



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 15, 2025

NAME OF APPLICANT: BHD Architects, Mike Davey

OWNERS OF RECORD: Corporation of the Presiding Bishop LDS

AGENDA ITEM: Code Text Amendment to Title 16: Maximum Height Provisions for All Buildings and Off-Street Parking and Loading

ITEM: 8

Mike Davey, representative for the Corporation of the Presiding Bishop LDS, is proposing an amendment to Chapter 16.13.100: Maximum Height Provisions for all Buildings and Chapter 16.13.390 Off-Street Parking and Loading. The proposed amendments would allow church steeples to extend above the maximum height limit and would restrict off-street parking between the front property line and a church.

BACKGROUND:

Mike Davey, agent for the Corporation of the Presiding Bishop LDS, is proposing an amendment to the City’s Municipal Code in Chapter 16.13.100: Maximum Height Provisions for all Buildings. The proposed amendment would allow church steeples to reach a height of 70’, which is 17.5’ higher than the current limit of 52’6”. The code reads 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. 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.*

The Applicant is proposing that church steeples be allowed to reach 70' in height. The applicant states in the application that the reasoning for the proposed change is the following:

The current height limit for steeples is 52'-6", which restricts the ability to construct appropriately scaled steeples. Allowing taller steeples on churches situated on large lots with adequate building setbacks will maintain compatibility with surrounding properties and will not negatively impact adjacent property owners.

Per the requested code text amendment, the proposed code would read as follows (red text has been added since the City Council's discussion on the proposal. **Bold** text is from the original proposal.):

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. 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.

F. Church steeples may extend up to 70 feet from natural grade to apex if all the following requirements are satisfied. **If the following requirements are not satisfied, the maximum steeple height is 52'6".**

1. The church building is located on a lot that is a minimum of 3 acres.
2. The building setbacks for a steeple from the front property line(s) **or projected right(s)-of-way, whichever is greater**, are at least the minimum required by the zone.
 - a. **Steeple shall be set back from the front property line(s) or projected right(s)-of-way, whichever is greater, the minimum distance required by the zone. The height of the steeple may increase by one foot (with a beginning maximum steeple height of 52' 6") for each additional foot the steeple is set back into the property, to a maximum of 70' (e.g., a 35' church height at a minimum 30' setback is allowed a steeple height of 52'6", a 35' church height at a 47'6" setback (where the minimum zone setback is 30') is allowed a steeple height of 70', a 35' church height at a minimum 50' setback is allowed a steeple height of 52'6", a 35' church height at a minimum 67'6" setback (where the minimum zone setback is 50') is allowed a steeple height of 70'). Maximum steeple height is also subject to item 7.**
3. The **steeple** setbacks from the rear and side property lines are 100 feet minimum.

4. *The steeple shall not contain any habitable spaces above the building maximum height limit.*
5. *The portions of the steeple above the building shall not exceed **12 feet** in width or depth.*
6. *A maximum of one steeple is allowed on the building or property.*
7. *The maximum building-to-steeple height ratio is 1:1.5.*
8. *No lighting of a steeple. A steeple shall not be lit from the ground or from other fixtures on the church or any other building or source. Light fixtures or lighting of any kind shall not be installed on or in the steeple.*
9. *Church steeples shall be designed and constructed to exhibit clear tapering from the base (lowest point of the steeple where it meets the main structure of the church or, for a detached steeple, from natural grade) to the apex (top of the steeple). The **gradual** tapering effect must be visually perceptible from public rights-of-way and surrounding properties. The average width of the top third of the steeple **spire** shall be less than half the width of the steeple base.*

Midway amended the height ordinance for religious buildings on June 28, 2023, based on the issue that a religious building could exceed the height limit of 35', which is standard for almost all buildings in Midway. The previous code allowed the height of religious buildings to be based on the setbacks of the building on a property. A church on a large property with relatively large setbacks could reach 300' or more in height under the previous code. The City wanted to avoid this scenario and lowered the height of all religious structures to 35', with the exception that architectural elements, such as steeples, could reach a maximum height of 52'6". The amendment lowered the allowed height for religious buildings, but it also lowered the height of steeples to a lower height than the existing three steeples in Midway. The applicant is asking Midway to reconsider the limit on steeple height so that future churches can have a height like the existing steeples in Midway and other places throughout the country.

Based on the City Council's discussion of steeple height and churches in general, City Council directed staff to review and proposed recommendations regarding parking location and churches. The main issue is restricting parking in front of churches much like parking is not allowed in front of businesses in the commercial zones. The reasons for this change is to create a better visual appeal from the street, especially in residential zones where most churches will be located. The impact is twofold. First, the landscaping will be located between the church and the street, instead of parking. Second, the architecture of the church may be enhanced by having the church oriented towards the street instead of having churches run parallel to the road. The code states the following:

Churches shall have one parking space per three (3) seating spaces in the main assembly room.

The following language is proposed that would restrict parking locations around churches:

Churches shall have one parking space per three (3) seating spaces in the main assembly room. No parking shall be located between the front setback and the church. If the church is located on a corner lot or parcel, only one frontage will be restricted in this manner. The City Council, upon an applicant's request, may approve a parking plan different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.

A code text amendment is a legislative action, which means that the City Council has broad discretion. The City Council may approve as petitioned, deny, or approve a modified code different from what is being petitioned by the applicant.

ANALYSIS:

Wikipedia defines a steeple as the following:

In architecture, a steeple is defined as a tall tower on a building, topped by a spire and often incorporating a belfry and other components. Steeples are very common on Christian churches and cathedrals and the use of the term generally connotes a religious structure. They might be stand-alone structures, or incorporated into the entrance or center of the building.

Steeple were first incorporated into churches about AD 600 and have become a longstanding tradition of church architecture. Churches with steeples in America date to colonial times and are common with churches, starting in New England, throughout the country.

The Applicant states in the application that one reason for the proposed amendment to allow a steeple to reach a height of 70' is to allow for proper scaling of the church and steeple. A quick search on the internet reveals that generally steeples should be at least twice the height of the church to create the proper proportion. One site, Lifeway One Source, states the following:

The recommendation for the height of a church's steeple is to be approximately the same distance from grade to roof peak of building (meaning ground to the highest part of roof line).

Another site, Church Steeples, states a similar recommendation:

You should aim for a steeple height that's roughly 1 to 1-1/4 feet tall in relation to the height of the building.

Another item to consider is the relative heights of existing steeples in town. There are currently three churches in town with steeples. These include the churches at 165 North Center, 1102 South Center, and 250 East and 200 South. The steeple heights of each of these three churches respectively are 73' 10", 64' 11", and 58' 5". The average height of the three steeples is approximately 65' 3" (see attached renderings).

The General Plan promotes preserving view corridors. Increasing the allowed height of steeples may block some views from surrounding neighbors and from some transportation corridors. 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.

To mitigate the impact of taller steeples, the Applicant is proposing language that would strictly regulate steeples. The following is the proposed text that would be added to the code if the City Council determines to allow the proposed amendment. Staff's comments for each item are *italicized*.

F. Church steeples may extend up to 70 feet from natural grade to apex if all the following requirements are satisfied:

1. The church building is located on a lot that is a minimum of 3 acres. *Requiring a minimum of three acres, along with the required setbacks, will ensure that the steeple is located in the center of the property. This will help minimize the impact on neighbors.*

2. The building setbacks for a steeple from the front property lines are at least the minimum required by the zone.
3. The building setbacks for a steeple from the rear and side property lines are 100 feet minimum. *This requirement, in conjunction with the acreage requirement, will ensure that the steeple will be located away from property lines and further from neighbors. This will help minimize the visual impact of the steeple for surrounding views.*
4. The steeple shall not contain any habitable spaces above the building maximum height limit. *This requirement will ensure all habitable space is within the standard of areas within 35' from natural grade.*
5. The portions of the steeple above the building maximum height limit shall not exceed 15 feet in width or depth. *This requirement will ensure that any steeples built will be as those traditionally constructed. The requirement will ensure that all steeple structures are not wider or deeper than 15'.*
6. A maximum of one steeple is allowed on the building or property. *This requirement will ensure that future churches and church properties will only have the traditional one steeple.*
7. The maximum building-to-steeple height ratio is 1:1.5. *This will allow for the proper proportions of the building to steeple ratio that will fit the aesthetics of what has traditionally been constructed. This will also limit a church that is not very tall from having a very tall steeple that is out of proportion. For example, a church that is 15' tall would have a maximum steeple height of 22.5'.*
8. No lighting of a steeple. A steeple shall not be lit from the ground or from other fixtures on the church or any other building. Steeples shall not have light fixtures installed on or in the steeple. *This will ensure that steeples will not be lit in any of the scenarios that staff have been able to contemplate. This will follow Midway's dark sky ordinance and help keep Midway's skies dark.*
9. Church steeples shall be designed and constructed to exhibit clear tapering from the base (lowest point of the steeple where it meets the main structure of the church or, for a detached steeple, from natural grade) to the apex (top of the steeple). The tapering effect must be visually perceptible from public rights-of-way and surrounding properties. The average width of the

top third of the steeple shall be less than half the width of the steeple base. *To help ensure that a traditional steeple is built, tapering is required and the tapering must be visually perceptible from surrounding roads and properties.*

Again, this proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve as presented, or approve any modifications the City Council finds is necessary to promote the health, safety, and welfare of the community.

PLANNING COMMISSION RECOMMENADATION:

Motion: Commissioner Garland: I make a motion that we recommend approval to the amendment to Chapter 16.13.100: Maximum Height Provisions for all Buildings. The proposed amendment would allow church steeples to extend above the maximum height limit. We accept the findings and conditions in the staff report and add the conditions of no lighting on the steeple, have tapering of the steeple and a height limit of 70 feet or a percentage of no more than 1.5 to building height whichever is less.

Seconded: Commissioner Nokes

Commissioner Nicholas: Any discussion on the motion? No

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Nokes, Osborne, Facer, Miles, Garland and Knight

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

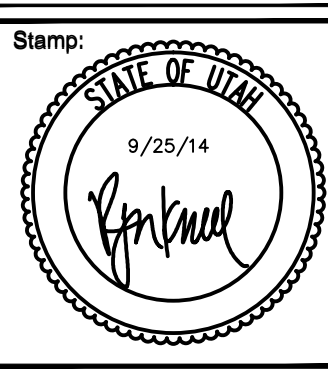
- The proposed amendment will allow some steeples to reach a height of 70' measured from natural grade.
- The proposal could impact view corridors for surrounding neighbors.
- Required setbacks would ensure that steeples are not located near surrounding neighbors which minimizes visual impact.
- Proposed regulations will ensure that the number of steeples and the dimensions of steeples will be as traditionally constructed.
- Lighting of steeples would be strictly prohibited.
- Parking would not be allowed in front of a church for at least one frontage.

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 3, 4, 5 &
 165 NORTH CENTER STREET
 MIDWAY, UTAH

Project for:
**THE CHURCH OF
 JESUS CHRIST
 OF LATTER-DAY SAINTS**

AS-BUILT	SEPT 2014
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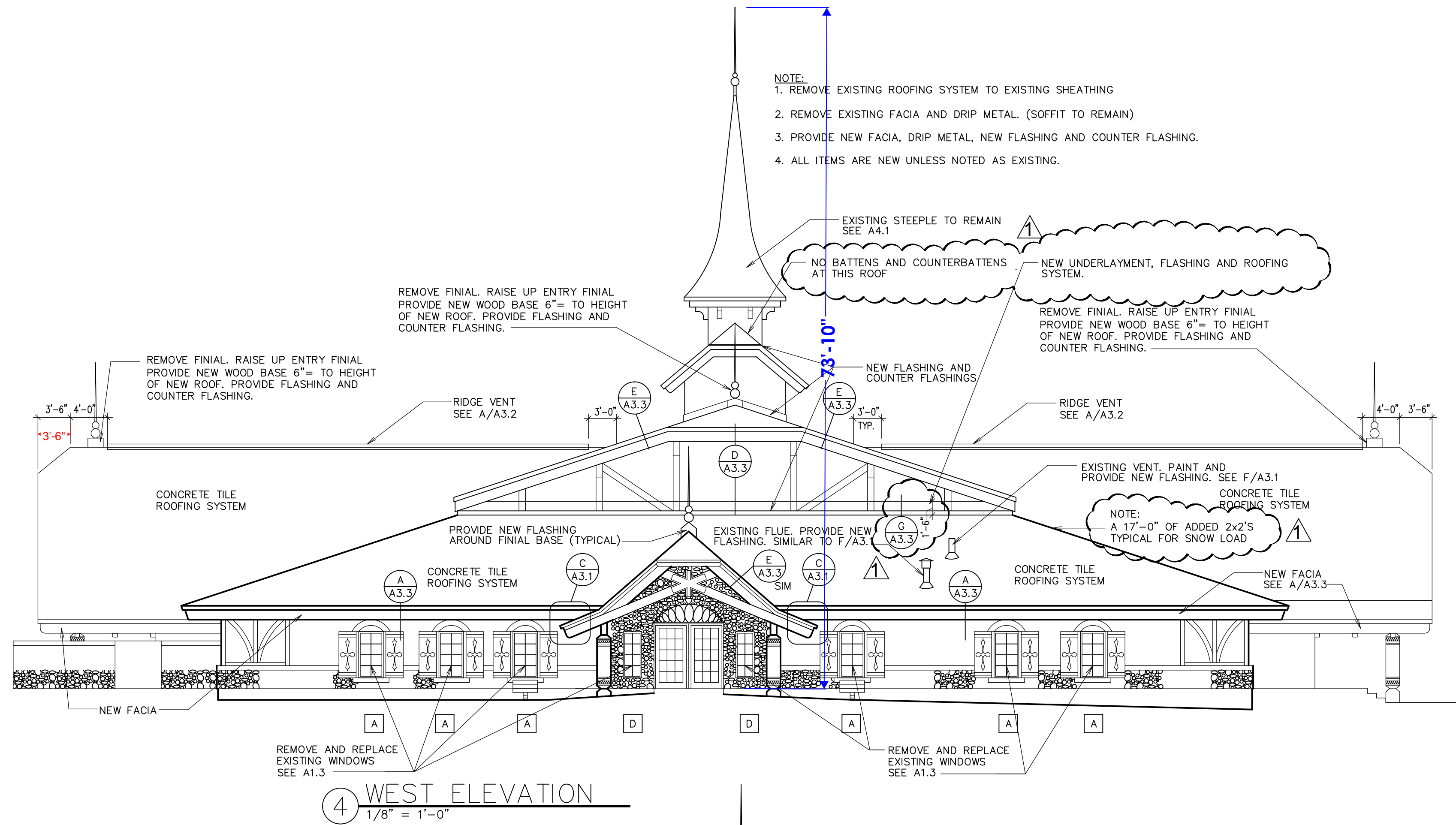
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 Property Number:
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Sheet Title:

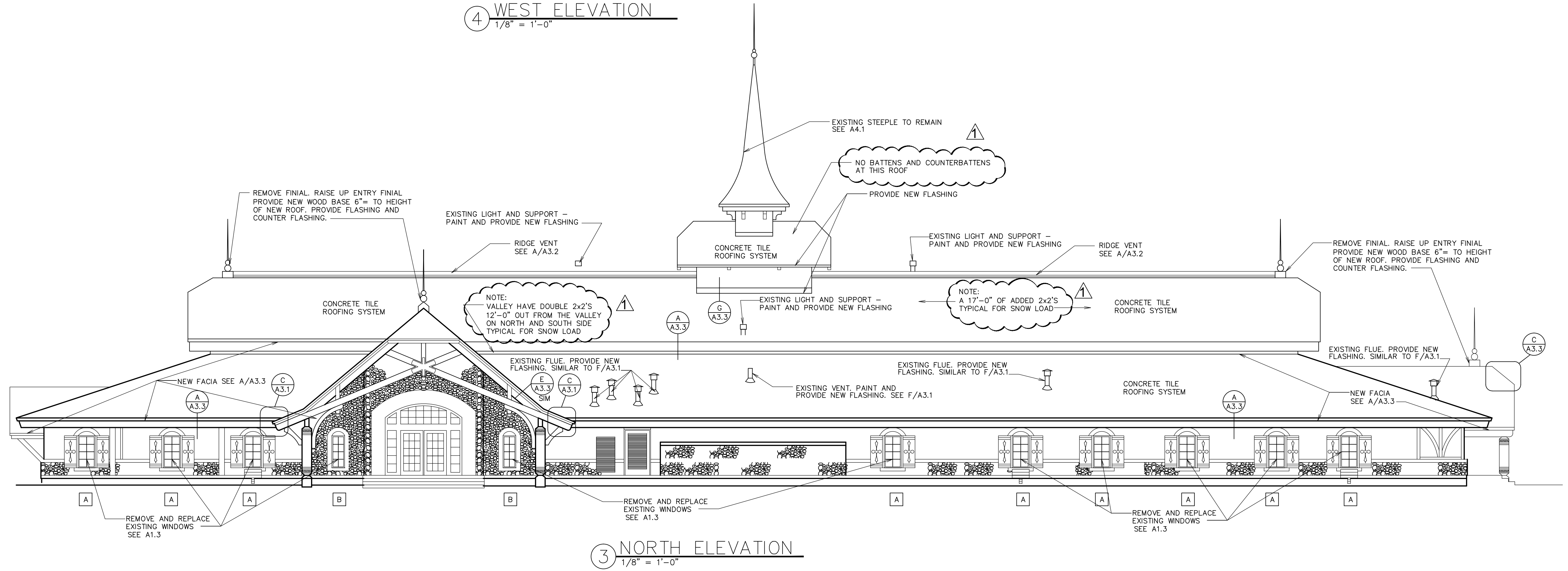
**EXTERIOR
 ELEVATIONS**

Sheet:
A2.2
AS BUILT

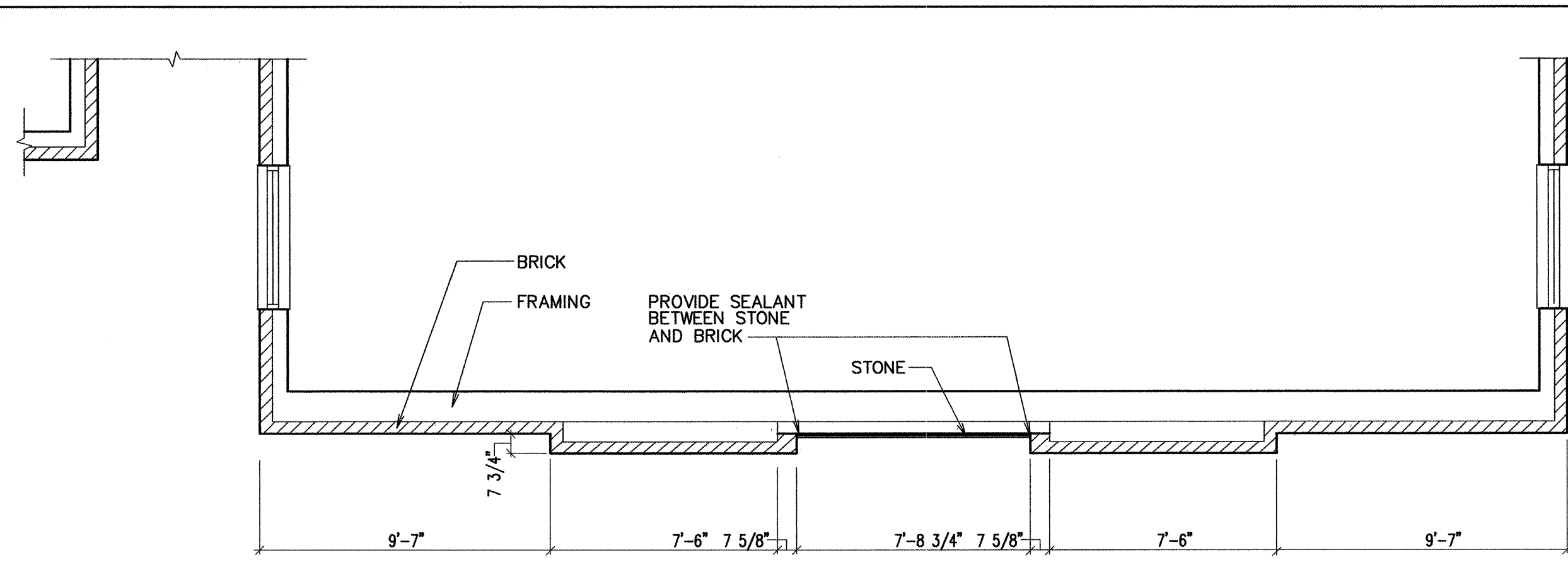
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 1. REMOVE EXISTING ROOFING SYSTEM TO EXISTING SHEATHING
 2. REMOVE EXISTING FACIA AND DRIP METAL. (SOFFIT TO REMAIN)
 3. PROVIDE NEW FACIA, DRIP METAL, NEW FLASHING AND COUNTER FLASHING.
 4. ALL ITEMS ARE NEW UNLESS NOTED AS EXISTING.



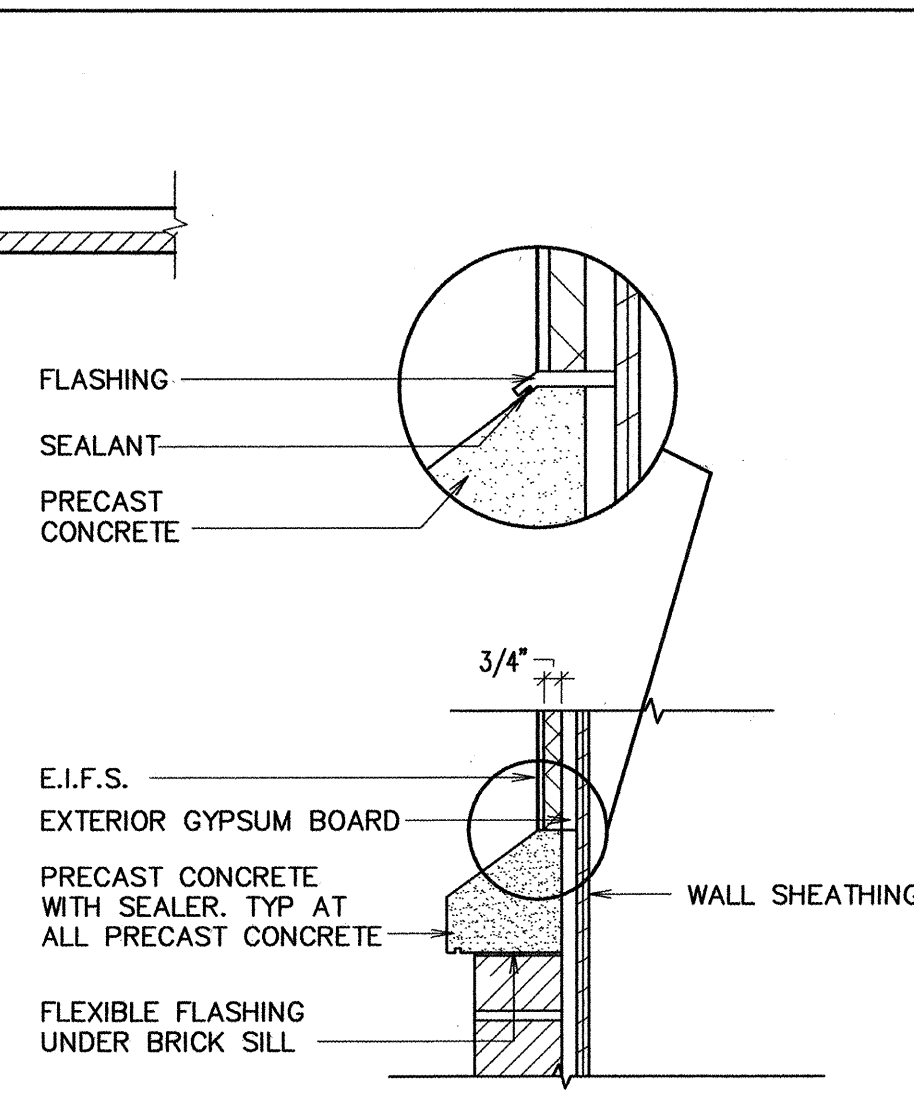
4 WEST ELEVATION
 1/8" = 1'-0"



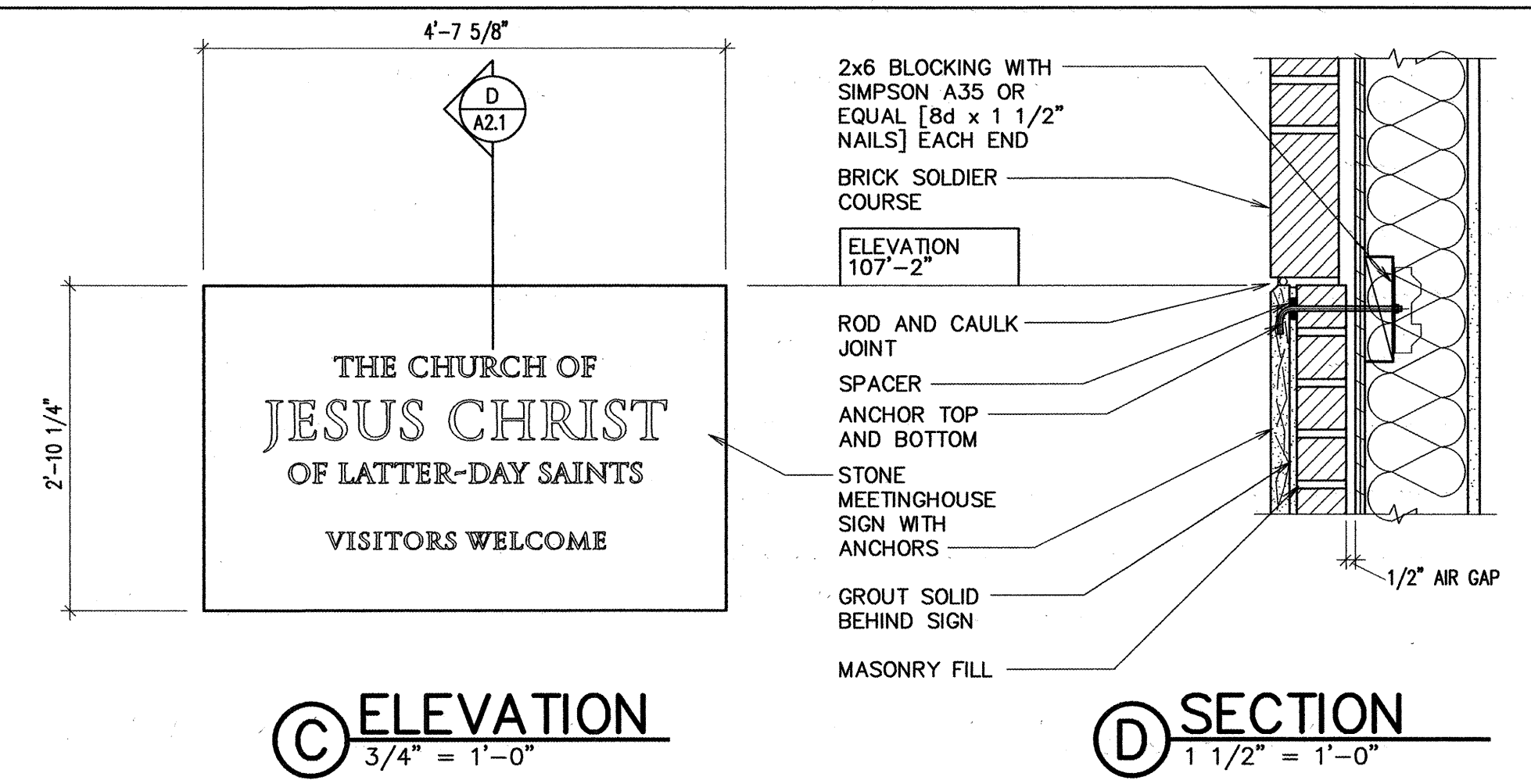
3 NORTH ELEVATION
 1/8" = 1'-0"



