Rear. There is no rear yard setback for new development, except as required by the International Building Code, landscape buffers and the single family setback.

3. Side. There is no side yard setback for new development, except as required by the International Building Code, landscape buffers and the single family setback.
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; five story structures must be set back eighty three feet; six story structures must be set back one hundred feet; and seven story structures must be set back one hundred sixteen feet.

   b. Projections. Sills, cornices, chimneys, flues, eaves, and ornamental features may project into the setback up to two and one-half feet.

   c. Stairs and Landings. Outside stairways and landings required by building code for exterior doorways may project into the setback up to three feet.

B. Build-to Line. The front yard setback is the 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 or patio.

C. Height. The maximum height for a residential structure is seven stories. Buildings of six and seven stories are limited to structures directly adjacent to the State Street and 7200 South rights-of-way.

D. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:

   1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street. Dwellings that front a courtyard, paseo, or common open space/recreation area are encouraged.

   2. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.

   3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.
4. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.

5. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.

6. Long building rows without varying setbacks or building mass should be avoided to prevent wind tunneling and long-term shadow casting.

7. Building planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.

8. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

9. The landscaped setback is the build-to line for buildings adjacent to a public right-of-way. At least fifty percent of the front elevation must be built within three feet of the build-to line.

E. Maximum Density. For development of medium and high density residential uses, the maximum density is 85 units per acre.

F. Stories. All building types must be from one to seven stories. Six and seven story buildings are limited to structures directly adjacent to the State Street and 7200 South rights-of-way.

G. Proximity. There shall be a minimum separation of twenty feet between all habitable structures. Building separation may be reduced as follows if building code requirements are met: ten feet between one-story structures; fourteen feet between two-story structures; and eighteen feet between three-story structures.

H. Fencing. Fencing interior to residential developments shall not exceed six feet in height in the rear and side yards. Fencing in a front yard is prohibited. Perimeter project fencing may be increased to eight feet in height where appropriate. Fencing located in the sight distance triangle shall not exceed three feet in height. The fencing of private yards shall be accomplished in a manner that does not create areas of common space that are unusable,
inaccessible, or hidden from other residents of the project. Barbed or razor wire is prohibited.

I. Required Residential Open Space and Landscaping. In addition to landscaping, irrigation and grading requirements found in Section 17-7.17.6, the following landscaping and open space requirements shall apply. All required landscaping shall be installed as a condition precedent to receiving 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. 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.

2. 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.

3. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points. The landscaped area must be at least three feet in width.

4. 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. 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.
b. Types of Vegetation. At least twenty-five percent of trees and shrubs 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 Street Tree Selection Guide of Midvale City.
c. 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. Snow Removal. A plan for snow removal and/or storage shall be submitted for review by the planning staff.

J. 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.

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.

K. Characteristics of Housing Product.

1. Minimum Number of Models for Multi-Family Residential Unit Combinations that appear to be a Single Large House. Any development of fifty or more units in the above-listed configuration shall have at least three different types of housing models. Any development of fewer than fifty units of the above-listed configurations shall have at least two different types of housing models.

2. Minimum Model Characteristics for Multi-Family Residential Unit Combinations that appear to be a Single Large House. Each housing model shall have at least three characteristics which clearly and obviously distinguish it from the other housing models, such as different floor plans, exterior materials and colors, roof shapes, garage placement, window size/proportion/pattern, placement of the footprint on the lot, and/or overall building facade design.

L. Medium and High Density Residential Architectural Requirements.

1. Residential Architectural Standards. All new residential 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. All new residential development shall comply with the general architectural standards for the transit-oriented development zone and with each of the following architectural standards:

   a. Materials. All multi-family residential units, including combinations that appear to be a single large house, shall include a substantial use of brick, cultured brick, natural or cultured stone, wood or synthetic wood products.

   b. Base Materials. Each structure shall have a base or foundation with a minimum height of one-third the overall height of the structure. The base or
foundation shall extend beyond the plane of the wall above it, creating a larger mass at the base of the building. The Planning Commission may allow for minor deviations to allow this base to terminate at visual breaks in the architecture, and the planning commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, or natural or cultured stone.

c. Brick and Rock Pattern. Ledge stone, uncoursed ledge rock, random or coursed ashlar Flemish bond, English bond, common bond, running bond or drystack patterns shall be used for finished brick, rock and stone work. Herringbone, basketweave, vertical stack, stack bond, uncoursed roughly squared, and other vertical, irregular, or diagonal masonry patterns or vertical, non-alternating bond courses may be used only as an accent. Other masonry patterns shall not be used on vertical surfaces except as expressly authorized by the planning commission.

d. 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, that the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.

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

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

g. Building Massing. Buildings that are uniformly three stories or more must step the roof form or interrupt it with other roof elements. The building mass of the elevation can be reduced by off-setting dwelling units, and varying building setbacks and heights.

h. Openings. Not less than twenty-five percent of any front or rear building face shall be made up of window or door areas. Not less than fifteen percent of any side building face shall be made up of windows or door areas unless an adjacent building within twenty feet of that side face obscures the majority of that side face from public view.

i. Protruding Features. Bay windows and other architectural elements protruding from the facades may be clad in other materials.
j. Miscellaneous. Security devices shall have materials and colors that complement the building's architecture and building materials. Accessory structures shall be architecturally compatible with the primary development. Satellite dishes should be placed on the roof of a building, should be wired for use during construction, and shall not be placed within the public view or on the first floor of any building.

2. Roof Form. Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for cluster and multiple-dwelling structures. Where flat roofs are used, other techniques to provide scale and interest shall be used to refine large, continuous building forms. Long unbroken ridge or parapet lines are prohibited.

a. Generally, for structures lower than forty feet high, gable or hip roofs are preferred for the primary roof form. The primary gable roof slope shall not be less than 5:12 and not less than 6:12 for single family or duplex residences.

b. Secondary roof structures such as porch roofs, roofs over bay extensions, bay windows, etc., may include other roof forms such as shed roofs, and hip roofs in combination with gable roofs. However, the secondary roofs shall be consistent or complementary with the primary roof form. Secondary roofs that slope should not be less than 4:12. Flat roofs may be also appropriate for small areas.

c. Front Entry Feature. All dwelling units or residential buildings shall have an exterior entry that is a prominent, architectural focal point directing people into the unit or building. This feature shall relate to the architecture of the structure and may include porches, stoops, roofs, etc.

d. Garages. Garage doors must be set back a minimum of twenty feet from the property line or sidewalk, whichever is greater, if off-street parking is to occur in the driveway. In all cases where garage doors face a street, the garage door shall be recessed a minimum of two feet behind the front line of the building living area (porches, bay windows, and similar projections not included). The style, materials, colors and roofs used in the construction of accessory structures, including garages and carports, shall be architecturally compatible with the primary structures.

3. Parking Enclosures. Parking enclosures/structures should be constructed within the same structure as the dwelling units whenever possible. Parking enclosures/structures shall be held to the same architectural standards as the residential structures.
M. 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.

1. For residential structures, roof-top mechanical equipment, vents, flues, fans and other pieces of equipment shall be screened and/or organized to leave sloped roofs as simple and uncluttered as possible, or, where roofs are flat, to be screened from view of a pedestrian at the far side of the adjoining right-of-way or one hundred feet from the front property line, whichever is less. Where such appurtenances are visible, they shall be painted a color that matches the roof color or other architectural features so that their visual impact is minimized.

2. 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.

17-7-17.4 Retail, office and mixed-use development standards.

The following development standards apply to all new retail, office and mixed-use development in the zone:

A. Lot Area. There is no minimum lot area.

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

1. Front. The minimum front yard setback is fifteen feet, which shall include a sidewalk of ten feet in width and a five-foot park strip, which shall incorporate tree wells, street furniture and planter boxes. The front yard setback is measured from the back of curb.

   a. Corner Lot Rule. Corner lots have two front yards.

   b. Projections. Sills, cornices, flues and ornamental features may project into the front yard up to two and one-half feet, provided it does not impede pedestrian traffic on the sidewalk. Eaves, awnings, arcades and second story and above balconies may project into the front yard up to eight feet so long as these elements are at least eight feet above ground and do not impede pedestrian traffic on the sidewalk.
2. Rear. There is no rear yard setback for new development except as required by the International Building Code, landscape buffers and the single family setback. Unless otherwise approved as a conditional use by the planning commission, rear yards and the rear of buildings shall not abut a public street.

