

# ZONE STANDARDS – TOD

## Section 17-7-8 TRANSIT-ORIENTED DEVELOPMENT ZONE

- 17-7-8.1 **PURPOSE**
- 17-7-8.2 **USE**
- 17-7-8.3 **RESIDENTIAL STANDARDS**
- 17-7-8.4 **LOT AND DEVELOPMENT STANDARDS**
- 17-7-8.5 **ARCHITECTURAL STANDARDS**
- 17-7-8.6 **LANDSCAPING**
- 17-7-8.7 **PARKING**
- 17-7-8.8 **UTILITIES**
- 17-7-8.9 **SIGNS**
- 17-7-8.10 **CONDITIONAL USE**
- 17-7-8.11 **ITINERANT MERCHANTS**
- 17-7-8.12 **RELATED PROVISIONS**

**17-7-8.1 PURPOSE.** This Chapter provides standards for the development of land parcels within the Transit-Oriented Development (TOD) Zone and to:

- A. Allow for and to encourage high-quality, transit-oriented development characterized by a mix of commercial and residential uses;
- B. Revitalize areas proximate to TRAX and transit stations;
- C. Encourage ground level retail uses that open directly onto sidewalks adjacent to public streets, and upper floor office and residential uses;
- D. Allow a mix of uses and development that are Compatible with adjacent residential Neighborhoods;
- E. Require coordinated, thematic landscaping to provide a distinctive visual quality to the area;
- F. Require pedestrian connections within and among Developments and between adjacent Neighborhoods;
- G. Manage parking and vehicular access utilizing shared parking and driveway access, with on street parking and parking located behind buildings or in the interior of the block; and
- H. Encourage, through design, configuration, and mix of buildings and activities, a pedestrian-oriented environment. Provide settings for social interaction and active community life with wide sidewalks, focal points, street trees and street furniture.

**17-7-8.2 USE.** If a use is not specifically designated, it is prohibited.

**Table 17-7.8.2: Use**

Type	Allowed	Administrative	Conditional	Business License
Accessory Apartment, Single Family	✓			
Accessory Building-occupied, unoccupied, Single Family only	✓			
Alcoholic Beverage				
• Class A License	✓			✓
• Class B License	✓			✓
• Class C Tavern	✓			✓
• Restaurant	✓			✓
• Package Agency			✓	✓
• Private Club	✓			✓
• State Liquor Store	✓			
Animal Hospital			✓	✓
Assisted Living Facility				
• ≤ 1 acre		✓		✓
• > 1 acre			✓	✓
Auditorium, Assembly Hall			✓	✓
Bed and Breakfast Inn	✓			✓

# ZONE STANDARDS – TOD

Type	Allowed	Administrative	Conditional	Business License
Child Care <ul style="list-style-type: none"> <li>• ≤ 6 children</li> <li>• ≥ 7 children</li> </ul>	✓	✓		✓ ✓
Dwellings: <ul style="list-style-type: none"> <li>• Single Family</li> <li>• Duplex</li> <li>• Multi-Family: <ul style="list-style-type: none"> <li>○ ≤ 1 acre</li> <li>○ &gt; 1 acre</li> </ul> </li> </ul>	✓ ✓	✓	✓	
Entertainment Center			✓	✓
Fences/walls: <ul style="list-style-type: none"> <li>• 6' or less</li> <li>• 6' or more</li> </ul>	✓	✓		
Financial Institution <ul style="list-style-type: none"> <li>• W/o drive up window</li> <li>• W/drive up window</li> </ul>	✓	✓		✓ ✓
Heliport			✓	✓
Home Occupation	✓			✓
Hotel/Motel			✓	✓
Itinerant Merchant	✓			✓
Manufactured Home	✓			
Master Planned Development			✓	
Mixed Use	✓			
Municipal Facilities: <ul style="list-style-type: none"> <li>• Parks</li> <li>• Public Safety Facility</li> <li>• Public Utilities: <ul style="list-style-type: none"> <li>○ Minor</li> <li>○ Major</li> </ul> </li> <li>• Recreational facilities</li> <li>• Trails</li> </ul>		✓ ✓ ✓ ✓ ✓	✓	
Office: <ul style="list-style-type: none"> <li>• General</li> <li>• Intensive</li> </ul>	✓		✓	✓ ✓
Outdoor Dining		✓		✓
Parking Lot <ul style="list-style-type: none"> <li>• Commercial</li> <li>• Private</li> </ul>	✓		✓	✓
Pre-existing Landscaping	✓			
Pre-existing Lighting (outdoor)	✓			
Pre-existing Lot	✓			
Pre-existing Structure	✓			
Pre-existing Use	✓			
Quasi-Public Facilities:			✓	✓
Radio Station	✓			✓
Recreation Facility <ul style="list-style-type: none"> <li>• Commercial</li> <li>• Private</li> </ul>	✓		✓	✓
Religious/Educational Institute <ul style="list-style-type: none"> <li>• Permanent</li> <li>• Temporary</li> </ul>	✓		✓	✓ ✓
Restaurant w/o drive up window	✓			✓
Retail and Service Commercial <ul style="list-style-type: none"> <li>• W/o drive up window</li> <li>• W/drive up window</li> <li>• 24 Hour Use</li> </ul>	✓		✓ ✓	✓ ✓

# ZONE STANDARDS – TOD

Type	Allowed	Administrative	Conditional	Business License
Shopping Center			✓	✓
Telecommunications Facility		✓		✓
Transportation Facility • Major • Minor	✓		✓	

**17-7-8.3 RESIDENTIAL STANDARDS.** For Single Family residential development in this zone, please refer to Chapter 17-7-2. For Multi-Family residential development in this zone, please refer to Chapter 17-7-4.

