

Midway City Council
8 August 2018
Regular Meeting

Resolution 2018-26 /
Parking



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: June 13, 2018

NAME OF APPLICANT: Midway City

AGENDA ITEM: Pending Ordinance Amendment for Parking Requirements

ITEM: 16

Resolution 2018-26 / Parking – Discuss and possibly adopt Resolution 2018-26 noticing a pending ordinance regarding parking.

BACKGROUND:

The City Council has directed the Planning Commission and staff to review our current parking requirements and consider amending those requirements. To allow the City the time and focus to analyze and develop a code staff is proposing a pending ordinance change for parking requirements. There have been areas of the Midway where parking has been a concern for years and there are some areas where parking has recently become an issue. Residents living on both sides of the street south of Café Galleria on 100 West have voiced their concerns about commercial parking extending down the road in front of their homes. The City spent thousands to repave the road to help alleviate the situation. Recently, residents living near The Midway Mercantile have expressed concerns regarding the overflow of commercial parking in front of residences. Because of these issues and others, the City would like to review our current code and develop a better code that will be unique to Midway, address the issues, and still meet the vision of our General Plan and Vision Statement.

The following is list of items that will be addressed with this amendment:

- Public Parking Lots
 - The General Plan encourages the development of public parking lots along Main Street. The plan states the following:

Parking – Parking is quickly becoming a significant issue along the corridor. The City, in concert with businesses can use several strategies to alleviate this problem.

- 1. Modify parking requirements by possibly decreasing the number of stalls required in conjunction with the creation of public parking lots.*
- 2. Encourage businesses to develop shared parking partnerships that combine parking and reduce overall land consumption*
- 3. Explore creating community parking lots in strategic locations that can be funded through user fees, grants and funds from commercial development that pay for parking stalls in public lots instead of building their own off-street parking.*

- Commercial generated parking in front of residences
 - As stated earlier in this report, commercial generated parking that overflows in front of residences is an issue. Staff has considered a potential solution that would use parking passes and enforcement to keep commercial parking in commercial areas. First, problem areas would be posted as a pass only parking area. Parking passes would be distributed to those living in the area that would allow them and their guests to park on the street. The City would then need to enforce the no commercial parking areas by regularly reviewing for parking passes. This is not a new idea and it has been implemented in other cities. The key with this plan is education and enforcement.
- Parking structures
 - There have been concerns about parking structures being built in the Midway. Currently the code allows for parking in the commercial zone but there is not a limit regarding structures. The only limit is the height ordinance of 35’.
- Residential parking requirements
 - The code requires two spaces for residential structures. Only one space is required for mixed-use when the living quarters are above or below a business in a commercial zone. Concerns have been raised that one stall for a living unit in a mixed-use development is not sufficient and should be increased.
- Commercial parking requirements
 - Generally, staff has heard comments that in general the number of stalls required should increase. There are impacts that should be considered regarding increasing the requirement that may have unintended

consequences. Increasing the number could deter future business growth because more land would be required for more stalls along with an increase in cost. Increasing parking may also deter from the quaintness of Main Street and Midway in general. Run-off would also increase from adding more impervious surface. But we also do not want to under park and create a compounding problem of a lack of parking.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council feels that the proposed pending ordinance notice is in the community's best interest and if there is sufficient justification for enacting the resolution.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council feels that the proposed pending ordinance notice is not in the community's best interest and there is not sufficient justification for enacting the resolution.
 - a. Accept staff report
 - b. List accepted findings



RESOLUTION 2018-26

A RESOLUTION ADOPTING A NOTICE OF PENDING ORDINANCE AMENDMENTS REGARDING PARKING

WHEREAS, Section 10-9a-504 of the Utah Code Annotated, 1953, as amended, allows a municipality to enact an ordinance, establishing a temporary land use regulation for any part or all the area within a municipality if the municipal legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, there have been areas of Midway City where parking has been a concern for many years; and

WHEREAS, because of increased commercial development there are some areas where parking has recently become a concern; and

WHEREAS, because of these concerns, the Midway City Council wants to review its Municipal Code to better improved parking requirements.

NOW THEREFORE, the City Council has determined that there is an important, compelling and countervailing public interest in completing the new ordinances before allowing significant new development to occur. Therefore, pursuant to Section 10-9a-504, *et seq.* of the Utah Code Annotated 1953, as amended, and for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

BE IT RESOLVED, by the City Council of Midway City, Wasatch County, State of Utah:

- 1. The Midway City Notice of Pending Ordinances, which is attached hereto and incorporated herein by this reference, is hereby approved and adopted by the City Council.*
- 2. No application for development approval or annexation shall receive final approval prior to the adoption and effective date of the above listed proposed Ordinances to the Midway City Code.*
- 3. In order to protect public health, safety and welfare of the citizens of Midway, the City Council has determined that this Resolution shall take effect immediately upon publication as required by law and shall continue until the above listed*

ordinances are completed, adopted and become effective, or until the City Council votes negatively on those pending ordinances.

4. This resolution does not affect any development or application or annexation petition currently filed or pending with the City on or before the date of this resolution. Further, this resolution does not affect applications for building permits within developments approved by the City prior to the date of this resolution or within developments covered by applications described in the previous sentence.

This resolution shall be effective immediately upon passage. A copy of this resolution shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.

PASSED AND ADOPTED by the Midway City Council on the day of 2018.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)

Exhibit A

MIDWAY CITY
NOTICE OF PENDING ORDINANCES

Notice is hereby given by Midway City, Utah, that a proposed ordinance is currently pending and under consideration by the Midway City Council and/or the Midway City Planning Commission for the following:

1. Midway City is proposing an Ordinance that would amend parking regulations within the boundary of Midway City.

A copy of the proposed Ordinance is available in the Midway City Offices during normal business hours. ALL FUTURE APPLICATIONS FOR DEVELOPMENT APPROVAL WITHIN THE BOUNDARIES OF MIDWAY CITY WILL BE SUBJECT TO THE TERMS OF ANY AMENDMENTS TO THE CURRENT PROVISIONS OF THE MIDWAY CITY CODE.

All applicants are hereby notified that the acceptance for filing and processing of any applications for development approval by Midway City will not create any vested rights, equitable issues or legal claims against Midway City. The applicant further acknowledges receipt and review of a copy of this Notice of Pending Ordinance and further understands and agrees that the acceptance for filing and processing of any application for development approval will be subject to any amendments to the Midway City Code currently pending and under consideration by the Midway City Council and/or the Midway City Planning Commission.