(A) DETAIL
1/4" = 1'-0"



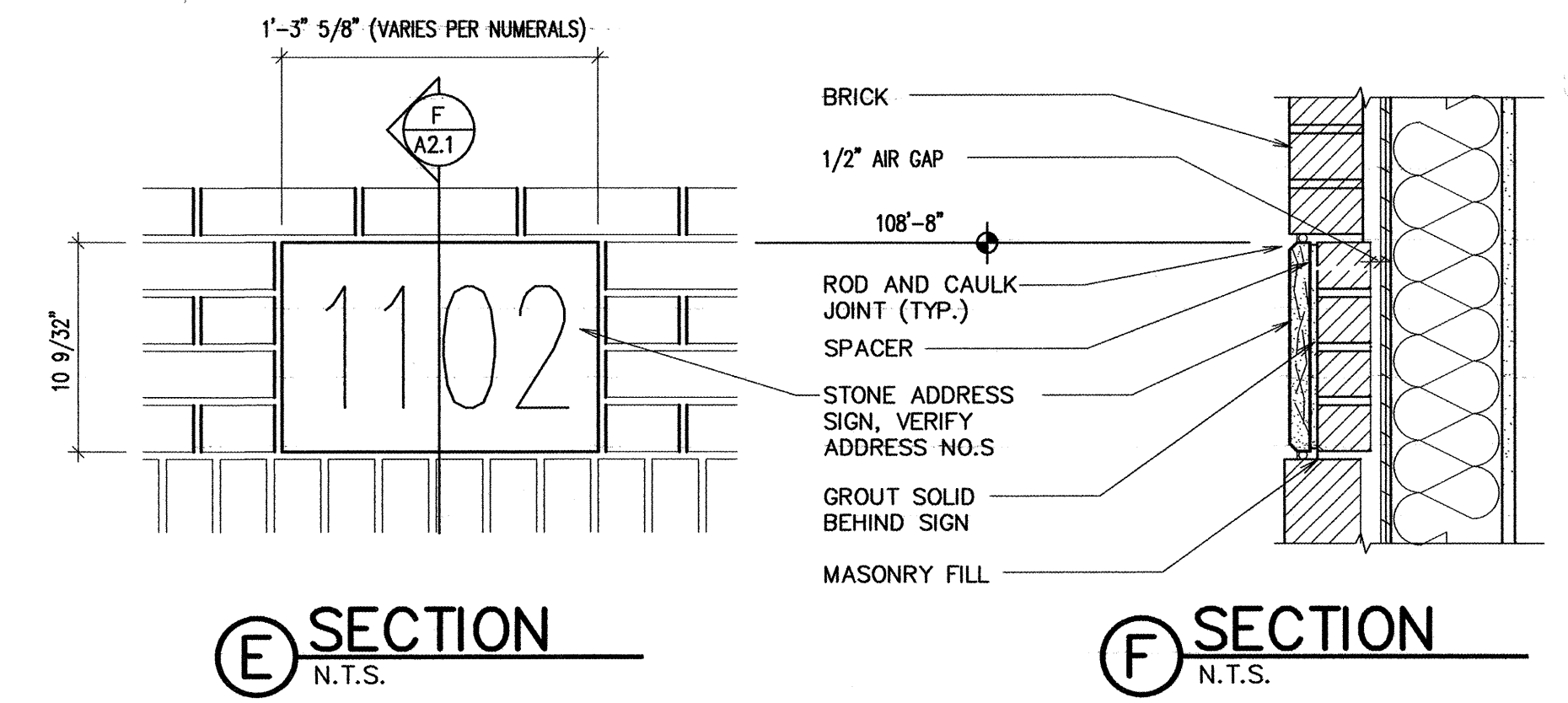
(B) DETAIL
1 1/2" = 1'-0"



(C) ELEVATION
3/4" = 1'-0"

(D) SECTION
1 1/2" = 1'-0"

STONE MEETINGHOUSE SIGN

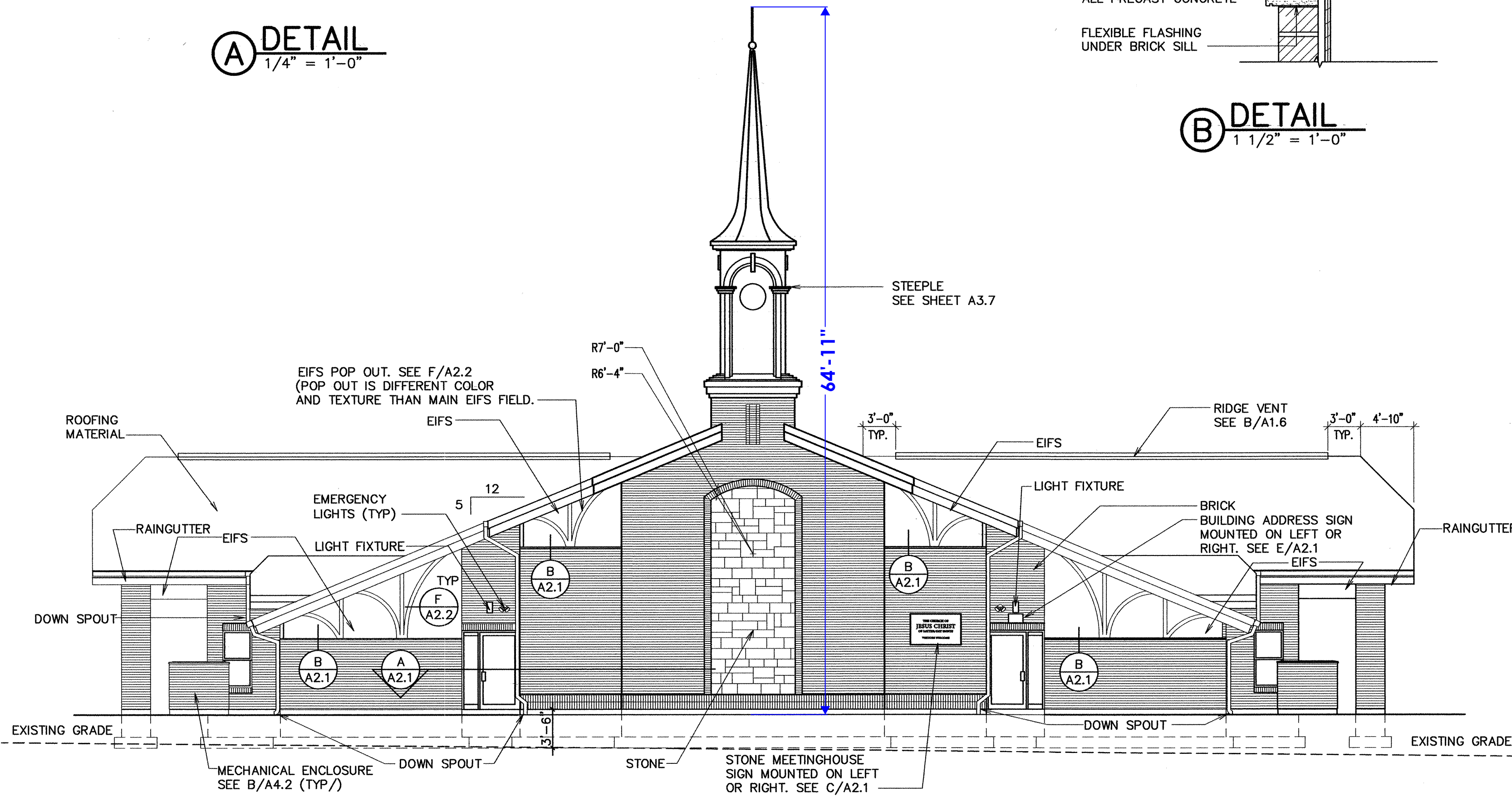


(E) SECTION
N.T.S.

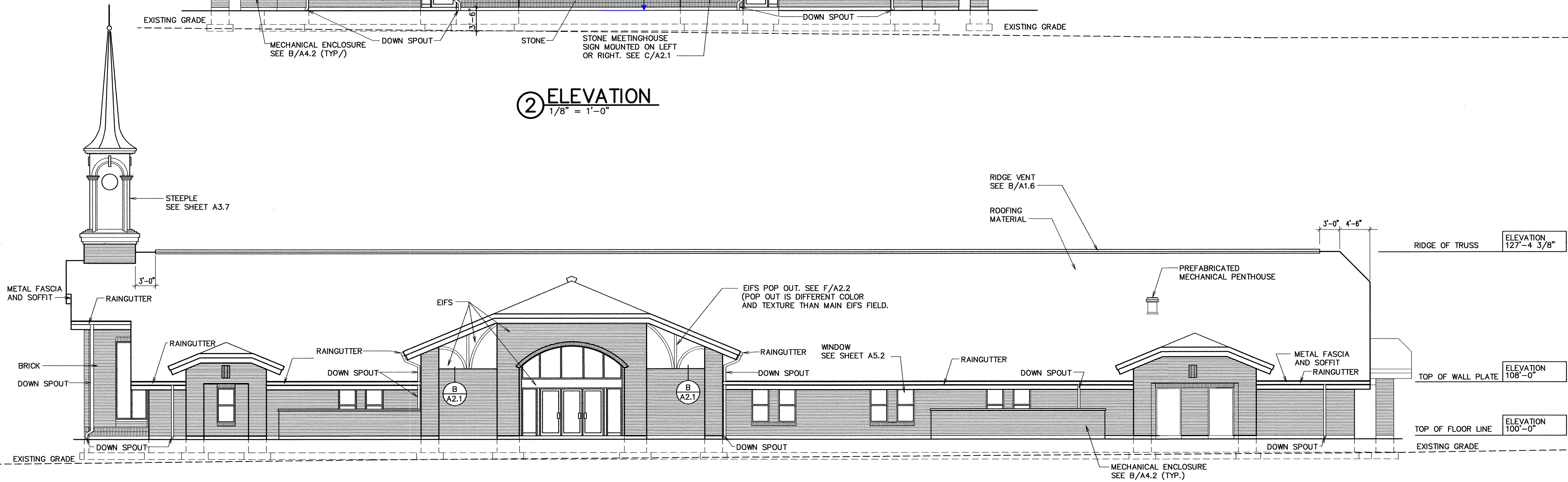
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N.T.S.

STONE ADDRESS SIGN

SCALE: 3/4" = 1'-0"

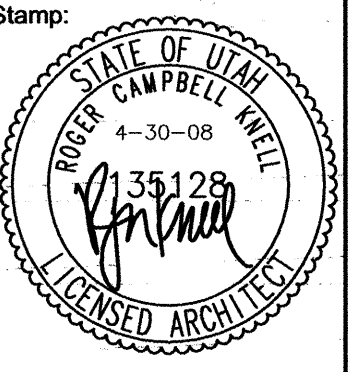


(2) ELEVATION
1/8" = 1'-0"



(1) ELEVATION
1/8" = 1'-0"

Architect / Engineer:
KNELL ARCHITECTS, P.C.
45 EAST 300 NORTH, PROVO, UTAH 84606
PHONE: (801) 373-6354 FAX: (801) 377-1061



DEER CREEK WARD
1102 S. CENTER STREET
MIDWAY, UT

Project for:
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Project Number: 595-6395-08010201
Plan Series: HER-TRA-98-14
Property Number: 595-6395-08010201

Sheet Title:

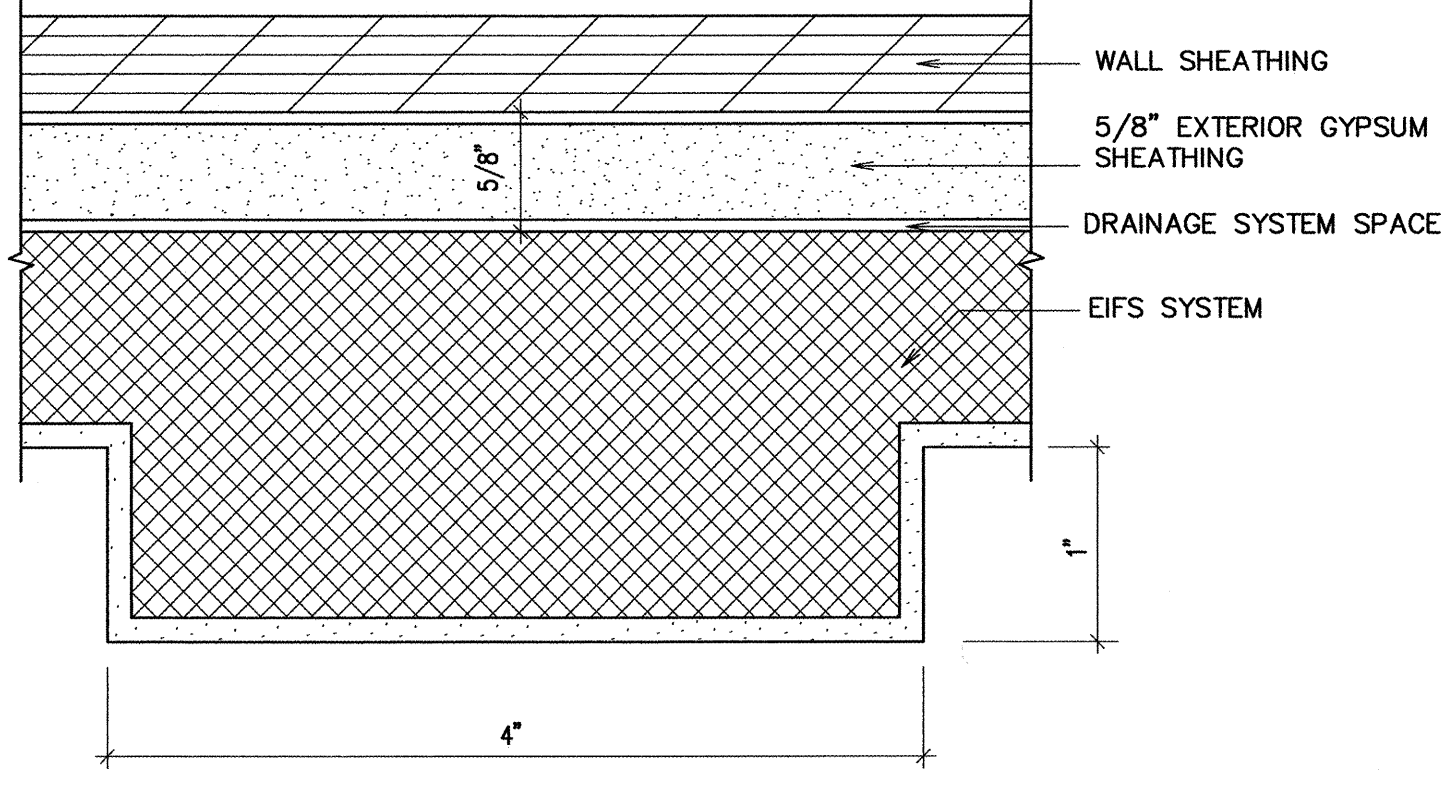
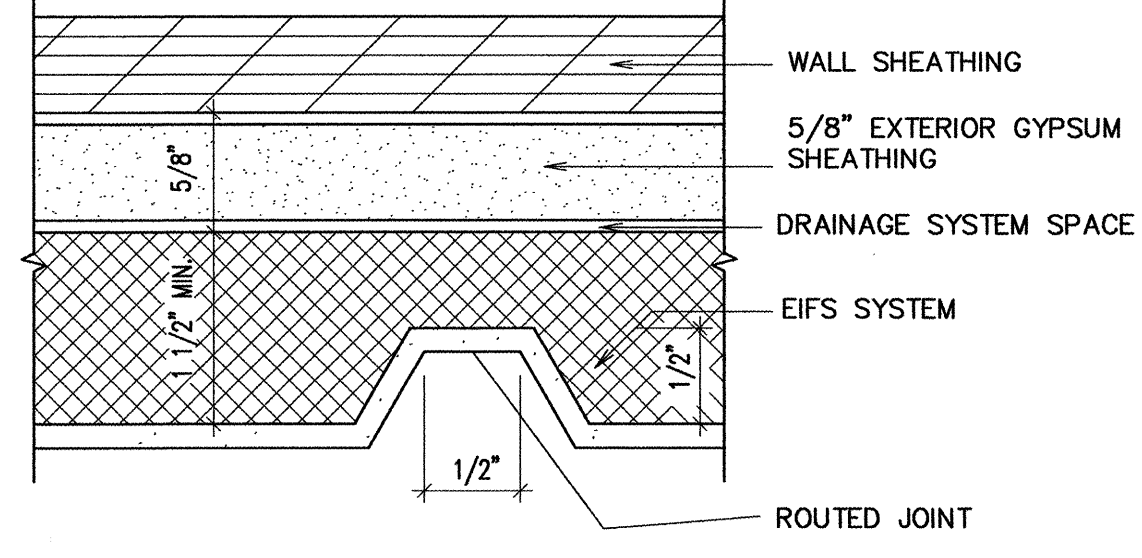
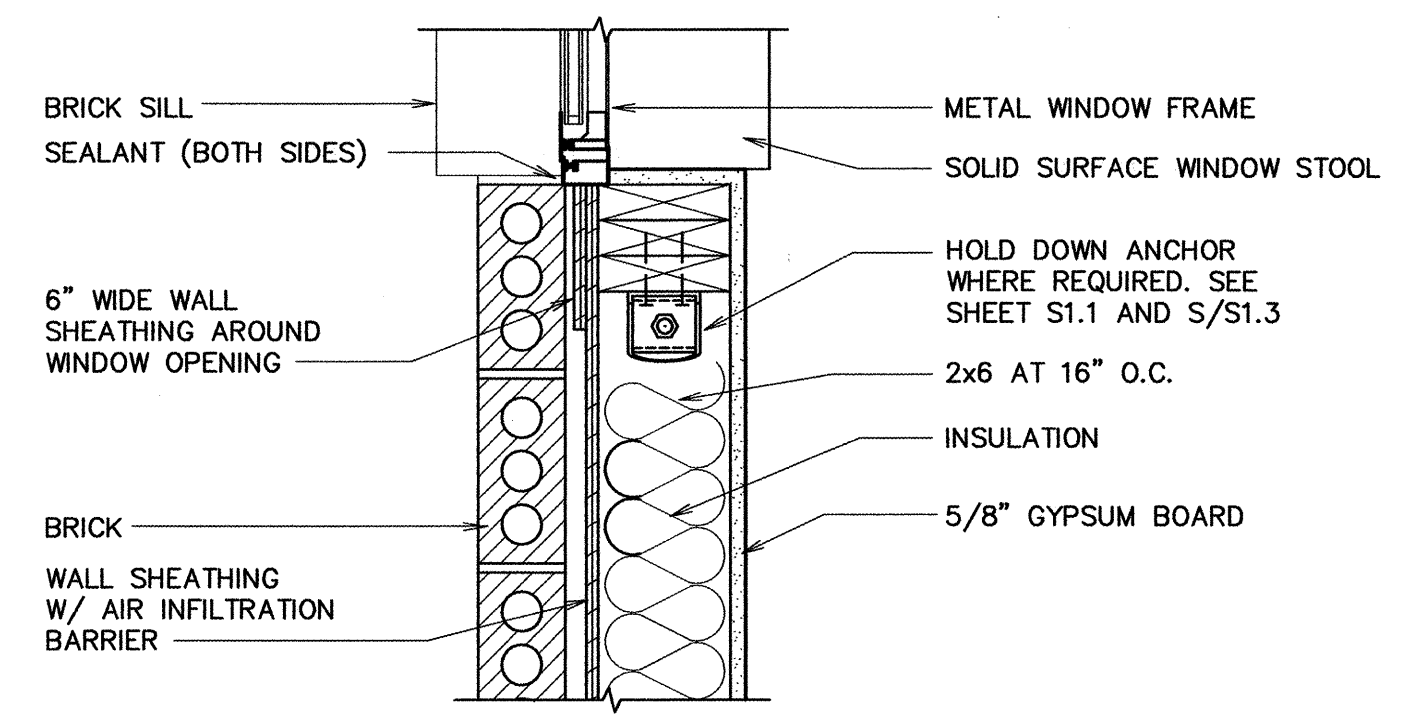
EXTERIOR ELEVATIONS

Sheet: **A2.1**

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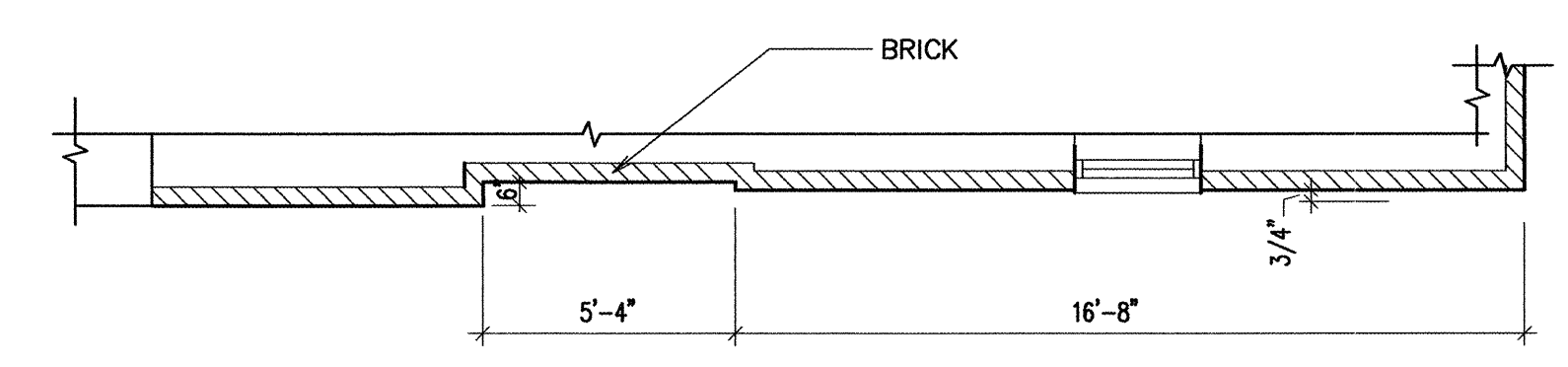
(C) NOT USED
 1/2" = 1'-0"

(D) JAMB
 1 1/2" = 1'-0"

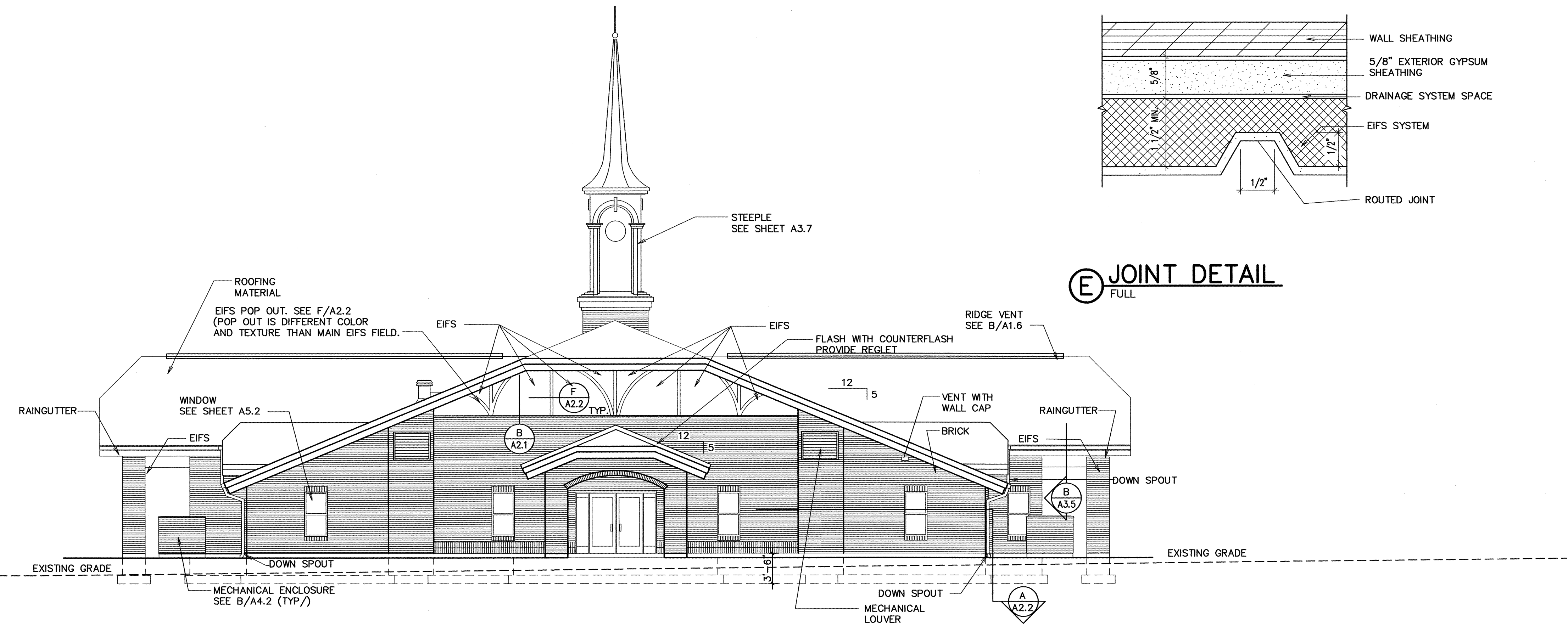


(F) DETAIL
 FULL

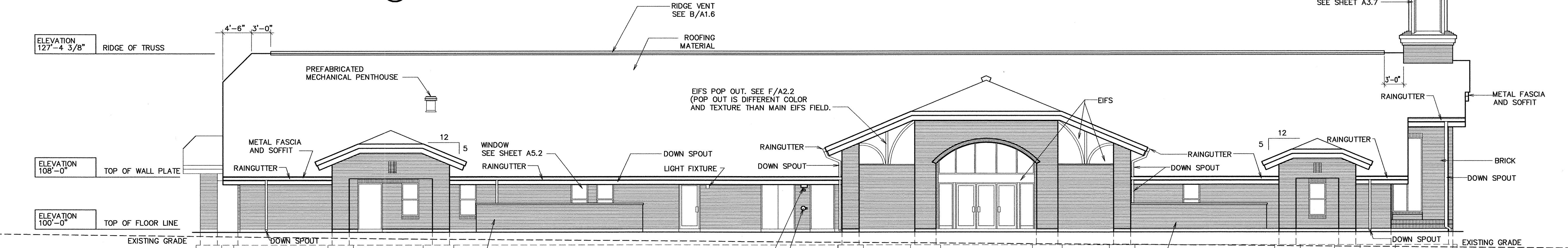
(E) JOINT DETAIL
 FULL



(A) DETAIL
 1/4" = 1'-0"