3. Side. There is no side yard setback for new development except as required by the International Building Code, landscape buffers and the single family setback.

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; five story structures must be set back eighty-three feet; six story structures must be set back one hundred feet; and seven story structures must be set back one hundred sixteen feet.

   b. Projections. Sills, cornices, chimneys, flues, eaves, and ornamental features may project into the setback up to two and one-half feet.

   c. Stairs and Landings. Outside stairways and landings required by building code for exterior doorways may project into the setback up to three feet.

C. Build-to Line. The front yard setback is the build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. Recessed plazas, courtyards and trellises are encouraged. The structure may be set back an additional fifteen feet to allow for the inclusion of an outdoor dining area, courtyard, patio or other pedestrian oriented use.

D. Height. The maximum height for a structure is seven stories. Buildings of six and seven stories are limited to structures directly adjacent to the State Street and 7200 South rights-of-way.

E. Maximum Density. For new development, the maximum density is 85 units per acre.

F. Stories. All building types must be from one to seven stories.

G. Required Landscaping and Recreational Amenities. In addition to landscaping, irrigation and grading requirements found in Section 17-7-8.7, the following landscaping and recreational amenities requirements shall apply. All required landscaping and amenities shall be installed as a condition precedent to receiving 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.

1. Minimum Landscape Area. The applicant shall landscape, at a minimum, the setback areas required by the International Building Code, landscape buffers and the residential buffer.

2. Recreational Amenities. The applicant shall provide appropriate recreational amenities for projects with a residential component. These amenities can be indoor and/or outdoor facilities. Indoor facilities can include fitness rooms, community rooms, etc. Outdoor facilities can include elevated plazas and outdoor recreation spaces such as pools, playgrounds, pedestrian trails, etc. Outdoor recreation areas outside the building footprint can be counted towards the required landscape/setback areas.

H. Building Orientation and Scale. Retail, office and mixed-use structures shall be oriented and scaled as follows:

1. Structures shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street except as approved by the city engineer. Structures that front a courtyard, paseo, or common open space/recreation area are encouraged.

2. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.

3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.

4. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.

5. Buildings shall be designed with separate residential and commercial entrances.

6. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.

7. Long building rows without varying setbacks or building mass should be avoided to prevent wind tunneling and long-term shadow casting.

8. Building planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.
9. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

10. Gathering areas in central areas and between buildings shall be encouraged. These areas shall be designed, through landscaping, hardscape, outdoor furniture, and public art, among others, to create a conducive atmosphere for people to come together.

L. 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 for commercial uses shall be a minimum of two hundred feet apart.

3. All newly installed driveways for commercial uses shall align with any existing commercial access across the street.

4. New development or conversion of an existing residential use to a commercial use shall not be allowed to park in such a way that users may be required or allowed to back onto public rights-of-way.

5. Existing nonconforming driveways within the zone shall be retired upon construction of a new building.

6. 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.

17-7-17.5 Retail, office 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; incorporate interior pedestrian access between structures to minimize pedestrian travel through parking areas; and provide for the safety and convenience of pedestrians by constructing pedestrian crossings with stamped, dyed, or raised walks. All new development shall comply with the following architectural standards:

A. New Building Form. Structures shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls. The design shall create easy pedestrian
access from adjacent uses, on-street parking, sidewalks and parking areas. Commercial buildings shall be designed with ground floor architectural separation to enhance street activity and “walkability.” All proposed building designs must incorporate an expansive use of windows, balconies, terraces, arcades or other design features, which are oriented to the street and other pedestrian accesses, to maximize the pedestrian interface. Windows, display windows and doors must comprise at least forty percent of street-facing facades on the commercial developments with first-floor commercial uses. Blank facades are not allowed to face public rights-of-way and may not exceed thirty feet in length on all other facades.

B. Walls. No more than three materials shall be used for primary wall surfaces. All exterior walls shall be constructed in compliance with the following:

1. Materials. Exterior finishes shall be of traditional, time- and weather-tested techniques and shall include a substantial use of brick, cultured brick, natural or cultured stone, prairie stone, and/or wood or synthetic wood products. Glazing may be used as a primary exterior material when glazing is proposed as a major architectural design element or look for a project area consisting of at least two buildings and including all of the buildings that are separated by a major feature such as a linear park, collector street, or similar element that sets an area apart. Retaining and screening walls shall be of materials complementary to the building’s materials.

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

3. Other Architectural Materials/Finishes. Architectural precast concrete, architecturally treated concrete masonry units, and architectural metals should be used primarily to provide architectural detail and relief. Fiberglass and/or metal panels may be used in relatively small quantities. The planning commission may allow other materials and material quantities that it finds add to the architectural excellence of the structure and project.

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

5. Base Materials. Each structure shall have a base or foundation with a minimum height of one-third the overall height of the structure. The base or foundation shall extend beyond the plane of the wall above it, creating a larger mass at the base of the building. The planning commission may allow for minor deviations to allow this
base to terminate at visual breaks in the architecture, and the planning commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, or natural or cultured stone.

6. Brick and Rock Pattern. Ledge stone, uncoursed ledge rock, random or coursed ashlar Flemish bond, English bond, common bond, running bond or drystack patterns shall be used for finished brick, rock and stone work. Herringbone, basketweave, vertical stack, stack bond, uncoursed roughly squared, and other vertical, irregular, or diagonal masonry patterns or vertical, nonalternating bond courses may be used only as an accent. Other masonry patterns shall not be used on vertical surfaces except as expressly authorized by the planning commission.

7. Color Scheme. Buildings shall use a cohesive palette of colors which complement nearby buildings. Without limiting the use of color, large areas of walls shall be subdued in color and not reflective. Intense colors should be used as accent only.

8. Design Consistency. All exposed sides of a building shall be designed with the same level of care, quality and integrity. Buildings should be attractive and visually engaging from all exposed sides.

C. Roofs. Roof lines and shapes shall be consistent with the design and structure of the building, and should be consistent with the roof lines of adjacent buildings. Roof forms should reflect the facade articulation and building massing, as opposed to a single-mass roof over an articulated facade.

1. Pitched Roofs. Where pitched roofs are used, the following standards shall apply:

   a. All the roofs and secondary roofs of a building shall be constructed of the same material. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.

   b. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for structures that are wider than they are tall. Long unbroken ridgelines are prohibited.

2. Parapets. Parapets shall be provided to articulate flat roofs and hide rooftop-mounted equipment. The following standards shall apply:

   a. Parapets shall have strong cornice detailing to provide interest and scale.

   b. Long unbroken parapets, particularly for buildings that are wider than they are tall, are prohibited.
3. Rooftop mechanical equipment shall be hidden from view from the adjoining street with either a parapet or a penthouse. Penthouses shall utilize materials, colors and form similar to that of the building.

D. Openings. The following standards apply to openings of all structures:

1. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.

2. Windows. Bay windows shall have from three to five sides.

3. Corner Buildings. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks, and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public place.

4. Minimum Opening Area. Not less than twenty-five percent of any street-facing building facade shall be made up of window or door areas. Not less than fifteen percent of any other building face on a third or higher story shall be made up of windows, balcony or other opening areas unless an adjacent building within twenty feet of that side face obscures the majority of that side face from public view.

E. 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 may extend beyond or across a property line without a recorded agreement with the abutting property owner;

   c. Only one fence or wall shall be allowed per property line. Double fences, walls or combinations thereof are prohibited; and

   d. 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 or wall may exceed seven feet in height, four feet in height from the front of the primary structure forward, nor three feet in height 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.

F. Lighting. All lights placed on property entrances, along pedestrian pathways or on building facades shall be of a uniform, pedestrian-friendly theme and shall be down-directed and shielded to direct light to the entry or pedestrian way. All pedestrian pathways shall include either bollard lighting, or downturned lighting which shall not exceed twelve feet in height. Pedestrian lighting shall coordinate throughout the proposed development and shall complement adjacent mixed-use project lighting. The lighting design shall minimize light trespass. Spotlights and floodlights are prohibited with the exception of approved landscape lighting. Street lighting shall either be chosen from the city’s approved street light list or installed to match a theme set by previous developments within the zone.

