



7505 S Holden Street  
Midvale, UT 84047  
801-567-7200 ext. 1022  
Midvale.Utah.gov

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**Midvale Planning Commission Meeting  
Notice and Agenda  
March 13, 2024  
6:00 p.m.**

Public notice is hereby given that the Midvale City Planning Commission will consider the items listed below during their regularly scheduled meeting on Wednesday, March 13, 2024, at 6:00 p.m. This meeting will be held in person at Midvale City Hall, 7505 S Holden Street, Midvale, Utah or electronically with an anchor location at Midvale City Hall, 7505 S Holden Street, Midvale, Utah. The meeting will be broadcast at the following link:  
[Midvale.Utah.gov/YouTube](https://Midvale.Utah.gov/YouTube).

Midvale City Staff publishes a packet of information containing item specific details one week prior to the meeting at 6:30 p.m. on the [Planning Commission Agendas & Minutes](#) page. The QR code included on the right will also take you to this webpage.



Public comments for Public Hearing items may be submitted electronically on the Agendas & Minutes webpage, or by emailing [planning@midvale.com](mailto:planning@midvale.com) by 5:00 p.m. on March 12, 2024, to be included in the record.

- I. Pledge of Allegiance**
- II. Roll Call**
- III. Minutes**
  - a. Review and Approval of Minutes from the February 15, 2024, Workshop Meeting.
  - b. Review and Approval of Minutes from the February 28, 2024, Meeting.
- IV. Public Hearing**
  - a. Adam Paul requests a zone map amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E. Information regarding the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the rezone is adopted can be found in Midvale City Code 17-7-12.1.
  - b. Midvale City initiated request to amend Sections 17-7-1.2 and 17-7-1.10 of the Single Family Residential-1 (SF-1) and create Section 17-7-1.2.1 of the Midvale City Municipal Code. This amendment proposes to streamline the review of many uses in the SF-1 zone

and reorders portions of the text to make it easier to find the correct information.  
*[Elizabeth Arnold, Senior Planner]*

- c. Midvale City initiated request to amend Sections 17-7-2.2 and 17-7-2.10 of the Single Family Residential-2 (SF-2) and create Section 17-7-2.2.1 of the Midvale City Municipal Code. This amendment proposes to streamline the review of many uses in the SF-2 zone and reorders portions of the text to make it easier to find the correct information.  
*[Elizabeth Arnold, Senior Planner]*
- d. Midvale City initiated request to amend Sections 17-2-3 and 17-2-16 regarding Parking Lots. This amendment proposes parking time limits for certain vehicles. *[Adam Olsen, Community Development Director]*

## **V. Staff Update/Other Business**

- a. Upcoming Meetings and Projects.

## **VI. Adjourn**

All meetings are open to the public; however, there is no public participation except during public hearings. Members of the public will be given an opportunity to address the Commission during each public hearing item. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 9:30 p.m. without unanimous consent of the Commission. Items not heard will be scheduled on the next agenda. In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the Community Development Executive Assistant at (801) 567-7211, providing at least three working days' notice of the meeting.

A copy of the foregoing agenda was posted in the City Hall Lobby, the 2<sup>nd</sup> Floor City Hall Lobby, on the City's website at [Midvale.Utah.gov](http://Midvale.Utah.gov) and the State Public Notice website at <http://pmn.utah.gov>. Commission Members may participate in the meeting via electronic communication. Commission Members' participation via electronic communication will be broadcast and amplified so all Commission Members and persons present in the Council Chambers will be able to hear or see the communication.

Any owners of real property affected by the proposed map amendment may file a written objection to the inclusion of the owner's property in the proposed map amendment with the Community Development Department no later than 10 days after the day of the public hearing. Each written objection filed will be provided to the City Council.



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Phone (801) 567-7200

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**Midvale City**  
**PLANNING AND ZONING COMMISSION**  
*Minutes*  
**15<sup>th</sup> Day of February 2024**  
**Dahl Conference Room/Fort Union Corridor**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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**COMMISSION CHAIR:** Shane Liedtke

**COMMISSION VICE CHAIR:** Candice Erickson

**COMMISSION MEMBERS:** Dustin Snow  
Bart Benson  
Robyn Anderson  
Candace Tippetts  
Matt Kasparian

**STAFF:** Adam Olsen, Community Development Director  
Aubrey Ruiz, Community Development Executive Assistant  
Aaron McKnight, Deputy City Attorney  
Wendelin Knobloch, Planning Director  
Elizabeth Arnold, Senior Planner  
Jonny Anderson, Planner II  
Josh Short, Junior Network Administrator

**WORKSHOP MEETING**

Vice Chair Erickson called the Planning & Zoning Commission meeting to order at 9:06 a.m. She explained how the meeting would proceed. First, the Planning Department and the Commission will be briefed by MHTN Architects, Parametrix, Alta, and Leeland Consultant Group; then the consultants will take the Commission on a driving tour of the Fort Union Corridor; the history and potential of the area will be discussed; the consultants will then brief the Commission on their role on the updates to the corridor; and then the Commission would apply their knowledge to the future projects in upcoming meetings.

**ROLL CALL**

Chair Liedtke	Excused
Vice Chair Erickson	Present
Commissioner Tippetts	Present

Commissioner Snow	Present
Commissioner Anderson	Excused
Commissioner Benson	Excused
Commissioner Kasparian	Excused

## ATTENDEES

Nate Rockwood, Assistant City Manager  
Adam Olsen, Community Development Director  
Aubrey Ruiz, Community Development Executive Assistant  
Wendelin Knobloch, Planning Director  
Elizabeth Arnold, Senior Planner  
Jonny Anderson, Midvale Planner II  
Candice Erickson, Vice Chair Planning Commissioner  
Candy Tippetts, Planning Commissioner  
Dustin Snow, Planning Commissioner  
Keith Ludwig, City Engineer  
Kate Andrus, RDA Program Manager  
Meggie Troili, RDA Project Manager  
Matt Grey, UTA  
Braden Corbett, UTA  
Jeff Tupe, UTA  
Charles Allen, Parametrix Project Manager  
Will Goodreed, Parametrix  
Ryan Wallace, MHTN  
Logan Hunt, MHTN  
Angela Tran, MHTN  
Emily Seang, MHTN  
Palo Aguilera, Alta  
Ellen Bini, Leeland Consulting Group  
Chris Zahas, Leeland Consulting Group

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## CONSULTANT BRIEFING

### 1. **Wendelin Knobloch - Midvale**

- The history of the fort with two distinct communities that came together to form one city
- The initiation of the study:
  - Largest retail center in Midvale
  - Main East-West connection
    - Issues with traffic congestion
    - Hostile environment for any active transportation other than automobiles
  - Most recognizable area of Midvale City, wanting to put our best foot forward
  - Possible HTRZ area
  - Different land uses
    - Commercial
    - Residential
    - Industrial

2. **Ryan Wallace – MHTN**
  - Discovery/vision
  - Conceptual Options
  
3. **Emily Seang – MHTN**
  - Engagement Opportunities
    - Block by block tour 2/15
    - Existing conditions online survey open to residents
    - Public Meeting @ Ganesh 3/6 @5:30 PM
    - Intercept Surveys Mid-March
    - Working with Laura Magness to get these out to the public
    - Splitting into three segments to collect different data
  
4. **Ryan Wallace – MHTN**
  - Existing Conditions
  - Regional Context
    - Connects many regional centers and municipalities
    - Western gateway into corridor of full network of connection/transportation options
    - Urban Design – Local context
      - Mixed-use throughout center segment
      - More dense developments upcoming in the area as well
    - Mobility
    - Economic Activity
    - Key intersections
      - State street – UTA Trax
      - Fort Union – Cottonwood Heights on Eastern end of corridor
  
5. **Emily Seang – MHTN**
  - Existing Zoning
    - Mixed-use to the west
      - Industrial
      - TOD
      - Multi-family residential
    - Center Single-family residential
    - East End Commercial
  - Parcel sizes are larger in the west and east
    - 10+ acres
  - Block Lengths
    - Larger block lengths to the east, difficult to walk through
  - Building Setbacks
    - Western side – fort union Station Area
      - Parking lots fronting the road, building set back
    - Center
      - Housing, very walkable
    - Eastern side
      - 50+ feet setbacks from road to buildings, hard for pedestrians
  - Viewsheds
    - Access and views of the mountains all around
  - Elevation
    - West to east – 120 ft elevation gained
    - Consider for active transportation
    - Ease of travel for biking and walking for speeds and comfort
  - Community assets
    - Community services
      - Retail

- Healthcare
- Schools
- Historic landmarks
  - The fort
  - Trader's rest
- Hotels
- Dining
- Regional and local destination use

## 6. Palo Aguilera – Alta

- Active Transportation
  - Biking/Walking/first-last mile analysis
  - Biking
    - No current facilities along the corridor
    - Ongoing Transportation Master Plan to help facilitate
    - East-West possible mixed-use path
    - No plan for I-15 to State Street gap that needs to be addressed
  - Pedestrian
    - No absence of sidewalks
    - Varying widths in sidewalks
    - Difficulty of grade increase
    - Buffer between pedestrian and auto traffic
    - Less comfort and less likelihood to use for safety concerns
    - Lack of mid-block crossing throughout corridor
    - State Street and Fort Union have extremely long crossing across major roads
  - Transit - First/Last Mile
    - Bus runs
    - Bus stop improvement
    - Comfort, convenience, reliability needs improvement
  - Typical Cross-Sections
    - Limited pedestrian infrastructure
    - Wide shoulders on right-of-way areas

## 7. Charles Allen – Parametrix

- Traffic & Transit Transportation Analysis
  - Average daily traffic volumes
    - 37,000 between I-15 and State St now, estimated 50,000 in the future
    - 22,000 residential now, up to 30,000 in the future
    - Showing about 30% growth in traffic flow in coming years
    - Proximity to freeway entrances/exits highly affects the traffic patterns
  - Functional Classification System
    - East of state street minor arterial, west of State is major arterial
  - Crash Density
    - Busier activity results in more rear-end crashes at intersections, heaviest around State Street
    - UTA Trax intersections affect this as well
    - Active Transportation crashes on the west end are heavier
      - Due to lack of facilities
      - Less visibility because of sidewalk use
      - Trax station areas have heavier active transportation crashes due to heavier pedestrian/biking traffic
  - Transit lines
    - Ski bus route
    - Regular bus route

- 30–60-minute frequency
- Transit stops
  - Trax station dominates then bus stops follow closely behind, located around State Street

**8. Matt Grey – UTA**

- UTA study shows possibility of higher frequency and faster travel routes
- Changes in land use and active transportation plans will affect his

**9. Nate Rockwood – Midvale**

- Plan to "claim" the effort Union area
- No good bus shelters, special "Midvale" design
- Working with UTA on this?

**10. Ellen Bini – Leeland Consulting Group**

- SWOT Analysis
  - 5 Key Findings
    - Population growing quickly with limited availability (smaller households, formally educated young adults)
    - Housing affordability is low (lower income throughout city) – look for solutions w/ RDA
    - Important economic asset
    - Zoning Regulations within corridor – development is not feasible
    - Land-use/market study results for possibility
      - Residential/ Muti-family
      - Mixed-use retail
  - Higher income jobs becoming more available throughout corridor
    - Financial, insurance, etc.
  - Development regulations are very negatively affecting/halting development in the desired forward movement for future of the corridor
    - Density code
    - Form based code changes
  - Redevelopment possibilities
    - West end of the corridor is more affordable to redevelop versus the center-east end

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**Leaving for bus tour @ 10:05 AM**

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**Return from tour @ 11:16 AM**

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**CONSULTANT DEBRIEFING**

1. Ryan Wallace - MHTN
  - Fort Union Potential/Goals
    - Mobility/Identity/Economic

- Housing opportunities, future focused, public art, balance between history and moving forward
- Safety and comfort in mobility
- Visibility of transportation opportunities
- Proper signage for wayfinding
- Open space/ outdoor activation
- Street/holiday lights, event advertisement, etc.

2. Emily Seang - MHTN

- Next Steps
  - Surveys
  - Existing conditions public meeting
  - Existing conditions report
  - Transportation alternatives

\*\*\*

**STAFF UPDATE/OTHER BUSINESS**

1. Upcoming meetings and projects
  - a. N/A

**ADJOURN**

Vice Chair Erickson made the motion to adjourn 11:55 a.m. No one opposed. The meeting adjourned 11:55 a.m.

\_\_\_\_\_  
Aubrey Ruiz, CD Executive Assistant

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2024.



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**Midvale City**  
**PLANNING AND ZONING COMMISSION**  
*Minutes*

**28<sup>th</sup> Day of February 2024**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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***COMMISSION CHAIR:*** Shane Liedtke

***COMMISSION VICE CHAIR:*** Candice Erickson

***COMMISSION MEMBERS:*** Dustin Snow  
Michael Edwards  
Robyn Anderson  
Candace Tippetts  
Matt Kasparian

***STAFF:*** Adam Olsen, Community Development Director  
Aubrey Ruiz, Community Development Executive Assistant  
Aaron McKnight, Deputy City Attorney  
Wendelin Knobloch, Planning Director  
Elizabeth Arnold, Senior Planner  
Jonny Anderson, Planner II  
Juan Rosario, Systems Administrator

**GENERAL SESSION**

Chair Liedtke called the Planning & Zoning Commission meeting to order at 6:00 p.m. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; the item will be opened to the public for their comments on public hearing agenda items; the Midvale Deputy City Attorney will then brief the Commission on their role on the given item; and then the Commission would deliberate and decide.

## ROLL CALL

Chair Liedtke	Present
Vice Chair Erickson	Present
Commissioner Tippetts	Present
Commissioner Snow	Present
Commissioner Anderson	Present
Commissioner Edwards	Present
Commissioner Kasparian	Excused

## MINUTES

### 1. REVIEW AND APPROVE MINUTES OF JANUARY 24, 2023.

**MOTION:** Commissioner Tippetts **MOVED** to approve the minutes of January 24, 2024. **SECONDED** by Commissioner Anderson. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.