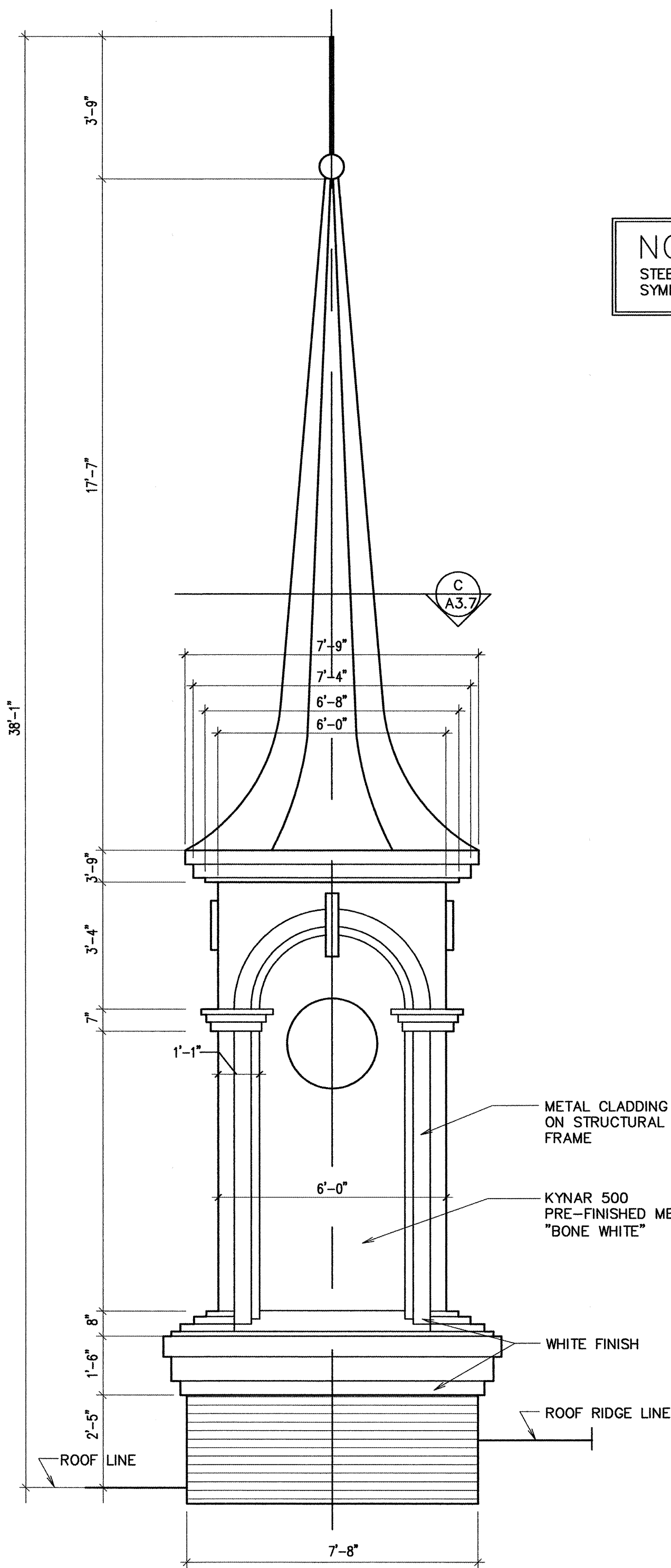


(4) ELEVATION
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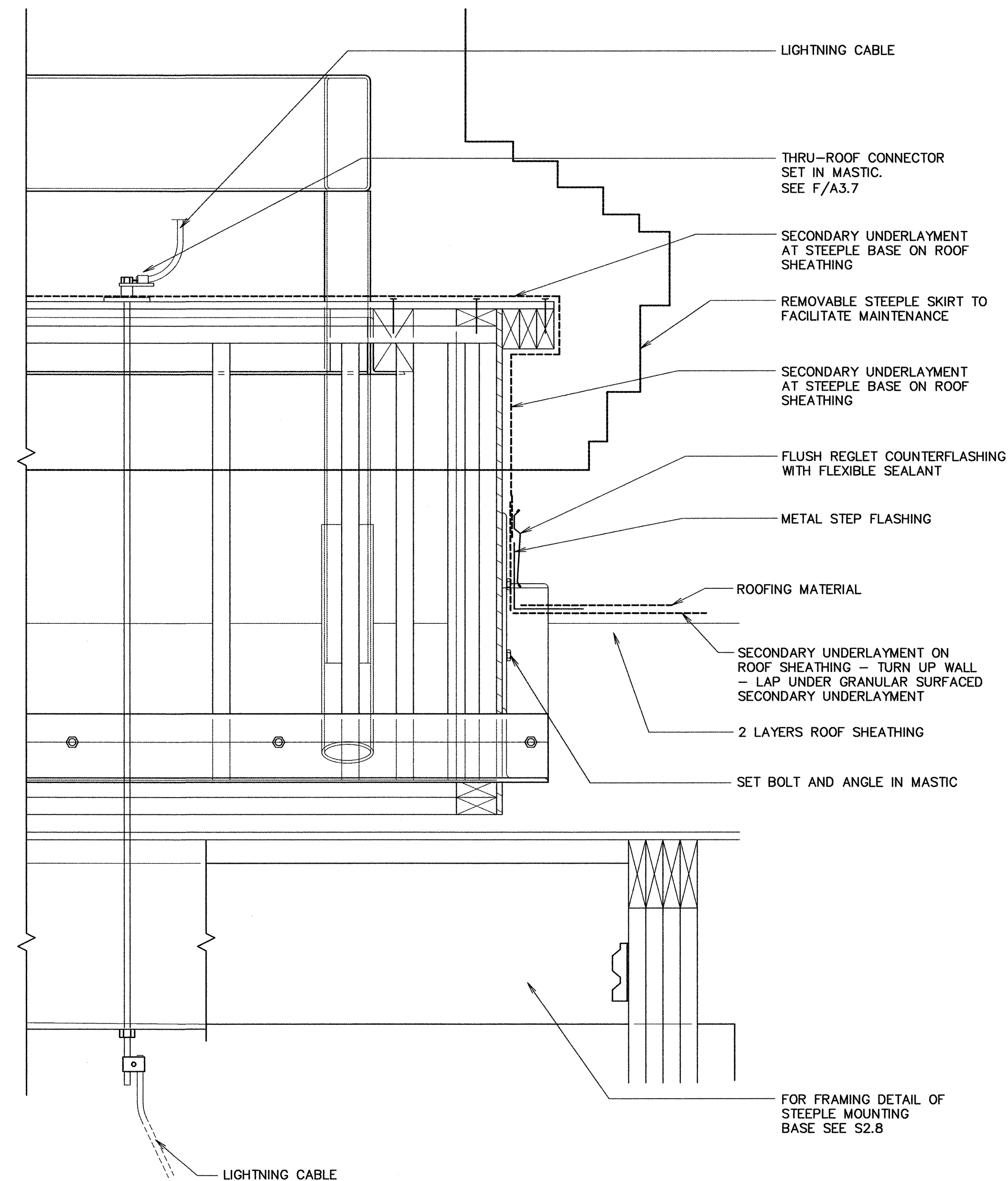
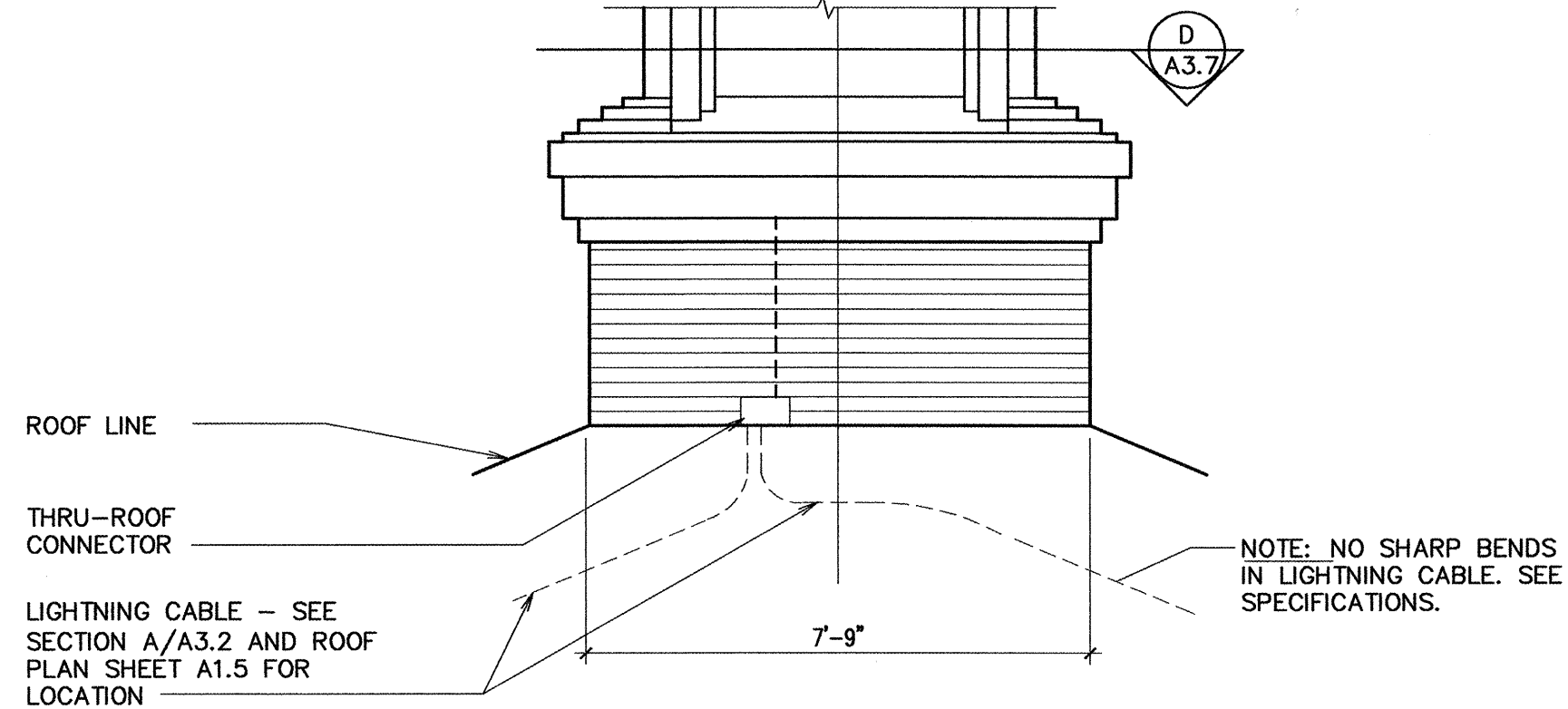
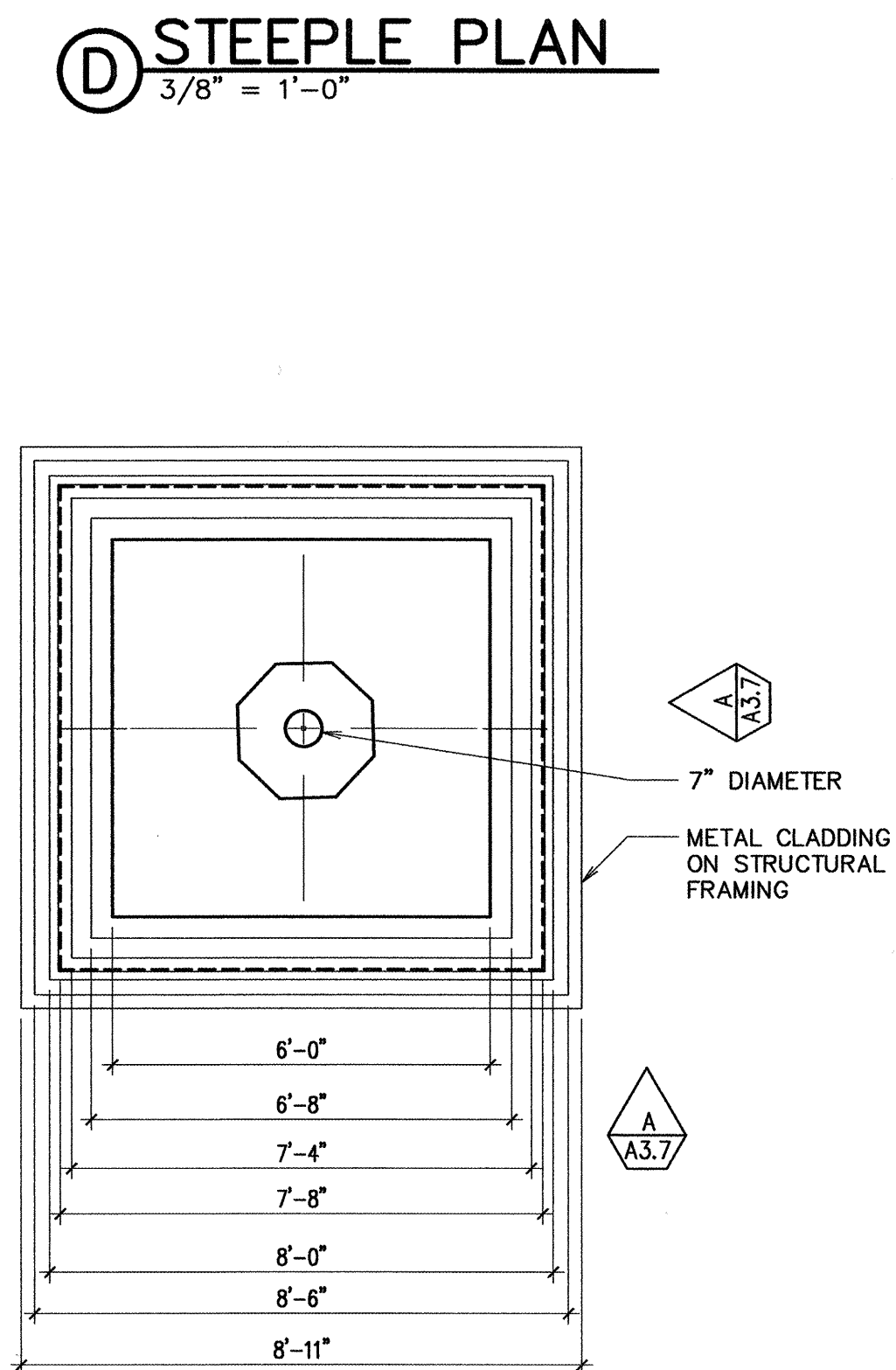
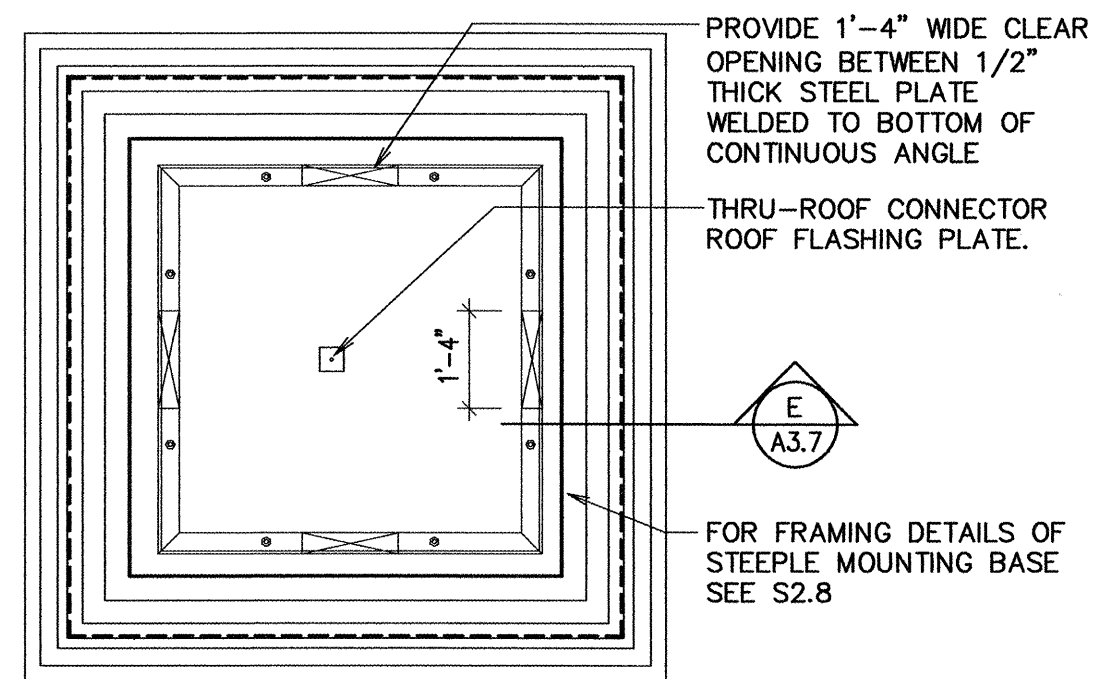


