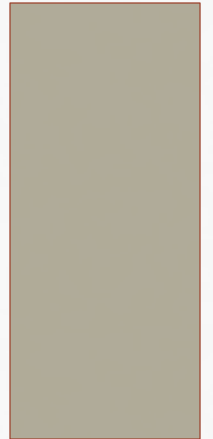


OFF-STREET PARKING

CODE CHAPTER 16.16.390

ITEM 7 - CODE TEXT AMENDMENT



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 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.

EXISTING CODE

- 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.*

BACKGROUND

- City Council has authorized parking agreements for City-owned parking.
- Parking agreements automatically renew but recommend City Council retain discretion to revisit if warranted.
- Additionally, recognizing that parking in the City right-of-way is meant to benefit all users, except where otherwise authorized under City Code, we understand the City Council seeks to restrict this code provision to City owned parking NOT in the right-of-way.

PROPOSED CODE

(CHANGES 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 City Council.** The required fee will be adopted by the City Council as part of the City's fee schedule.

SECTION 16.13.390 (B)(3), (4)

- If the City Council decides to amend 16.13.390 (L) to allow below grade parking (item 9), consider:
- **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.

SECTION 16.13.390 (B)(3), (4)

- **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.

MIDWAY GENERAL PLAN LAND USE GOALS & 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 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.*

MIDWAY GENERAL PLAN ECONOMIC GOALS & 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.*

LEISLATIVE ACTION

- 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)

POSSIBLE FINDINGS CONT.

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 FOR APPROVAL

- 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.
 1. Accept the staff report
 2. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 1. Accept the staff report
 1. List accepted findings
 2. Reasons for continuance
 3. Unresolved issues that must be addressed
 4. 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.
 1. Accept the staff report
 2. List accepted findings
 3. Reasons for denial