\*\*\*

## PUBLIC HEARINGS

### 1. Jade Wheelwright requests approval of a Conditional Use Permit for an Automobile Accessory Installation and Sales Shop at 634 W 7250 S in the Clean Industrial Zone (CI).

The applicant requests a Conditional Use Permit for a Vehicle Repair (automobile accessory shop) to be located at 634 W 7250 S. The property currently contains a warehouse with four leasable suites with this business looking to operate out of one suite.

Public notice has been sent to property owners within 500 feet of the subject parcel; additionally, a sign was placed on the property and will remain until Planning Commission approval of the conditional use permit. At the time of writing this report, no public comment has been received.

Staff recommends approval.

\*\*\*

## APPLICANT:

Jade Wheelwright, the applicant, desires to open *Amplified Design* is car customization company performing minor adjustments such as sound systems, accessories, decals, graphics, and similar modifications.

\*\*\*

**PUBLIC HEARING:**

Chair Liedtke opened the public hearing.

No comment.

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**MOTION: Commissioner Tippetts MOVED to close the public hearing. The motion was SECONDED by Commissioner Snow. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.**

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**DISCUSSION:**

Commissioner Tippetts recognizes the ample amount of parking which would have been the only concern. All commissioners agree there is no concern with this request.

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**MOTION: Commissioner Tippetts MOVED that we recommend approval e the Conditional Use Permit for a Vehicle Repair (Automobile Accessory Shop) at 634 W 7250 S with the findings included in the staff report with the. The motion was SECONDED by Vice Chair Erickson. Chair Liedtke called for a roll call vote. The vote was as follows:**

Chair Liedtke	Yes
Vice Chair Erickson	Yes
Commissioner Anderson	Yes
Commissioner Snow	Yes
Commissioner Tippetts	Yes

**The motion passes unanimously.**

\*\*\*

## **PUBLIC HEARINGS**

2. **Carl Greene requests Rezone approval for two properties located at approximately 8253 S Main St. It is proposed that the properties currently zoned Regional Commercial (RC) be rezoned to Multifamily Residential – Medium to High Density (RM-25).**

The rezone proposal is to change two parcels from RC to RM-25. Please see the Rezone Exhibit in the attachments.

### **-REZONE PROCEDURE-**

Midvale City Code 17-3-1(E.) outlines the criteria necessary for granting a rezone as follows:

17-3-1 Criteria/Required Findings. ...rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the planning commission may recommend, and the city council may grant, a rezoning application only if it determines, in written findings, that the proposed rezoning is consistent with the policies and goals of the general plan and that the applicant has demonstrated that the:

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or
3. Land or its surrounding environment has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The proposed rezone satisfies Goal #1 and #3 listed above. Please see the Reason for Rezone provided by the applicant in the attachments.

Public notice has been sent to property owners within 500 feet of the subject parcel. No written objections have been received as of the writing of this report.

This proposal has been reviewed by Planning Staff, the City Engineer, the Unified Fire Authority, and Public Works for compliance with the respective guidelines, policies, standards, and codes. Staff finds the proposed rezone complies with requirements outlined in Midvale City Code.

\*\*\*

## **APPLICANT:**

Carl Greene, the applicant, is an architect collaborating with the owner on the previously built structures on the same site. This project is intended to make a positive impact on the community and create a unified development for future generations to enjoy. The neighborhood commercial opportunities are especially important to the owner and the architect.

The owner and Mr. Greene are looking for the opportunity to fully develop the property to their greatest potential, needing the rezone to complete this task. The restriction is 1,500 square feet for neighborhood commercial, but the following text amendment would also aid in building out the base level for one of the buildings to accommodate a local business.

\*\*\*

### **PUBLIC HEARING:**

Chair Liedtke opened the public hearing.

Mark Nesbon, a resident of Heather Street, was initially concerned with more high-density buildings around his house. After coming to the meeting, he feels that he now has a better understanding of the project and is more supportive. Mr. Nesbon appreciates the public notice for the meeting.

### **EMAIL CORRESPONDENCE:**

February 24, 2024

*Elizabeth,*

*Hello. I was just looking at the agenda for the planning commission on Wed. Some of the wording is confusing for me.*

*The proposal by Carl Green calls for higher density. Does that mean higher buildings with more units, and will that carry over to other project sites? How did the status of the surrounding land change that this proposal would be allowed?*

*Another question concerning the third item. What does neighborhood commercial mean? It increases the square footage exponentially*

*I am concerned with the wording and the possible impact that the change will have on future projects in the city.*

*Thank you for your help.*

*Lorene Butler.*

February 27, 2024

Adam,

*I am forwarding this to you because Elizabeth is out of the office until next week and this is an issue that will be addressed at the planning meeting.*

*I am not able to be at the meeting as I am attending the visitation of Mr. Mont Millerberg, a long-time friend and resident of Midvale.*

*Because I don't understand all the implications that can come with a rezoning proposal, I would like to have it more clear. I would also like to ask that it be given more time to be explaining and how it will impact future projects.*

*I thank you for your help.*

*Lorene Butler*

**End Correspondence.**

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**MOTION: Vice Chair Erickson MOVED to close the public hearing. The motion was SECONDED by Commissioner Anderson. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.**

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**DISCUSSION:**

Chair Liedtke expresses his appreciation for the well thought out, beautiful design of the buildings. With both the physical appearance and the intention of mixed-use on the main level, this project strongly aligns with the direction the city is moving.

Commissioners have no concerns.

Aaron McNight, Deputy City Attorney, reminds the Commissioners that a rezone is completely discretionary. The Commissioners may make a positive, negative, or neutral recommendation to the City Council.

\*\*\*

**MOTION: Commissioner Snow MOVED that we recommend approval of the rezone located at 8253 S Main St with the findings included in the staff report. The motion was SECONDED by Vice Chair Erickson. Chair Liedtke called for a roll call vote. The vote was as follows:**

Chair Liedtke	Yes
Vice Chair Erickson	Yes
Commissioner Anderson	Yes
Commissioner Snow	Yes
Commissioner Tippetts	Yes

**The motion passes unanimously.**

\*\*\*

### **PUBLIC HEARINGS**

- 3. Midvale City initiated request to amend Section 17-7-4.10(B)(1)(d)(iii) of the Multifamily Residential – Medium to High Density (RM-25) zone allowing a maximum of 5,000 square feet of neighborhood commercial in the Midvale City Municipal Code.**

Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. This section regulates Neighborhood Commercial in the RM-25 zone. The proposed amendment increases the allowable commercial square footage from 1,500 to 5,000 square feet. No other criteria will be changed. Staff feels that due to the higher density of the zone, a larger commercial area would be feasible.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

Staff recommends approval.

\*\*\*

### **APPLICANT:**

Wendelin Knobloch, Planning Director, explains the historical reasoning for the current zoning. While it may have worked then, it is not allowing for enough space for today's residential expectations. The Planning Department intends to amend the code to allow for more higher density housing and addresses the need for walkable neighborhoods.

\*\*\*

### **PUBLIC HEARING:**

Chair Liedtke opened the public hearing.

Please reference the above emailed correspondence from Lorene Butler, as it is applicable to this agenda item as well.

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**MOTION: Commissioner Tippetts MOVED to close the public hearing. The motion was SECONDED by Vice Chair Erickson. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.**

\*\*\*

### **DISCUSSION:**

Chair Liedtke questions the possibility of the conditions where a homeowner would be able to build out the residential area to the maximum 5,000 square feet.

Mr. Knobloch explains that there are strict conditions that must be met:

1. The area must be pedestrian oriented
2. Intersection of two surface streets that are at a minimum 50 feet wide (rare in Midvale)

These conditions would restrict how frequently these instances could occur with the smaller roads that are all throughout Midvale City.

Commissioner Snow asks if there is a minimum square footage.

Mr. Knobloch clarifies that the text amendment would not include a minimum square footage, only a maximum.

Commissioner Edwards would like clarification on the term “consolidation” used in the same section of the code. In the previous case discussed in this meeting, there were two lots combined to make the project possible.

Wendelin Knobloch, Planning Director, explains the historical reasoning for the current zoning. While the neighborhood commercial may have worked in the past, it is not allowing for enough space for neighborhood commercial expectations today. The City proposes to amend the code to allow for more neighborhood commercial square footage and with that address one component of the need for walkable neighborhoods.

Mr. Knobloch explains that the term “consolidation” is stretchable. Technically, several lots are consolidated into one in a subdivision plat. In the previously mentioned development, the consolidation does not have to occur in such a way, other instruments can be used to achieve a similar outcome.

The Commissioners explain initial concerns about the massive change in the square footage allowance. They then discuss the restrictions and how strict they are. The restrictions bring them

comfort knowing this amendment will not allow a massive change in residential structures throughout the city.

Commissioner Edwards and Commissioner Anderson express concern that this amendment may fit the previously presented development but consider the concerns of houses in other neighborhoods.

Chair Liedtke reminds the Commissioners that the major streets intersection points strongly mitigate the impact this amendment would have on the community. There are no homes that hit the 5,000 square footage to meet these requirements.

Jonathan Anderson, Planner II, clarifies that this amendment only affects the RM-25, which is one of the highest densities in the city. No neighborhoods zoned for SF-1, SF-2, or RM-12 will be included in this change.

\*\*\*

**MOTION: Vice Chair Erickson MOVED that we recommend approval to change the Neighborhood Commercial square footage in the RM-25 Zone to the maximum of 5,000 sq. ft., with the findings included in the staff report. The motion was SECONDED by Commissioner Anderson. Chair Liedtke called for a roll call vote. The vote was as follows:**

Chair Liedtke	Yes
Vice Chair Erickson	Yes
Commissioner Anderson	Yes
Commissioner Snow	Yes
Commissioner Tippetts	Yes

**The motion passes unanimously.**

\*\*\*

#### **STAFF UPDATE/OTHER BUSINESS**

1. Chair Liedtke concerns the Flag Lot parking standards and requests to Midvale City Staff to amend.
  - a. Chair Liedtke states that the last Flag Lot brought to the Planning Commission seemed to have a requirement for too many spots per unit.
  - b. Commissioner Tippetts explains that the six parking stalls per unit was what was required of the developer.
  - c. Vice Chair Erickson explains that the requirement on said item was on the side and back lots not the Flag Lot itself.
  - d. Mr. Knobloch determines that the extensive parking may have been a combination

of city parking standards and the developer’s desire to provide covered parking for buyers.

- e. Chair Liedtke suggests that each unit has only a minimum of two additional parking spaces per unit and does not designate the area where they must be located.
  - f. Adam Olsen, CD Director, agrees with Chair Liedtke that the code should be clarified that any off-street parking (outside of a garage) will be counted towards the requirement, not just side and rear yard parking on Flag Lots and Frontage Lots.
2. Wendelin – Planning Commissioner Trainings
- a. Online Training Upcoming
  - b. APA Utah event – Affordable Housing

**ADJOURN**

Vice Chair Erickson made the motion to adjourn 6:50 p.m. No one opposed. The meeting adjourned 6:50 p.m.

\_\_\_\_\_  
Aubrey Ruiz, CD Executive Assistant

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2024.



7505 S Holden Street  
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801-567-7200  
www.MidvaleCity.org

## MIDVALE CITY PLANNING COMMISSION STAFF REPORT 03/13/2024

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### SUBJECT

Adam Paul requests a Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E.

### SUBMITTED BY

Wendelin Knobloch, Planning Director

### BACKGROUND AND ANALYSIS

This application proposes to apply the Regional Commercial Residential Overlay Zone (RCRO) to a 2.4-acre parcel zoned Regional Commercial (RC) that used to contain a medical office building until it burnt down on January 17, 2021.

The parcel is located on the eastern side of 900 E, one tenth of a mile north of the intersection with Fort Union Blvd. An insurance office borders the parcel to the north, a fast-food restaurant to the south, and the Essex Court Condominium community to the east, which is also the longest property line.

Midvale Municipal Code (MMC) Section 17-3-1(E) and the RCRO Zone (MMC 17-7-12.1.1) outline the criteria and required findings necessary for granting a zone map amendment as shown below, with bold sections added for emphasis and yellow sections showing staff responses:

#### MMC Section 17-3-1(E): Amendments to the Zoning Code or Map

E. Criteria/Required Findings. The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the city, **rezoning of land is to be discouraged and allowed only under the limited circumstances herein described.** Therefore, the planning commission may recommend, and the city council may grant, **a rezoning application only if it determines, in written findings, that the proposed rezoning is consistent with the policies and goals of the general plan** and that the applicant has demonstrated that the:

1. Proposed rezoning is necessary either **to comply with the general plan proposed land use map** or to **provide land for a community need** that was not anticipated at the time of adoption of the general plan;

Staff Response: While this zone map amendment is not necessary to comply with the 2016 General Plan because it is not included in the Fort Union Opportunity Area, it would contribute to the fulfillment of the community need for housing and commercial development through its residential component and stand-alone commercial structure shown in the concept plan.

2. Existing zoning was either the result of a **clerical error or a mistake of fact**, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or

Staff Response: The existing zoning is well reasoned and does not represent a clerical error or mistake of fact.

3. **Land or its surrounding environs has changed or is changing** to such a degree that it is in the **public interest to encourage redevelopment** of the area or to recognize the changed character of the area.

Staff Response: This parcel of land has changed due to the disastrous fire in 2021 and redevelopment is in the public interest, however, the concept may not be conducive to the specific goals set in the RCRO Zone as detailed below.

#### MMC 17-7-12.1.1 Regional Commercial Residential Overlay

To utilize the regional commercial residential overlay, 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;

Staff Response: This parcel sits at the outer edge of the shopping center and may contribute to the overall health of the area, but it also has residential neighbors that are directly impacted by a high intensity use.

