ORDINANCE NO. 2018-O-03

AN ORDINANCE CLARIFYING THE IMPLEMENTATION OF THE "SINGLE FAMILY SETBACK" AND "RESIDENTIAL BUFFER" STANDARDS IN THE TRANSIT ORIENTED DEVELOPMENT ZONE AND THE TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONE (SECTIONS 17-7-8.4(A)(4), 17-7-8.5(B)(4), 17-7-8.7(C), 17-7-17.3(A)(4), 17-7-17.4(B)(4), AND 17-7-17.6 (C) 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 areas requiring amendments to the text of the ordinance 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 clarify the language for the "single family setback" and "residential buffer" standards in the Transit Oriented Development Zone and Transit Oriented Development Overlay Zone to ensure consistency in the implementation and understanding of these standards; and

WHEREAS, the Planning Commission held a public hearing on February 14, 2018 to review the proposed clarifying text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on January 31, 2018, 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 March 6, 2018, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on February 20, 2018; 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. 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 6th day of March, 2018.

Robert M. Hale, Mayor

ATTEST:

Kari Andreason, MMC
City Recorder

Date of first publication: March 11, 2018

Voting by City Council

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ATTACHMENT A (Option 2)

Clarification for Measuring Single Family Setback & Implementation of Residential Buffer TOD & TODO Zones

TOD Zone

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 zone, with the exception of single family detached residential lot subdivisions (see Section 17-7-8.3):

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

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.

   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. When the front yard is also a required "single family setback", the single family setback is the build-to line.

17-7-8.5 Retail, office and mixed-use development standards.

The following development standards apply to all new retail, office and mixed-use development in the zone:

B. Setbacks. New development shall comply with the following setbacks:
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: Development is considered adjacent when the development property directly abuts a single family residential zone or abuts a road right-of-way, canal or rail line bordering a single family residential zone.

a. Three-story structures must be set back thirty-seven 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. 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. When the front yard is also a required "single family setback", the single family setback is the build-to line.

17-7-8.7 Required landscaping.

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. Development that abuts a roadway bordering a single family residential zone is exempt from this requirement.
TOD Overlay Zone

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:

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. Development is considered adjacent when the development property directly abuts a single family residential zone or abuts a road right-of-way, canal or rail line bordering a single family residential zone.

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. When the front yard is also a required "single family setback", the single family setback is the build-to line.

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:

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

  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: Development is considered adjacent when the development property directly abuts a single family residential zone or abuts a road right-of-way, canal or rail line bordering a single family residential zone.

    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. When the front yard is also a required "single family setback", the single family setback is the build-to line.
17-7-17.6 Required landscaping.

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. Development that abuts a roadway bordering a single family residential zone is exempt from this requirement.

TOD Overlay Zone Buffering Standard

A – Large (Class 3) trees, 30’ on center (alternate with 8’ tall evergreens)
B – Low shrub buffer
C – Tall shrub zone (8’ – 10’ mature height)
D - Screening wall as approved by Commission