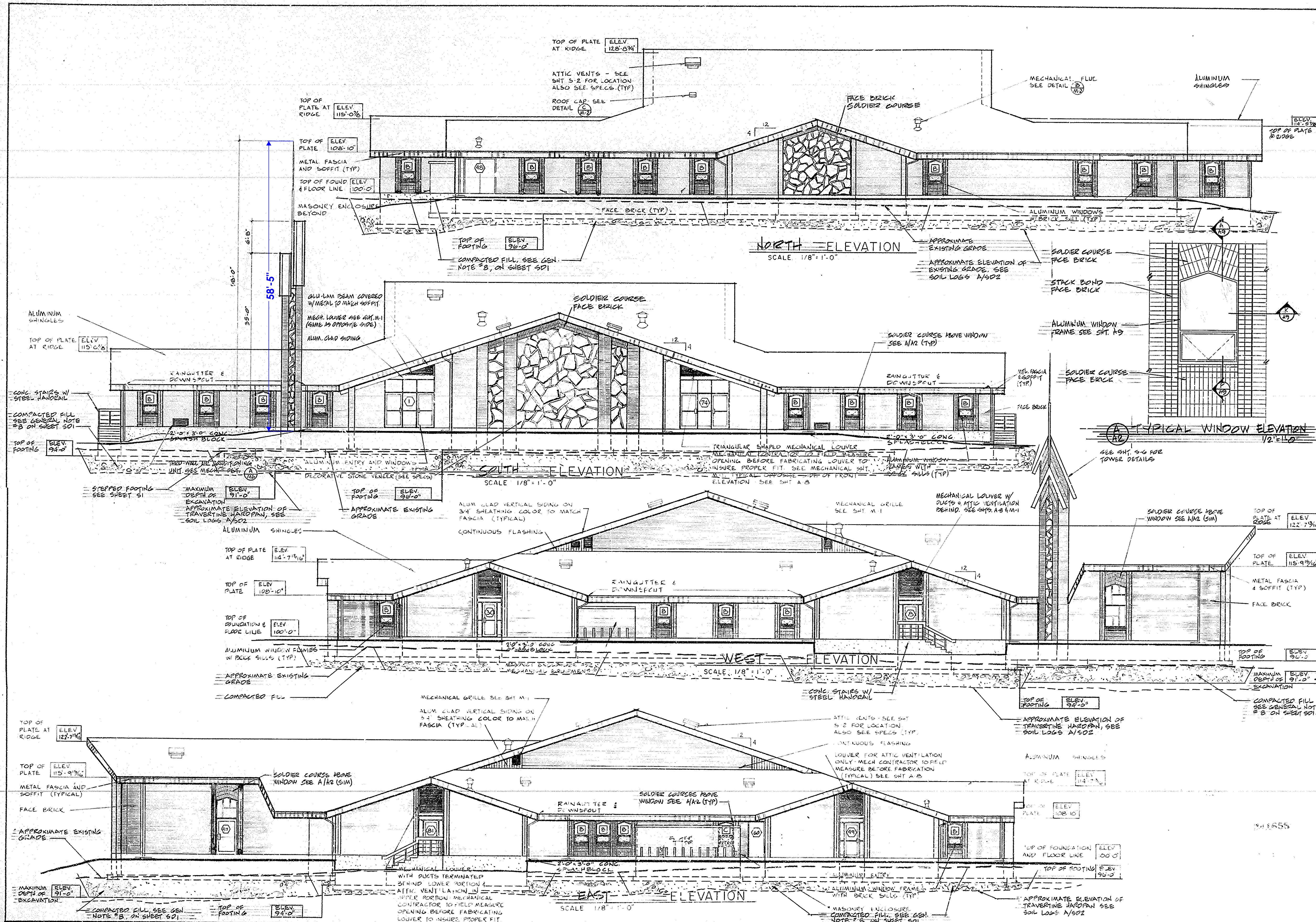
(3) ELEVATION
 1/8" = 1'-0"

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NOTE:
STEEPLE DIMENSIONS ARE SYMMETRICAL ABOUT CENTERLINES





DATE: AUG. 77

APPROVED: _____

MIDWAY 1ST & 2ND WARDS
MIDWAY UTAH - IHEBER CITY UTAH STAKE

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
CHURCH BUILDING DIVISION
DEPT. OF PHYSICAL FACILITIES
30 EAST NORTH TEMPLE, SALT LAKE CITY, UTAH

DRAWN BY: R J D
CHECKED BY: _____

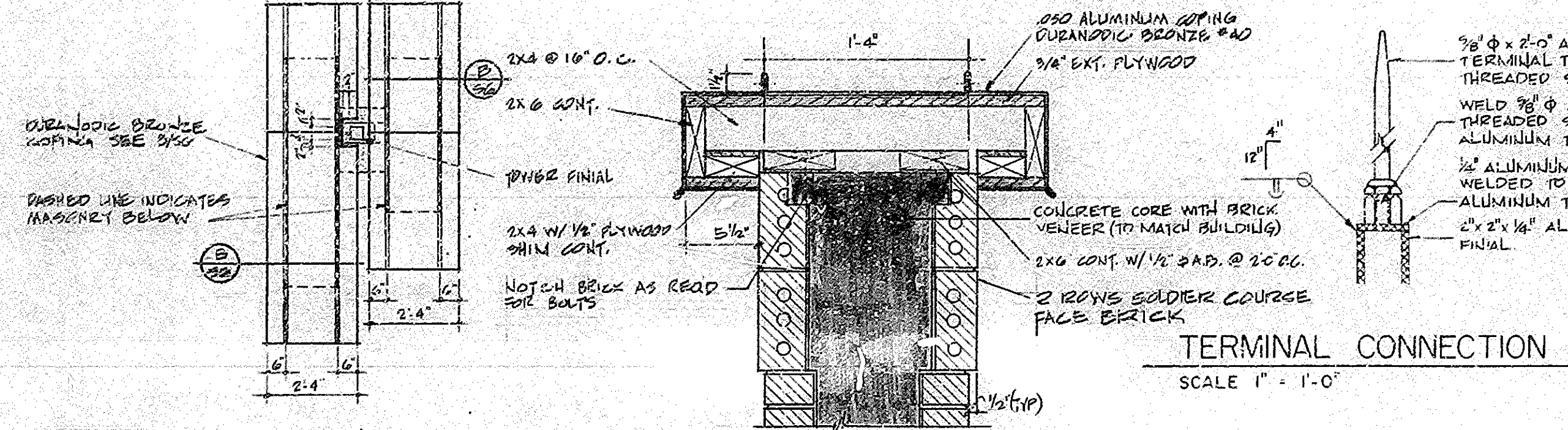
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EXTERIOR BUILDING ELEVATIONS

341555

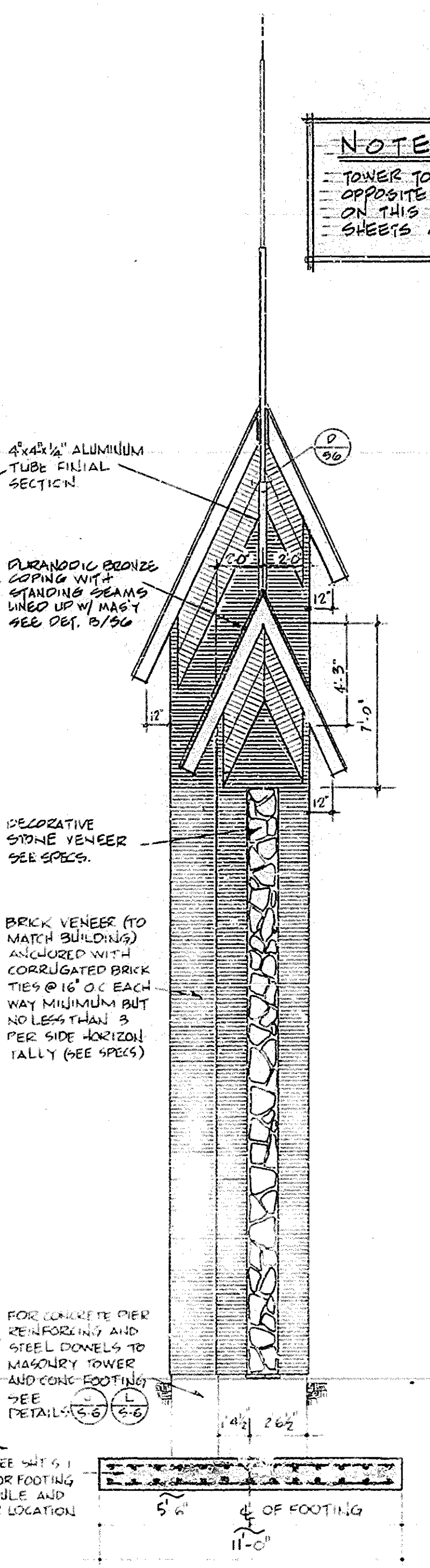
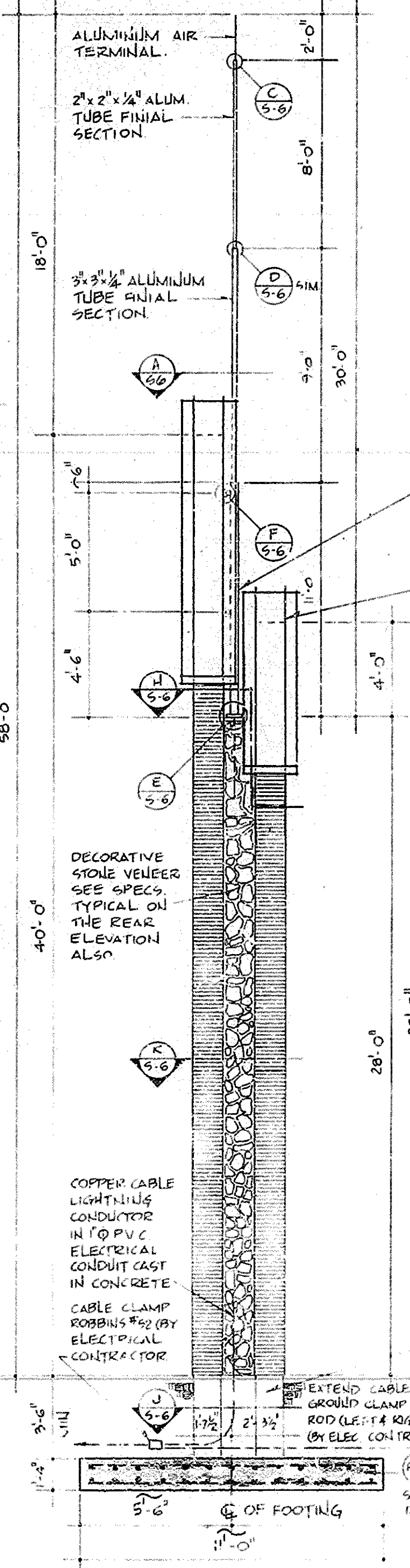
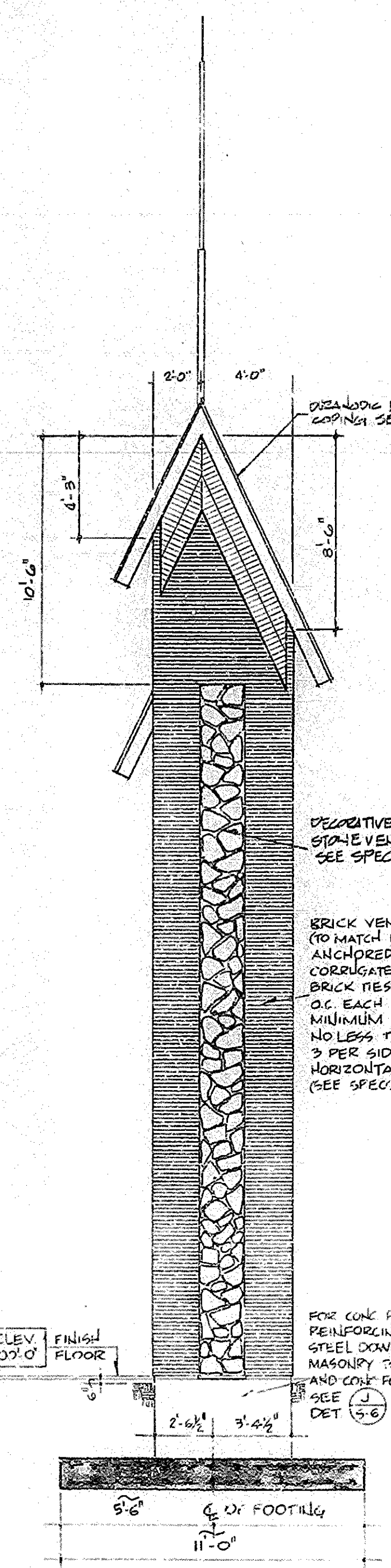
77-008