B. Creates a consistently high quality urban environment;

Staff Response: The attached concept plan is not binding and expresses the wishes of the applicant with a seven-story residential structure and a separate drive-through commercial use. The concept does not acknowledge the immediate presence of residential neighbors to the east and its separated drive-through discourages walkability on this corridor.

C. Enhances the investment of those locating within the regional commercial zone;

Staff Response: This proposal may enhance the investment of the current neighboring businesses, but it does not contribute as much as it could to the enhancement of the corridor into the future and may negatively impact the investment of the residential neighbors to the east.

D. Promotes economic development by increasing the utilization of existing parcels within current developments;

Staff Response: This proposal increases the utilization of the existing parcel because the previous development burnt down, and the parcel is currently vacant.

E. Eliminates large, underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;  
**Staff Response:** This proposal internalizes the majority of the parking into the podium of the structure and lines the western elevation along 900 E with residential units, the north, east, and south, however, are not lined and present blank windowless walls. The concept plan, as presented, appears to be about 50 spaces short of the required 328 stalls for the residential structure.

F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and  
**Staff Response:** The monolithic nature of the structure shown on the concept plan does not acknowledge the residential environment to the east.

G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement. (Ord. 2016-07 § 1 (Att. A (part)))  
**Staff Response:** The drive-through restaurant use negatively impacts walkability on the site and the overall design does not encourage pedestrian movement because the apartment building does not offer dedicated commercial space on the main floor.

## **STAFF RECOMMENDATION**

Based on MMC 17-3-1 and 17-7-12.1.1 Staff advises that the Planning Commission recommend denial of the Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E with the following findings:

1. The subject property does not need to be rezoned to comply with the 2016 General Plan.
2. The concept plan does not fulfill the specific goals the RCRO Zone sets for its application to a parcel of land, in particular due to diminished walkability as a result of the presence of a drive-through restaurant and the missing vertical mixed-use element in the apartment structure.

## **RECOMMENDED MOTION**

I move that we recommend denial of the Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E with the findings noted in the staff report.

## **ATTACHMENTS**

1. Application

January 7, 2024

Midvale City  
Community Development  
7505 S Holden Street  
Midvale, Utah 84047

RE: Reason for Requested Rezone

To Whom It May Concern:

This letter is to provide a reason for the requested rezone of the 2.37 acre property at 7001 S 900 E, Midvale, Utah 84047. Minerva Development (Applicant) and Baghoomian Properties (Owner) wish to see a mixed use multifamily and commercial project developed on the property. For this to occur the property requires the Regional Commercial Residential Overlay (RCRO) be implemented on the property, which is currently zoned Regional Commercial (RC).

Included with this letter are the following required items for a complete Rezoning Application:

1. The Fee and Application.
2. Property owner's affidavit or agent's authorization.
3. Legal description of subject property (in the title report).
4. Notarized affidavit from the property owner indicating support of the requested change in zoning.
5. Reason for the requested Rezone (this letter).
6. Concept Plan reflecting proposed development if property is rezoned.

Please note that the concept plan provided is a massing study showing a 200-unit apartment building and stand-alone drive-through retail building. This concept is based on the RCRO zoning code guidelines and restrictions to this point. The apartment building would also have parking sufficient to park all parking on site in a parking structure incorporated under the residential levels. All other aspects involving greater detail of the project and structures would meet the RCRO zoning requirements and codes.

Sincerely,



Applicant  
Minerva Development  
801-699-5050  
adam@minervadev.com

February 20, 2024

Midvale City  
C/O Wendelin Knobloch  
7505 S Holden St  
Midvale, Utah 84047

RE: Zoning Application, Additional Information

Dear Wendelin,

Per your request for more information concerning our application please find written responses below, and a more detailed architectural concept plan included with this letter.

A. Provides Critical Mass Necessary for Vibrant Mixed-Use Developments:

The property proposal aims to integrate a mix of high density, midrise residential, commercial, and recreational facilities within the residential development. The addition of 200 units and the commercial building with a drive through will activate the site with new residents and numerous daily visitors to the commercial building. The nature of this project as mixed-use will facilitate the transition of adjacent traditional big box shopping centers into this project into its surroundings.

B. Creates a Consistently High-Quality Urban Environment:

By incorporating the latest in safety and sustainable design codes, improved public spaces, and modern infrastructure, the proposal ensures the development of a high-quality urban environment. Attention to landscaping, architectural excellence, and pedestrian-friendly designs will contribute to an attractive and engaging urban space.

C. Enhances the Investment of Those Locating Within the Regional Commercial Zone:

The proposal enhances property values and investment attractiveness by creating a dynamic mixed-use environment. Compared to the existing zoning and the office building that once occupied the property, this new environment is expected to draw more foot traffic to and from the residential building to the many surrounding commercial properties within such close proximity. It is also expected to draw more commercial business and tax revenue from the commercial pad, thus benefiting all stakeholders within the zone through increased economic activity and property demand.

D. Promotes Economic Development by Increasing the Utilization of Existing Parcels Within Current Developments:

By optimizing land use through increased density and a mix of uses, the proposal promotes economic growth. It leverages underutilized parcels, transforming them into productive assets that contribute to the overall vitality of the commercial zone. It also removes the hassle and unfavorable aspects of a vacant lot.

E. Eliminates Large Underutilized Surface Parking Areas by Utilizing Alternate Parking Methods:

The proposal introduces structured parking. This approach significantly reduces the footprint of surface parking, freeing up land for more valuable uses that contribute to the vibrancy and functionality of the development.

F. Provides Compatibility Between Residential and Commercial Uses to Create a Comfortable Environment for Both Shoppers and Residents:

Through careful planning and design, the proposal ensures a harmonious integration of residential and commercial uses. This balance creates a comfortable and convenient environment, where the needs of both commercial end-users and residents are met, fostering a sense of community and well-being.

G. Provides Pedestrian Connections Within and Among Developments to Support Pedestrian Activity:

The proposal prioritizes pedestrian connectivity by the very nature of bringing 200 residences within a five-minute walk of all the commercial, and educational institutions in the immediate area. This encourages walking, enhances accessibility, and supports a shift towards a more pedestrian-friendly environment in a traditionally heavily auto-oriented area.

Sincerely,



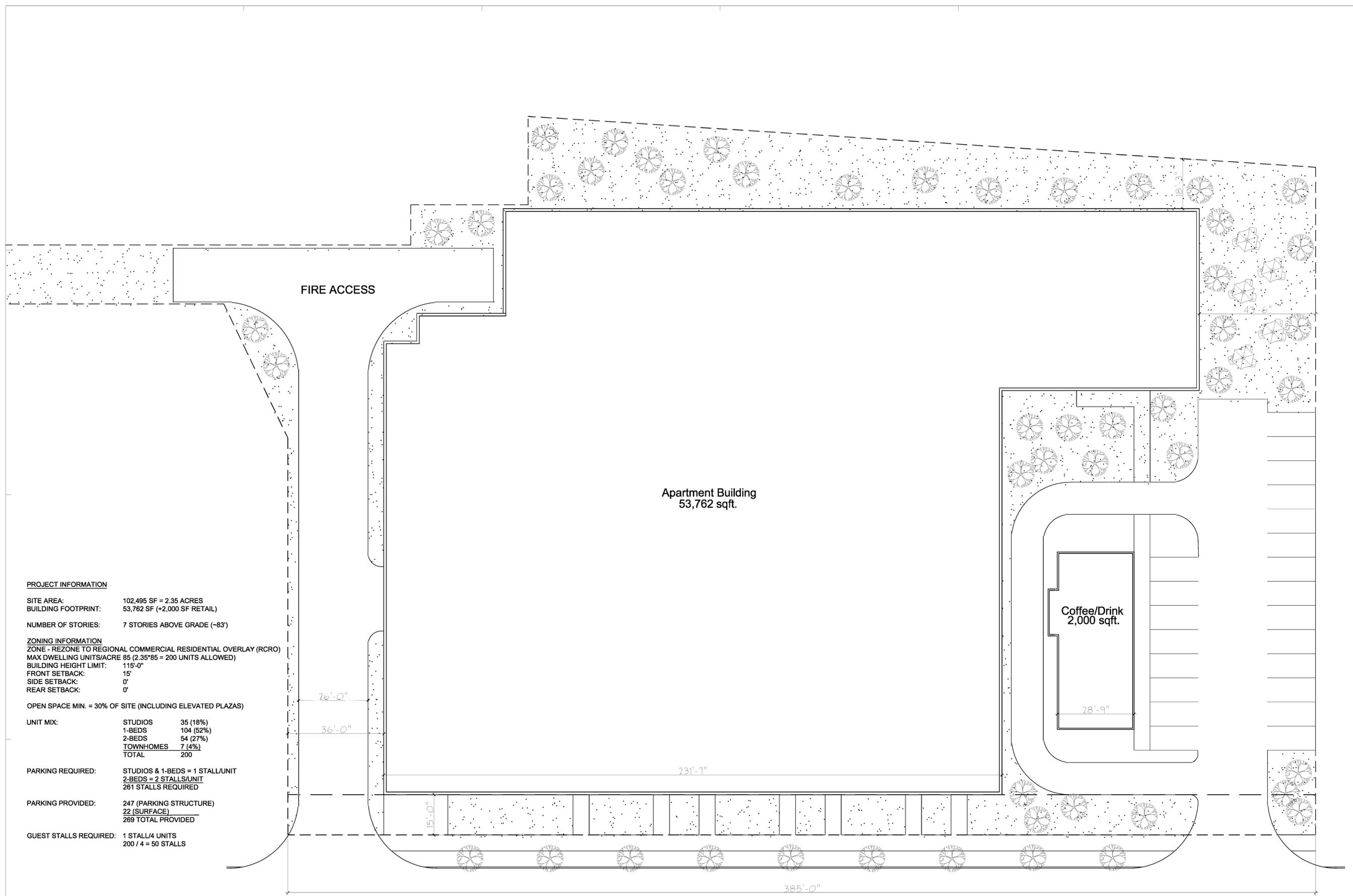
Adam Paul

**Midvale Fort Union Apts.**  
 Midvale, UT

SEAL

PROJECT #

DATE STATUS



**PROJECT INFORMATION**

SITE AREA: 102,495 SF = 2.35 ACRES  
 BUILDING FOOTPRINT: 53,762 SF (+2,000 SF RETAIL)  
 NUMBER OF STORIES: 7 STORIES ABOVE GRADE (~83')

**ZONING INFORMATION**

ZONE - REZONE TO REGIONAL COMMERCIAL RESIDENTIAL OVERLAY (RCRO)  
 MAX DWELLING UNITS/ACRE 85 (2.35\*85 = 200 UNITS ALLOWED)  
 BUILDING HEIGHT LIMIT: 115'-0"  
 FRONT SETBACK: 15'  
 SIDE SETBACK: 0'  
 REAR SETBACK: 0'

OPEN SPACE MIN. = 30% OF SITE (INCLUDING ELEVATED PLAZAS)

UNIT MIX:

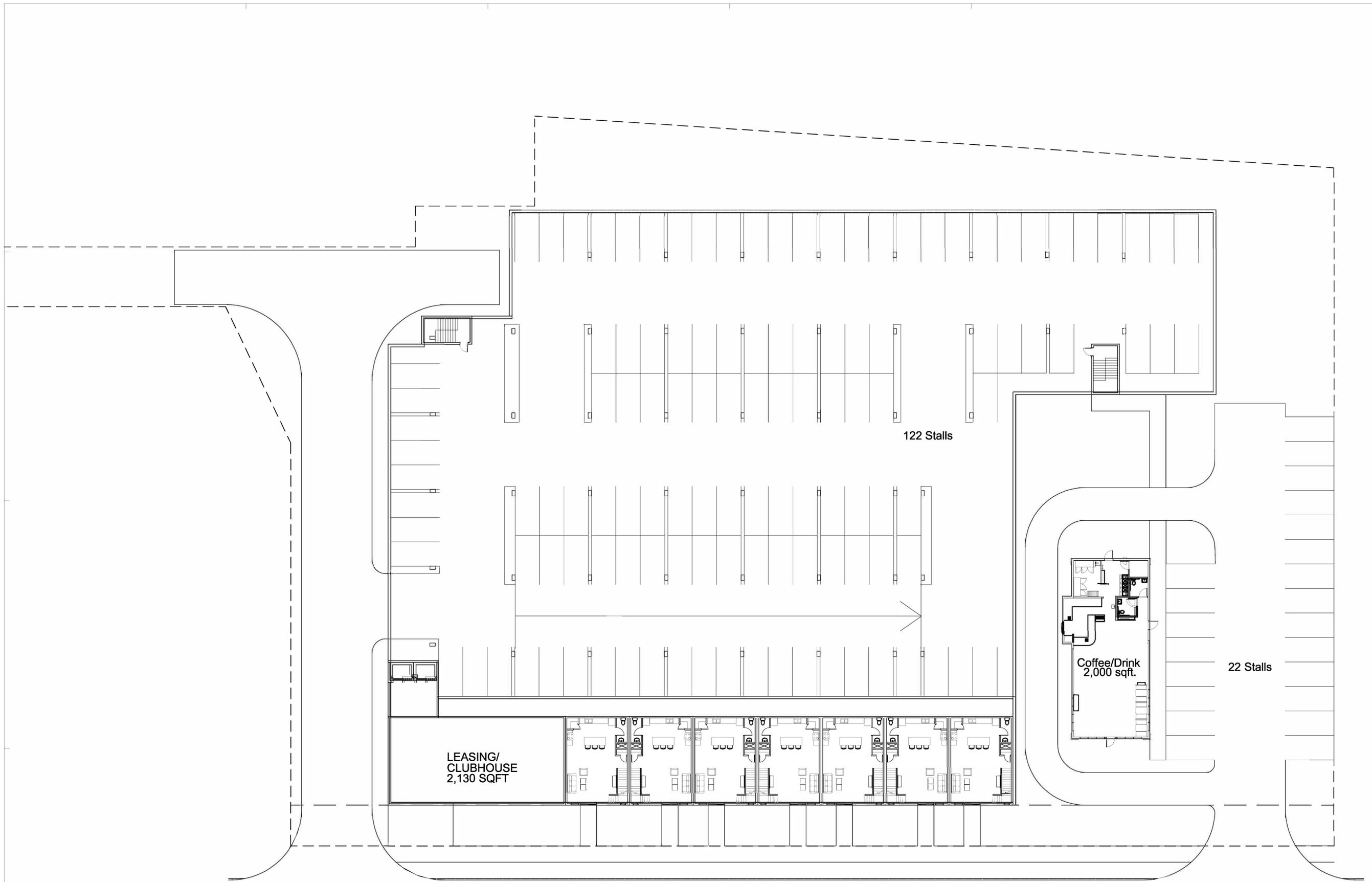
STUDIOS	35 (18%)
1-BEDS	104 (52%)
2-BEDS	54 (27%)
TOWNHOMES	7 (4%)
TOTAL	200

