ORDINANCE NO. 2017-O-15

AN ORDINANCE MODIFYING THE REQUIRED FRONT YARD SETBACK SIDEWALK IMPROVEMENTS FOR RESIDENTIAL PROJECTS IN THE TRANSIT ORIENTED DEVELOPMENT ZONE AND THE TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONE (SECTIONS 17-7-8.4 (A)(I) AND 17-7-17.3 (A)(I) OF THE MIDVALE MUNICIPAL CODE); ALSO, PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, Midvale City (the “City”) has the authority to make and amend any regulation of or within zoning districts 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, the City has found a number of areas requiring amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, protect its citizens, and/or include new provisions to further the vision of the City; and

WHEREAS, the City has the desire to create a better pedestrian environment for residential projects in the Transit Oriented Development Zone and Transit Oriented Development Overlay Zone; and

WHEREAS, the City has found the current development standards addressing this improvement can be improved; and

WHEREAS, the Planning Commission held a public hearing on September 13, 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 August 30, 2017, and the Planning Commission forwarded a recommendation with specific language and formatting to the City Council on this same date; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on October 3, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on September 19, 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 this change in the Midvale Municipal Code.

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

Section 1. Sections 17-17-8.4 (A)(1) and 17-17-17.3 (A)(1) of the Midvale Municipal Code is hereby amended as specifically shown below.

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 adjacent to the curb, which shall incorporate tree wells, street furniture and planter boxes; a sidewalk of five to six feet (at the discretion of the Planning Commission); and four to five feet of landscaping up to the foundation of the residential structure. With the input from the City Engineer, modification to the sidewalk and park strip standard may be allowed to provide an appropriate tie-in to an adjacent neighborhood sidewalk. The front yard setback is measured from the back of curb.

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 3rd day of October, 2017.

[Signature]
JoAnn B. Seghini, Mayor
ATTEST:

Rori Andreaon, MMC
City Recorder

Date of first publication: October 8, 2017

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<tr>
<th>Voting by City Council</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<tr>
<td>Stephen Brown</td>
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Quinn Sperry: Absent