SHEET NO: A-2

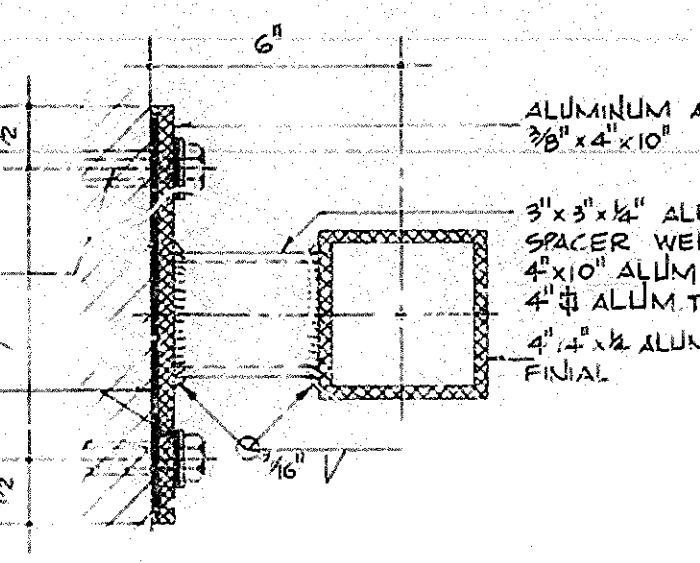
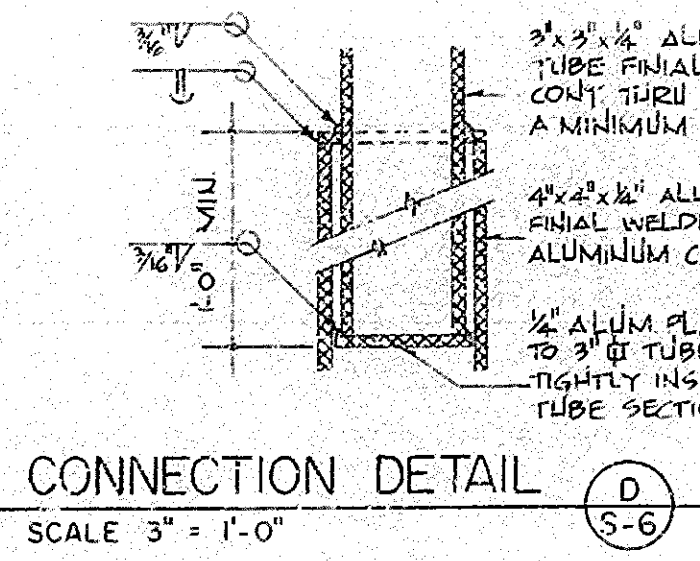
24X



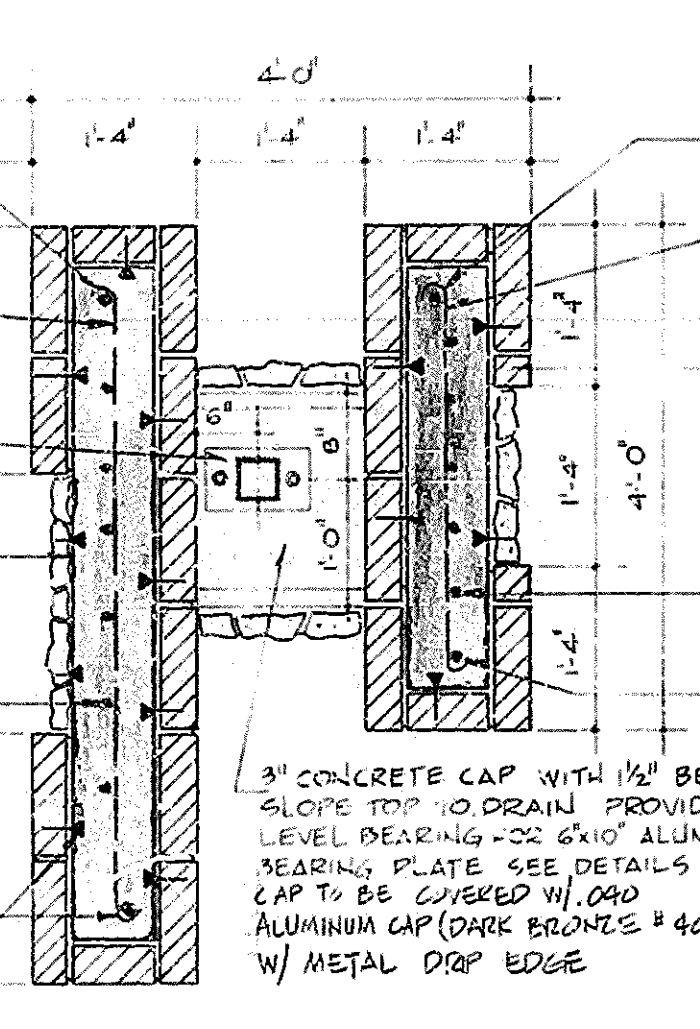
TOWER CAP PLAN
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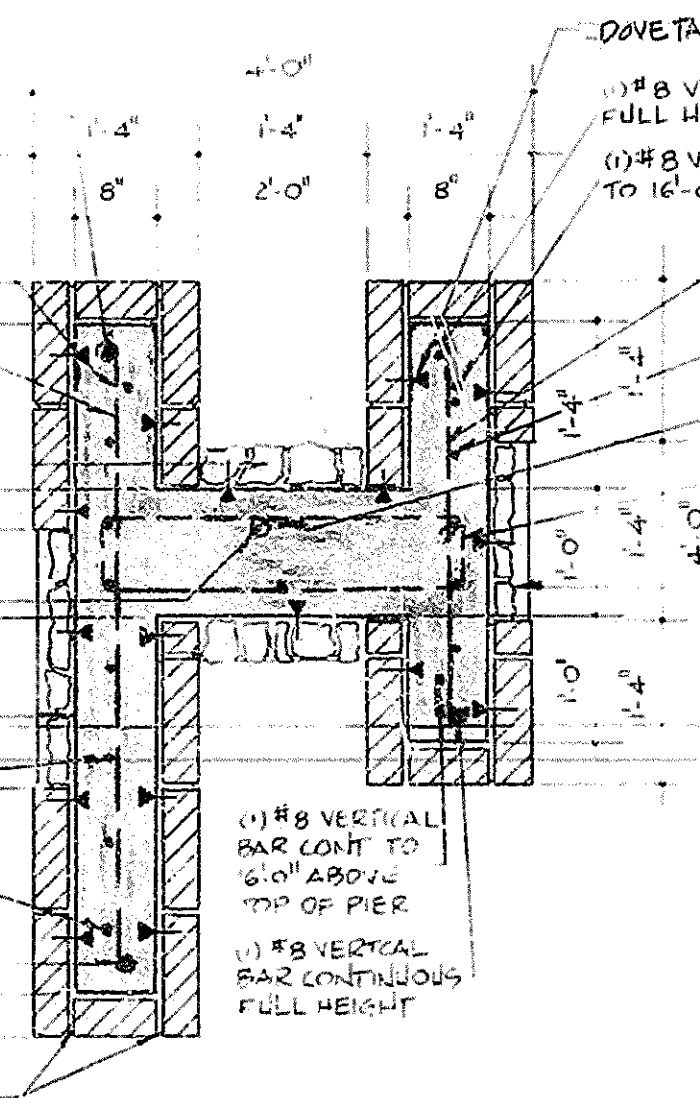
NOTE:
TOWER TO BE CONSTRUCTED OPPOSITE HAND OF DETAILS ON THIS SHEET. SEE SHEETS A1, A2 & S1