**17-7-8.4 LOT AREA AND DEVELOPMENT STANDARDS.** The following standards apply to all new Subdivisions of land in the zone:

- A. LOT AREA:** There is no minimum Lot Area.
- B. SETBACKS:** New Development shall comply with the following Setbacks:
  - 1. **Front:** The minimum Front Yard Setback is fifteen feet (15'), which shall include sidewalk of ten feet (10') in width and a five foot (5') park strip, which shall incorporate tree wells, street furniture and planter boxes.
    - a. Corner Lot Rule: Corner Lots have two (2) Front Yards.
    - b. Projections. Skylights, sills, cornices, chimneys, flues, may project into the Front Yard up to two and one half feet (2½'). Eaves, awnings and ornamental features, may project into the Front Yard up to eight feet (8').
    - c. The structure may be setback an additional fifteen feet (15') to allow for the inclusion of an outdoor dining area or courtyard.
  - 2. **Rear:** The minimum Rear Yard Setback is twenty feet (20'), subject to the following exceptions:
    - a. Projections. Skylights, sills, cornices, chimneys, flues, eaves, and ornamental features may project into the Rear Yard up to two and one-half feet (2½').
    - b. Stairs and Balconies. Outside stairways and balconies, which do not project into the Rear Yard more than three feet (3').
    - c. Corner Lot Rule. On Corner Lots there is no Rear Yard.
  - 3. **Side:** There is no Side Yard Setback for Mixed-Use development except as required by the International Building Code.
- C. BUILD TO LINE:** The Front Yard Setback is the Build-to-Line. At least fifty percent (50%) of the Front Elevation must be built within three feet (3') of the Build-to-Line.
- D. HEIGHT:**
  - 1. **Mixed Use.** The maximum Height for a Mixed Use Structure is thirty-five feet (35') for a sloped roof or thirty-two feet (32') for a flat roof, and may extend up to sixty-five feet (65') for a sloped roof or sixty-two feet (62') for a flat roof for portions of the Structure more than fifty feet (50') from a Single Family Residential zoning district.
  - 2. **Commercial or Residential.** The maximum Height for a Commercial or Residential Structure is thirty-five feet (35') for a sloped roof or thirty-two feet (32') for a flat roof, and may extend up to fifty-five feet (55') for a sloped roof or fifty-two feet (52') for a flat roof for portions of the Structure more than fifty feet (50') from a Single Family Residential zoning district.
- E. FLOOR AREA RATIO:** For new Mixed-Use development, the minimum FAR is .80 and the maximum FAR is 3.0. For development of either residential or commercial uses, the FAR is .80.
- F. FLOOR AND DECK HEIGHT:** The following floor and deck Heights apply to all Structures within the zone:

---

# ZONE STANDARDS – TOD

---

1. Main Floor. The main floor of all residential units shall be no less than two and one half feet (2½') above finished exterior grade. The Main Floor of all commercial uses may be at grade, and may not be below grade.
2. Basement Floor. The basement floor of all residential units shall be no closer than four feet (4') to finished exterior grade. The basement floor of all commercial uses shall be no closer than eight feet (8') to finished exterior grade.

**G. STORIES:** All Buildings Types must be from one (1) to five (5) stories.

**H. RECREATIONAL AMENITIES/OPEN SPACE:** Each Application shall include:

1. Lighted pedestrian trails or paved paseos, which connect commercial and Residential uses with open space, and with abutting public trails; and
2. Ten foot (10') wide paved sidewalks along public Rights-of-Way.

**I. BUILDING ORIENTATION.** The entrances of all Structures shall front onto public streets. However, the entrances of center block Structures may front on a pedestrian way; the entrances of anchor stores greater than ten thousand (10,000) square feet in size may orient to a pedestrian plaza. Structures on Corner Lots shall provide an entrance on each Street Frontage. Anchor store entrances must be connected to adjacent streets via landscaped, lighted, publicly accessible walkways. Access from parking areas may be via lighted, mid-block passageways or "paseos," to the Street. Secondary entries may be placed at the rear of Street-facing Buildings.

**J. MAXIMUM FOOTPRINT.** No Structure shall have a footprint in excess of twenty thousand (20,000) square feet.

**K. COVERAGE.** Buildings may cover up to eighty percent (80%) of the Lot Area.

**L. ACCESS MANAGEMENT.** All New Development and an expansion by more than twenty-five percent (25%) of an existing Building mass or Site size shall comply with the following access management standards:

1. All driveways and curb cuts shall be installed according to the standards and specifications contained in the Midvale City Construction Standards and Specifications handbook. Curb cuts for pedestrian access shall orient toward each Street frontage.
2. All newly installed driveways for commercial uses shall be a minimum of two hundred feet (200') apart.
3. All newly installed driveways for commercial uses shall align with any existing commercial access across the Street.
4. New development or conversion of an existing residential use to a commercial use shall not be allowed to park in such away that users may be required or allowed to back onto public rights of way.
5. Existing, non-conforming driveways within the zone shall be retired upon construction of a new building.
6. Shared driveways between and among parcels are encouraged and allowed if the parties execute and record an easement, or a Deed of Dedication, in a form approved by the City Attorney to ensure access in perpetuity for both parcels.

# ZONE STANDARDS – TOD

Table 17-7-8.4 Lot and Development Standards

Building Type	Lot Area	Lot Width	Lot Depth	Max. Footprint	Impervious Surface/Coverage	FAR	Setbacks Front/Side/Rear	Build-to Line	Height	
Mixed Use	Standards	NA	50'	100'	20,000 s.f.	Up to 80% Coverage of Lot Area	.8-3.0	20'/0'/20'	20' ≥ 50% of the Front Elevation w/3" of BTL	65'
	Exceptions			≥ 80' if Lot Width ≥ 75'	No	No	No	F: Projection 2.5' Awning ≤ 8' S/R: Stairs and Balconies ≤ 3' MU parking Interior Side/ Corner 2 FY 25'	25'/30% for Corner Lots	35' w/50' SF

**17-7-8.5 ARCHITECTURAL STANDARDS.** All New Development must present an attractive, coordinated, streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, incorporate interior pedestrian access between Structures to minimize pedestrian travel through parking areas and provide for the safety and convenience of pedestrians by constructing pedestrian crossings with stamped, dyed, or raised walks. All New Development shall comply with the following architectural standards:

**A. NEW BUILDING FORM.** Structures shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls. The design shall create easy pedestrian access from adjacent uses, on-street parking, sidewalks and parking areas. Commercial buildings shall be designed with ground floor architectural separation to enhance street activity and “walkability”. All proposed building designs must incorporate an expansive use of windows, balconies, terraces, or other design features, which are oriented to the Street and other pedestrian accesses, to maximize the pedestrian interface. Windows, display windows, doors, and arcades must comprise at least 70% of street-facing façades on the commercial developments with first-floor commercial uses. Blank façades are not allowed to face public rights of way and may not exceed thirty feet (30’) in length on all other façades.