G. 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.

   1. For nonresidential and mixed-use structures, all roof-mounted mechanical and electrical equipment, communication antennas or dishes shall be screened from the view of a pedestrian at the far side of the adjoining right-of-way or one hundred feet from the front property line, whichever is less, or designed and/or located as part of the overall architectural design.
2. For residential structures, roof-top mechanical equipment, vents, flues, fans and other pieces of equipment shall be screened and/or organized to leave sloped roofs as simple and uncluttered as possible, or, where roofs are flat, to be screened from view of a pedestrian at the far side of the adjoining right-of-way or one hundred feet from the front property line, whichever is less. Where such appurtenances are visible, they shall be painted a color that matches the roof color or other architectural features so that their visual impact is minimized.

3. Refuse containers shall be screened from view on all sides. Screen walls and fences shall be one foot higher than the object to be screened. An opaque gate shall be included where required to complete screening.

4. Loading docks and/or service areas shall be located to the side or rear of buildings. Where they are directly visible from streets and nearby residential buildings, they shall be screened by walls at least eight feet high, or densely and continuously massed landscaping that maintains its screening capabilities in the winter. Raised planters, berms or other land forms may also be used in conjunction with landscaping or walls. A combination of dense, continuous landscaping and walls may allow the use of lower walls, but no lower than four feet high from finished grade.

H. Corner Lot Improvements. New development of corner lots shall include curb extensions in conjunction with on-street parking. All curb cuts shall be placed on each street frontage, and not at a central location at the apex of the corner radius.

I. Street Furniture. Each new mixed-use or commercial development shall include all-weather benches and shall incorporate trash receptacles and raised planters along the front facades of structures. All street furniture shall coordinate with one another and with adjacent mixed-use developments, and shall not be used for advertisement.

J. Weather Protection. All new mixed-use or commercial development shall incorporate awnings, arcades or roof projections along pedestrian pathways to shield pedestrians from adverse weather conditions. Weather protection features such as awnings, canopies, or arcades shall be provided at all customer entrances. Awnings shall not be backlit.

K. Streetscape. Sidewalks and park strips shall be finished with stamped and dyed concrete or brick pavers. Five-foot tree wells shall be incorporated into the park strip. Placement of street furniture (benches, trash cans and planter boxes) shall take place in the park strip.

L. Exterior Structure. All exterior walls of all structures shall be constructed in compliance with the following:
1. Finishes. All buildings shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units, brick cladding, natural and cast stone, prairie stone, architectural metals, and glazing. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance on all buildings. At least fifty percent of all buildings visible from a major thoroughfare shall be composed of brick, stone, architecturally treated concrete masonry units, architectural precast concrete and/or glazing.

2. Quality. High standards for exterior materials, exterior building systems, and their application are expected. In particular, the design and application of EIFS or synthetic stucco is expected to be of a high enough quality to allow for crisp detailing and substantial relief. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural precast concrete, or architecturally treated concrete masonry units.

3. Form Variations. Buildings shall provide variation in the form of facades that adjoin streets. Street-facing facades shall make use of at least two of the following variations. Secondary facades shall make use of at least one of the following variations. Variations should result from significant dimensional changes in plane, color or detail as accomplished by such devices as:

   a. Protruding bays or columns;
   b. Recessed entries;
   c. Upper level step-backs;
   d. Arcades;
   e. Offsets, projections and shifts in the general plane of the facade;
   f. Changes in materials or color;
   g. Bay windows;
   h. Vestibules;
   i. Porches;
   j. Balconies;
   k. Exterior shading devices;
   l. Non-retractable canopies or awnings;
m. Projecting cornices;

n. Eaves; or

o. Any other variation the planning commission may approve that meets the intent of this subsection.

4. Window Treatments. Street-facing facades shall include at least two of the following window treatments with at least one window treatment per window. All other facades shall utilize at least one of the following window treatments per window. Treatments may include:

a. Varying the size and/or style of windows;

b. Window sills;

c. Window grids;

d. Window trim;

e. Window headers;

f. Window railing;

g. Recessed windows;

h. Arcades; or

i. Any other treatment the planning commission may approve that meets the intent of this subsection.

5. Architectural Treatments. Street-facing facades shall include at least two of the following architectural treatments. All other facades shall include at least one of the following architectural treatments. Treatments that add detail, character, and reduce the appearance of massive blank walls may include:

a. Ornamental details such as quoin, knee braces and exposed joists;

b. A change of material applied to at least twenty percent of the facade;

c. A change of color applied to at least twenty percent of the facade;

d. Decorative parapets;

e. Reveals;

f. Pilasters;
g. Architectural banding or belt courses;

h. Cornice other than that at the top of the building;

i. Rounded design at street corners;

j. A change of pattern applied to at least twenty percent of the facade;

k. A distinguished upper floor for buildings with at least four floors; or

l. Any other treatment the planning commission may approve that meets the intent of this subsection.

6. Storefronts. Awnings, canopies, arcades or other architectural features should be used to reduce glare on storefront glass and to shelter the pedestrians standing near the storefront. Cantilever awnings and canopies from the building face so as to keep sidewalks as clear and unobstructed as possible. The planning commission may permit limited use of supporting columns as part of a thematic design or corporate standard so long as the columns do not hinder pedestrian traffic or access.

7. Primary public entry(s) shall be architecturally emphasized so that pedestrians can easily find them.

8. Drive-Through Windows. Drive-through windows shall be located at the side or rear of buildings. While not desirable, a drive aisle may be located between the building and the street so long as its width is minimized, any pedestrian crossings of it are clearly delineated with special paving treatments, no parking spaces occur off of it and a low wall, railing with landscaping, or a continuous hedge at least three feet high shall be provided between stacked cars and the sidewalk.

9. Opaque (solid) storefront security closures (rolling doors, etc.) are not allowed.

10. Entryways. Each large retail building on a site shall have clearly defined, highly visible customer entrances featuring a combination of several elements such as:

   a. Canopies, awnings or porticos;

   b. Projecting eaves and cornices;

   c. Recesses/projections of wall surfaces;

   d. Arcades;

   e. Raised parapets over the door;

   f. Peaked roof forms;
g. Lighting features;
h. Entry plazas;
i. Display windows;
j. Architectural details such as masonry tile work and moldings which are integrated into the building structure and design;
k. Integral planters or wing walls that incorporate landscaping; or
l. Signs integrated with the building architecture.

11. Secondary Facades. Building facades that face the street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone, and shall provide variety and interest in the facade through the introduction of such elements as pilasters, recessed or protruding bays, changes in materials and/or colors, building lighting elements, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.

12. Mixed-Use Buildings. Buildings that include both commercial and residential uses shall make use of architecture, materials, terracing, scale and other techniques to create a distinct separation between the commercial and residential uses in the structure.

a. Mandatory Elements. Mixed-use structures shall feature a combination of at least two of the following several elements, such as:

i. Terracing that creates a visual break between the commercial and residential areas of the structure;

ii. Material, color, and/or texture changes between the commercial and residential floors of the structure;

iii. Bulk or facade shifts between the commercial and residential floors of the structure;

iv. Architectural treatments that make the commercial portions of the structure serve as a base for the residential floors;

v. The use of a significant percentage of transparency on the commercial levels of a structure and smaller openings for the residential floors;

vi. The use of balconies and/or bay windows for residential floors;
vii. Any other element the planning commission may approve that meets the intent of this subsection.

b. Signage. Mixed-use structures shall make substantial use of signage that is pedestrian in scale and is intended to guide visitors in locating the commercial and residential portions of the structure.

M. Miscellaneous. Security devices shall have materials and colors that complement the building’s material. Accessory structures shall be architecturally compatible with the primary development. Satellite dishes over eighteen inches shall not be placed in front yards.

17-7-17.6 Required 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 residential, mixed-use and commercial 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 yet to be completed, which landscaping shall be installed by the following May 31st. The following landscaping standards apply to all new mixed-use, multi-family and commercial development in the zone and to the expansion by more than twenty-five percent of an existing building mass or site size:

A. Minimum Landscaped Area. Landscape planters shall be integrated into the overall site design.

B. Building Foundation Landscaping. If the ground adjacent to the front building foundation is landscaped, the landscaped area shall not project more than three feet from the foundation wall.