PARKING REQUIRED: STUDIOS & 1-BEDS = 1 STALL/UNIT  
 2-BEDS = 2 STALLS/UNIT  
 261 STALLS REQUIRED

PARKING PROVIDED: 247 (PARKING STRUCTURE)  
 22 (SURFACE)  
 269 TOTAL PROVIDED

GUEST STALLS REQUIRED: 1 STALL/4 UNITS  
 200 / 4 = 50 STALLS

**Site Plan**  
 Scale:  $\frac{1}{16}" = 1'$   
 Feb. 16, 2024



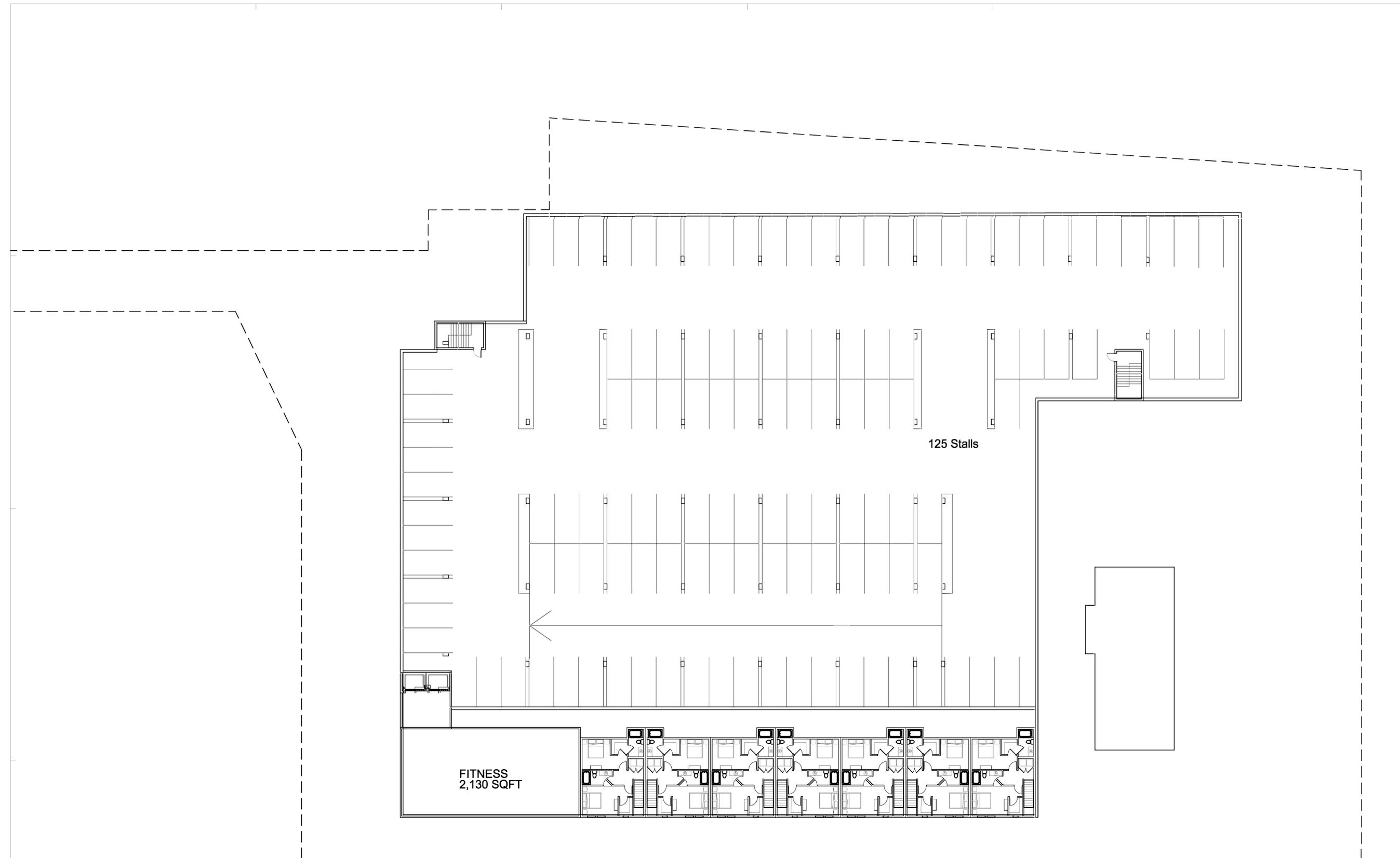
**Level 1 Plan**  
 Scale:  $\frac{1}{16}'' = 1'$   
 Feb. 16, 2024

Midvale Fort Union Apts.  
 Midvale, UT

SEAL

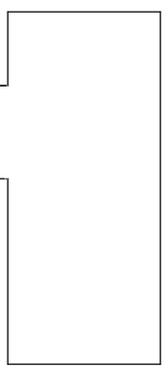
PROJECT #

DATE STATUS



125 Stalls

FITNESS  
2,130 SQFT



**Level 2 Plan**  
 Scale:  $\frac{1}{16}'' = 1'$   
 Feb. 16, 2024

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DATE STATUS



**Levels 3-6 Plan**  
 Scale: 1/16" = 1'  
 Feb. 16, 2024

Midvale Fort Union Apts.  
 Midvale, UT

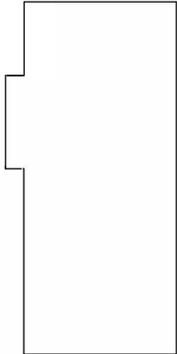
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DATE STATUS



CLUBROOM  
2,000 SQFT.



**Level 7 Plan**  
Scale:  $\frac{1}{16}'' = 1'$   
Feb. 16, 2024

Midvale Fort Union Apts.  
Midvale, UT

**FFKR ARCHITECTS**  
730 Pacific Avenue · Salt Lake City, Utah 84104  
801.521.6186 · FFKR.COM

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**Landscape Plan**  
 Scale:  $\frac{1}{16}'' = 1'$   
 Feb. 16, 2024

Midvale Fort Union Apts.  
 Midvale, UT

**FFKR ARCHITECTS**  
 730 Pacific Avenue · Salt Lake City, Utah 84104  
 ☎ 801.521.6186 · [FFKR.COM](http://FFKR.COM)

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East Elevation



North Elevation



South Elevation



West Elevation

**Building Elevations**  
 Scale: N.T.S.  
 Feb. 16, 2024

Midvale Fort Union Apts.  
 Midvale, UT

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**Perspective Views**  
 Scale: N.T.S.  
 Feb. 16, 2024

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Midvale Fort Union Apts.  
 Midvale, UT

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DATE STATUS

Adam Paul - Midvale Fort Union Apartments Unit Matrix - 2/16/24

Unit Matrix	Studio	Studio/Junior 1	Studio	Studio	Studio	Studio A-S-1	Junior One Bedroom	One Bedroom	One Bedroom; Inside Corner	One Bedroom	One Bedroom 1/ den	One Bedroom	Two Bedroom	Two Bedroom-Outside Corner	Two Bedroom-Townhome Unit	Two Bedroom	Net Total												
Floor	S-1	S-2	S-3	S-4	S-5	A-S-1	1B-1	1B-2	1B-3	1B-4	1B-5	1B-6	1B-7	1B-8	1B-9	A-1B-1	2B-1	2B-2	2B-3	2B-4	2B-5	2B-6	2B-7	2B-8	2B-9	A-2B-3			
Net**	537							698	703								1075	1194	1538										
Level One	0							0	0								0	0	7									7	
Level Two	0							0	0								0	0	0									0	
Level Three	7							15	6								6	5	0									39	
Level Four	7							15	6								6	5	0									39	
Level Five	7							15	6								6	5	0									39	
Level Six	7							15	6								6	5	0									39	
Level Seven	7							14	6								6	4	0									37	
Total	35							74	30								30	24	7									200	
Total Unit SF (Net**)	18,795							51,652	21,090		0						32,250	28,656	10,766	0	0	0	0	0	0	0	0	163,209	

Required Parking	35	0	0	0	0	0	0	74	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	261	Min.
Provided																													269	

Unit Mix	%	Count
Studio	17.5%	35
One Beds	52%	104
Two Beds	27%	54
Two Bed - Townhome	3.5%	7
Total	100%	200

Area Calcs	
Rentable SF (RSF)	163,209
Average Unit SF	816
<b>Total</b>	
Gross SF (GSF)	193,170
Efficiency Percentage	84%
Parking Garage	269 Stalls

Amenities	
Leasing/Lobby	2,130
Fitness	2,130
Clubroom (5th Liv)	1,900
<b>Total</b>	6,160

Building Area	
Level 1	2,130 sf
Level 2	2,130 sf
Level 3	37,782 sf
Level 4	37,782 sf
Level 5	37,782 sf
Level 6	37,782 sf
Level 7	37,782 sf
<b>Total</b>	193,170 sf

Parking Garage		
Surface Stalls	22	0 sf
Level 1	122	44,255 sf
Level 2	125	44,255 sf
Level 3	0	0 sf
Level 4	0	0 sf
Level 5	0	0 sf
Level 6	0	0 sf
Level 7	0	0 sf
<b>Total</b>	269	88,510 sf
<b>Parking Ratio</b>		1.35 stalls/unit

Guest Parking = 1.0 stalls per 4 units, unless planning commission determines fewer stalls are needed based on available shared parking with an office use.

Images submitted by developer  
to illustrate live-work units





MODA  
PEAK

801.823.8900  
LEASING  
MODA-peak.com  
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CITY HALL  
ENTRANCE

MODA  
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MODA PEAK



7505 S Holden Street  
Midvale, UT 84047  
801-567-7200  
www.MidvaleCity.org

## MIDVALE CITY PLANNING COMMISSION STAFF REPORT 3/13/2024

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### SUBJECT

Midvale City initiated request to amend Sections 17-7-1.2 and 17-7-1.10 of the Single Family Residential-1 (SF-1) and create Section 17-7-1.2.1 of the Midvale City Municipal Code. This amendment proposes to streamline the review of many uses in the SF-1 zone and reorders portions of the text to make it easier to find the correct information.

### SUBMITTED BY

Elizabeth Arnold, Senior Planner

### BACKGROUND AND ANALYSIS

Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. The amendments requested are to the Use Table and the Conditional Use Standards of Review sections. Additionally, it creates a section titled Specific Review Criteria for Certain Allowed Uses.

Conditional Uses are required to be approved by the Planning Commission if the applicant has demonstrated that the detrimental effects of the proposed use have been mitigated with the standards that are set forth in the zoning ordinance. Because the standards set forth are objective, staff feels that it would be better if certain uses were no longer conditional uses and instead were allowed uses within the zone provided that the use still meets the same criteria. As such, it is proposed that a new section be created that allows for this and some of the conditional uses are moved to this section. None of the criteria for the uses will change.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

### *-AMENDMENTS TO THE ZONING CODE OR MAP-*

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

#### 17-3-1.E Amendments to the Zoning Code or Map.

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;

**Response: The request is not for a rezone; rather, an amendment that moves some uses from conditional uses to allowed uses with specific review criteria.**

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or,

**Response: This criterion is not applicable.**

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

**Response: This criterion is not applicable.**

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission forward the text amendment on to the City Council with a recommendation of approval with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(E)(1).

## **RECOMMENDED MOTION**

“I move that we recommend approval of the amendment as provided in the attachments, with the finding noted in the staff report.”

## **ATTACHMENTS**

1. Draft Ordinance

## Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

Sections:

**17-7-1.2 Use table.**

**17-7-1.2.1 Specific Review Criteria for Certain Allowed Uses.**

**17-7-1.10 Conditional use standards of review.**

### 17-7-1.2 Use table.

If a use is not specifically designated, then it is prohibited. Uses designated with an asterisk (\*) have additional use-specific standards included in subsection (A) of this section.