**B. WALLS.** All exterior walls shall be constructed in compliance with the following:

1. **Building/Retaining Walls:** No more than three (3) materials shall be used for primary wall surfaces. Pre-cast concrete, brick, split face or scored CMU, stone, granite, ceramic tile, architectural metals and non-reflective glass (or similar quality, time and weather-tested materials) is allowed. Limited amounts of stucco/Masonite may be incorporated. Blank façades may not exceed thirty feet (30’) in length. Retaining walls shall be of materials complimentary to the Building’s materials.
2. **Colors:** Wall colors may range from earth tones to colors with some white and gray tones. Trim around openings may be accent colors. No other wall colors are allowed.
3. **Façade Shifts:** Each façade facing a public right of way or a pedestrian pathway shall shift at least five feet (5’) every thirty (30) linear feet. No façade facing a public right of way or a pedestrian pathway shall be blank (without fenestration) for more than thirty feet (30’).

**C. ROOFS.** All the roofs and dormer roofs of a Building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.

**D. OPENINGS.** The following standards apply to openings of all Structures:

1. **Entry Doors:** Entry Doors must be hinged, constructed of wood, anodized or painted aluminum, steel or brass. Entry doors must be covered by a roof and must be a primary element of the front of the structure. Security doors and devices must complement the Building design and present an attractive appearance during hours of operation. Structures on Corner Lots shall have two front entries, with an Entry Door addressing each Street or

---

## ZONE STANDARDS – TOD

---

one Entry Door within three feet (3') of the corner. Security doors and screens must complement the Building.

2. Windows: Window shapes and sizes shall be designed to be Compatible with adjacent architecture and shall support the architectural style of the Building it is in. Window frames shall be wood, anodized or painted aluminum, steel, brass or vinyl. Tinted windows or windows with reflective film or glass are prohibited at street level.

**E. FENCES, HEDGES, AND WALLS.** The following standards apply to New Development of fences, hedges and walls:

1. Required Setbacks: A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such Structures is permitted in the required Setback of a Zone district if it meets the following conditions:
  - a. All fences and walls meet the requirements of Title 15, "Building Code";
  - b. No fence, hedge, or wall may extend beyond or across a property line without a recorded agreement with the abutting property owner;
  - c. No fence, hedge, or wall may be placed nearer than six inches (6") to any public sidewalk;
  - d. Only one fence or wall shall be allowed per property line. Double fences, walls or combination thereof are prohibited; and
  - e. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained except, a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet (8') above the ground and does not extend more than two feet (2') above the temporary fence.
2. Height: No fence or wall may exceed six feet (6') in Height, four feet (4') in Height from the front of the Primary Structure forward, nor three feet (3') in Height in the Sight Distance Triangle, measured as follows:
  - a. In a required Yard abutting a Street, the total effective Height above the finished grade measured on the side nearest the Street;
  - b. In any other required Yard the total effective Height above the finished grade measured on the side nearest the abutting property;
  - c. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
  - d. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
3. Athletic Facilities: Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet (14') in Height so long as all portions above six feet (6') are constructed with at least fifty percent (50%) non-opaque materials.

**F. LIGHTING.** All lights placed on property entrances, along pedestrian pathways or on Building façades shall be of a uniform, pedestrian-friendly theme and shall be down directed and shielded to direct light to the entry or pedestrian way. All pedestrian pathways shall include either bollard lighting, or down turned lighting which shall not exceed twelve feet (12') in Height. Pedestrian lighting shall coordinate throughout the proposed development and shall complement adjacent mixed-use project lighting. The lighting design shall minimize light trespass. Spotlights and Floodlights are prohibited with the exception of approved landscape lighting. Street lighting shall either be chosen from the City's approved street light list, or installed to match a theme set by previous developments within the zone.

**G. SCREENING.** Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from

# ZONE STANDARDS – TOD

public streets and alleys and adjacent properties. Required screening may include, new and existing plantings, walls, fences, screen panels, doors, topographic changes, Buildings, horizontal separation, or any combination thereof.

- H. CORNER LOT IMPROVEMENTS.** New Development of Corner Lots shall include curb extensions in conjunction with on-street parking. All curb cuts shall be placed on each Street Frontage, and not at a central location at the apex of the corner radius.
- I. STREET FURNITURE.** Each New Mixed Use or commercial development shall include all weather benches and shall incorporate trash receptacles and raised planters along the Front Facades of Structures. All Street Furniture shall coordinate with one another and with adjacent Mixed Use Developments, and shall not be used for advertisement.
- J. WEATHER SHIELDS.** All New Mixed Use or commercial development shall incorporate awnings, arcades or roof projections along pedestrian pathways to shield pedestrians from adverse weather conditions. Awnings shall not be backlit.
- K. STREETScape.** Sidewalks and park strips shall be finished with stamped and dyed concrete or brick pavers. Five-foot (5') tree wells shall be incorporated into the park strip. Placement of street furniture (benches, trash cans & planter boxes) shall take place in the park strip.
- L. MISCELLANEOUS:** Security devices shall have materials and colors that complement the Building's material. Accessory Structures shall be architecturally Compatible with the primary development. Satellite dishes over eighteen inches (18") shall not be placed in Front Yards.

**Table 17-7-8.5 Architectural Standards**

Materials	Configurations	Techniques
<b>Walls</b>		
<p><b>Building Walls:</b> Pre-cast concrete, brick, split face or scored CMU, stone, granite, ceramic tile, architectural metals and non-reflective glass. Limited amounts of stucco/Masonite. ≤3 materials shall be used for the primary wall surfaces on a Building or fence.</p> <p><b>Retaining Walls:</b> Shall be of materials and color complementary to the Building's materials.</p>	<p>Traditional, time and weather-tested materials &amp; techniques. Blank façades may not exceed 30' in length. Facades must shift 5' every 30'.</p> <p>Traditional, time and weather-tested materials &amp; techniques.</p>	<p>Earth tones, to colors with some white and gray tones. Trim around openings may be in an accent color.</p> <p>Earth tones, to colors with some white and gray tones.</p>
<b>Roofs</b>		
<p><b>Roofs &amp; Dormers:</b> All the roofs and dormer roofs of a Building shall be constructed of the same material.</p> <p><b>Cornices &amp; Trim:</b> Shall be made with a material and color complementary to Building</p>	<p>Slopes of roofs shall be of equal pitch when a gable or hip roof is employed.</p>	<p>Metal roofs must have a subdued color. Painted shingles are prohibited.</p>
<b>Openings</b>		
<p><b>Entry Doors:</b></p> <p><b>Windows:</b></p>	<p>Corner Lots have two Front Yards and therefore, two Entry Doors or one within 3' of the corner.</p> <p>Window shapes Compatible with adjacent buildings. Tinted windows or windows with reflective film or glass are prohibited at street level.</p>	<p>Must be covered by a roof and must be a primary element of the front of the Structure.</p>

