

Midway City Council
16 May 2023
Regular Meeting

Ordinance 2023-08 /
Building Heights



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: May 16, 2023
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Chapter 16.13.100:
Maximum Height Provisions for all Buildings

ITEM: 9

Midway City is proposing an amendment to Chapter 16.13.100: Maximum Height Provisions for all Buildings. The proposed amendment will review and potentially revise the maximum building heights for public buildings and churches (religious buildings).

BACKGROUND:

Midway is proposing a code text amendment to the Midway Municipal Code. The proposed amendment will remove a provision in the code that allowed the maximum height of public buildings and churches to be based on the setback of the building to the property line. The current code found in Section 16.13.100.E states the following:

Public buildings and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least 1 foot for each additional foot of building height above the maximum height permitted.

An example of how the code works is the following: if a property is 10 acres and has the dimensions of 660' x 660' with a 30' setback on each side and a building that is 100' x 100' is placed in the middle of the property then the maximum height of the structure is 285'. The current code could allow a structure to be a height that would be alarming to

many residents and would be against many provisions in the Midway General Plan. A similar example with all the same parameters but the building is 200 x 200' would allow a height of 235'. To put height into perspective, some examples of height in the area are the following: Midway Town Hall – approximately 40–45', Homestead Crater – approximately 50', Memorial Hill – approximately 200', and the proposed top of the spires for the Heber Church of Jesus Christ of Latter-Day Saints' Temple – approximately 180'.

To match the vision described in the General Plan of preserving mountain views and preserving dark skies, staff is proposing that the aforementioned section of code is removed leaving the maximum of all buildings (except in the Resort Recreation zone) at 35' along with the maximum height of architectural features at 52.5'.

As mentioned earlier, the General Plan promotes preserving view corridors and the current height ordinance would allow view corridors to be blocked. The 2023 Midway General Plan states the following:

- Effective planning through clustering, setbacks, Transfer of Development Rights and animal/agriculture ordinances will help Midway utilize its core areas to encourage small commercial uses and attainable housing, and also **preserve its view corridors**, maintain open areas and reinforce a historic rural and country feeling.
- Protect all of the environmental and natural resources of the City by requiring development to occur in a manner and location which respects sensitive environmental lands: wetlands, flood plains and natural drainage patterns, steep slopes, productive agricultural lands, geologically unstable areas, critical wildlife areas, vegetation and important scenic features such as ridge lines hillsides and **view corridors**.
- “Open space” may mean different things to different people. To some, open space is sufficient space between houses in a subdivision so that neighbors have “elbow room.” To others **open space is unobstructed views of the mountains and ridgelines surrounding our valley**. In the context of this General Plan, open space is both and much more. Midway embraces a comprehensive definition of open space, for more information please refer to City ordinances.

The General Plan supports preserving view corridors and the current code would allow structures to be built that would effectively block view corridors for many of our residents and visitors.

Another concern is the lighting that is required for taller structures. Recently Wasatch County has reviewed and amended its lighting ordinance because of a proposed taller structure. The Midway code requires full cut-off for all new lighting fixtures installed in town. Taller structures are required to have lighting in some cases, and even if the

lighting fixtures had full cut-off, if the fixture were placed 100' high on the structure, the lighting would be visible from many surrounding properties. To avoid this scenario, the current height ordinance allowing public and religious buildings to be taller than 35' should be removed.

POSSIBLE FINDINGS:

- The proposed amendment will limit the height of all structures to 35' except in the Recreation Resort Zone.
- The proposed change will eliminate potential future lighting issues that may occur because of the lighting requirements for taller structures.
- The proposed amendment will help preserve view corridors and viewsheds as described in the General Plan.
- The proposed change will ensure that public and religious buildings are the same height scale as other structures in Midway.

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

2023-____

**AN ORDINANCE TO AMEND SECTION 16.13.100 OF THE
MIDWAY CITY LAND USE CODE TO ADDRESS
CONFLICTING PROVISIONS REGARDING THE
ALLOWED HEIGHTS OF BUILDINGS IN THE CITY.**

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, the Midway City Code currently contains conflicting code provisions regarding the allowed heights of buildings within the City; and

WHEREAS, the Midway City Council desires to address these conflicting code provisions by removing Midway City Code Section 16.13.100(E), which will create consistency and conformity within the code on this subject matter.

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

Section 16.13.100 shall be amended to read as follows:

16.13.100 Maximum Height Provisions For All Buildings

The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof. To allow for unusual conditions or appurtenances, the following exceptions apply:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
- B. Water towers and mechanical equipment may extend up to 5 feet above the specified maximum height limit.

- C. Church spires, bell towers, finials, and like architectural features, as well as flag poles, may extend above the specified maximum height limit by up to 50 percent of the height limit (52 feet 6 inches for a 35-foot building), but shall not contain any habitable spaces above the maximum height.
- D. The height of buildings in Resort Zones may exceed 35 feet if all the requirements of the Recreational Resort Chapter of this Title are satisfied.
- ~~E. Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least 1 foot for each additional foot of building height above the maximum height permitted.~~
- F. Special height requirements for some buildings on benches and slopes greater than 10 percent are imposed by the Sensitive Lands Chapter of this Title. These restrictions on building height shall be applied where applicable.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2023.

	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 Gordon, City Attorney

(SEAL)