

Midway City Council
3 May 2022
Regular Meeting

Ordinance 2022-15 /
Off-Street Parking and Loading



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: May 3, 2022

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Section 16.13.39: Off-Street Parking and Loading

Midway City is proposing an amendment to Chapter 16.13.39: Off-Street Parking and Loading. The proposed amendment would prohibit the creation of new drive-through windows in Midway.

BACKGROUND:

Midway City is proposing an amendment to the City’s Municipal Code in the Land Use Chapter, Title 16. The proposed code would prohibit the creation of new drive-throughs in the city. Currently, the land use code does not contain anything that prohibits drive-throughs. It also does not contain any minimum requirements for drive-throughs. A recent application for a restaurant, that includes a drive-through window, highlighted the need to have some criteria in place to address whether drive-throughs are allowed, and if so, minimum requirements to help mitigate negative impacts and safety concerns.

At the March planning commission meeting, planning staff presented a modification to the Off-Street Parking and Loading section of the land use code that would create minimum criteria for allowing a drive-through. In that meeting, the planning commissioners discussed whether drive-throughs should even be allowed in Midway. The result from that discussion was a motion of continuance that advised staff to bring back language that prohibits new drive-throughs in Midway. The motion from that meeting was as follows:

Motion: Commissioner Garland: I make a motion that we recommend continuance of an amendment to Chapter 16.13.39: Off-Street Parking and Loading. The proposed amendment would create requirements for commercial uses with drive-through windows. Come up with code that prohibits all businesses from having a drive thru.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Wardle, Garland and Simons

Nays: Ream

Motion: Passed

In response to that, staff is proposing language that would prohibit new drive-throughs in Midway. There are several existing drive-throughs in Midway (Grand Valley Bank, Judy's Doughnuts, Ridleys Gas Station, FILL'ER UP Coffee, Keller Williams next to Lupita's), only a few of which are currently in use. If a prohibition on drive-throughs is adopted, some existing drive-throughs would become non-conforming. The proposed use and alteration of those drive-throughs would be governed by the city's non-conforming code for buildings and uses (16.26.8).

The following language (in red) is proposed to address the desire to prohibit new drive-throughs:

16.13.39 Off-Street Parking and Loading

M. Commercial Drive-throughs Prohibited

The creation of new commercial drive-throughs in Midway is prohibited in all zones. All drive-throughs that legally exist on the date this code goes into effect may continue as allowed elsewhere in this title.

POSSIBLE FINDINGS:

- New commercial drive-throughs would be prohibited in all zones
- Lawfully existing drive-throughs would be considered non-conforming and would be allowed to continue as outlined elsewhere in the land use code
- Prohibiting drive-throughs may discourage certain commercial uses that rely upon the convenience of drive-throughs

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Garland: I make a motion that we recommend approval for an amendment to Chapter 16.13.39: Off-Street Parking and Loading. The proposed

amendment would prohibit the creation of new drive-through windows in Midway. We accept the findings in the staff report.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Cliften, Wardle and Garland

Nays: Ream

Motion: Passed

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - 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 finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



Midway

**ORDINANCE
2022-15**

**AN ORDINANCE AMENDING SECTION 16 OF THE MIDWAY CITY CODE REGARDING
OFF STREET PARKING AND LOADING, DRIVE THROUGH WINDOWS, AND RELATED
MATTERS**

WHEREAS, the City Council desires to preserve the unique charm and character of Midway;
and

WHEREAS, the City Council desires to amend and update portions of the Midway City Code to
prohibit the creation of new commercial drive-throughs or drive-up windows in all zones in
Midway; and

WHEREAS, the adoption of this ordinance will be in the best interests of the citizens of
Midway City;

NOW, THEREFORE, be it hereby Ordained by the City Council of Midway City, Utah, as
follows:

The following new subsection is added:

16.13.39. Off Street Parking and Loading.

M. Commercial Drive-throughs Prohibited

*The creation of new commercial drive-throughs or drive-up windows in Midway is
prohibited in all zones. All drive-throughs that legally exist on the date this Code goes in to
effect may continue as allowed elsewhere in this Title.*

This Ordinance shall take effect immediately upon publication as required by law.

PASSED AND ADOPTED by the Midway City Council on the ____ day of _____, 2022.

MIDWAY CITY COUNCIL

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM

Corbin B. Gordon, City Attorney