# ZONE STANDARDS – TOD

Materials	Configurations	Techniques
<b>Elements</b>		
<p><b>Entry Porches:</b> Front steps shall be constructed of durable materials.</p> <p><b>Front Façade Planters:</b> Each Front façade of a Mixed Use or commercial development shall incorporate planters.</p> <p><b>Miscellaneous:</b> Security devices shall have materials and colors that complement the Building's material.</p> <p>Accessory Structures shall be architecturally Compatible with the primary development.</p> <p>Weather Shields required</p>	<p>Maximum depth of 3 feet.</p> <p>Satellite dishes over 18" shall not be placed in Front Yards. Awnings shall not be backlit.</p> <p>Over all pedestrian pathways</p>	<p>External lights shall be of pedestrian scale, of uniform theme, and located and used to avoid light trespass.</p> <p>Awnings, arcades or roof projections</p>
<b>Shop Fronts</b>		
<p><b>Windows &amp; Doors:</b> Must be wood, anodized or painted aluminum, steel, brass or vinyl (windows). Doors shall be hinged.</p>	<p>Each shop front must have an individual character.</p>	<p>Entry doors must be at least 50% glass. Each shop front shall employ an entry door.</p>
<p><b>Grills &amp; Screens:</b> Security doors and screens must complement the Building.</p>	<p>Opaque components shall be set carefully within the surrounding frame of the Building wall.</p>	<p>Must be Compatible with the Building character and the shop front image.</p>
<b>Yards</b>		
<p><b>Yard Walls &amp; Fences:</b> Shall be of materials and color complimentary to the Building's materials.</p>	<p>Max. Height on Lot is 6'.</p> <p>Max. Height from front of Primary Structure forward is 4'.</p> <p>Max. Height in Clear View Triangle is 3'.</p>	<p>Masonry wall shall be at least 8" thick and capped by a weather protection top course.</p>

**17-7-8.6 LANDSCAPING.** The following landscaping standards apply to all new Mixed-Use, Multi-Family and Commercial development in the zone and to the expansion by more than twenty-five percent (25%) of an existing Building mass or Site size:

- A. MINIMUM LANDSCAPED AREA.** Landscape planters shall be integrated into the overall site design.
- B. BUILDING FOUNDATION LANDSCAPING.** If the ground adjacent to the front Building Foundation is landscaped, the landscaped area shall not project more than 3' from the foundation wall.
- C. RESIDENTIAL BUFFER.** New Development shall provide a landscaped buffer to separate residential uses from commercial and industrial uses.
  1. Landscaped Buffer Area. The landscape buffer Area must be a minimum of thirty feet (30') wide to provide adequate Screening, buffering, and separation of these uses. The landscape treatment should use a combination of distance and Low Level Screening to separate the uses to soften the visual impact of the commercial or industrial use. The thirty-foot (30') Buffer Area may be shared between adjoining Properties, upon adequate proof of reciprocal easements to preserve and maintain the buffer Area. The landscaped buffer area shall include a minimum of one tree (1) for every two hundred fifty (250) square feet.
  2. Fully Sight-Obscuring Fence. The Planning Commission shall require complete visual separation from residential uses if it determines that complete Screening is necessary to protect abutting uses, and landscaping is not practical. Such fence must be six (6) feet high and completely sight-obscuring. Fences may be of wood, metal, bricks, masonry or other permanent materials.
- D. PLANT MATERIALS.** Areas requiring landscaping shall be planted with substantial, thematic, live plant material including: plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.



---

## ZONE STANDARDS – TOD

---

1. Types of Vegetation. At least twenty-five percent (25%) of the landscaping must be evergreen. Up to twenty-five percent (25%) of the landscape area can include specialty paving, street furniture, and outdoor seating areas. Trees that are planted in the park strip shall meet the specifications described in the Standard Construction Specifications of Midvale City.
  2. Size of Trees. The following standards apply to the use of plant and tree material.
    - a. Deciduous trees: All deciduous trees shall have a minimum caliper size of two inches (2”).
    - b. Ornamental trees: All ornamental trees shall have a minimum caliper size of one and one half inches (1½”).
    - c. Evergreen trees: All evergreen trees shall have a minimum Height of six feet (6’).
  3. Professionally designed and Installed Prior to Certificate of Occupancy. Landscaping shall be professionally designed and shall be installed with an automatic sprinkling system designed to cover all planted areas, with no run-off. The Applicant must install required landscaping prior to issuance of a certificate of occupancy, unless seasonal conditions make installation unfeasible, in which case the Applicant shall provide cash security or its approved alternative, for all landscaping, which landscaping shall be installed by the following May 31<sup>st</sup>.
- E. VEGETATION PROTECTION.** The Property Owner must protect existing Significant Vegetation during any Development activity. Development plans must show all Significant Vegetation within twenty feet (20’) of a proposed Development. Prior to Certificate of Occupancy, the Property Owner must demonstrate the health and viability of all large trees through a certified arborist. Mature landscaping, which has been approved to be removed, shall be replaced with like plantings exceeding the minimum requirements of this ordinance.
- F. REINSTALLATION.** Once installed, no landscaping may be removed without replacement of equal or better quality and size of plant materials, to the extent practicable.
- G. UPGRADING PRE-EXISTING LANDSCAPING.** The Applicant must bring pre-existing landscaping into compliance with this Code upon an increase of more than twenty-five percent (25%) of the current Building mass or Site size.
- H. MINIMUM NUMBER OF TREES.** A minimum of one tree (1) for every four hundred (400) square feet of landscaping is required for all areas that are not on street Frontage or adjacent to residential areas.
- I. STREET TREES.** In order to promote a uniform appearance within the zone, trees from the following selection will be incorporated into all approved development plans. A combination of trees from this list shall be planted within the Front Yard Setback.
1. Silktree (*Albizia julibrissin*)
  2. Redbud (*Cercis canadensis*)
  3. Korean Dogwood (*Cornus kousa*)
  4. Japanese Stewartia (*Stewartia Pseudocaniellea*)
- J. LIGHTING.** All pedestrian pathways shall include either bollard lighting, or down directed lighting which shall not exceed twelve feet (12’) in Height. Pedestrian lighting shall coordinate throughout the proposed development and shall complement adjacent Mixed-Use project lighting.
- K. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED).** The plan must demonstrate how CPTED principles will be used in the design and layout of Buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of three (3) feet and trees with a proper ground clearance of six (6) feet above walkways and sidewalks and eight

# ZONE STANDARDS – TOD

(8) feet above vehicular travel and parking lanes. To encourage public safety through Natural Surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Symbolic barriers, such as low lying fences/walls, landscaping and signage shall be used to discourage crime and to promote safety. Ground floor parking garages shall not be permitted immediately adjacent to streets. Developments shall have street side Building elevations, with extensive windows, and with balconies, decks or landscape terraces encouraged.