C. Residential Buffer. New development shall provide a minimum fifteen-foot landscaped buffer consisting of large trees, shrubs, and a minimum seven-foot screening wall (up to eight feet if warranted and 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.
D. Plant Materials. Areas requiring landscaping shall be planted with substantial, thematic, live plant material including plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.

1. 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.

2. Size of Trees. The following standards apply to the use of plant and tree material:

   a. Deciduous Trees. All deciduous trees shall have a minimum caliper size of two inches.
b. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half inches.

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

3. Professionally Designed and Installed Prior to Certificate of Occupancy. Landscaping shall be professionally designed and shall be installed with an automatic sprinkling system designed to cover all planted areas, with no runoff. The applicant must install required landscaping 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.

E. Irrigation/Planting Plan. The applicant must submit a landscape plan documentation package. The landscape documentation package shall be submitted to and approved by the city prior to the issue of any permit. A copy of the approved landscaped documentation package shall be provided to the property owner or site manager. The landscape plan documentation package shall consist of the following items:

1. Documentation.

   a. Project Data Sheet. The project data sheet shall contain the following:

      i. Project name and address;
      ii. Applicant’s or applicant’s agent’s name, address, phone and fax number;
      iii. Landscape designer’s name, address, phone and fax number; and
      iv. Landscape contractor’s name, address, phone and fax number, if known.

   b. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:

      i. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
      ii. Property lines and street names;
      iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
      iv. Existing trees and plant materials to be removed or retained;
v. Designation of landscape zones; and

vi. Details and specification for tree staking (trees less than a two-inch caliper must be double-staked until the trees mature to two-inch caliper), soil preparation, and other planting work.

c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:

i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system;

ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;

iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and

iv. Installation details for irrigation components.

d. Grading Plan. A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:

i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;

ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements;

iii. Grade shall slope away from the structure as required by the International Building Code.

2. Landscape Design Standards.

a. Plant Selection. Plants selected for landscape areas shall consist of plants that are well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. For projects located at the interface between urban areas and natural open space (non-irrigated), extra-drought-tolerant plants shall be selected that will blend with the native vegetation and are fire-resistant or fire-retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided. Areas with slopes greater than thirty-three percent shall be landscaped with deep-
rooting, water-conserving plants for erosion control and soil stabilization. Parking strips and other landscaped areas less than four feet wide shall be landscaped with water-conserving plants.

b. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Nonporous material shall not be placed under the mulch.

c. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches and amending the soil with organic material as per specific recommendations of the landscape designer based on the soil conditions.

d. Turfgrass. Plan shall delineate turfgrass areas and include a calculation (percentage) of irrigated turfgrass not to exceed fifty percent of the landscaped areas. Turf areas shall be on a separate irrigation zone from other landscape zones.

e. Trees. Trees less than a two-inch caliper must be double-staked until the trees mature to a two-inch caliper.

3. Irrigation Design Standards.

a. Pressure Regulation. A pressure-regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer’s recommended pressure for the sprinklers.

b. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shutoff device, and the ability to adjust run times based on a percentage of maximum Eto.

c. On slopes exceeding thirty-three percent, the irrigation system shall consist of drip emitters, bubblers or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate runoff.
d. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and nonturf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.

e. Drip emitters or a bubbler shall be provided for each tree unless located in a turf area. Bubblers shall not exceed one and one-half gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the city due to the limited number of trees on the project site.

f. Sprinklers shall have matched precipitation rates with each control valve circuit.

g. Check valves shall be required where elevation differences will cause low-head drainage. Pressure-compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.

h. Filters and end flush valves shall be provided as necessary for drip irrigation lines.

i. Valves with spray or stream sprinklers shall be scheduled to operate between six p.m. and ten a.m. to reduce water loss from wind and evaporation.

j. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

k. Spacing of irrigation heads shall not exceed fifty-five percent of coverage diameter.


a. As part of the site plan approval process, a copy of the landscape plan documentation package shall be submitted to the city for review and approval.

b. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the planning department to verify compliance with the approved landscape plans.

c. The city reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this section are not satisfied.
F. 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. Mature landscaping, which has been approved to be removed, shall be replaced with like plantings exceeding the minimum requirements of this section.

G. 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.

H. Upgrading Preexisting Landscaping. The applicant must bring preexisting landscaping into compliance with this code upon an increase of more than twenty-five percent of the current building mass or site size.

I. Minimum Number of Trees. A minimum of one tree for every four hundred square feet of landscaping is required for all areas that are not on street frontage or adjacent to residential areas.

J. Street Trees. In order to promote a uniform appearance within the zone, street trees will be selected from Midvale’s “Street Tree Selection Guide.”

K. Lighting. All pedestrian pathways shall include either bollard lighting, or down-directed lighting which shall not exceed twelve feet in height. Pedestrian lighting shall coordinate throughout the proposed development and shall complement adjacent mixed-use project lighting.

L. 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.

17-7-17.7 Parking.
An applicant for new development or the expansion by more than twenty-five percent of an existing building mass or site size in the zone must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles as follows. The planning commission may grant a reduction of up to thirty-five percent of required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use development or reduced parking due to proximity to public transportation.

Table 17-7.17.7
Parking

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Number of Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living</td>
<td>1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater</td>
</tr>
<tr>
<td>Auditorium</td>
<td>1 per 5 seats or 3 per 100 s.f. of assembly area</td>
</tr>
<tr>
<td>Bed and Breakfast Inn</td>
<td>1 per bedroom plus 1 per employee per shift</td>
</tr>
<tr>
<td>Cafe/Deli</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Child Care Facility/Center</td>
<td>1 per on-duty employee and 1 per 6 children</td>
</tr>
<tr>
<td>Convenience Store, Support</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>Financial Institution</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Hospital, Limited Care</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>1 per suite and 1 space per 200 s.f. of separately leasable space</td>
</tr>
<tr>
<td>Indoor Entertainment, Theater</td>
<td>1 per 4 seats or 5 per 1,000 s.f. of floor area depending on type of facility</td>
</tr>
<tr>
<td>Uses</td>
<td>Parking Requirement (Number of Spaces)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Medium and High Density Residential Developments (single family attached, multi-family)</td>
<td>(See subsection D below)</td>
</tr>
<tr>
<td>Offices, General</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Offices, Intensive and Clinic, Medical</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Public and Quasi-Public Institution, Church and School; Public Utility</td>
<td>The greatest of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f.</td>
</tr>
<tr>
<td>Recreation Facility, Private</td>
<td>1 per 4 persons (based on the facility’s maximum rated capacity)</td>
</tr>
<tr>
<td>Recreation Facility, Commercial</td>
<td>The greatest of: 1 per 4 seats, 5 per 1,000 s.f. of floor area, or 1 per 3 persons rated capacity</td>
</tr>
<tr>
<td>Retail and Service Commercial, Personal Service</td>
<td>3 for each 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Retail and Service Commercial, Regional</td>
<td>5 for each 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Retail and Service Auto Related and Gas Stations</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Restaurant, Standard and Bar</td>
<td>1 for every 100 s.f. of net leasable floor area, including kitchen areas</td>
</tr>
<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>
</tr>
<tr>
<td>Shopping Centers or Complexes of Multi-</td>
<td>3.5 per 1,000 s.f. of net leasable building area</td>
</tr>
</tbody>
</table>
Table 17-7.17.7
Parking

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Number of Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant Retail Spaces</td>
<td></td>
</tr>
</tbody>
</table>

A. Location of Parking.

1. Off-Street Parking. The parking required herein must be located on the property except as specifically exempted herein.

2. On-Street Parking. Parallel parking spaces on designated public and private streets may be used to meet the guest parking needs of residential and mixed uses. The city engineer will designate streets available for parking based on the width of the traveled surface, traffic demand, best engineering practices and adopted fire codes.

3. Front Setback. No parking shall occur within the front setback of any building, except that 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. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply. 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.

   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.