**Table 17-7-1.2. Uses**

Type	Allowed	Administrative	Conditional	Business License
Accessory Structure, Unoccupied	X			
Agricultural Uses (AO zone only)	X	X		
Apiary	X	X		
Assisted Living Facility, Group Home			X	X
Chickens, Keeping of	X	X		
Child Care Facility (up to 12 children)	X			X

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Type	Allowed	Administrative	Conditional	Business License
Center: 6 children or less		X		X
Facility: 7 to 12 children			X	X
Disabled Care Facility			X	X
Dwellings				
__Single Family	X			
__Duplex (DO zone only)	X			
__External Accessory Dwelling Unit*	X			
__Internal Accessory Dwelling Unit*	X			
Fence	X			
Flag Lot	X		X	
Gated Community	X	X		
Home Occupation	X			X
Internal Accessory Dwelling Unit*	X			
Kennel, Private	X	X		

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Type	Allowed	Administrative	Conditional	Business License
Manufactured Home	X			
Master Planned Development			X	
Municipal Facilities:				
Cemeteries	X			
Parks	X			
Public Safety Facility			X	
Public Utilities:				
Minor	X			
Major			X	
Recreational Facilities	X			
Trails	X			
Neighborhood Commercial NC-1 and NC-2 <ul style="list-style-type: none"> <li>• Commercial Mixed Use</li> <li>• Commercial Use</li> <li>• Financial Institution without Drive-Up Window</li> <li>• Office General</li> </ul>			X	X

Type	Allowed	Administrative	Conditional	Business License
<ul style="list-style-type: none"> <li>• Restaurant (Outdoor Dining) without Drive-Up Window</li> <li>• Vertical Mixed Use</li> </ul>				
Personal Athletic Facility	<b>X</b>	<b>X</b>		
Pre-Existing Lot	<b>X</b>			
Pre-Existing Structure	<b>X</b>			
Quasi-Public Facilities:				
Hospital			<b>X</b>	<b>X</b>
Schools, Private			<b>X</b>	<b>X</b>
Radio Station			<b>X</b>	<b>X</b>
Religious/Educational Institute:				
Permanent	<b>X</b>			
Temporary		<b>X</b>		
Swimming Pool	<b>X</b>	<b>X</b>		
Telecommunications Facility <35' in height		<b>X</b>		

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**17-7-1.2.1 Specific Review Criteria for Certain Allowed Uses.**

A. —

A. Apiary. The purpose of this subsection is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas

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1. No more than the following number of colonies may be kept on any tract within the city, based upon the size of the tract upon which the apiary is situated:

a. Less than or equal to one-half acre in size: two colonies;

b. More than one-half acre in size: five colonies.

2. A site plan shall be submitted for review by the community development department addressing the following:

a. Any colony situated within twenty-five feet of a public or private property line shall require the establishment of a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof as approved by the community development department. Said barrier shall be parallel to the property line extending ten feet beyond the colony in each direction, forcing a flight pattern elevation of at least six feet above grade.

b. A water source shall be provided on the property and no nearer than twenty feet to the hive to avoid bees congregating on nearby properties in a search for water.

c. A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.

3. In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:

a. All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

- b. All honey bee colonies shall be registered with the Utah Department of Agriculture and Consumer Services.
- c. Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- d. All colonies shall be maintained with marked queens. The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be requeened on a yearly basis.
- e. Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.
- f. Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

4. Upon receipt of information that any colony situated within the eCity is not being kept in compliance with the conditions pursuant to the approved conditional use permit, an investigation and subsequent hearing before the city's hearing officer per Chapter 8.05 and the appeal authority per Chapter 17-3 may result and may result in the revocation of the conditional use permit. (Ord. 2022-13 § 1 (Att. A); Ord. 2022-03A § 1 (Att. A); Ord. 2021-19 § 1 (Att. A); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2016-01 § 1 (Att. A (part)); Ord. 2015-04 § 1 (Att. (part)); Ord. 7/6/2010O-5 § 1 (Att. A (part)); Ord. 9/22/2009O-15 § 1 (Att. A (part)); Ord. 6/16/2009O-10 § 2 (part); Ord. 7/11/2006O-10 § 1 (Exh. A (part)); Ord. 3/07/2006O-1 § 1 (part); Ord. 5/07/2002A § 1 (part); Ord. 2-5-2002 § 1 (part); Ord. 11-13-2001 § 2 (part). Formerly 17-7-1.11)

B. Chicken, Keeping of. Subject to the requirements of this section and any other applicable provision of this code, hen chickens (and no roosters or other types of fowl)

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regardless of age, in the amount set forth below, may be kept on a lot or parcel of land for the sole purpose of producing eggs.

1. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:

- a. Lots with at least one-half acre: up to eight.
- b. Lots with at least ten thousand square feet: up to five.
- c. Lots with at least seven thousand square feet: up to three.
- d. Lots with at least five thousand square feet: up to two.
- e. Lots with less than five thousand square feet: none.

2. The principal use on the lot or parcel shall be a single family dwelling.

3. Chickens shall be confined within a secure enclosure that includes a coop.

- a. The coop shall be covered, weatherproof, and well ventilated.
- b. The enclosure, including the coop, shall be predator-resistant.
- c. The coop shall have a minimum floor area of at least two and one-half square feet per chicken.
- d. If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.
- e. The coop shall be structurally sound and located in a rear yard at least thirty feet from any neighboring residential structures and at least ten feet from the primary residential structure on the property. The coop shall also meet the minimum setback for accessory structures within this zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials, vegetative screening, or other means allowed within this part. ~~BecauseFor a corner lot technically does not include a rear yard, the owner of a~~

corner lot may choose one of the "side" yards to function as a rear yard for the purposes of keeping chickens and locating the coop.

f. The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.

g. No chicken shall be permitted to roam outside the coop or enclosure.

4. Chicken feed shall be stored in rodent- and predator-proof containers.

5. Water shall be available to the chickens at all times. A watering device that incorporates a water warming device shall be supplied, used and maintained.

6. Chickens shall not be slaughtered on site.

C. Child Care Facility (up to 12 children). Each application for a child care facility or center must include:

1. Compliance with state, federal and local law;

2. A design which precludes a front yard playground and signage in excess of a two-square-foot nameplate; and

3. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.

D. ~~C~~External Accessory Dwelling Unit.

1. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.

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- 2. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
- 3. Installing separate utility meters or separate addresses for an EADU is prohibited.
- 4. An EADU must comply with the standards in Section 17-7-1.8.
- 5. An EADU must provide off-street parking as described within this chapter.
- 6. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
- 7. An EADU may not be constructed on a lot with a total square footage of six thousand or less.
- 8. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
  - a. A description of the primary dwelling;
  - b. A statement that the property contains an EADU; and
  - c. A statement that the EADU may only be used in accordance with this title.
- 9. An EADU may not be rented or leased for a period of less than thirty consecutive days.
- 10. Only one EADU is permitted on each property. (Ord. 2022-18 § 1 (Att. A); Ord. 2021-19 § 1 (Att. A); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2015-04 § 1 (Att. (part)); Ord. 7/6/2010O-5 § 1 (Att. A (part)); Ord. 9/22/2009O-15 § 1 (Att. A (part)); Ord. 6/16/2009O-10 § 2 (part); Ord. 5/07/2002A § 1 (part); Ord. 11-13-2001 § 2 (part))

4.E. Internal Accessory Dwelling Unit.

- 1. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.

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2. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
3. Installing separate utility meters or separate addresses for an IADU is prohibited.
4. Any additions to an existing building must comply with the development standards within this chapter.
5. An IADU must provide off-street parking as described within this chapter.
6. An IADU may not be constructed within a mobile home or manufactured home.
7. An IADU may not be constructed on a lot with a total square footage of six thousand or less.
8. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
  - a. A description of the primary dwelling;
  - b. A statement that the property contains an IADU; and
  - c. A statement that the IADU may only be used in accordance with this title.
9. An IADU may not be rented or leased for a period of less than thirty consecutive days.
10. Only one IADU is permitted on each property.

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~~B. External Accessory Dwelling Unit.~~

- ~~1. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.~~
- ~~2. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.~~
- ~~3. Installing separate utility meters or separate addresses for an EADU is prohibited.~~

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- 4. ~~An EADU must comply with the standards in Section 17-7-1.8.~~
- 5. ~~An EADU must provide off-street parking as described within this chapter.~~
- 6. ~~An EADU may not be constructed on the same lot as a mobile home or manufactured home.~~
- 7. ~~An EADU may not be constructed on a lot with a total square footage of six thousand or less.~~
- 8. ~~Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:~~
  - a. ~~A description of the primary dwelling;~~
  - b. ~~A statement that the property contains an EADU; and~~
  - c. ~~A statement that the EADU may only be used in accordance with this title.~~
- 9. ~~An EADU may not be rented or leased for a period of less than thirty consecutive days.~~
  - 10. ~~Only one EADU is permitted on each property. (Ord. 2022-18 § 1 (Att. A); Ord. 2021-19 § 1 (Att. A); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2015-04 § 1 (Att. (part)); Ord. 7/6/2010O-5 § 1 (Att. A (part)); Ord. 9/22/2009O-15 § 1 (Att. A (part)); Ord. 6/16/2009O-10 § 2 (part); Ord. 5/07/2002A § 1 (part); Ord. 11-13-2001 § 2 (part))~~
- F. ~~Flag Lot. Each application for new subdivision of a flag lot, or for new development on a flag lot shall demonstrate that the application complies with the following criteria:~~
  - ~~i1. Lot Area. The minimum area of the banner portion of the proposed flag lot is seven thousand square feet and the minimum area of the remaining frontage lot is seven thousand square feet;~~
  - ~~ii2. Lot Width and Depth. The minimum banner portion width and depth is seventy-five feet. The minimum lot width and depth of the frontage lot complies with all lot standards for the zone;~~
  - ~~iii3. Setbacks. Setbacks for new development on a flag lot are fifteen feet for each of the front, side and rear yards. New development on a flag lot is entitled to the same yard exceptions as a frontage lot, with the rear yard lot line of the~~

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frontage lot serving as the front yard lot line for the banner portion of the flag lot;

iv4. Height. The maximum proposed height for a structure is twenty-five feet;

v5. Stories. A structure shall not exceed one story;

vi6. Parking/Driveway Access. Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of property. The driveway shall have a paved width of twenty feet;

vii7. Fire Department Access and Water Supply. Each dwelling must adhere to the Fire Code; and

viii8. Utilities. Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

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**Table 17-7-1.3. Minimum Flag Lot Development Standards**

		<u>Area</u>	<u>Width</u>	<u>Depth</u>	<u>Frontage</u>	<u>Setbacks</u>	<u>Build-To Line</u>	<u>Height</u>
	<b>Standard for Banner Portion</b>	7,000 s.f.	75'	75'	20'	<b>Front:</b> 15' <b>Side:</b> 15' <b>Rear:</b> 15'	N/A	25' to mid-point
<b>FLAG</b>	<b>Exceptions</b>	No	No	No	No	<b>Projections:</b> ≤ 2½' <b>Front:</b> 5' paved walk <b>Front/Side:</b> 20' paved drive <b>Side/Rear:</b> Stairs and balconies ≤ 3'	N/A	No

~~G. *Swimming Pool.* Each application for a swimming pool shall include a fence designed to exclude unattended children.~~

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**17-7-1.10 Conditional use standards of review.**

B. *Specific Review Criteria for Certain Conditional Uses.* In addition to the foregoing, the community and economic development department and planning commission must evaluate the applicant’s compliance with each of the following criteria when considering whether to approve, deny or condition an application for each of the following conditional uses:

1. *Conditional Use.*

~~a. *Child Care Facility/Center.* Each application for a child care facility or center must include:~~

- ~~i. City business license application, to be finalized upon approval;~~
- ~~ii. Compliance with state, federal and local law;~~
- ~~iii. A design which precludes a front yard playground and signage in excess of a two-square-foot nameplate; and~~
- ~~iv. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.~~

~~f. *Flag Lots.* Each application for new subdivision of a flag lot, or for new development on a flag lot shall demonstrate that the application complies with the following criteria:~~

- ~~i. *Lot Area.* The minimum area of the banner portion of the proposed flag lot is seven thousand square feet and the minimum area of the remaining frontage lot is seven thousand square feet;~~
- ~~ii. *Lot Width and Depth.* The minimum banner portion width and depth is seventy-five feet. The minimum lot width and depth of the frontage lot complies with all lot standards for the zone;~~

iii.—*Setbacks.* Setbacks for new development on a flag lot are fifteen feet for each of the front, side and rear yards. New development on a flag lot is entitled to the same yard exceptions as a frontage lot, with the rear yard lot line of the frontage lot serving as the front yard lot line for the banner portion of the flag lot;

iv.—*Height.* The maximum proposed height for a structure is twenty-five feet;

v.—*Stories.* A structure shall not exceed one story;

vi.—*Parking/Driveway Access.* Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of property. The driveway shall have a paved width of twenty feet;

vii.—*Fire Department Access and Water Supply.* Each dwelling must adhere to the Fire Code; and

viii.—*Utilities.* Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

**Table 17-7-1.10. Minimum Flag Lot and Development Standards**

		Area	Width	Depth	Frontage	Setbacks	Build-To-Line	Height
FLAG	<b>Standard for Banner Portion</b>	7,000 s.f.	75'	75'	20'	<b>Front:</b> 15' <b>Side:</b> 15' <b>Rear:</b> 15'	N/A	25' to mid-point
	<b>Exceptions</b>	No	No	No	No	<b>Projections:</b> ≤ 2½' <b>Front:</b> 5' paved walk <b>Front/Side:</b> 20' paved drive <b>Side/Rear:</b> Stairs	N/A	No

		Area	Width	Depth	Frontage	Setbacks	Build-To-Line	Height
						and balconies ≤ 3'		

2. Administrative Conditional Use.

a. Reserved.