**17-7-8.7 PARKING.** An Applicant for New Development or the expansion by more than twenty-five percent (25%) of an existing Building mass or Site size in the zone must provide Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles as follows. The Planning Commission shall grant a reduction of up to thirty-five percent (35%) of required parking upon an Applicant’s demonstration of opportunities for shared parking within a Mixed Use development.

**Table 17-7-8.6 Parking**

USES	PARKING REQUIREMENT (Number of spaces)
Assisted Living	1 per 2 bedrooms + 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater
Auditorium	1 for every 5 seats or 3 per 100 s.f. of assembly area
Bed and Breakfast Inn	1 per bedroom + 1 per employee per shift
Cafe/Deli	3 per 1,000 s.f. of net leaseable Building area
Child Care Facility/Center	1 per on-duty employee and 1 per 6 children
Convenience Store, Support Commercial Uses	5 per 1,000 s.f. of net leaseable Building area
Financial Institution	3 per 1,000 s.f. of net leaseable Building area
Hospital, Limited Care	1 per 2 beds
Hotel/Motel	1 per suite and 1 space per 200 s.f. of separately leaseable space
Indoor Entertainment, Theater	1 per 4 seats or 5 per 1,000 s.f. of floor Area depending on type of facility
Master Planned Development	Determined by Planning Commission, based on proposed uses and potential for shared parking
Offices, General	3 per 1,000 s.f. of net leaseable Building area
Offices, Intensive and Clinic, Medical	5 per 1,000 s.f. of net leaseable Building area
Public and Quasi-Public Institution, church and school; Public Utility	The greater of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f.
Recreation Facility, Private	1 per 4 persons (based on the facility’s maximum rated capacity)
Recreation Facility, Commercial	The greater of: 1 per 4 seats; 5 per 1,000 s.f. of floor Area; or 1 per 3 persons rated capacity
Retail & Service Commercial Personal Service	3 for each 1,000 s.f. of net leaseable Building area
Retail & Service Commercial, Regional	5 for each 1,000 s.f. of net leaseable Building area
Retail & Service, Auto Related and Gas Stations	5 per 1,000 s.f. of net leaseable Building area
Restaurant, Standard and Bar	1 for every 100 s.f. of net leaseable floor Area, including kitchen Areas
Shopping centers or complexes of multi-tenant retail spaces	3.5 per 1,000 s.f. of net leaseable Building area

**A. DRIVEWAY WIDTHS AND PARKING LOT STANDARDS:** The following driveway width dimensions and parking lot standards apply. The City Engineer may approve minor variations (≤10%) in driveway width and spacing.

1. Parking. No parking is allowed within the required Front and Side Yard Setbacks.
  - a. If a Parking Lot or driveway to a Parking Lot is proposed to abut a residential use, the Applicant must Screen the Lot or drive and provide adequate Sight Distance.
  - b. Required landscaping. The following landscaping standards apply to New Development:
    - i. Parking areas with more than four (4) stalls must have perimeter landscaping of at least five feet (5') in width;

---

## ZONE STANDARDS – TOD

---

- ii. Parking areas with over ten (10) stalls must have a minimum of ten percent (10%) Interior Landscaping; and
  - iii. Parking areas with over fifteen (15) spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen (15) spaces, a minimum of ten percent (10%) Interior Landscaping and perimeter landscaping of at least five feet (5') in width.
2. Driveway Standards. For all New Development, driveways shall comply with the following standards:
- a. No Driveway shall be less than fifty feet (50') from intersecting Rights-of-Way;
  - b. Commercial driveways that exceed fifteen feet (15') in width at the Lot Frontage must be separated by a landscaped area of at least twelve feet (12') in width and ten feet (10') in depth.
    - i. One-way drive. The minimum one-way drive width is fifteen feet (15'). The maximum one-way drive width is twenty feet (20').
    - ii. Two way drive. The minimum two-way drive width is twenty feet (20'). The maximum two-way drive width is thirty-six feet (36').

**B. PARKING GARAGES AND STRUCTURES.** Parking within a Parking Garage or Structure requires:

- 1. Aisle. The minimum aisle width is twenty-four feet (24');
- 2. Circulation. The Parking Structure must be designed to ensure that each required Parking space is readily accessible, usable and safe for automobiles and pedestrians.
- 3. Location. The Parking Structure shall not be located on a street frontage.
- 4. Architecture. Architectural relief shall be integrated into all façades to soften visual impacts and to provide a visual relationship with the surrounding structures.

**C. COMERCIAL USE PARKING STANDARDS.** Parking for new commercial uses shall comply with the following:

- 1. Surfacing. Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times.
- 2. Parking space dimensions. All New Commercial Development shall provide parking spaces of the following minimum dimensions. The City Engineer may approve minor (10%) variations in Parking Space dimensions.
  - a. Parking Spaces must be nine feet (9') wide by eighteen feet (18') long;
  - b. ADA Parking Space width requirements vary and shall be consistent with current Uniform Building Code standards; and
  - c. Compact spaces with dimensions of nine feet (9') wide by sixteen feet (16') long may be provided. These spaces are not Code spaces for the purpose of satisfying parking requirements.
- 3. Grading and Drainage. Parking shall be graded and constructed as follows:
  - a. Parking Areas must be Graded for proper drainage with surface water diverted to keep the Parking Area free of accumulated water and ice;
  - b. Adequate control curbs must be installed to control drainage and direct vehicle movement;
  - c. Parking Area drainage must be detained on Site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the City Engineer;