   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;

      ii. Parking areas with over ten stalls must have a minimum of ten percent interior landscaping;
iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, a minimum of ten percent interior landscaping, 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. No driveway or aisle shall exceed three hundred feet in length unless traffic-calming devices/techniques are used to slow traffic and safely allow pedestrian crossings.

   c. Commercial 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.

      i. One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.

      ii. Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty-six feet.

C. Parking Garages and Structures. Parking within a parking garage or structure requires:

   1. Aisle. The minimum aisle width is twenty-four feet.

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

   3. Design/Architecture. Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures. Parking garages and structures shall meet the following standards:

      a. Parking structures shall include a layout that considers safe walking routes to elevators, stairways, doors, and to the sidewalk system.

      b. 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.
c. 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.

d. 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.

e. 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.

f. Parking stall width may be reduced to eight feet, three inches.

g. 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.

h. The planning commission may waive one or all of the foregoing design/architecture 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.

D. Medium and High Density Residential Use Parking Standards. Parking for new medium and high density residential uses shall comply with the following. When using this provision, additional parking reductions shall not be applied

1. Surfacing. Parking areas and driveways must be hard-surfaced with asphalt, concrete or a comparable material approved by the city engineer; maintained in good condition; and clear of obstructions at all times.

2. Parking Requirements. The required number of off-street parking spaces available within a medium or high density residential project is dependent on the proximity of the project to a major transit facility. The parking requirements are as follows:

   a. Units located within one-eighth of a mile of the transit stop must have one and one-quarter parking spaces per two bedroom unit;

   b. Units located within a quarter of a mile of the transit stop must have one and one-half parking spaces per two bedroom unit;
c. Units located outside of the quarter mile line will have parking as determined by the planning commission;

d. One bedroom units shall be allowed a one-quarter parking space per unit reduction in the parking requirement;

e. Units with three or more bedrooms shall include an additional one-quarter parking spaces per unit;

f. One additional guest parking space for every four units shall be included on the parking plan although on-street parking, where allowed by the city engineer, may be used to meet this requirement;

g. Projects that lack direct and unimpeded pedestrian access to the transit stop or that lack a viable and sustainable parking control plan shall include parking as required by the planning commission regardless of location;

h. Mixed use projects shall include the parking spaces required for the commercial portion of the project at the dimensions required for commercial parking lots. These parking places may be shared with a residential use as allowed under this title, but they shall be concentrated near the commercial use to ensure access to the commercial use patrons.

3. Parking Space Dimensions. All new medium and high density residential 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. Up to sixty percent of the total parking spaces must be at least eight and one-half feet wide by eighteen feet long, however, the remaining parking spaces must be at least 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 and motorcycle spaces may be included in a project but will not count toward the parking requirement.

4. 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;

e. Drives serving more than one dwelling shall provide a minimum twenty-foot transition area at no greater than a two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and

f. The maximum stormwater discharge level accepted by the city is two-tenths of a cubic foot per second per acre.

5. Street Access and Circulation. New medium and high density 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. Corners. 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 corners, 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. Aisle. A minimum aisle width of twenty-four feet is required.

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.
E. Commercial Use Parking Standards. Parking for new commercial uses shall comply with the following:

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

2. Parking Space Dimensions. All new commercial 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.

3. 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;
   e. Drives serving more than one single family dwelling shall provide a minimum twenty-foot transition area at no greater than a two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and
   f. The maximum storm water discharge level accepted by the city is two-tenths of a cubic foot per second per acre.

4. Street Access and Circulation. New commercial 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.

F. Calculation of Spaces. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.
G. Outdoor Lighting Standards. 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 Footcandle</th>
<th>Light Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building entrance</td>
<td>5 f.c.</td>
<td>LED</td>
</tr>
<tr>
<td>Canopies</td>
<td>20 f.c.</td>
<td>LED</td>
</tr>
<tr>
<td>Retail car lots</td>
<td>Front row 10 f.c. or less; 2 f.c. average over site; 50% reduction in light levels between midnight and sunrise</td>
<td>LED</td>
</tr>
<tr>
<td>Commercial uses</td>
<td>2 f.c.</td>
<td>LED</td>
</tr>
<tr>
<td>Residential</td>
<td>1 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 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.

4. Design Standards.
   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 are 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 Preexisting Lighting. The applicant must bring preexisting lighting into compliance with this code upon application with the business license department for a change in ownership, new business in a stand-alone structure or in a multi-tenant structure in which the new business utilizes more than fifty percent of the building square footage on the site, in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.

H. Parking Lot Use. A parking lot shall only be constructed for uses allowed within the zone in which it is located.

17-7-17.8 Utilities.

A. Utility Burial. 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.

B. City-Wide Utility Infrastructure. Each project and each structure within each project shall include infrastructure that facilitates connection to Questar Gas, Rocky Mountain Power, Comcast Cable, UTOPIA Fiber, and Qwest Communications. This requirement may be waived if any of the aforementioned utilities decline, in writing, the opportunity to install or utilize the necessary infrastructure. The director of community and economic development and authorized deputies may approve the waiver.

17-7-17.9 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, five years.

17-7-17.10 Signs.

Signage for each application must comply with an approved theme, which is uniform throughout the proposed development, and which complements the approved signage of near or adjacent pedestrian-oriented development. If a regulated sign type is not specifically designated, it is prohibited.
<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</td>
<td>6 s.f.</td>
<td>4'</td>
<td>One per ground-level tenant. Must not impede pedestrian movement.</td>
</tr>
<tr>
<td>Awning/Canopy</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</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>
<tr>
<td>Construction</td>
<td>32 s.f.</td>
<td>12'</td>
<td>Removed prior to certificate of occupancy.</td>
</tr>
<tr>
<td>Directional</td>
<td>4 s.f.</td>
<td>3'</td>
<td>Located at drive entrances and on-site only.</td>
</tr>
<tr>
<td>Flat or Wall Window</td>
<td>Sign 1: 15% of wall surface; Signs 2—3: combined signage 5% of wall surface</td>
<td>n/a</td>
<td>Must be attached to main building. All signs attached to facade, including awning signs, window signs and wall signs, determine sign area.</td>
</tr>
<tr>
<td>Monument</td>
<td>32 s.f.</td>
<td>6' (total)</td>
<td>At least 1 foot of pedestal. May be placed on berm, w/ top of sign ≤ 9'; 3' max. height in clear view triangle; 3' from sidewalk.</td>
</tr>
<tr>
<td>Projecting Wall Sign</td>
<td>12 s.f.</td>
<td>n/a</td>
<td>May extend 4' from facade perpendicular to facade. Must be 8' above sidewalk. One per ground level</td>
</tr>
</tbody>
</table>
### Table 17-7-17.10

**Signs**

<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></td>
<td></td>
<td></td>
<td>tenant.</td>
</tr>
<tr>
<td>Real Estate</td>
<td>32 s.f.</td>
<td>12’</td>
<td>3’ max. height in sight distance triangle.</td>
</tr>
<tr>
<td>Suspended</td>
<td>60 s.f.</td>
<td>n/a</td>
<td>Sign area is 1 sq. ft. per lineal foot of building.</td>
</tr>
<tr>
<td>Temporary</td>
<td></td>
<td></td>
<td>See text.</td>
</tr>
<tr>
<td>Window</td>
<td>25% of window area</td>
<td></td>
<td>See text.</td>
</tr>
</tbody>
</table>

A. Multiple Sign Types. No more than two different sign types shall identify a business.

B. Wall Signs. One wall sign is permitted per sidewalk frontage. There shall be no more than two wall signs per tenant space. The maximum sign area is one square foot per each lineal foot of building elevation on which the sign is located, not to exceed sixty square feet. The overall length of a sign shall not exceed eighty percent of the width of the building on which it is located. The maximum letter size for a one-row sign shall be twenty-four inches and eighteen inches for two rows. Restaurants or other eating establishments may have one additional wall-mounted menu sign not to exceed three square feet. Second-floor tenants may have one additional wall-mounted directory sign located near street-level entrances not to exceed three square feet. The following four types of wall signs are allowed; all others are prohibited:

1. An externally illuminated aluminum sign panel with cut out and/or channel letters illuminated by a specified cut-off floodlight fixture mounted to the building.

2. An internally illuminated aluminum sign panel with cut out and/or reverse channel letters illuminated by neon tubes or fluorescent lamps behind the sign panel and/or letters.