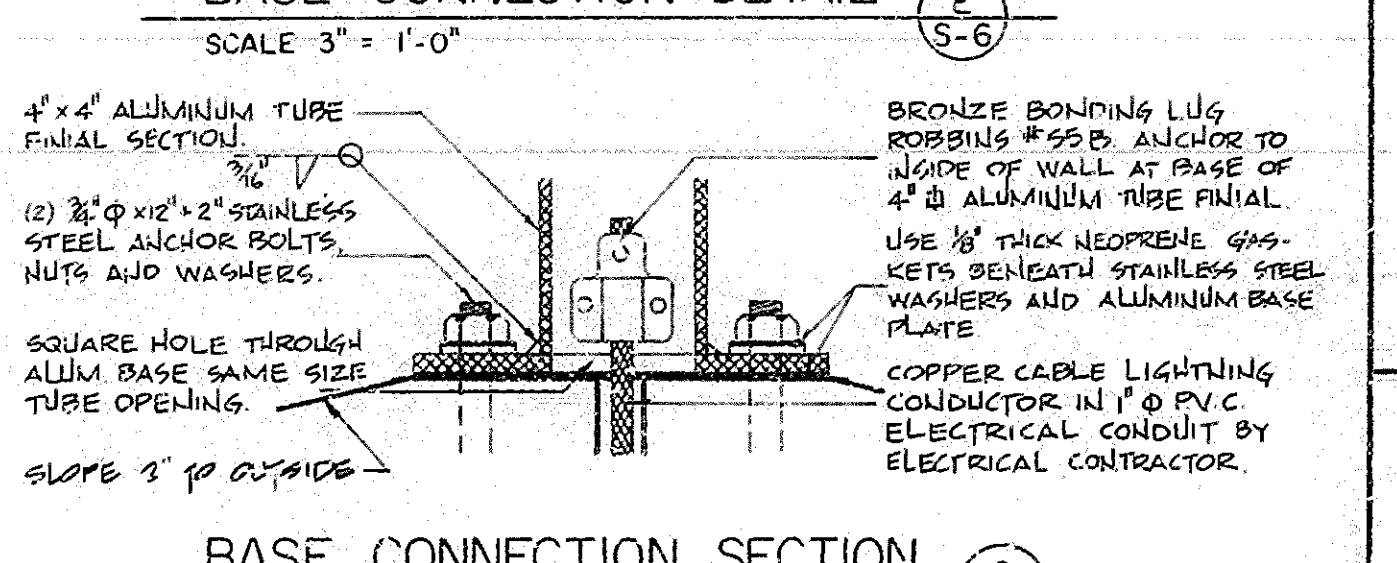
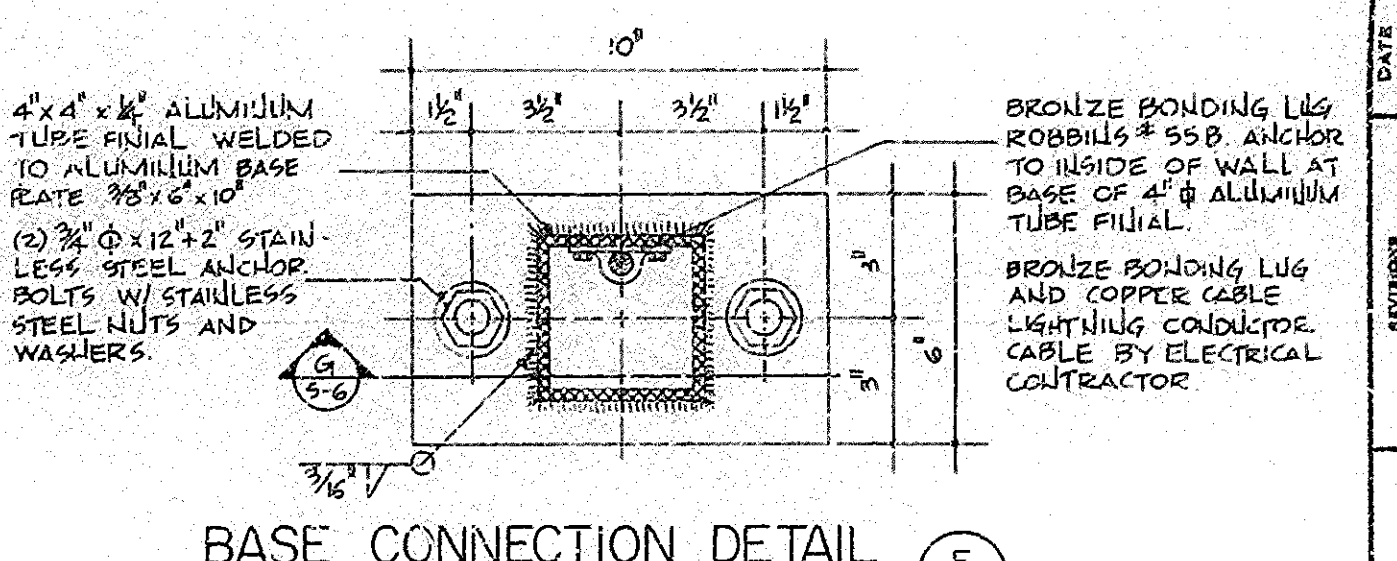
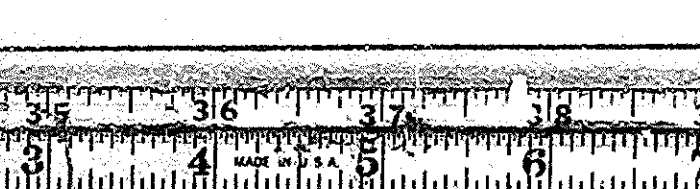
CONNECTION DETAIL F
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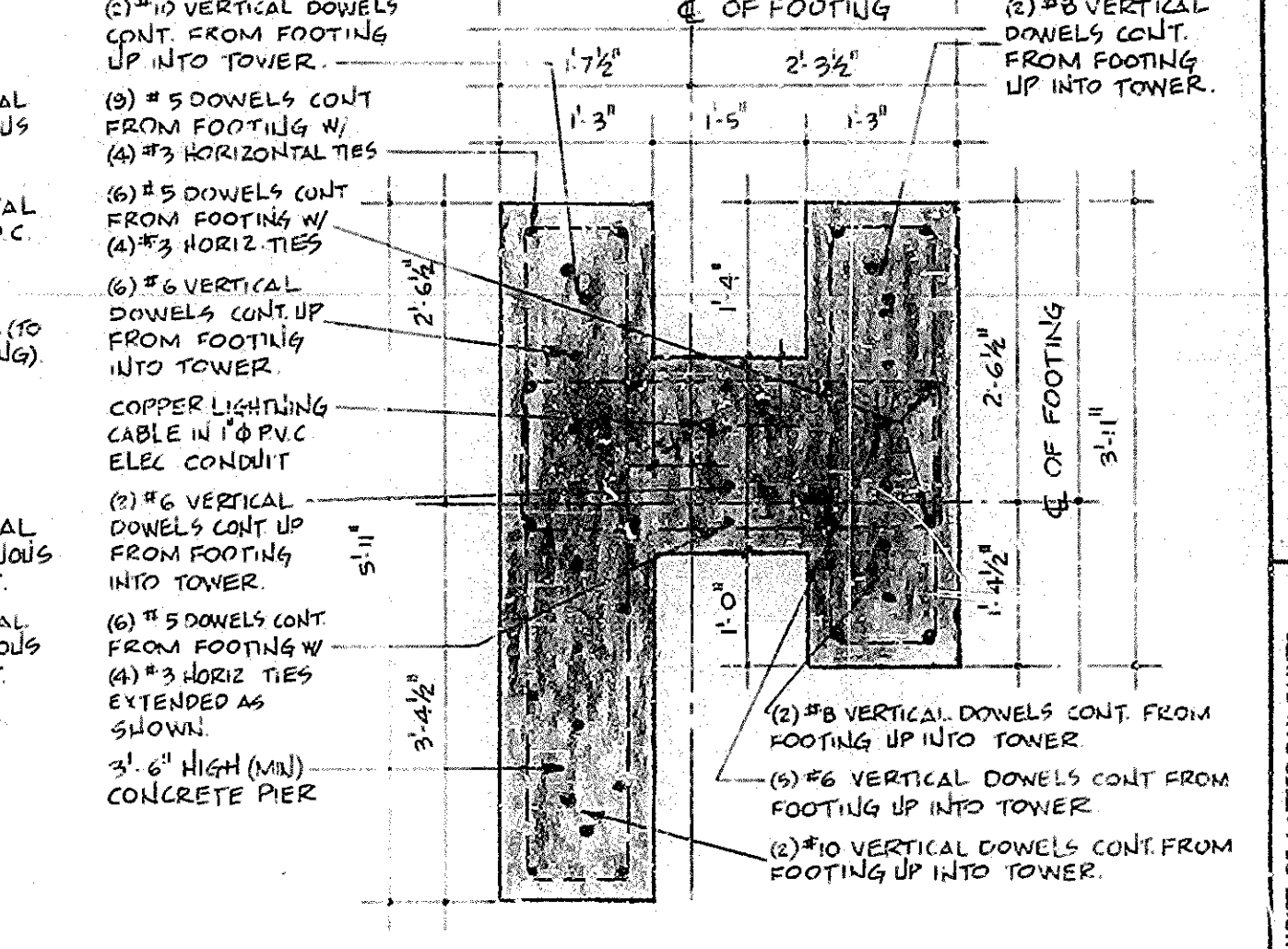
PLAN SECTION H
SCALE 3/4" = 1'-0"



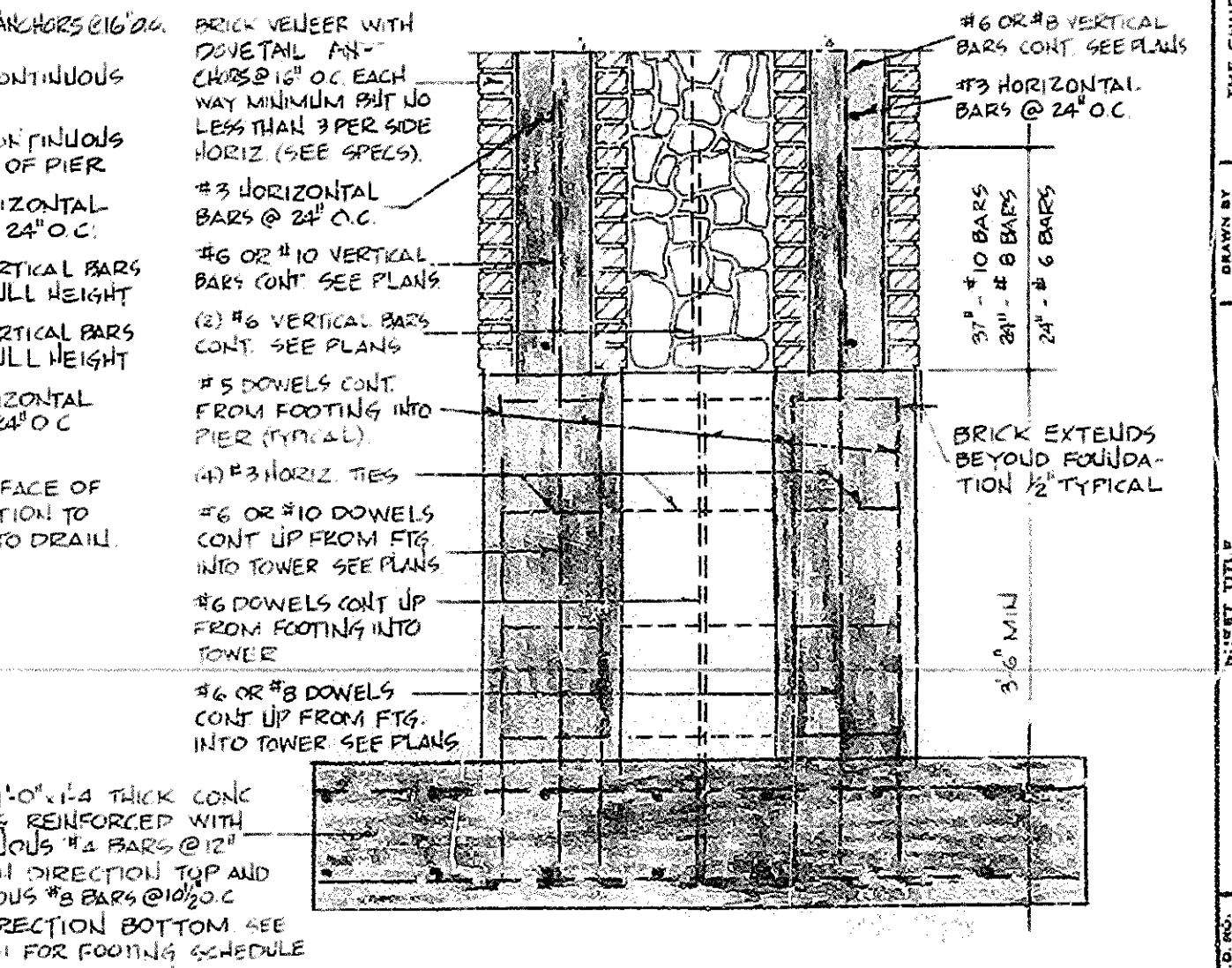
PLAN SECTION K
SCALE 3/4" = 1'-0"



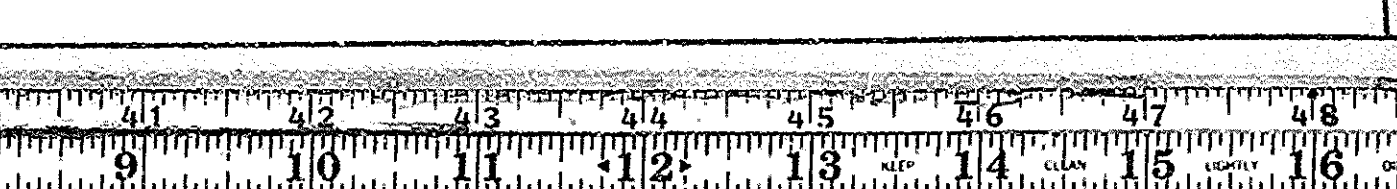
PIER PLAN SECTION J
SCALE 3/4" = 1'-0"



PIER SECTION L
SCALE 3/4" = 1'-0"



PIER SECTION L
SCALE 3/4" = 1'-0"



DATE: OCT 77
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 PROJECT: MIDWAY 1 ST & 2 ND WARDS
 MIDWAY UTAH - HEBER CITY UTAH STATE
 THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
 CHURCH BUILDING DIVISION
 DEPT. OF PHYSICAL FACILITIES
 50 EAST NORTHWEST CORNER
 SALT LAKE CITY, UTAH
 SHEET NO. 56
 PROJECT NO. 77-008
 SHEET NO. 56

242



Midway

**ORDINANCE
2025-06**

AN ORDINANCE TO AMEND SECTIONS 16.13.100 AND 13.13.390 OF THE MIDWAY CITY CODE TO ALLOW CHURCH STEEPLES TO EXTEND ABOVE THE MAXIMUM HEIGHT LIMIT AND SPECIFY CHURCH PARKING REQUIREMENTS.

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

WHEREAS, Section 16.13.100 of the City's Land Use Code currently contains the maximum height provisions for all buildings in Midway City; and

WHEREAS, Mike Davey, agent for the Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter-day Saints, is proposing an amendment to Section 16.13.100 to allow church steeples to reach a height of 70 feet, which is 17.5 feet higher than the current limit of 52 feet 6 inches; and

WHEREAS, the application states that allowing taller steeples on churches situated on large lots with adequate building setbacks will maintain compatibility with surrounding properties and will not negatively impact adjacent property owners; and

WHEREAS, relatedly, the City also desires to clarify and specify church-related parking requirements.

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

The Sections of the Midway City Code shall be amended as follows:

Section 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. 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. 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.
- F. Church steeples may extend up to 70 feet from natural grade to apex if all the following requirements are satisfied. If the following requirements are not satisfied, the maximum steeple height is 52'6".
 - 1. The church building is located on a lot that is a minimum of 3 acres.
 - 2. Steeples shall be set back from the front property line(s) or projected right(s)-of-way, whichever is greater, the minimum distance required by the zone. The height of the steeple may increase by one foot (with a beginning maximum steeple height of 52'6") for each additional foot the steeple is set back into the property, to a maximum of 70' (e.g., a 35' church height at a minimum 30' setback is allowed a steeple height of 52'6", a 35' church height at a 47'6" setback (where the minimum zone setback is 30') is allowed a steeple height of 70', a 35' church height at a minimum 50' setback is allowed a steeple height of 52'6", a 35' church height at a minimum 67'6" setback (where the minimum zone setback is 50') is allowed a steeple height of 70'). Maximum steeple height is also subject to subsection (F)(7) below.
 - 3. The steeple setbacks from the rear and side property lines are 100 feet minimum.
 - 4. The steeple shall not contain any habitable spaces above the building maximum height limit.

5. The portions of the steeple above the building shall not exceed 12 feet in width or depth.
6. A maximum of one steeple is allowed on the building or property.
7. The maximum building-to-steeple height ratio is 1:1.5.
8. No lighting of a steeple. A steeple shall not be lit from the ground or from other fixtures on the church or any other building or source. Light fixtures or lighting of any kind shall not be installed on or in the steeple.
9. Church steeples shall be designed and constructed to exhibit clear tapering from the base (lowest point of the steeple where it meets the main structure of the church or, for a detached steeple, from natural grade) to the apex (top of the steeple). The gradual tapering effect must be visually perceptible from public rights-of-way and surrounding properties. The average width of the top third of the steeple shall be less than half the width of the steeple base.

Section 13.13.390. Off-Street Parking and Loading

6. Churches shall have one parking space per three (3) seating spaces in the main assembly room. No parking shall be located between the front setback and the church. If the church is located on a corner lot or parcel, only one frontage will be restricted in this manner. The City Council, upon an applicant's request, may approve a parking plan different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.

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 _____, 2025.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)



Midway

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APPROVED:

Celeste Johnson, Mayor

ATTEST:

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(SEAL)