---

## ZONE STANDARDS – TOD

---

- d. Driveways may not exceed a ten percent (10%) Slope;
  - e. Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements; and
  - f. The maximum Storm water discharge level accepted by the City is two tenths (.2) of a cubic foot per second per acre.
4. Street Access And Circulation. New Commercial Development shall provide the following:
- a. Off-Street Parking. Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles, must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed.
  - b. Corner Lots. No landscape obstruction is allowed in excess of two feet (2') in Height above Street Grade within the Sight Distance Triangle. A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.
  - c. Driveway Access. For Corner Lots, the triangular area is defined by the intersection of the road Right-of-Way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet (25') from their intersection.
  - d. Drive Through Developments. Applicants for all Drive-up or Drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the Right-of-Way.
  - e. Common Driveways. To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
  - f. Off-Street Loading Spaces. Every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street.
    - i. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.
    - ii. Loading docks and Loading Areas must be Screened from adjoining Property and public Right-of-Way.
- D. CALCULATION OF SPACES.** If a project incorporates two uses, the use requiring higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.
- E. PARKING AREA LIGHTING STANDARDS.** Low-pressure or high-pressure sodium light sources are the only allowed light sources for Parking Areas. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas fifteen (15) or more spaces shall be prohibited. Light levels should be designed with minimum light trespass off-site by using a cut-off Luminaire that is Fully Shielded with no light distributed above the horizontal plane of the Luminaire or other best practices that are available.
1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, the maximum allowed average horizontal luminance level is two (2) Foot Candles, with a four to one (4:1) Uniformity Ratio over the Site.

---

## ZONE STANDARDS – TOD

---

2. Pole Height/ Wattage/ Design/ Height. Luminaire mounting Height is measured from the Parking Lot or driveway surface, and may range from fifteen feet (15') to thirty five feet (35'), based on:
  - a. Review of the Site plan;
  - b. Proposed land uses;
  - c. Surrounding land uses;
  - d. Parking Area size;
  - e. Building mass;
  - f. Location of the Site with respect to other lighting sources;
  - g. Impacts on the adjacent Properties;
  - h. Topography of Site; and
  - i. Other Site features.
3. Large Parking Areas. Poles higher than twenty feet (20') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.
4. Parking Area Wattage/Design Standard.
  - a. The Luminaire for fifteen (15') to eighteen foot (18') poles must not exceed one hundred (100) watts per pole;
  - b. The Luminaire for nineteen foot (19') and twenty foot (20') poles must not exceed one hundred and fifty (150) watts per pole;
  - c. The Luminaire for twenty one foot (21') to twenty seven foot (27') poles must not exceed two hundred (200) watts per pole;
  - d. The Luminaire for twenty eight foot (28') to thirty five (35') foot poles must not exceed two hundred and fifty (250) watts per pole;
  - e. If metal fixtures or poles are used they should be black or dark brown; and
  - f. The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.
5. Submission Requirements. An Application for Development with Off-Street parking must contain the following:
  - a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;
  - b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and
  - c. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point-by-point light plan may be required to determine the adequacy of the lighting over the Site.
6. Upgrading pre-existing Lighting. The Applicant must bring pre-existing lighting into compliance with this Code upon application with the Business License Department for a change in ownership, change in company name, new business, in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.

**17-7-8.8 UTILITIES.** All utilities within the proposed development shall be buried. The owner shall install conduit within the development's proposed right of way for the eventual burial of overhead utilities throughout the overlay district. If the Planning Commission finds, upon the review and

# ZONE STANDARDS – TOD

recommendation of the City Engineer, that such installation is not feasible at the time of development, the applicant shall bond for the future installation of said conduit. All underground conduit shall be installed in conformance with City standards as identified in City Construction Standards and Specifications.

**17-7-8.9 SIGNS.** Signage for each application must comport with an approved theme, which is uniform throughout the proposed development, and which complements the approved signage of near or adjacent pedestrian-oriented development. If a regulated sign type is not specifically designated, it is prohibited.

**Table 17-7-8.8: Signs**

Sign type	Sign Area Max.	Height Max.	General Restrictions
<b>A-frame Sign</b>	6 s.f.	4'	One per ground level tenant. Must not impede pedestrian movement.
<b>Awning/ Canopy</b>	80% of width	8" high letters	Constructed of canvas-like materials or architectural metal. Design and color to relate to storefront. May extend 5' from façade at least 8' above sidewalk.
<b>Campaign Sign</b>	32 s.f.	4'	Removed within 15 days following election
<b>Construction</b>	32 s.f.	12'	Removed prior to C.O.
<b>Directional</b>	4 s.f.	3'	Located at drive entrances and on site only.
<b>Flat or Wall</b>	60 s.f.	n/a	Cabinet signs prohibited.
<b>Monument</b>			Monument signs only allowed to identify projects of 1.5 acres or larger. Max. size of 32 s.f. Max. height of 6'
<b>Projecting Wall Sign</b>	12 s.f.	n/a	May extend four feet from façade perpendicular to façade. Must be 8' above sidewalk. One per ground level tenant.
<b>Real Estate</b>	6 s.f.	5'	Located only on property for sale
<b>Suspended</b>	60 s.f.	n/a	Sign area is one square foot per lineal foot of building.
<b>Window/Door</b>	10% of window area		Gold leaf, applied vinyl, painted, etched or sandblasted.

**A. MULTIPLE SIGN TYPES.** No more that two (2) different sign types shall identify a business.

**B. WALL SIGNS:** One (1) wall sign is permitted per sidewalk frontage. There shall be no more than two (2) wall signs per tenant space. The maximum sign area is one (1) square foot per each lineal foot of building elevation on which the sign is located, not to exceed sixty (60) square feet. The overall length of a sign shall not exceed eighty percent (80%) of the width of the building on which it is located. The maximum letter size for a one-row sign shall be twenty-four inches (24") and eighteen inches (18") for two rows. Restaurants or other eating establishments may have one additional wall mounted menu sign not to exceed three (3) square feet. Second floor tenants may have one additional wall mounted directory sign located near street level entrances not to exceed three (3) square feet. The following four (4) types of wall signs are allowed, all others are prohibited:

1. An externally illuminated aluminum sign panel with cut out and/or channel letters illuminated by a specified cut-off flood light fixture mounted to the building.
2. An internally illuminated aluminum sign panel with cut out and/or reverse channel letters illuminated by neon tubes or florescent lamps behind the sign panel and/or letters.
3. An externally illuminated individually fabricated channel letter form using a specified cut-off floodlight fixture mounted to the building.
4. An internally illuminated reverse channel letter mounted to the building.