3. An externally illuminated individually fabricated channel letter form using a specified cut-off floodlight fixture mounted to the building.
4. An internally illuminated channel letter mounted to the building.

C. Awning/Canopy Signs. All awnings and canopies shall be constructed of a canvas-like material or architectural metal. The design and color shall relate to the storefront design. No awning or canopy sign may extend more than five feet over the sidewalk and shall be at least eight feet above the sidewalk. Awnings and canopies that are utilized for signage shall use contrasting letters that are painted, applied or sewn onto the vertical drip of the awning or canopy. Letters shall not exceed eight inches in height nor occupy more than eighty percent of the width of the awning or canopy.

D. Projecting Signs. One projecting sign may be attached to the building perpendicular to the facade facing the sidewalk per ground level tenant space. A projecting sign shall be made of a rigid material with the bracket and sign panel relating to the storefront design. Projecting signs may not exceed twelve square feet in size, or project more than four feet from the facade, and must be at least eight feet above the sidewalk.

E. Door/Window Signs. Lettering and logos may be applied directly onto storefront windows. This includes white gold leaf, applied vinyl, painted, etched or sandblasted. Total area of the sign (including lettering and logos) shall not exceed ten percent of the window area on which it is located. Storefront windows and doors shall be limited to a maximum of two square feet of coverage with stickers, credit card decals, hours of operation, etc. There may be one window sign listing the names of second-floor tenants near street-level entrances. This sign shall not exceed six square feet and is not to be included in the ten percent allowance.

F. Suspended Signs. Suspended signs shall be located near the entrance to the business/tenant space and may be used in place of rather than in conjunction with a wall sign. The maximum sign area is one square foot per each lineal foot of building elevation on which the sign is located, not to exceed sixty square feet. Signs shall be located so as to emphasize design elements of the buildings. No suspended sign shall be less than eight feet above the sidewalk.

G. Monument Signs. A monument sign is only allowed to identify projects that encompass a minimum of one and one-half acres, and not individual stores or tenants. One monument sign may be allowed per project. A monument sign shall not exceed thirty-two square feet or six feet in height, and shall be located in a landscaped area associated with a project entry or focal point. 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.
H. A-Frame Signs. One freestanding A-frame signboard per ground-level tenant may be placed on the sidewalk of at least ten feet in width, provided the sign does not interfere with pedestrian movement. The signboard copy space shall not exceed three feet in height and two feet in width with a maximum sign height of four feet.

I. Clearance and Setbacks. The following standards apply:

1. At intersecting streets all signs shall be located outside of the clear view area.

2. For signs over pedestrian ways, the clearance between the ground and the bottom of any projecting or ground sign shall not be less than eight feet.

3. For signs over driveways for vehicular traffic, the minimum clearance shall be fourteen feet.

4. All monument signs shall be a minimum of three feet from a public sidewalk or property line.

J. Temporary Signs. The following provisions regulate the use of temporary signs. If a temporary sign type is not specifically designated, it is prohibited.

1. Attachment. Temporary signs may not be permanently attached to the ground, buildings or other structures.

2. Grand Opening Events Signs. Promotional signage, such as pennants, streamers, banners, balloon signs, and inflated sign displays, may be used for grand opening events for new businesses. Such promotional signage must be initiated within the first three months of a new business receiving a certificate of occupancy, and may be used for a maximum of thirty consecutive days. Said signs shall be used in such a manner so as not to constitute a safety hazard. A temporary sign permit shall be required. Promotional signage shall not include illuminated signs or devices.

3. Feather Flags. A maximum of one feather flag is allowed per business in a multitenant building. One feather flag per fifty feet of frontage or a maximum of five are allowed for stand-alone businesses. Feather flags may be displayed on private property for a period of fourteen consecutive days per calendar quarter up to four times per calendar year, with a maximum height of twelve feet. A temporary sign permit shall be required for each display period.

K. Outdoor Advertising. The following provisions regulate the use of bus benches, shelters, ad stands and newspaper stands.

1. Bus Benches and Shelters.
a. Construction. Benches and shelters shall be constructed of durable materials and shall be kept in good repair. Shelter materials shall be black in color. Benches and shelters which are in disrepair or are unsafe or unstable will not be permitted and may be removed by the city. A concrete pad (not to extend beyond the footprint of the bench or shelter by more than one foot) and paved access (three feet in width) to the curb will be required for all benches and shelters (see diagram below). A bench may utilize concrete already installed in the park strip. Benches and shelters must be securely fastened to the concrete pad to prevent their unauthorized removal. The existing concrete pad must be repaired, including removal of attachment bolts and repair of all holes, by the bench sign company after removal. The business name and telephone number of the owner shall be printed on the bench or shelter in a conspicuous location.

b. Location. Benches and shelters may be located along dedicated public rights-of-way only at bus stops established by the Utah Transit Authority. Shelters must be located behind the sidewalk. All street improvements must be in place and the park strip must measure at least five feet in depth for a bench location. Bench signs shall be no closer than two feet from the curb in order to avoid injuries to persons waiting at the benches by the opening of doors of the bus. Benches and shelters shall not obstruct the sidewalks, roadways or other locations where the signs may pose a hazard to motorists or pedestrians. Benches and shelters installed by the Utah Transit Authority shall take priority at allowable locations. Benches and shelters to be placed on private property shall require a letter of approval from that property owner to be submitted to the city. The bench or shelter and an area within a ten-foot radius shall be maintained by the owner twice per week.

c. Area. The sign portion of a bench sign shall not exceed sixteen square feet in area (two-foot maximum height and eight-foot maximum width) and the sign portion of a shelter shall not exceed thirty square feet (six-foot maximum height and five-foot maximum width).
d. **Density.** No more than one bench or shelter shall be located at each Utah Transit Authority bus stop unless otherwise justified by the Utah Transit Authority because of heavy demand.

e. **Insurance.** Each bench or shelter company shall provide proof of liability insurance in the minimum amount of five hundred thousand dollars.

f. **Permit.** A temporary sign permit shall be approved and issued by the director of community and economic development or designee prior to the installation of a bench or shelter. A fee shall be paid for said permit for each bench or shelter as provided in Resolution 02/26/02C. The permit shall be valid for one year, renewing at the beginning of each fiscal year. Benches and shelters installed by the Utah Transit Authority or other public agencies shall be exempt from the payment of a fee. A change in the text of the sign for the bench or shelter or a substitution of benches or shelters shall not require the issuance of a new permit or the payment of an additional fee if the bench or shelter is placed in the same location as originally permitted.

g. **Revocation and Removal.** The issuance of a permit to locate a bench or shelter within the city of Midvale creates only a license, revocable upon a showing of cause by the city, and shall create no permanent rights of any kind. Each bench or shelter must be removed within thirty days of written notification. Benches or shelters not moved within the thirty-day period will be removed by the city at the owner’s expense. Removal expense per bench shall be calculated based on using a two-man crew and one truck for one hour.

2. **Newspaper and Ad Stands.**

a. **Construction.** Newspaper and ad stands shall be constructed of durable materials and shall be kept in good repair. Newspaper and ad stands must be securely fastened to a concrete pad either in the park strip or behind the sidewalk to prevent their unauthorized removal. The concrete pad must be repaired, including removal of attachment bolts and repair of all holes after removal. The business name and telephone number of the owner shall be printed on the stand in a conspicuous location.

b. **Location and Density.** Newspaper and ad stands may be located along dedicated public rights-of-way only at bus stops established by the Utah Transit Authority. All street improvements must be in place and the park strip must measure at least five feet in depth. There shall be no more than three stands per established bus stop. The stand may not be located adjacent to any mailbox, post, pole or monument and shall not impede or interfere with reasonable use
of pedestrian traffic, display windows or building entrances or the reasonable use of any fire hydrant, traffic signal box or emergency call box.

c. Advertising. No advertising is allowed on the exterior except a logo or other information identifying the publication.

d. Permit. A temporary sign permit shall be approved and issued by the director of community and economic development or designee prior to the installation of a newspaper or ad stand. A fee shall be paid for said permit for each newspaper or ad stand as provided in Resolution 02/26/02C. The permit shall be valid for one calendar year. A substitution of newspaper or ad stands shall not require the issuance of a new permit or the payment of an additional fee if the newspaper or ad stand is placed in the same location as originally permitted.

e. Revocation and Removal. The issuance of a permit to locate a newspaper or ad stand within the city of Midvale creates only a license, revocable upon a showing of cause by the city, and shall create no permanent rights of any kind. Each newspaper or ad stand must be removed within thirty days of written notification. Newspaper or ad stands not moved within the thirty-day period will be removed by the city at the owner’s expense. Removal expense per stand shall be calculated based on using a two-man crew and one truck for one hour.

