



## **CITY COUNCIL STAFF REPORT**

**DATE OF MEETING:** July 1, 2025

**NAME OF APPLICANT:** City of Midway

**AGENDA ITEM:** Ordinance 2025-19, Parking Agreements  
Code Text Amendment to revise Midway Code Section 16.13.390: Off-Street Parking and Loading, B. Location and Control of Parking Facilities, (2), to clarify that the City will not enter into parking agreements for parking in the City right-of-way and to further clarify that renewal of existing parking agreements entered into by the City are automatic unless the City determines a review is warranted in which case renewal shall be at the discretion of the City Council.

### **ITEM: 7**

Ordinance 2025-19, Parking Agreements: Proposed code text amendment to Midway City Code Section 16.13.390: Off-Street Parking and Loading, B. Location and Control of Parking Facilities, (2), to clarify that the City will not enter into parking agreements for parking in the City right-of-way and to further clarify that renewals of existing parking agreements entered into by the City are automatic unless the City determines a review is warranted in which case renewal shall be at the discretion of the City Council.

### **BACKGROUND:**

The Midway Municipal Code regulates location and control of parking facilities at Section 16.13.390 (B), which provides:

*B. Location and Control of Parking Facilities. The off-street parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve except if the following apply:*

1. *A cross parking agreement has been entered into with a neighboring party; said agreement must be approved by City Council.*
2. *75% of the required parking may be located off-site at a city approved and designated area. If outdoor dining required parking stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. The required fee will be adopted by the City Council as part of the City's fee schedule.*

Pursuant to this code provision, the City Council has authorized parking agreements for City owned parking. However, the City Council seeks to clarify that renewal may be subject to the discretion of City Council if deemed warranted. Similarly, recognizing that parking in the City right-of-way is meant to benefit all users, except where otherwise authorized under City Code, the City Council seeks to restrict this code provision to City owned parking NOT in the right-of-way.

The proposed amendment of Section 16.13.390 (B)(2) is as follows (proposed amendment highlighted in bold font):

2. *75% of the required parking may be located off-site at a city approved and designated area **that is not in the right-of-way**. If outdoor dining required parking stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area **that is not in the right-of-way**. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. **Renewal is automatic, unless the City determines a review is warranted, in which case renewal shall be at the discretion of the City Council.** The required fee will be adopted by the City Council as part of the City's fee schedule.*

Code text amendments fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the proposal.

## **DISCUSSION:**

The Midway General Plan promotes preserving the charm and feel of Midway and it also promotes addressing parking issues by finding creative solutions to parking issues

- The Midway General Plan, Land Use Goals and Guidelines, provides as Goal 1: *“To provide for residential areas in Midway that support and complement the unique resort and rural quality of the City.”*

Guideline 1 provides:

*Mitigate impacts of land uses which would adversely impact outlying residential areas, i.e., increased traffic, density, noise, visual disharmony, etc., by requiring adequate open areas, off-street parking, service parking, and setbacks along main roads and other areas of higher density housing and commercial development.*

- The Midway General Plan, Economic Goals and Guidelines, provides:

Goal 1, Guideline 10: *Support parking solutions that will support businesses, public uses, and civic needs and allow for shared parking opportunities.*

Goal 3, Guideline 1: *Determine the best locations for commercial and retail services as well as the infrastructure and code changes or incentives required.*

Main Street Parking (page 67): *Parking – Parking is quickly becoming a significant issue along the corridor. The City, in concert with businesses, can use several strategies to alleviate this problem.*

*Modify parking requirements by possibly decreasing the number of stalls required in conjunction with the creation of public parking lots.*

*Encourage businesses to develop shared parking partnerships that combine parking and reduce overall land consumption.*

*Guideline 9: Explore reducing parking requirements by creating public parking areas in the commercial district.*

*Guideline 10: Support parking solutions will support businesses, public uses, and civic needs and allow for shared parking opportunities.*

## **POSSIBLE FINDINGS:**

1. The proposed amendment is consistent with the current Midway General Plan, Land Use Goals and Guidelines, and Economic Goals and Guidelines for parking in the commercial district.
2. Parking spots in the City right-of-way traditionally have been meant for everybody on a first-come, first-serve basis. Parking agreements for right-of-way parking may contradict this traditional practice and/or may result in inefficient use of parking and pose challenges regarding enforcement.

3. The proposed revision does not affect the exceptions set forth in Midway Code Section 16.13.390 (F)(2), which allows the City Council to permit parking in the right-of-way in commercial zones where “*a significant landscaped or open area (a minimum of forty-five (45) feet in width and 0.15 acres is preserved by incorporating the required off-street parking into the street right-of-way)*”. (see., e.g., The Corner Restaurant, n/k/a Midway Harvest)

## **PLANNING COMMISSION RECOMMENDATION:**

At its regularly scheduled meeting held June 10, 2025, the Midway City Planning Commission made the following recommendation:

**Motion: Commissioner Knight: I make a motion that we recommend approval code text amendment of the Midway City Code Chapter 16.13.390: Off-Street Parking and Loading, B. Location and Control of Parking Facilities, (2), to clarify that the City will not enter into parking agreements for parking in the City right-of-way and to further clarify that parking agreements entered into by the City are not subject to automatic renewal but remain at the discretion of the City Council. We accept the staff report and the staff findings.**

**Seconded: Commissioner Nokes**

**Chairman Garland: Any discussion on the motion?**

**Chairman Garland: All in favor.**

**Ayes: Commissioners: Lineback, Osborne, Nokes, Miles, Knight and Facer**

**Nays: None**

**Motion: Passed**

## **ALTERNATIVE ACTIONS:**

1. Recommendation of 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 the 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 the 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. Recommendation of 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 the staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

None



**Midway**

## **ORDINANCE 2025-19**

### **AN ORDINANCE TO AMEND SECTION 16.13.390(B)(2) OF THE MIDWAY CITY CODE REGARDING PARKING AGREEMENTS.**

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

**WHEREAS**, Midway City Code Section 16.13.390 governs off-street parking and loading and its subsection (B) specifically governs the location and control of parking facilities; and

**WHEREAS**, the City desires to add amend the language of Section 16.13.390(B)(2) to clarify that the renewal of a parking agreement may be subject to the discretion of the City Council if deemed warranted, and that the City will not enter parking agreements for parking in the City's right-of-way ; and

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

Section 16.13.390(B) shall be amended to read as follows:

#### **16.13.390 Off-Street Parking and Loading**

- B. Location and Control of Parking Facilities. The off-street parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve except if the following apply:
1. A cross parking agreement has been entered into with a neighboring party; said agreement must be approved by the City Council.
  2. 75% of the required parking may be located off-site at a city approved and designated area **that is not in the right-of-way**. If outdoor dining required parking

stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area **that is not in the right-of-way**. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. **Renewal is automatic, unless the City determines a review is warranted, in which case renewal shall be at the discretion of the City Council.** The required fee will be adopted by the City Council as part of the City's fee schedule.

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

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Council Member Lisa Orme

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Council Member Kevin Payne

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Council Member Craig Simons

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Council Member JC Simonsen

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APPROVED:

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Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)