**C. AWNING/CANOPY SIGNS:** All awnings and canopies shall be constructed of a canvas-like material or architectural metal. The design and color shall relate to the storefront design. No awning or canopy sign may extend more than five feet (5') over the sidewalk and shall be at least eight feet (8') above the sidewalk. Awnings and canopies that are utilized for signage shall use contrasting letters that are painted, applied or sewn onto the vertical drip of the awning or canopy. Letters shall not exceed eight inches (8") in height nor occupy more than 80% of the width of the awning or canopy.

---

## ZONE STANDARDS – TOD

---

- D. PROJECTING SIGNS:** One projecting sign may be attached to the building perpendicular to the façade facing the sidewalk per ground level tenant space. A projecting sign shall be made of a rigid material with the bracket and sign panel relating to the storefront design. Projecting signs may not exceed twelve (12) square feet in size, project more than four feet (4') from the façade, and must be at least eight feet (8') above the sidewalk.
- E. DOOR/WINDOW SIGNS:** Lettering and logos may be applied directly onto storefront windows. This includes white gold leaf, applied vinyl, painted, etched or sandblasted. Total area of the sign (including lettering and logos) shall not exceed 10% of the window area on which it is located. Storefront windows and doors shall be limited to a maximum of two (2) square feet of coverage with stickers, credit card decals, hours of operation, etc. There may be one window sign listing the names of second floor tenants near street level entrances. This sign shall not exceed six (6) square feet and is not to be included in the 10% allowance.
- F. SUSPENDED SIGNS:** Suspended signs shall be located near the entrance to the business/tenant space and may be used in place of rather than in conjunction with a wall sign. The maximum sign area is 1.0 square foot per each lineal foot of building elevation on which the sign is located, not to exceed 60 square feet. Signs shall be located so as to emphasize design elements of the buildings. No suspended sign shall be less than eight feet (8') above the sidewalk.
- G. MONUMENT SIGNS:** A monument sign is only allowed to identify projects that encompass a minimum of 1.5 acres, and not individual stores or tenants. One monument sign may be allowed per project. A monument sign shall not exceed thirty-two (32) square feet or six feet (6') in height, and shall be located in a landscaped area associated with a project entry or focal point.
- H. A-FRAME SIGNS:** One free standing A-frame, signboard per ground level tenant may be placed on the sidewalk, provided the sign does not interfere with pedestrian movement. The signboard copy space shall not exceed three feet (3') in height and two feet (2') in width with a maximum sign height of four feet (4').
- I. CLEARANCE AND SETBACKS.** The following standards apply:
1. At intersecting streets and within the clear view area, there shall be a minimum clearance of ten feet (10') beneath any ground sign unless a sign is less than three feet (3') in height as measured from the average grade of the intersecting streets. In this area, the maximum diameter of poles supporting signs shall be eight inches (8").
  2. For signs over pedestrian ways, the clearance between the ground and the bottom of any projecting or ground sign shall not be less than eight feet (8').
  3. For signs over driveways for vehicular traffic, the minimum clearance shall be fourteen feet (14').
  4. For signs more than three feet (3') in height and having less than an eight-foot (8') clearance, the front setback shall be the same as for buildings in that zoning district. In no case shall the front setback shall be less than eighteen inches (18") from the front Lot line as measured from the leading edge of the sign.

**17-7-8.10 CONDITIONAL USE STANDARDS OF REVIEW.** The City shall not issue a Conditional Use Permit unless the Community and Economic Development Department, in the case of an Administrative Conditional Use, or the Planning Commission, for all other Conditional Uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. GENERAL REVIEW CRITERIA:** An Applicant for a Conditional Use in the zone must demonstrate:
1. The Application complies with all applicable provisions of this Title, state and federal law;
  2. The Structures associated with the use are Compatible with surrounding Structures in terms of use, scale, mass and circulation;

---

## ZONE STANDARDS – TOD

---

3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing Streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle Access;
8. Location and design of off-Street parking as well as compliance with off-Street parking standards provided for in §17-7-8.7;
9. Fencing, Screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Compatibility of the proposed mass, bulk, design, orientation, and location of the Structures on the site; including Compatibility with Buildings on adjoining Lots and to the Street;
11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
12. Within and adjoining the site, impacts on the aquifer, Slope retention, flood potential and appropriateness of the proposed Structure to the topography of the site.

**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. Each Application for Child Care Facility or Center must include:
  - i. Proof of a state Child Care license;
  - ii. Compliance with state, federal and local law; and
  - iii. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation.
- b. Assisted Living/Senior Housing/Congregate Care. Each Application for an Assisted Living, Senior Housing or Congregate Care use must comply with the following:
  - i. The maximum number of residents shall be:
    - (a) Eight (8) for Structures fronting on public streets smaller than Collector Streets; and
    - (b) Sixteen (16) for Structures fronting on public streets considered Collector Streets or larger.
  - ii. A Complete Application shall include:
    - (a) Proof of state license for Assisted Living, Senior Housing, Congregate Care, or its equivalent;
    - (b) A design, residential in character and architecturally Compatible with the neighborhood, which adequately screens the use from neighboring lots; complies with Utah Department of Health standards;
    - (c) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;
    - (d) A sign plan which includes no more than two (2) square feet of signage for facilities on public streets smaller than Collector Streets, and monument signs



---

## ZONE STANDARDS – TOD

---

not to exceed thirty-two (32) square feet for facilities on public streets considered Collector Streets or larger; and

- (e) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in §17-7-8.7.

### 2. ADMINISTRATIVE CONDITIONAL USE:

- a. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems. Each application for a Telecommunications Facility shall comply with the following:
  - i. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet (4') horizontally from the face of the building.
    - (a) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.
    - (b) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.
    - (c) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.
  - ii. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The Planning Commission may grant approval to place roof-mounted stealth antennae on a pitched roof if the Antenna do not extend above the peak of the roof.
    - (a) Antennas shall be mounted at least five feet (5') behind any parapet wall. The maximum Height of an antenna mounted between five (5) and ten feet (10') behind a parapet wall shall be directly proportional to the Setback distance, and may not exceed a Height of ten feet (10') above the top of the parapet wall. An antenna may not extend more than fifteen feet (15') above the roofline of the building unless the adverse impacts of the additional Height are fully mitigated.
    - (b) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.
    - (c) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet (5') back from the exterior wall of the building. The maximum height of an antenna mounted between five (5') and ten (10') feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten (10') feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.