17-7-17.11 Conditional use standards of review.

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

A. General Review Criteria. An applicant for a conditional use in the zone must demonstrate:

1. The application complies with all applicable provisions of this title, state and federal law;

2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;

3. The use is not detrimental to the public health, safety and welfare;

4. The use is consistent with the general plan, as amended;
5. Traffic conditions are not adversely affected by the proposed use, including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;

6. Sufficient utility capacity;

7. Sufficient emergency vehicle access;

8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in Section 17-7-17.7;

9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;

10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site, including compatibility with buildings on adjoining lots and to the street;

11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and

12. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential and appropriateness of the proposed structure to the topography of the site.

B. Specific Review Criteria for Certain Conditional Uses. In addition to the foregoing, the community and economic development department and planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:

1. Conditional Use.
   a. Child Care. Each application for a child care facility or center must include:
      i. Proof of a state child care license;
      ii. Compliance with state, federal and local law; and
      iii. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation.
   b. Assisted Living/Senior Housing/Congregate Care. Each application for an assisted living, senior housing or congregate care use must comply with the following:
i. The maximum number of residents shall be:

(A) Eight for structures fronting on public streets smaller than collector streets; and

(B) Sixteen for structures fronting on public streets considered collector streets or larger.

ii. A complete application shall include:

(A) Proof of state license for assisted living, senior housing, congregate care, or its equivalent;

(B) A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots and complies with Utah Department of Health standards;

(C) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;

(D) A sign plan which includes no more than two square feet of signage for facilities on public streets smaller than collector streets, and monument signs not to exceed thirty-two square feet for facilities on public streets considered collector streets or larger; and

(E) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in Section 17-7-17.7.

2. Administrative Conditional Use.

a. Telecommunications Facility. This subsection applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Two types of wall-mounted antennas are allowed: stealth-mounted and non-stealth-mounted. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet
horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

(1) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.

(2) Area Limitations for Stealth Wall-Mounted Antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not exceed five percent of any exterior wall of the building. Stealth wall-mounted antennas may occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and is not visible from public vantage points.

(1) Area Limitations for Non-Stealth Wall-Mounted Antennas. The total area for all non-stealth wall-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.
ii. Roof-Mounted Antenna. Two types of roof-mounted antennas are allowed: stealth-mounted and non-stealth-mounted. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.

   (A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

      (1) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building.

      (2) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.

   (B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

iii. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width. The entire antenna structure mounted on a monopole may not exceed two feet in width.
(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv. Monopole with Antennas and Antenna Support Structure Greater Than Two Feet in Width.

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

v. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower’s height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.
vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

vii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(C) Antenna transmissions will not interfere with public safety communications;

(D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

(E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

(F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

(G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

viii. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(A) Structural capacity of the antenna towers;

(B) Geographic telecommunications area requirements;

(C) Mechanical or electrical incompatibilities;

(D) Inability or ability to locate equipment on existing antenna towers; and
(E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

ix. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

x. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city’s test-drive agreement.

b. Outdoor Dining. Each application for an outdoor dining use shall comply with the following:

i. The dining area shall be located on private property or leased public property and does not diminish parking or landscaping.

ii. The dining area shall not impede pedestrian circulation.

iii. The dining area shall not impede emergency access or circulation.

iv. The outdoor furnishings shall be compatible with the streetscape and associated building.

v. No music or noise shall be in excess of the city noise ordinance, Section 8.01.070. Outdoor music shall not be audible off premises.

vi. No use after ten-thirty p.m. and before seven a.m.

vii. No part of the outdoor dining area shall be located within one hundred feet of any existing residential use (measured from the edge of the outdoor dining area to the closest property line of the residential use), unless the residential use is part of a mixed use building or the outdoor dining area is separated from the residential use by a commercial building.

viii. Cooking facilities shall be located within the primary building. No cooking utilities, including grills, shall be permitted in the outdoor dining area.
ix. The outdoor dining area shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.

c. Fences Greater Than Seven Feet in Height. Each application for a fence greater than seven feet in height must comply with the following:

i. The applicant must demonstrate that a fence greater than six feet in height is necessary to better promote public health, safety, welfare, and aesthetic quality in the area and the height requested is the minimum necessary to achieve this.

ii. The fence design, i.e., materials, color, features, height, must be compatible with the associated development in terms of theme, architecture and function. All barbed wire or other sharp, pointed, or electrically charged fences are prohibited.

iii. Fences shall comply with all requirements for fences less than or equal to six feet in height with regard to location and construction. **17-7-17.12 Live/work units.**

Live/work units are residential townhouse dwellings designed so that the first floor may be used either as living space or as commercial/retail space, as the owner chooses. Live/work units are regulated as follows:

A. A live/work unit may be located only in mixed-use areas or on the fringes of residential areas within two hundred fifty feet of an entrance to the development from an arterial or collector street;

B. Live/work units shall not exceed forty percent of the units in an MPD and shall be designated as live/work units on the final plat;

C. Vehicular access to live/work units/areas must be planned in a way that mitigates the impacts from additional commercial traffic to neighboring residential-only units;

D. In addition to the parking spaces required by the residential needs, live/work units must have an additional two parking spaces adjacent to and dedicated for the commercial portion of the occupancy. Parking may be shared when five or more live/work units are adjacent to each other but no less than one and one-half parking spaces per unit must be provided. Parking may also be shared with primarily retail/office/flex uses at the discretion of the planning commission;

E. Allowed commercial uses shall be limited to the ground floor of the live/work unit;
F. Live/work units shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds gross vehicle weight;

G. Live/work units shall not include identifying signage in excess of a four-square-foot nameplate attached to the dwelling;

H. Live/work units are limited to the on-site employment of immediate family who occupy the dwelling and up to one employee that does not occupy the dwelling (this criteria is not intended to limit the number of employees who are engaged in business but conduct all work activities off premises);

I. Live/work dwellings shall be designed to reflect their status as primarily residential units;

J. Live/work units shall not cause a demand for municipal services in excess of that associated with normal residential use;

K. Live/work units shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes; and

L. Live/work units are limited to professional office, nonindustrial artistic, architectural/engineering office, real estate office, mail/Internet supply offices and other similar uses. Retail uses are prohibited except that architectural, artistic, engineering, drafting, and similar on-premises products may be displayed and sold by appointment only. Other prohibited uses include animal-related uses, auto-related uses, medical offices, sexually oriented businesses, and any use prohibited in the applicable zoning district. 17-7-17.13 Itinerant merchants.

The city shall not issue a business license for an itinerant merchant unless the following general and applicable specific criteria are demonstrated as part of the business license application:

A. General Itinerant Merchant Criteria.

1. Location on Private Property. The business and any activity associated therewith must be located on private property and only as a secondary use to another primary commercial use. The business shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by the city) or on vacant or residentially used property, regardless of the zoning district.

2. Impervious Surface. The business must be located on a hard surface with no portion of the business located in a landscaped or non-improved area.
3. Setbacks. The business must be located a minimum of ten feet behind the inside edge of the public sidewalk (or fifteen feet from the edge of the road right-of-way if no sidewalk exists); five feet from combustible walls, roof eave lines, awnings, etc.; ten feet from any building openings (i.e., doors, windows, vents, etc.); and five feet from a fire hydrant, driveway, handicapped parking space and loading area.

4. Lease. There must be a valid lease or written permission from the private property owner expressly allowing the use of property for the business that is the subject of this section. The merchant shall demonstrate the ability to utilize an existing restroom facility on or nearby the property.

5. Traffic Safety. The business location shall not impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet and the itinerant business shall not interfere with the internal parking lot circulation.

