ORDINANCE NO. 2017-O-05

AN ORDINANCE CLARIFYING THE SETBACK LANGUAGE AND CHANGING THE REAR SETBACK REQUIREMENT IN THE STATE STREET COMMERCIAL ZONE DISTRICT; 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, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, Midvale City has found a number of areas that require amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, and/or include new provisions to further the vision of the City; and

WHEREAS, the City determined a need to clarify the language for setbacks as well as change the rear setback requirement in the State Street Commercial Zone District; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2017 to review the proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on February 8, 2017, and the Planning Commission forwarded a recommendation with specific language and formatting to the City Council on February 22, 2017; and

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

WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds it is appropriate and within the best interests of the City to make these clarifications and changes in the Midvale Municipal Code.

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

Section 1. The following chapter and sections of the Midvale Municipal Code are hereby amended as included in ATTACHMENT A of this document.

Section 2. If any part of this ordinance or the applications thereof to any person or
circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 21st day of March, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: April 2, 2017

Voting by City Council

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<th>Name</th>
<th>&quot;Aye&quot;</th>
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<td>Stephen Brown</td>
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Chapter 17-7-7
STATE STREET ZONE (SSC)

17-7-7.4 Lot and development standards.

The following development standards apply to all new development in the zone:

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 landscape buffers.

23. Rear. There is no rear setback requirement, except as required by the International Building Code and landscape 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.

B. Build-To Line...