~~b. Gated Communities. Each application for a gated community must comply with the following:~~

- ~~i. An application for a gated community must demonstrate adequate provision for perpetual access of life safety equipment and personnel.~~
- ~~ii. The minimum width of a one-way access is fifteen feet.~~
- ~~iii. Proposed gate works must include access technology installed and maintained to the reasonable satisfaction of the fire marshal.~~
- ~~iv. Gates shall be located so as to allow appropriate stacking depth for vehicles entering the community so as to not impede vehicular and pedestrian traffic.~~
- ~~v. Gates and fencing associated with a gated community shall reflect the character of the community through appropriate design, materials and colors.~~
- ~~vi. Perimeter fencing for a gated community may include fences up to seven feet in height within the front yard setback provided this fencing complies with the following:~~
  - ~~(A) Higher fencing is required for security;~~
  - ~~(B) Fencing is constructed of nonobscuring open materials, such as wrought iron, picket with gaps no less than the width of the slat, etc.;~~
  - ~~(C) Fencing is integrated into the gated community landscape and entry features, and does not restrict the maintenance of the property; and~~
  - ~~(D) Fencing does not impede the use of sidewalks and driveways outside the gated community property.~~

~~c. *Swimming Pool.* Each application for a swimming pool shall include a fence designed to exclude unattended children.~~

~~d. *Personal Athletic Facility.* Each application for a personal athletic facility shall include a screening plan, which effectively screens the use from adjacent residences.~~

~~f. *Private Kennel.* Each application for a private kennel shall include:~~

~~i. Proof of current vaccination for all animals;~~

~~ii. Proof of current pet licenses with the city for those animals required to be licensed;~~

~~iii. If dogs, a site plan indicating the area in which they are kept is surrounded by a six-foot high fence;~~

~~iv. No validated complaints or violations concerning animals (unlicensed pets, excessive noise, bites, stray) have been recorded against the applicant by the city.~~

~~h. *Chickens.* Subject to the requirements of this section and any other applicable provision of this code, hen chickens (and no roosters or other types of fowl) regardless of age, in the amount set forth below, may be kept on a lot or parcel of land for the sole purpose of producing eggs.~~

~~i. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:~~

~~(A) Lots with at least one-half acre: up to eight.~~

~~(B) Lots with at least ten thousand square feet: up to five.~~

~~(C) Lots with at least seven thousand square feet: up to three.~~

~~(D) Lots with at least five thousand square feet: up to two.~~

~~(E) Lots with less than five thousand square feet: none.~~

~~ii. The principal use on the lot or parcel shall be a single family dwelling.~~

~~iii. Chickens shall be confined within a secure enclosure that includes a coop.~~

~~(A) The coop shall be covered, weatherproof, and well ventilated.~~

~~(B) The enclosure, including the coop, shall be predator-resistant.~~

~~(C) The coop shall have a minimum floor area of at least two and one-half square feet per chicken.~~

~~(D) If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.~~

~~(E) The coop shall be structurally sound and located in a rear yard at least thirty feet from any neighboring residential structures and at least ten feet from the primary residential structure on the property. The coop shall also meet the minimum setback for accessory structures within this zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials, vegetative screening, or other means allowed within this part. Because a corner lot technically does not include a rear yard, the owner of a corner lot may choose one of the "side" yards to function as a rear yard for the purposes of keeping chickens and locating the coop.~~

~~(F) The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.~~

~~(G) No chicken shall be permitted to roam outside the coop or enclosure.~~

~~iv. Chicken feed shall be stored in rodent- and predator-proof containers.~~

~~v. Water shall be available to the chickens at all times. A watering device that incorporates a water warming device shall be supplied, used and maintained.~~

~~vi. Chickens shall not be slaughtered on site.~~

~~i. *Apiary.* The purpose of this subsection is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.~~

~~i. No more than the following number of colonies may be kept on any tract within the city, based upon the size of the tract upon which the apiary is situated:~~

~~(A) Less than or equal to one-half acre in size: two colonies;~~

~~(B) More than one-half acre in size: five colonies.~~

~~ii. A site plan shall be submitted for review by the community development department addressing the following:~~

~~(A) Any colony situated within twenty-five feet of a public or private property line shall require the establishment of a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof as approved by the community development department. Said barrier shall be parallel to the property line extending ten feet beyond the colony in each direction, forcing a flight pattern elevation of at least six feet above grade.~~

~~(B) A water source shall be provided on the property and no nearer than twenty feet to the hive to avoid bees congregating on nearby properties in a search for water.~~

~~(C) A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.~~

~~iii. In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:~~

~~(A) All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.~~

~~(B) All honey bee colonies shall be registered with the Utah Department of Agriculture and Consumer Services.~~

~~(C) Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.~~

~~(D) All colonies shall be maintained with marked queens. The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be requeened on a yearly basis.~~

~~(E) Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.~~

~~(F) Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.~~



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## MIDVALE CITY PLANNING COMMISSION STAFF REPORT 3/13/2024

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### SUBJECT

Midvale City initiated request to amend Sections 17-7-2.2 and 17-7-2.10 of the Single Family Residential-1 (SF-1) and create Section 17-7-2.2.1 of the Midvale City Municipal Code. This amendment proposes to streamline the review of many uses in the SF-2 zone and reorders portions of the text to make it easier to find the correct information.

### SUBMITTED BY

Elizabeth Arnold, Senior Planner

### BACKGROUND AND ANALYSIS

Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. The amendments requested are to the Use Table and the Conditional Use Standards of Review sections. Additionally, it creates a section titled Specific Review Criteria for Certain Allowed Uses.

Conditional Uses are required to be approved by the Planning Commission if the applicant has demonstrated that the detrimental effects of the proposed use have been mitigated with the standards that are set forth in the zoning ordinance. Because the standards set forth are objective, staff feels that it would be better if certain uses were no longer conditional uses and instead were allowed uses within the zone provided that the use still meets the same criteria. As such, it is proposed that a new section be created that allows for this and some of the conditional uses are moved to this section. None of the criteria for the uses will change.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

### *-AMENDMENTS TO THE ZONING CODE OR MAP-*

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

#### 17-3-1.E Amendments to the Zoning Code or Map.

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;

**Response: The request is not for a rezone; rather, an amendment that moves some uses from conditional uses to allowed uses with specific review criteria.**

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or,

**Response: This criterion is not applicable.**

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

**Response: This criterion is not applicable.**

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission forward the text amendment on to the City Council with a recommendation of approval with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(E)(1).

## **RECOMMENDED MOTION**

“I move that we recommend approval of the amendment as provided in the attachments, with the finding noted in the staff report.”

## **ATTACHMENTS**

1. Draft Ordinance

## Chapter 17-7-2 SINGLE FAMILY RESIDENTIAL ZONE (SF-2)

Sections:

**17-7-2.2 Use table.**

**17-7-2.2.1 Specific Review Criteria for Certain Allowed Uses.**

**17-7-2.10 Conditional use standards of review.**

### 17-7-2.2 Use table.

If a use is not specifically designated, then it is prohibited. Uses designated with an asterisk (\*) have additional use-specific standards included in subsection (A) of this section.

**Table 17-7-2.2. Uses**

Type	Allowed	Administrative	Conditional	Business License
Accessory Structure, Unoccupied	X			
Apiary	X	X		
Assisted Living Facility, Group Home			X	X
Chickens, Keeping of	X	X		
Child Care Facility (up to 12 children)	X			
Center: 6 children or less		X		X
Facility: 7 to 12 children			X	X
Disabled Care Facility			X	X
Dwellings				
Single Family	X			

<u>External Accessory Dwelling Unit*</u>	<b>X</b>			
<u>Internal Accessory Dwelling Unit*</u>	<b>X</b>			
External Accessory Dwelling Unit*	<b>X</b>			
Fence	<b>X</b>			
Flag Lot	<b>X</b>		<b>X</b>	
<u>Gated Community</u>	<b>X</b>			
Home Occupation	<b>X</b>			<b>X</b>
Internal Accessory Dwelling Unit*	<b>X</b>			
Kennel, Private	<b>X</b>	<b>X</b>		
Manufactured Home	<b>X</b>			
Master Planned Development			<b>X</b>	
Municipal Facilities:				
Cemeteries	<b>X</b>			
Parks	<b>X</b>			
Public Safety Facility			<b>X</b>	
Public Utilities:				
Minor	<b>X</b>			
Major			<b>X</b>	
Recreational facilities	<b>X</b>			
Trails	<b>X</b>			
Neighborhood Commercial NC-1 and NC-2			<b>X</b>	<b>X</b>
• Commercial Mixed Use				

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• Commercial Use				
• Financial Institution without Drive-Up Window				
• Office General				
• Restaurant (Outdoor Dining) without Drive-Up Window				
• Vertical Mixed Use				
Personal Athletic Facility	<del>X</del>	<del>X</del>		
Pre-Existing Lot	X			
Pre-Existing Structure	X			
Quasi-Public Facilities:				
Hospital			X	X
Schools, Private			X	X
Nonprofit Multicultural Center		X		
Radio Station			X	X
Religious/Educational Institute:				
Permanent	X			
Temporary	<del>X</del>	<del>X</del>		
Single Family	<del>X</del>			
Swimming Pool	<del>X</del>	<del>X</del>		
Telecommunications Facility <35' in height		X		

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**17-7-2.2.1 Specific Review Criteria for Certain Allowed Uses.**

A. Apiary. The purpose of this subsection is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas

1. No more than the following number of colonies may be kept on any tract within the city, based upon the size of the tract upon which the apiary is situated:

a. Less than or equal to one-half acre in size: two colonies;

b. More than one-half acre in size: five colonies.

2. A site plan shall be submitted for review by the community development department addressing the following:

a. Any colony situated within twenty-five feet of a public or private property line shall require the establishment of a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof as approved by the community development department. Said barrier shall be parallel to the property line extending ten feet beyond the colony in each direction, forcing a flight pattern elevation of at least six feet above grade.

b. A water source shall be provided on the property and no nearer than twenty feet to the hive to avoid bees congregating on nearby properties in a search for water.

c. A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.

3. In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:

a. All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

b. All honey bee colonies shall be registered with the Utah Department of Agriculture and Consumer Services.

- c. Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- d. All colonies shall be maintained with marked queens. The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be requeened on a yearly basis.
- e. Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.
- f. Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

4. Upon receipt of information that any colony situated within the city is not being kept in compliance with the conditions pursuant to the approved conditional use permit, an investigation and subsequent hearing before the city's hearing officer per Chapter 8.05 and the appeal authority per Chapter 17-3 may result and may result in the revocation of the conditional use permit. (Ord. 2022-13 § 1 (Att. A); Ord. 2022-03A § 1 (Att. A); Ord. 2021-19 § 1 (Att. A); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2016-01 § 1 (Att. A (part)); Ord. 2015-04 § 1 (Att. (part)); Ord. 7/6/2010O-5 § 1 (Att. A (part)); Ord. 9/22/2009O-15 § 1 (Att. A (part)); Ord. 6/16/2009O-10 § 2 (part); Ord. 7/11/2006O-10 § 1 (Exh. A (part)); Ord. 3/07/2006O-1 § 1 (part); Ord. 5/07/2002A § 1 (part); Ord. 2-5-2002 § 1 (part); Ord. 11-13-2001 § 2 (part). Formerly 17-7-1.11)

B. *Chicken, Keeping of.* Subject to the requirements of this section and any other applicable provision of this code, hen chickens (and no roosters or other types of fowl) regardless of age, in the amount set forth below, may be kept on a lot or parcel of land for the sole purpose of producing eggs.

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1. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:
  - a. Lots with at least one-half acre: up to eight.
  - b. Lots with at least ten thousand square feet: up to five.
  - c. Lots with at least seven thousand square feet: up to three.
  - d. Lots with at least five thousand square feet: up to two.
  - e. Lots with less than five thousand square feet: none.
2. The principal use on the lot or parcel shall be a single family dwelling.
3. Chickens shall be confined within a secure enclosure that includes a coop.
  - a. The coop shall be covered, weatherproof, and well ventilated.
  - b. The enclosure, including the coop, shall be predator-resistant.
  - c. The coop shall have a minimum floor area of at least two and one-half square feet per chicken.
  - d. If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.
  - e. The coop shall be structurally sound and located in a rear yard at least thirty feet from any neighboring residential structures and at least ten feet from the primary residential structure on the property. The coop shall also meet the minimum setback for accessory structures within this zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials, vegetative screening, or other means allowed within this part. For a corner lot, the owner may choose one of the "side" yards to function as a rear yard for the purposes of keeping chickens and locating the coop.
  - f. The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor.

detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.

g. No chicken shall be permitted to roam outside the coop or enclosure.

4. Chicken feed shall be stored in rodent- and predator-proof containers.

5. Water shall be available to the chickens at all times. A watering device that incorporates a water warming device shall be supplied, used and maintained.

6. Chickens shall not be slaughtered on site.

C. *Child Care Facility (up to 12 children).* Each application for a child care facility must include:

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1. Compliance with state, federal and local law;

2. A design which precludes a front yard playground and signage in excess of a two-square-foot nameplate; and

3. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.

D. *External Accessory Dwelling Unit.*

1. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.

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2. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.

3. Installing separate utility meters or separate addresses for an EADU is prohibited.

4. An EADU must comply with the standards in Section 17-7-1.8.

5. An EADU must provide off-street parking as described within this chapter.

6. An EADU may not be constructed on the same lot as a mobile home or manufactured home.

7. An EADU may not be constructed on a lot with a total square footage of six thousand or less.

8. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:

a. A description of the primary dwelling;

b. A statement that the property contains an EADU; and

c. A statement that the EADU may only be used in accordance with this title.

9. An EADU may not be rented or leased for a period of less than thirty consecutive days.

10. Only one EADU is permitted on each property. (Ord. 2022-18 § 1 (Att. A); Ord. 2021-19 § 1 (Att. A); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2015-04 § 1 (Att. (part)); Ord. 7/6/2010O-5 § 1 (Att. A (part)); Ord. 9/22/2009O-15 § 1 (Att. A (part)); Ord. 6/16/2009O-10 § 2 (part); Ord. 5/07/2002A § 1 (part); Ord. 11-13-2001 § 2 (part))

E. Internal Accessory Dwelling Unit.

1. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.

2. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.

3. Installing separate utility meters or separate addresses for an IADU is prohibited.

4. Any additions to an existing building must comply with the development standards within this chapter.

5. An IADU must provide off-street parking as described within this chapter.

6. An IADU may not be constructed within a mobile home or manufactured home.

7. An IADU may not be constructed on a lot with a total square footage of six thousand or less.

8. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:

- a. A description of the primary dwelling;
- b. A statement that the property contains an IADU; and
- c. A statement that the IADU may only be used in accordance with this title.