---

## ZONE STANDARDS – TOD

---

- iii. Monopole with Antennas and Antenna Support Structure Less Than Two (2') Feet in Width. The entire antenna structure mounted on a monopole may not exceed two feet (2') in width.
  - a. The maximum height of this antenna may not exceed ten (10') feet in Height.
  - b. A monopole described in this subsection may not be located in or within five hundred (500') feet of a residential zone district.
  - c. No pole shall be allowed in any front yard setback.
- iv. Monopole With Antennas and Antenna Support Structure Greater Than Two Feet (2') in Width.
  - a. The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight (8') feet in height or fifteen (15') feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure.
  - b. A monopole classified under this subsection may not be located in or within seven hundred fifty (750') feet of a residential zone district.
  - c. No pole shall be allowed in any front yard setback.
- v. Lattice Towers. Except as provided for below lattice towers may not be located within seven hundred fifty feet (750') of a residential zone district.
  - a. A lattice tower may be located less than seven hundred fifty (750') feet from a residential zone district if the Panning Commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.
  - b. A lattice tower may be located less than seven hundred fifty (750') feet from a residential zone and reach up to eighty-five-foot height if required for the *bona fide* public services of a public transit district as defined in U.C.A. Section 17A-2 1001 et seq. and as certified by the said public transit district.
  - c. No pole shall be allowed in any Front Yard Setback.
- vi. Power Lines. All power lines on the Lot leading to the Accessory Building and Antenna Structure of the Telecommunications Facility shall be installed underground.
- vii. Area limitations. Combinations of both Roof and Wall-mounted antennas are allowed on a Building. The total area for all Wall and Roof-mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. Cellular antennas may occupy a maximum of four (4) walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a Roof-mounted antenna shall apply to the closest exterior wall.
- viii. Review Criteria. Each Applicant for a Telecommunications Facility must demonstrate:
  - (a) Compatibility of the proposed structure with the Height and mass of existing adjacent buildings and utility structures;
  - (b) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;
  - (c) Antenna transmissions will not interfere with public safety communications.
  - (d) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

---

## ZONE STANDARDS – TOD

---

- (e) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;
- (f) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;
- (g) Location and zoning compliance of accessory buildings associated with the Telecommunications Facility;
- (h) Monopole. A conditional use permit for a monopole may be granted in a residential zone district only if the planning commission finds that:
  - (i) The monopole antenna does not exceed thirty five (35') feet in height;
  - (ii) Monopole with antennae and antennae support structure does not exceed two feet in width;
  - (iii) The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;
  - (iv) The antenna tower will be located no closer than two hundred feet (200') from the nearest residential Structure, and
  - (v) The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the Planning Commission may require alternative building and fencing materials such as masonry, wrought iron or chain link with colored vinyl coating depending on the location.
  - (vi) No monopole or lattice tower may be located within one thousand (1,000) feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in Section 17A-2 1001 et seq. of the Utah Code Annotated and as certified by said public transit district.
- ix. Co-location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility within the Telecommunications area that may meet the needs of the Applicant. The documentation supplied shall evaluate the following factors:
  - (a) Structural capacity of the Antenna towers;
  - (b) Geographic Telecommunications area requirements;
  - (c) Mechanical or electrical incompatibilities;
  - (d) Inability or ability to locate equipment on existing Antenna towers; and
  - (e) Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the Antenna tower.
- x. Classification/Installation: Low-power radio services facilities are characterized by the type or location of the antenna structure.
- xi. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform Drive Tests shall submit notice to the Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two (2) days. Drive tests shall be limited to testing functions only and shall not be used for Telecommunication services

---

# ZONE STANDARDS – TOD

---

to customers. Drive tests on city property require Planning Department approval and execution of the City's test-drive agreement.

- b. Outdoor Dining. Outdoor dining is permitted subject to the following criteria:
  - i. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
  - ii. The proposed seating Area does not impede pedestrian circulation.
  - iii. The proposed seating Area does not impede emergency Access or circulation.
  - iv. The proposed furniture is Compatible with the Streetscape.
  - v. No music or noise is in excess of the City Noise Ordinance, Title 8.48.
  - vi. No use after 10:30 p.m.

**17-7-8.11 ITINERANT MERCHANTS.** An application for an Itinerant business must demonstrate the following:

- A. LOCATION ON PRIVATE PROPERTY.** The business and any activity associated therewith must be located on private property and shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by Midvale City). Only one (1) business shall be permitted on each parcel of said private property.
- B. IMPERVIOUS SURFACE.** The business must be located on a hard surface, a minimum of ten feet (10') behind the inside edge of the public sidewalk.
- C. LEASE.** There must be a valid lease or written permission from the private property owner expressly allowing the use of property for the business that is the subject of this section. The merchant shall demonstrate the ability to utilize an existing restroom facility on or nearby the property.
- D. TRAFFIC SAFETY/PARKING.** The business location shall not impede auto and or pedestrian traffic or create auto/pedestrian conflicts. One (1) existing parking stall shall be dedicated for the use of the Itinerant Merchant's patrons. Parking spaces encumbered by the itinerant merchant may not be part of the required parking for the existing use(s). Vending Carts shall not encumber an area greater than one hundred eighty (180) square feet for the location of the cart and any related seating.
- E. TEMPORARY ONLY.** All aspects of the business shall be temporary, mobile facilities. In the case of vending carts, all aspects of the business shall be moved on and off the premises each day of operation, with no overnight parking or outdoor storage allowed.
- F. MAINTENANCE.** The area around the business shall be kept clean and orderly with appropriate trash receptacles.
- G. HOURS OF OPERATION.** The business may be conducted between the hours of 6:00 am and 10:00pm.
- H. REGULATORY COMPLIANCE.** All applicable local and State regulations (i.e. food permit, signage, etc.) shall be met.
- I. BUSINESS LICENSE.** All requirements of section 5.16 of the business license section of the Midvale City Municipal Code shall be met.

**17-7-8.12 RELATED PROVISIONS**

Title 5. Licensing  
Title 16 Subdivision  
Chapter 17-2. Definitions  
Chapter 17-3. Administration and Enforcement