



CITY COUNCIL STAFF REPORT

DATE OF MEETING: July 15, 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, and to add additional subsections 3 and 4 regarding underground parking should the City amend Section 16.13.390 (L) regarding parking structures.

ITEM: 10

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, and to add new subsections (3) and (4) regarding below natural grade parking should the City amend Section 16.13.390 (L) regarding parking structures.

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.*

Item 9 on the City Council agenda for July 15, 2025, is Ordinance 2025-18, an application by Paul Berg, on behalf of Southill, to amend Section 16.13.390 (L) to allow underground parking. Please refer to that staff report for a discussion of the proposed amendment.

If the City Council decides to amend 16.13.390 (L) to allow below grade parking as proposed in Item 9, then the following amendments to Chapter 16.13.390 (B) should be considered:

Proposed changes to Section 16.13.390 (B) (proposed language highlighted in bold font):

Section 16:13:390 (B) (3): Parking above natural grade shall not have building area above such parking within 50' of the edge of the right-of-way of the following: Main Street, Center Street, River Road or from roads fronting the Town Square, which include the following:

- a. **100 North (100 West to 200 West),**
- b. **100 West (Main Street to 100 North), and**
- c. **200 West (Main Street to 200 North).**

Other permitted and conditional uses must occupy the ground floor between the edge of the right-of-way and the streets listed above.

The rationale behind this restriction is to keep commercial space at ground level in the front areas of commercial buildings in commercial zones and avoid parking with commercial above it fronting our main commercial corridors.

Section 16:13:390 (B) (4): Below natural grade parking is allowed under required or voluntary open space if the design of the below natural grade parking allows the open space to be visually indistinguishable from open space areas that do not have parking below.

Given the parking challenges in Midway, the rationale behind this proposed amendment is to allow use of open space for underground parking if it does not change the appearance of the open space.

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 states the following regarding these issues (emphasis added)

- Land Use Goals and Guidelines:

Goal 1: To provide for residential areas in Midway that support and complement the unique resort and rural quality of the City.

Guideline 1: 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.

- Economic Goals and Guidelines:

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.*

Main Street Introduction (page 64): Main Street is the economic, architectural, and historical heart of the community. The most powerful and lasting image associated with Midway is Main Street. This commercial core should be developed as a distinctive shopping and business area emphasizing it as an attractive meeting place and staging area for festivals, special events, celebrations, and a variety of community activities which will produce a vibrant and healthy community centerpiece. Midway has a unique small-town and village feel. **It is an important goal of the community to preserve the charm of Midway, especially along Main Street.**

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

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)

4. Restricting building area above parking above natural grade within 50’ of the edge of right-of-way of Main Street, Center Street, River Road, or roads fronting the Town Square helps keep commercial space at ground level in the front of commercial buildings in commercial zones, furthering the walkability goal for downtown Midway as described in the General Plan.
5. Allowing below natural grade parking under required or voluntary open space provided the open space remains visually indistinguishable from open space areas that do not have parking below would allow another tool to address the challenges of limited parking in commercial zones without changing the appearance of open space.

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 amend the language of Section 16.13.390(B)(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; and

WHEREAS, the City has considered allowing below natural grade parking in certain circumstances and under certain conditions, and desires to amend the language of Section 16.13.390 B to add subsection (3) to restrict commercial building areas above parking above natural grade within 50' of the edge of right-of-way of Main Street, Center Street, River Road, and roads fronting the Town Square, and to add subsection (4) to allow below natural grade parking under required or voluntary open space provided the open space appearance remains unchanged,

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.
3. Parking above natural grade shall not have building area above such parking within 50' of the edge of the right-of-way of the following: Main Street, Center Street, River Road or from roads fronting the Town Square, which include the following:
 - a. 100 North (100 West to 200 West),
 - b. 100 West (Main Street to 100 North), and
 - c. 200 West (Main Street to 200 North).Other permitted and conditional uses must occupy the ground floor between the edge of the right-of-way and the streets listed above.
4. Below natural grade parking is allowed under required or voluntary open space if the design of the below natural grade parking allows the open space to be visually indistinguishable from open space areas that do not have parking below.

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)