9. An IADU may not be rented or leased for a period of less than thirty consecutive days.

10. Only one IADU is permitted on each property.

F. *Flag Lot.* Each application for new subdivision of a flag lot, or for new development on a flag lot shall demonstrate that the application complies with the following criteria:

i. Lot Area. The minimum area of the banner portion of the proposed flag lot is seven thousand square feet and the minimum area of the remaining frontage lot is seven thousand square feet;

ii. Lot Width and Depth. The minimum banner portion width and depth is seventy-five feet. The minimum lot width and depth of the frontage lot complies with all lot standards for the zone;

iii. Setbacks. Setbacks for new development on a flag lot are fifteen feet for each of the front, side and rear yards. New development on a flag lot is entitled to the same yard exceptions as a frontage lot, with the rear yard lot line of the frontage lot serving as the front yard lot line for the banner portion of the flag lot;

iv. Height. The maximum proposed height for a structure is twenty-five feet;

v. Stories. A structure shall not exceed one story;

vi. Parking/Driveway Access. Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of property. The driveway shall have a paved width of twenty feet;

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vii. Fire Department Access and Water Supply. Each dwelling must adhere to the Fire Code; and

viii. Utilities. Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

**Table 17-7-1.3. Minimum Flag Lot Development Standards**

		<u>Area</u>	<u>Width</u>	<u>Depth</u>	<u>Frontage</u>	<u>Setbacks</u>	<u>Build-To Line</u>	<u>Height</u>
<b>FLAG</b>	<b>Standard for Banner Portion</b>	7,000 s.f.	75'	75'	20'	<b>Front:</b> 15' <b>Side:</b> 15' <b>Rear:</b> 15'	N/A	25' to mid-point
	<b>Exceptions</b>	No	No	No	No	<b>Projections:</b> ≤ 2½' <b>Front:</b> 5' paved walk <b>Front/Side:</b> 20' paved drive <b>Side/Rear:</b> Stairs and balconies ≤ 3'	N/A	No

G. Gated Communities. Each application for a gated community must comply with the following:

1. An application for a gated community must demonstrate adequate provision for perpetual access of life safety equipment and personnel.
2. The minimum width of a one-way access is fifteen feet.

- 3. Proposed gate works must include access technology installed and maintained to the reasonable satisfaction of the fire marshal.
- 4. Gates shall be located so as to allow appropriate stacking depth for vehicles entering the community so as to not impede vehicular and pedestrian traffic.
- 5. Gates and fencing associated with a gated community shall reflect the character of the community through appropriate design, materials and colors.
- 6. Perimeter fencing for a gated community may include fences up to seven feet in height within the front yard setback provided this fencing complies with the following:
  - a. Higher fencing is required for security;
  - b. Fencing is constructed of nonobscuring open materials, such as wrought iron, picket with gaps no less than the width of the slat, etc;
  - c. Fencing is integrated into the gated community landscape and entry features, and does not restrict the maintenance of the property; and
  - d. Fencing does not impede the use of sidewalks and driveways outside the gates community property,

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H. Swimming Pool. Each application for a swimming pool shall include a fence designed to exclude unattended children.

I. Personal Athletic Facility. Each application for a personal athletic facility shall include a screening plan, which effectively screens the use from the adjacent residences.

A. Additional Use-Specific Standards.

1. Internal Accessory Dwelling Unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.

~~b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.~~

~~c. Installing separate utility meters or separate addresses for an IADU is prohibited.~~

~~d. Any additions to an existing building must comply with the development standards within this chapter.~~

~~e. An IADU must provide off-street parking as described within this chapter.~~

~~f. An IADU may not be constructed within a mobile home or manufactured home.~~

~~g. An IADU may not be constructed on a lot with a total square footage of six thousand or less.~~

~~h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:~~

~~i. A description of the primary dwelling;~~

~~ii. A statement that the property contains an IADU; and~~

~~iii. A statement that the IADU may only be used in accordance with this title.~~

~~i. An IADU may not be rented or leased for a period of less than thirty consecutive days.~~

~~j. Only one IADU is permitted on each property.~~

~~2. External Accessory Dwelling Unit.~~

~~a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.~~

~~b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.~~

~~c. Installing separate utility meters or separate addresses for an EADU is prohibited.~~

- ~~d. An EADU must comply with the standards in Section 17-7-2.8.~~
- ~~e. An EADU must provide off-street parking as described within this chapter.~~
- ~~f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.~~
- ~~g. An EADU may not be constructed on a lot with a total square footage of six thousand or less.~~
- ~~h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
  - ~~i. A description of the primary dwelling;~~
  - ~~ii. A statement that the property contains an EADU; and~~
  - ~~iii. A statement that the EADU may only be used in accordance with this title.~~~~
- ~~i. An EADU may not be rented or leased for a period of less than thirty consecutive days.~~
- ~~j. Only one EADU is permitted on each property. (Ord. 2021-19 § 1 (Att. A); Ord. 2015-04 § 1 (Att. (part)); Ord. 7/6/2010-5 § 1 (Att. A (part)); Ord. 9/22/2009-15 § 1 (Att. A (part)); Ord. 6/16/2009-10 § 2 (part); Ord. 5/07/2002A § 1 (part); Ord. 11-13-2001 § 2 (part))~~

**17-7-2.10 Conditional use standards of review.**

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 Facility/Center. Each application for a child care facility or center must include:
  - ~~i. City business license application, to be finalized upon approval;~~~~

- ~~ii.—Compliance with state, federal and local law;~~
  - ~~iii.—A design which precludes a front yard playground and signage in excess of a two-square-foot nameplate; and~~
  - ~~iv.—A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.~~
- ~~f.—Flag Lots.~~ Each application for new subdivision of a flag lot, or for new development on a flag lot shall demonstrate that the application complies with the following criteria:
- ~~i.—Lot Area.~~ The minimum area of the banner portion of the proposed flag lot is five thousand square feet and the minimum area of the remaining frontage lot is five thousand square feet;
  - ~~ii.—Lot Width and Depth.~~ The minimum banner portion width and depth is sixty-five feet. The minimum lot width and depth of the frontage lot complies with all lot standards for the zone;
  - ~~iii.—Setbacks.~~ Setbacks for new development on a flag lot are ten feet for each of the front, side and rear yards. New development on a flag lot is entitled to the same yard exceptions as a frontage lot, with the rear yard lot line of the frontage lot serving as the front yard lot line for the banner portion of the flag lot;
  - ~~iv.—Height.~~ The maximum proposed height for a structure is twenty-five feet;
  - ~~v.—Stories.~~ A structure shall not exceed one story;
  - ~~vi.—Parking/Driveway Access.~~ Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of property. The driveway shall have a paved width of twenty feet;
  - ~~vii.—Fire Department Access and Water Supply.~~ Each dwelling must adhere to the Fire Code; and
  - ~~viii.—Utilities.~~ Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

**Table 17-7-2.10. Minimum Flag Lot and Development Standards**

		Area	Width	Depth	Frontage	Setbacks	Build-To-Line	Height
	<b>Banner Portion</b>	5,000 s.f.	65'	65'	20'	<b>Front:</b> 10' <b>Side:</b> 10' <b>Rear:</b> 10'	N/A	25'-to-mid-point
<b>FLAG</b>	<b>Exceptions</b>	No	No	No	No	<b>Projections:</b> ≤ 2-1/2' <b>Front:</b> 5'-paved-walk <b>Front/Side:</b> 20'-paved-drive <b>Side/Rear:</b> Stairs-and-balconies ≤ 3'	N/A	No

2. ~~Administrative Conditional Use.~~

a. ~~Reserved.~~

~~b. *Gated Communities.* An application for a gated community must demonstrate adequate provision for perpetual access of life safety equipment and personnel. The minimum width of a one-way access is fifteen feet. Proposed gate works must include access technology installed and maintained to the reasonable satisfaction of the fire marshal.~~

~~c. *Swimming Pool.* Each application for a swimming pool shall include a fence designed to exclude unattended children.~~

~~d. *Personal Athletic Facility.* Each application for a personal athletic facility shall include a screening plan, which effectively screens the use from adjacent residences.~~

~~f. *Private Kennel.* Each application for a private kennel shall include:~~

~~i. *Proof of current vaccination for all animals;*~~

~~ii. Proof of current pet licenses with the city for those animals required to be licensed;~~

~~iii. If dogs, a site plan indicating the area in which they are kept is surrounded by a six-foot high fence;~~

~~iv. No validated complaints or violations concerning animals (unlicensed pets, excessive noise, bites, stray) have been recorded against the applicant by the city.~~

~~h. *Chickens.* Subject to the requirements of this section and any other applicable provision of this code, hen chickens (and no roosters or other types of fowl) regardless of age, in the amount set forth below, may be kept on a lot or parcel of land for the sole purpose of producing eggs.~~

~~i. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:~~

~~(A) Lots with at least twelve thousand square feet: up to eight.~~

~~(B) Lots with at least ten thousand square feet: up to six.~~

~~(C) Lots with at least six thousand square feet: up to five.~~

~~(D) Lots with less than six thousand square feet: none.~~

~~ii. The principal use on the lot or parcel shall be a single family dwelling.~~

~~iii. Chickens shall be confined within a secure enclosure that includes a coop.~~

~~(A) The coop shall be covered, weatherproof, and well ventilated.~~

~~(B) The enclosure, including the coop, shall be predator-resistant.~~

~~(C) The coop shall have a minimum floor area of at least two and one-half square feet per chicken.~~

~~(D) If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.~~

~~(E) The coop shall be structurally sound and located in a rear yard at least thirty feet from any neighboring residential structures and at least ten feet~~

~~from the primary residential structure on the property. The coop shall also meet the minimum setback for accessory structures within this zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials, vegetative screening, or other means allowed within this part. Because a corner lot technically does not include a rear yard, the owner of a corner lot may choose one of the "side" yards to function as a rear yard for the purposes of keeping chickens and locating the coop.~~

~~(F) The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.~~

~~(G) No chicken shall be permitted to roam outside the coop or enclosure.~~

~~iv. Chicken feed shall be stored in rodent- and predator-proof containers.~~

~~v. Water shall be available to the chickens at all times. A watering device that incorporates a water warming device shall be supplied, used and maintained.~~

~~vi. Chickens shall not be slaughtered on site.~~

~~i. *Apiary.* The purpose of this subsection is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.~~

~~i. No more than the following number of colonies may be kept on any tract within the city, based upon the size of the tract upon which the apiary is situated:~~

~~(A) Less than or equal to one-half acre in size: two colonies;~~

~~(B) More than one-half acre in size: five colonies.~~

~~ii. A site plan shall be submitted for review by the community development department addressing the following:~~

~~(A) Any colony situated within twenty-five feet of a public or private property line shall require the establishment of a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof as approved by the community development department. Said barrier shall be parallel to the property line extending ten feet beyond the colony in each direction, forcing a flight pattern elevation of at least six feet above grade.~~

~~(B) A water source shall be provided on the property and no nearer than twenty feet to the hive to avoid bees congregating on nearby properties in a search for water.~~

~~(C) A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.~~

iii. ~~In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:~~

~~(A) All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.~~

~~(B) All honey bee colonies shall be registered with the Utah Department of Agriculture and Consumer Services.~~

~~(C) Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.~~

~~(D) All colonies shall be maintained with marked queens. The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be requeened on a yearly basis.~~

~~(E) Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.~~

~~(F) Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.~~



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## **MIDVALE CITY PLANNING COMMISSION STAFF REPORT 3/13/2024**

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### **SUBJECT**

Consider amendments to Midvale Municipal Code Sections 17-2-3 and 17-2-16, related to definitions of: Commercial Parking Lots, Parking Lots, Parking Structures, and Private Parking Lots.

### **SUBMITTED BY**

Adam Olsen, Community Development Director

### **BACKGROUND AND OVERVIEW**

Staff proposes amending definitions applying to several types of parking lots in the City. The proposed changes affect parking lot definitions in 17-2-3 and 17-2-16 of the Midvale Municipal Code; specifically, Commercial Parking Lots, Parking Lots, Parking Structures, and Private Parking Lots. The changes include the addition of the following language in each definition: “a vehicle may not be parked in a (commercial parking lot, parking lot, parking structure, private parking lot) for more than a total of 24 hours if the vehicle is inoperable, disassembled, dismantled, or in a state of disrepair”.

The proposed language will enhance the City’s ability to regulate and maintain parking lots by limiting their use for parking of inoperable vehicles. The change is needed to address issues of safety, stormwater contamination, aesthetics, and overall property values city-wide.

At their February 27<sup>th</sup> meeting, the City Council approved temporary land use regulations adopting the changes to the above stated parking lot definitions. The temporary land use regulations are in effect for 180 days or until the Council adopts official revisions to the Code, whichever occurs first. Upon approval, staff initiated public notice for the standard process of adopting the revisions, beginning with Planning Commission. If the Planning Commission forwards a recommendation of approval to the City Council, final adoption of the amendments, through an ordinance, will occur.

### **STAFF RECOMMENDATION**

Approval of the amendments.

## **RECOMMENDED MOTION**

I move that we recommend approval of the amendments to definitions for Commercial Parking Lots, Parking Lots, Parking Structures, and Private Parking Lots under Midvale Municipal Code Sections 17-2-3 and 17-2-16.

## **ATTACHMENT**

1. Definitions Revisions

**17-2-3 "C" definitions.**

"Cafe" means a coffeehouse or small restaurant where drinks and snacks are sold.

"Campaign sign" means a temporary sign used by candidates running for political and elected offices in the city.

"Camping" means the temporary establishment of living facilities such as tents, RVs, travel trailers, recreational coaches, or any other temporary living or dwelling for any period of time. Camping on public property, including streets, parks and publicly owned lots, is prohibited. Camping on private property is prohibited except as allowed in this title.

"Cannabis production establishment" means the same as that term is defined and amended in Section [4-41a-102](#) of the Utah Code Annotated.

"Canopy" means a roof or awning constructed of non-rigid materials on a supporting framework, architectural metal, or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

"Canopy sign" means a sign affixed or applied to the exterior facing surface or surfaces of a canopy.

