ORDINANCE NO. 2019-O-05

AN ORDINANCE AMENDING SECTIONS 17-7-3.4 AND 17-7-4.4 OF THE MIDVALE CITY 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 Municipal Code, Midvale City ("the City") has 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 City Municipal Code (the "Code")) became effective and may be subject to amendments from time to time pursuant to Section 17-3-1 the Code; and

WHEREAS, pursuant to Section 17-1-1 of the Code, the City desires to "promote coordinated development, redevelopment, effective use of land, and site planning;" "prevent substandard development, waste, inefficient use of land and resources;" "encourage innovation in residential development and redevelopment that meets the growing demand for housing;" and "foster convenient, compatible and efficient relationships among land uses;" and

WHEREAS, a request has been made for a text amendment to amend the building height standards of the RM-12 (Section 17-7-3.4) and RM-25 (Section 17-7-4.4) zones; and

WHEREAS, the Planning Commission held a public hearing on April 10, 2019, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on March 27, 2019, to review the request for a text amendment and, after considering all the information received, made a recommendation to approve the text amendment request thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on May 7, 2019, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on April 23, 2019; and

WHEREAS, after taking into consideration citizen testimony, planning analysis, and the Planning Commission's recommendation as part of its deliberations, the City Council finds it is appropriate and within the best interest of the City to make changes to the Code.

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

Ordinance 2019-O-05
Section 1. The following sections of the Midvale City Municipal Code are hereby amended as included in the following attachments to this document:

- Attachment A: Amending Section 17-7-3.4
- Attachment B: Amending Section 17-7-4.4

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 7th day of May, 2019.

Robert Hale, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Voting by City Council
Quinn Sperry  aye
Paul Glover  aye
Paul Hunt  aye
Bryant Brown  aye
Dustin Gettel  aye

Date of first publication: May 10, 2019
ATTACHMENT A
(Ordinance No. 2019-O-05)

RM-12 Zone:

17-7-3.4 Development standards.

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

C. Height. The maximum height for the zone is thirty-five feet to the midpoint for a sloping roof and thirty feet to the cornice for flat roofs. All buildings must be from one to three stories. If a structure is constructed within fifty feet of a single family residential zone, the maximum height shall be twenty-eight feet to the midpoint for sloped roofs or to the cornice for flat roofs.

D. 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 built at a height of no less than two and one-half feet above finished exterior grade.

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

E. Stories. All buildings must be from one to three stories.

E.f. Proximity. There shall be a minimum separation of ten feet between all habitable one-story buildings, fourteen feet between two-story buildings, and eighteen feet between all three-story buildings.
ATTACHMENT B
(Ordinance No. 2019-O-05)

RM-25 Zone:

17-7-4.4 Development standards.

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

C. Height. The maximum height for the zone is forty-two feet to the midpoint of a sloped roof and thirty-six feet to the cornice of a flat roof. All building types must be from one to four stories. If a structure is constructed on a lot within fifty feet of a single family zoning district, the maximum height shall be thirty-five feet to the midpoint for sloped roofs and thirty feet to the cornice for flat roofs.

D. 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.

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

E. Stories. All building types must be from one to four stories.

E.F. Proximity. There shall be a minimum separation of ten feet between all habitable one-story structures, fourteen feet between two-story structures, and eighteen feet between all three-story structures.
Building Heights in Zones Adopted Post 2001

TOD : Height. The maximum height for a residential structure is three stories.

BJ/RWO : Height. The maximum height for the zone is four stories. If a structure is constructed on a lot within fifty feet of a single family residential development the maximum height shall be thirty-five feet to the midpoint for sloped roofs and thirty feet to the cornice for flat roofs.

Stories. All building types must be from one to four stories.

BJ/JMO : Height. The maximum height for the zone is ten stories. If a structure is constructed on a lot within fifty feet of a single family detached residential development, the maximum height shall not be constructed in excess of one story higher than the nearest adjacent building.

Stories. All building types must be from one to ten stories.

BJ/SRO : Height. The maximum height for structures is five stories.

Stories. All building types must be from one to five stories.

JB 1-3 : Building Height. For purposes of defining the maximum structure height, refer to Figure 1 of this Chapter. The maximum building height allowed for structures in “Pod A”, “Pod B”, and “Pod C” is eighty (80) feet measured to the highest parapet or the midpoint of a sloped roof. The maximum building height allowed for all other pods is one hundred eighty (180) feet measured to the highest parapet or the midpoint of a sloped roof.

JB 4 : In “Area A” and “Area B” identified in Figure 1 of this chapter, the maximum height allowed for structures is four stories, not to exceed fifty feet measured to the top of the highest parapet or the midpoint of a sloped roof, subject to the following exception: when a structure is less than sixty feet from a property with a residential use, the maximum height shall be three stories, not to exceed forty feet measured to the top of the highest parapet or the midpoint of a sloped roof.

RC/RO : Height. The maximum height for a structure is eighty-five feet to the highest occupied floor plate. The highest occupied floor, roof, parapet, elevator overruns and stairs may exceed the height limit up to thirty feet. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

SSOZ : Height. The maximum height for residential structures and residential portions of mixed-use structures in the State Street overlay zone is five stories. If a structure is constructed within seventy-five feet of a single family structure located within a single family residential zoning district, the maximum height shall be thirty-five feet to the midpoint for sloped roofs and thirty-two feet to the cornice for flat roofs. See Section 17-7-15.8(C) for the surface parking exception.

Stories. All building types must be from one to five stories. See Section 17-7-15.8(C) for the surface parking exception.
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.

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.
ELEVATION - EXHIBIT B
9' WALL HEIGHTS LEVELS 1-3
10' WALL HEIGHT LEVEL 4
6:12 ROOF PITCH
8" FROM GRADE TO FINISH FLOOR
ELEVATION - EXHIBIT C

9' WALL HEIGHTS LEVELS 1-3
10' WALL HEIGHT LEVEL 4
FLAT ROOF
8" FROM GRADE TO FINISH FLOOR

APARTMENTS