6. Parking. The site must have adequate parking to accommodate the primary use(s) on site as well as any area used by the itinerant business. No part of the itinerant merchant business shall occupy required parking stalls for the primary use(s).

7. Power. All electrical wiring must be in compliance with the National Electrical Code and approved by the Midvale City Building Department. Extension cords and generators are prohibited.

8. Temporary Only. All aspects of the business shall be temporary in nature with no permanent facilities constructed on site, with the exception of the required permanent power source.

9. Maintenance. The area around the business shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The merchant is responsible to clean up all trash, litter, spills, etc., within a minimum twenty-foot radius of the business.

10. Business Conduct. The business may not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion-producing devices to attract attention to its operation.

11. Regulatory Compliance. All applicable local and state regulations (i.e., food permit, tax numbers, registration, etc.) shall be met.

13. Site Plan. A site plan, drawn to scale, showing the exact location of the itinerant merchant (including all components of the business) with setbacks to buildings, sidewalks, roadways, driveways, parking, fire hydrants, and other important features shall be provided. A photograph or illustration showing components of the business, including cart and awning dimensions, trash receptacles, coolers, signage, electrical plans, etc., shall be provided, as well as other information required to show compliance with the applicable requirements contained herein.

B. Specific Itinerant Merchant Criteria.

1. Vending Cart. Each business license application for a vending cart must comply with the following:

   a. There shall be a minimum separation of one thousand three hundred twenty feet between all vending cart locations. This separation shall be measured as a radius in all directions, with the vending cart location being the center point.

   b. The vending cart must be located no closer than thirty feet from a single family residential zone.

   c. Any vending cart selling food items shall not be located within two hundred feet of the primary public entrance of an existing restaurant use. The exception to this is an existing restaurant is allowed to operate a vending cart within this area, provided all other provisions of this section are satisfied.

   d. A minimum of two on-site parking stalls are required for the vending cart use. One of these stalls shall be dedicated for the use of the itinerant merchant’s patrons; the other for a business employee.

   e. The vending cart shall be constructed of surface materials that are primarily stainless steel and in accordance with the Salt Lake Valley Health Department regulations. Transparent, plastic sides may be extended above the cart’s preparation/counter surface, provided these sides do not extend beyond the width or length of the cart and three feet above the preparation/counter surface, if it is kept clean, and is free of signage and other attachments. The vending cart shall not exceed a width of four feet and a length of six feet (a hitch may extend a maximum of two feet beyond the length of the cart). The maximum height of the vending cart, excluding canopies or umbrellas, shall be five feet. A vending cart may include a built in canopy provided it does not extend more than three feet beyond the width of the cart on each side and any extension beyond the cart width is a minimum of seven feet above the parking
lot surface. This canopy shall be an earth tone color; a stainless steel canopy is acceptable.

f. The vendor shall be limited to three stacked coolers (each cooler shall not exceed three and three-quarters square feet in size), one trash receptacle, one chair, and a freestanding umbrella (not to exceed a six-foot diameter) external to the vending cart. All other freestanding devices, i.e., signs, propane tanks, tables, racks, customer seating, overhead structures (i.e., tarps, enclosures, canopy extensions), etc., are prohibited. The freestanding umbrella shall be an earthtone color, and, if extending beyond the front and side edges of the cart, must be a minimum of seven feet above the parking lot surface.

g. Signage shall be attached to the vending cart and occupy no more than four square feet on the street facing side of the cart. Signs shall not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs are prohibited.

h. A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach on the vending cart.

i. All aspects of the business shall be moved on and off the premises each day of operation. No overnight parking or outdoor storage is allowed. Any vending cart selling food items must be cleaned and stored at a commissary approved by the Salt Lake Valley health department.

j. The vending cart and all related business items shall be maintained in good condition and repair at all times.

k. The business shall not be conducted before six a.m. and after ten p.m.

2. Seasonal Produce Stand. Each business license application for a seasonal produce stand must comply with the following:

a. One produce stand business shall be permitted on each parcel of private property.

b. A minimum of three on-site parking stalls are required for the produce stand use. Two of these stalls shall be dedicated for the use of the itinerant merchant’s patrons; the other for a business employee.

c. The business shall sell fresh fruits and vegetables only; merchandise and nonperishable food items are not allowed.
d. Produce shall be displayed under a tent, awning or canopy. This structure shall be an earthtone color and have a maximum size of one hundred square feet.

e. Signage must be attached to the tent, awning or canopy and shall not exceed ten square feet on each side of the structure. One A-frame sign complying with the city's A-frame sign standards may be utilized. No flashing or animated lights or searchlights may be used. No off-site signage is allowed, including within the public right-of-way.

f. The produce stand and all related business items shall be maintained in good condition and repair at all times.

g. All aspects of the business shall be moved on and off the premises each day of operation. No overnight parking or outdoor storage is allowed.

h. Produce stands can be operated between June 1st and October 31st each year.

i. The business shall not be conducted before ten a.m. and after ten p.m. 17-7-17.14 Related provisions.

A. Title 5, Business Taxes, Licenses and Regulations;

B. Title 16, Subdivisions;

C. Chapter 17-2, Definitions;

D. Chapter 17-3, Administration and Enforcement.
SUBJECT:
Set Public Hearing for March 21, 2017 and Discussion on Zoning Ordinance Text Amendment to amend the rear setback language in the State Street Commercial (SSC) Zone

SUBMITTED BY:
Lesley Burns, City Planner

SUMMARY:
Staff is proposing a text amendment to change the rear setback requirement and clarify the setback language in the State Street Commercial Zone, specifically where the rear property line is adjacent to existing commercial development. This proposed amendment addresses the following in the existing ordinance (the specific proposed changes to the ordinance are included in Attachment A):

- Section 17-7-7.4 (A) does not include any language regarding side setbacks. It is implied that there are no side setback standards unless required by other standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. Staff is proposing to add language that specifically states this, so there is no question what is expected.
- The required rear setback for buildings is 20 feet regardless of the adjacent use. Staff is proposing to eliminate the rear setback requirement, except where it is required by other code standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. This will provide for additional developable area on commercial properties as long as it is not adjacent to residential development. When adjacent to residential development, new commercial development is required to provide a 30 foot residential landscape buffer (Section 17-7-7.7 (I)). This requirement would remain.

The Midvale City General Plan 2016 includes a future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, (p. 51-53 Midvale City General Plan 2016). This proposed amendment is a small step in moving towards this goal, while not impacting adjacent existing residential uses. It would also make the setback language in the State Street Commercial Zone consistent with the Clean Industrial Zone, which was changed in 2010.
Planning Commission Recommendation

The proposed text amendment was presented to the Planning Commission at a public hearing held on February 22, 2017. Following the public hearing, which included support for the amendment and some questions, the Planning Commission forwarded the following recommendation for the City Council’s consideration:

“Based on the future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, without impacting adjacent residential uses, I move that we forward a recommendation to the City Council to approve the text amendment to change the rear setback requirement and clarify the setback language in the State Street Commercial Zone as proposed in Attachment A.”

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission’s recommendation.

RECOMMENDED MOTION:

N/A

Attachments:

- Examples of affected property
- Attachment A – Planning Commission’s recommendation
17-7-7.4 Lot and development standards.

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

1. Front. The minimum front yard setback is fifteen feet, which shall consist of a ten-foot wide sidewalk, a five-foot park strip, and tree wells, subject to the following exceptions:

   a. Corner Lot Rule. Corner lots have two front yards, with a twenty-five foot setback.

   b. Projections. Skylights, sills, cornices, chimneys, flues and ornamental features may project into the front yard up to two and one-half feet. Eaves and awnings may project into the front yard up to eight feet so long as the eaves or awnings are at least eight feet above ground.

2. Side. There is no side setback requirement, except as required by the International Building Code and landscaped buffers.

23. Rear. There is no rear setback requirement, except as required by the International Building Code and landscaped buffers. The rear yard setback is twenty feet, subject to the following exceptions:

   a. Projections. Skylights, sills, cornices, chimneys, flues, eaves, and ornamental features may project into the rear yard up to two and one-half feet.

   b. Stairs and Balconies. Outside stairways and balconies, may project into the rear yard up to three feet.

   c. Corner Lot Rule. On corner lots, there is no rear yard.