"Capital improvements program" means a proposed schedule and description of all proposed public works projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

"Carport" means a private garage not completely enclosed by walls or doors.

"Car wash" means a facility used to clean the exterior, and sometimes the interior, of automobiles.

"Cemetery" means property used for the interring of the dead.

"Central Midvale neighborhood" is the neighborhood bounded by the State Street corridor to the east, I-15 to the west, Center Street to the north, and Wasatch Avenue to the south.

“Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

“Changeable copy sign (manual)” means a sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

“Channel letter sign” means a sign consisting of fabricated three-dimensional letters mounted individually on a wall surface.

“Check cashing” means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state pursuant to the Check Cashing Registration Act. No check cashing or deferred deposit loan business shall be located within six hundred feet of any other check cashing business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the entry door of each business. One check cashing or deferred deposit loan business shall be allowed for every ten thousand citizens living in Midvale City. The term “check cashing” shall not include fully automated stand-alone services located inside of an existing building, so long as the automated service incorporates no signage in the windows or outside of the building.

“Child care” means the provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than twenty-four hours a day. The term does not include babysitting services on a casual, non-recurring nature or in the child’s own home nor cooperative, reciprocative child care by a group of parents in their respective domiciles.

“Child care center” means the provision of child care for six or fewer children, including the provider’s children who are under the age of eighteen, within a dwelling unit.

“Child care facility” means the provision of child care for seven or more children including the provider’s children who are under the age of eighteen.

“Christmas tree sales” is defined as the sale of Christmas trees and related seasonal merchandise from a temporary location.

Clear view area. See “Sight distance triangle.”

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Club, private. See "Private club."

"Collector street" means a street which serves or is designed to serve moderate flows of traffic, such as 700 West Street, that collects from local streets and other collector streets and connects with arterial streets.

"Colocation" means the location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a freestanding structure of its own.

"Colony" or "hive" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

"Commercial convenience store" means those commercial establishments known as convenience stores, food marts, or c-stores and includes any retail establishment characterized by a rapid turnover of customers and high traffic generation, offering for sale a relatively limited line of prepackaged food products and snacks, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Commercial convenience store does not include those uses classified as vehicle filling stations, vehicle-related uses, or twenty-four-hour uses.

"Commercial kennel" means a shelter for or a place where over three dogs or cats are bred, boarded, or trained for monetary gain.

"Commercial mixed-use" means development which incorporates a mix of uses, including retail commercial, and/or offices and residential.

"Commercial nursery" means a business where young plants or trees are raised for experimental horticultural purposes, for transplanting, or for sale.

"Commercial parking lot" means a parking lot or structure primarily used for parking motor vehicles for a fee, for a use that is not located on site, or for intermodal transfer facilities such as park and ride lots or transit stations. A vehicle may not be parked in a commercial parking lot for more than a total of 24 hours if the vehicle is inoperable, disassembled, dismantled, or in a state of disrepair.

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“Commercial recreation facilities” means recreation facilities operated as a business on private or public property and open to the public for a fee.

“Commercial repair services” means repair of products, not to include vehicles or heavy equipment. These uses include consumer repair services for individuals and households for items such as household appliances, musical instruments, cameras, household electronic equipment, and similar uses. Any other uses specifically listed within each particular zoning district shall not be construed as falling within this generic definition.

“Commercial use” means an occupation, employment, or enterprise that is carried on to facilitate an exchange of goods, services or ideas.

“Common area” means facilities, open space and yards under common ownership, identified within projects, for the use and enjoyment of the residents.

“Common ownership” means ownership of the same property by different persons.

“Community council” means a neighborhood-based organization created for the purpose of providing citizen input regarding planning and development issues, and other relevant city business and decisions. Officially recognized community councils of the city include the Union community council and the Midvale community council.

“Compatible” means when the characteristics of new development or a change in use integrate with, relate to, and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, height, scale, mass and bulk of buildings, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive areas, and building patterns.

“Complete application” means a submission which includes all information requested on the appropriate form and full payment of all applicable fees.

“Comprehensive mental health treatment” means a facility used to treat people with mental illnesses of all ages and genders in a comprehensive manner.

“Conditional use” means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

“Condominium” means any structure or parcel that has been submitted to fractionalize ownership under the provisions of the Utah Condominium Ownership Act.

“Conservation activity” means a process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

“Constitutional taking” means final action by the city to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article [1](#), Section [22](#), of the Utah Constitution.

“Construction activity” means all excavation, construction, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

“Construction mitigation plan” means a written description of the method by which an owner will ameliorate the adverse impacts of construction activity to the surrounding area and/or neighborhood.

“Construction plan” means the map and drawings showing the specific location and design of the development.

“Construction sign” means a sign identifying an existing or proposed development project which may contain the name of the project, name and address of construction firms, architect, engineers, developers, etc.

“Coop” means a freestanding building for the sheltering of fowl.

“Copperview neighborhood” is the neighborhood bounded by the State Street corridor to the east, I-15 to the west, Midvale City boundary to the south, and Wasatch Avenue to the north.

“Corner lot” means a lot situated at the intersection of two streets, the interior angle of such intersection does not exceed one hundred thirty-five degrees.

“Cornice” means a horizontal molding projecting along the top of a wall or building.

“Council” means members of the city council of Midvale.

“County” is the unincorporated area of Salt Lake County.

Cover, site. See "Site cover."

"CPTED (Crime Prevention Through Environmental Design)" means guiding design principles for creating safer built environments, incorporating natural surveillance, natural access control, territorial enforcement, management and maintenance. Such principles are published by the National Crime Prevention Council in the CPTED Handbook on file in the office of community and economic development.

"Cul-de-sac" means a dead end street with an area for the safe and convenient reversal of traffic.

"Cutoff-type luminaire" means a luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees. (Ord. 2020-02 § 1 (Att. A (part)); Ord. 9/22/2009O-15 § 1 (Att. A (part)); Ord. 6/16/2009O-10 § 3 (part); Ord. 5/5/2009O-8 § 1 (Att. A (part)); Ord. 8/22/2006O-14 § 1 (part); Ord. 7/11/2006O-9 § 1 (part); Ord. 3/07/2006O-1 § 1 (part); Ord. 8/10/2004O-25 § 1(6) (part); Ord. 12-11-2001C § 2 (part))

## **17-2-16 "P" definitions.**

"Package agency" means a retail liquor location operated under a contractual agreement with the Utah Department of Alcoholic Beverage Control, by a person other than the state, who is authorized by the commission to sell package liquor for consumption off the premises of the agency.

"Parcel" means an unplatted unit of land described by metes and bounds and designated by the county recorder's office with a unique tax identification number.

"Park neighborhood" means the neighborhood bounded by the State Street corridor to the east, I-15 to the west, 7200 South to the north, and Center Street to the south.

"Park strip" means an area of land usually located within the public right-of-way between the sidewalk and the curb and gutter intended to buffer pedestrian areas from automotive areas.

Parking, public. See "Public parking."

Parking, residential. See "Residential parking."

Parking, shared. See "Shared parking."

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“Parking area” means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles.

Parking area, industrial. See “Industrial parking area.”

“Parking area landscaping” means all spaces to be landscaped such as aisles, and drives as defined by the top-back of curb or edge of pavement.

“Parking lot” means an unenclosed area or lot other than a street used or designed for the parking of motor vehicles, under 12,000 pounds GVW, used for transportation of passengers and light goods. A vehicle may not be parked in a parking lot for more than a total of 24 hours if the vehicle is inoperable, disassembled, dismantled, or in a state of disrepair.

Parking lot, commercial. See “Commercial parking lot.”

Parking lot, private. See “Private parking lot.”

“Parking lot interior landscaping” means planting islands located within the parking area.

“Parking space” means a nine-by-eighteen-foot area maintained for parking or storing an automobile or other vehicle, which is graded for proper drainage and is hard-surfaced or porous paved.

“Parking structure” means a parking area other than a street with at least one level that is partially or fully enclosed, located under a building or partially underground, and is used or designed for the parking of motor vehicles, under 12,000 pounds GVW, used for transportation of passengers and light goods. A vehicle may not be parked in a parking structure for more than a total of 24 hours if the vehicle is inoperable, disassembled, dismantled, or in a state of disrepair.

“Partially shielded luminaire” means a luminaire that is constructed so that no more than ten percent of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

“Pawn shop” means any person, firm, corporation, or business which loans money on deposit of personal property, or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

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“Pedestal sign” means a temporary and/or moveable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

“Pedestrian way” means a street designed for the use of pedestrians, restricting vehicular use to service and emergency vehicles, particularly in areas where double-edged retail commercial is desired.

“Pennant” means a triangular tapering flag made of any lightweight fabric or other nonrigid material, whether or not containing a message of any kind, suspended in a series from a rope, wire or string.

“Perimeter landscaping” means planting areas between the property line, structure and parking area.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

“Person” means an individual, corporation, partnership, or incorporated association of individuals such as a club.

“Personal athletic facility” means athletic equipment or facilities dedicated to the use of the property owners and their nonpaying guests. “Personal athletic facility” does not include any athletic equipment or facilities used by paying customers or for which profit is made or expected.

Planting Plan. A “planting plan” shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

“Plant nursery” means a place or greenhouse where nursery stock is propagated, grown, stored, cultivated, or offered for sale. Not more than two thousand five hundred square feet of any property can be used as a plant nursery.

“Plat” means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Section [10-9-804](#).

“Pole banner sign” means a sign made of cloth, canvas or nylon attached vertically to a light pole located on the property where the advertised use is conducted, product or commodity sold, service performed, or business name is located.

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### **“Pole Banner Sign” Diagram**



“Porch” means an open-air room appended to the mass of a building with a floor and roof, but no walls on at least two sides.

“Porous paving” means a substantial surfacing material designed and intended to support light vehicular movement. “Porous paving” includes paving systems such as modular pavers which provide at least fifty percent surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not “porous paving.”

“Precipitation rate” means the depth of water applied to a given area, usually measured in inches per hour.

“Pre-existing landscaping” means landscaping, the installation of which preceded January 2, 2002.

“Pre-existing lighting” means outdoor lighting, the installation of which preceded January 2, 2002.

“Pre-existing lot” means a lot which was created prior to January 1, 1980, through a recorded subdivision plat, deed, sales contract, or survey, and a lot which met the zoning regulations in effect at the time of its creation. For the purposes of this title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

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“Pre-existing structure” means a structure which was legally constructed prior to January 2, 2002. For the purposes of this title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.

“Pre-existing use” means a use which validly existed prior to January 2, 2002, and has not been abandoned for more than one year. For the purposes of this title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.

“Preliminary plat” means the preliminary drawings of a proposed subdivision specifying the layout, uses, and restrictions.

“Primary dwelling” means the same as that term is defined in Section [10-9a-530](#) of the Utah Code Annotated, as amended.

“Primary residence” means the dwelling unit an individual has established domicile pursuant to Utah Administrative Code 884-24P-52, as amended.

“Principal building” means a building within which the principal land use of the lot is conducted. In the SF-1, SF-2, RM-12, RM-25 zoning districts, the largest dwelling is the principal building on the lot on which it is situated.

“Private club” means any nonprofit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

“Private kennel” means a shelter for or a place where over three and no more than five dogs and cats are bred, boarded, or trained for no monetary gain.

“Private parking lot” means a parking lot or structure intended for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area. A vehicle may not be parked in a private parking lot for more than a total of 24 hours if the vehicle is inoperable, disassembled, dismantled, or in a state of disrepair.

“Private street” means a street owned by an individual, association or other nongovernmental group.

“Prohibited use” means a use that is not permitted or allowed to be established in a zone. Any use not specifically listed as an allowed use, an administrative conditional use or a conditional use is prohibited in that zone.

“Projecting sign” means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

“Promotional signboard” means a permanently attached changeable copy sign not exceeding twenty square feet per face with one or two faces back-to-back for the display of promotional items offered for sale on the premises.

“Property” means any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

“Property line” means the boundary line of a parcel or lot.

Property line, front. See “Front property line.”

“Property sign” means a sign related to the property upon which it is located and offering such information as address, name of occupant for residential uses, sale or lease of the property, warning against trespassing, any hazard, or other danger on the property.

“Public building” means a building constructed, or intended for use, by the general public such as a library, museum, or building of any political subdivision of the state of Utah or the United States.

“Public improvement” means any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the city may ultimately assume responsibility or which may effect a city improvement.

“Public improvement bond” means a one year guarantee to the city that all public improvements have been installed to city specifications and will operate properly.

“Public parking” means a parking area or parking facility to be used by the public for fee or otherwise.

“Public recreation facilities” means recreation facilities operated by a public agency and open to the general public with or without a fee.

“Public street” means a street, including the entire right-of-way, which has been dedicated to and accepted by the city or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

“Public street” means a street that has been dedicated to and accepted by the city council; that the city has acquired and accepted by prescriptive right; or that the city owns in fee.

“Public use” means a use operated exclusively by a public body to serve the public health, safety, or general welfare.

Public utilities, major. See “Major public utilities.”

Public utilities, minor. See “Minor public utilities.”

“Public utility” means an organization and/or operation authorized to provide to the community water, gas, electric, power, telephone and other like services.

“Pylon sign” means a sign affixed in or upon the ground supported by one or more structural members, with air space between the ground and the bottom of the sign face. (Ord. 2021-19 § 1 (Att. A); Ord. 2/2/2010O-1 § 1(1); Ord. 7/11/2006O-9 § 1 (part); Ord. 11/23/2004O-34 § 1(4) (part); Ord. 10/28/2003O-11 § 1(8) (part); Ord. 12/03/2002A § 1 (part); Ord. 12-11-2001C § 2 (part))

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**The Midvale Municipal Code is current through Ordinance 2023-15, passed November 14, 2023.**

Disclaimer: The city clerk’s office has the official version of the Midvale Municipal Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvalecity.org](http://www.midvalecity.org)

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