

**Midway City Council
28 February 2018
Work Meeting**

Ordinance 2018-06 / Setbacks



CITY COUNCIL WORK MEETING STAFF REPORT

DATE OF MEETING: February 28, 2018

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16

ITEM: 3

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the requirements for setbacks of planned unit developments, large-scale and small-scale subdivisions located in Sections 16.16.8, 16.16.9 and 16.17.7 of the Land Use Code. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote preserving view corridors and the rural atmosphere of Midway.

BACKGROUND:

The purpose of this item is to review and amend the City's land use ordinance regarding setbacks with the goal of preserving view corridors and preserving a rural atmosphere in Midway. The purpose of reviewing the ordinance is based on the newly revised Midway City General Plan that was adopted in January of this year. Two of the main goals of the General Plan revisions was to promote open space and to preserve the rural character of Midway. These two goals developed from the City's General Plan survey that was conducted in 2016. In that survey information was gathered regarding the residents' preferences of the vision they have for Midway. 66% of the 483 responses to that survey stated the rural atmosphere was very important to them. 70% felt that the quietness of Midway was very important. 69% felt that open space protection was very important.

The idea that developed in the Community Vision Committee that was formed that reviewed that chapter of the General Plan was to preserve the rural atmosphere, preserve open space, and protect view corridors by extending the required setbacks along City streets. By doing this the City will help retain its rural atmosphere. Below are some examples from the General plan that promote this extending the setbacks from City streets:

Elements of the Community Vision

- *Effective planning through clustering, setbacks, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
- *Midway will retain a rural atmosphere through open space preservation*
 - *Through effective zoning, Midway will plan for density closer to its core reinforcing more open space and less density as the City grows to its limits.*
 - *All developments will incorporate various kinds of open space into their projects.*
 - *Open spaces will be accessible, visible, appropriately landscaped (depending on the open space purpose and use) and will be aesthetically pleasing.*
 - *Development and City entryways will be landscaped, aesthetically pleasing and, where appropriate, will reinforce a Swiss/ European theme.*
 - *Effective planning through clustering, setbacks, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
 - *Animal rights will be protected and promoted to help preserve the rural atmosphere and preserve open space.*
- *High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the City;*
- *Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.*
- *Objective 1: 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.*

- *Guideline 1: Consider reviewing the Municipal Code to possibly reduce density where appropriate.*
- *Beautiful scenery and recreation has also made Midway a resort destination. Visitors from across the world have enjoyed the community's festivals, events, and outdoor opportunities. Midway seeks to maximize both economic strength and the rural character of the community.*

There is clearly support for protecting the rural atmosphere and protecting view sheds. One of the best ways to accomplish this goal is by extending setbacks along our City streets, especially collector roads. This is not a new concept to the City and efforts have been made to accomplish this goal but there are amendments that can be made to the current code to make the code more effective. Below are the proposed amendments to the code:

Section 16.16.9 Standards and Requirements specific to Standard Subdivisions

2. Dwellings and permitted structures shall be located so as to best comply with the intent of this Title and shall meet the following standards:

a. Setbacks along the peripheral property lines of the subdivision shall be a minimum of 30 feet except for side setbacks for lots that front a street that will be extended to a neighboring property. The side setback for those lots will need to comply with the minimum for the zone in which the property is located. For safety reasons, the City may require buildings in any subdivision to be set back further from certain areas, such as sensitive lands or combustible native vegetation.

~~b. Setbacks adjacent to existing and proposed minor collector and collector streets or streets to be dedicated to the City shall be a minimum of 30 feet within a standard subdivision.~~

b. Setbacks from the following streets shall be a minimum of 100'

i. Burgi Lane;

ii. River Road;

iii. Pine Canyon Road;

iv. Homestead Drive;

v. Michie Lane, east of Center;

vi. Center Street, south of Main Street (SR 113);

vii. Tate Lane;

viii. Stringtown Road;

ix. 200 North, west of 200 West.

x. Cari Lane

xi. 500 South

xii 600 North

xiii. 250 West

Standard subdivisions that have at least 250' of frontage on the roads listed in this section and require a 100' setback may reduce lot size and frontage proportionally as provided in the Open Space Requirements Specific to Standard Subdivisions. Standard subdivisions that do not require a 100' setback can only reduce lot size and frontage proportionally for open space provided above the 15% requirement as provided in the Open Space Requirements Specific to Standard Subdivisions.

c. This setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads.

d. Notwithstanding the setback requirement noted earlier in this Section, no accesses directly to individual dwelling units within a standard subdivision shall be allowed directly from the following streets; rather, access must be made from streets within the development, unless this is a practical impossibility.

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road; ~~or~~
- ix. 200 North, west of 200 West.

- x. Cari Lane
- xi. 500 South
- xii. 600 North
- xiii. 250 West

Section 16.16.8 Standards and Requirements Specific to Planned Unit Development

a. Setbacks along the peripheral property lines of the PUD shall be a minimum of ~~30~~ 40 feet. For pads located within 60' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with one-third of the structures having a 40' setback, one-third having a 50' setback, and one-third having a 60' setback. No structure within 50' of another structure shall have the same setback. For safety reasons, buildings may be required to be set back further from recreational areas.

b. Setbacks ~~adjacent to existing public collector streets or collector streets to be dedicated to the City from the following streets~~ shall be a minimum of ~~100~~ 120 feet for all structures and parking. This setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads. ~~For aesthetic and open space purposes, the Planning Commission and City Council may require further setbacks from the following roads:~~

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;

- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road; ~~or~~
- ix. 200 North, west of 200 West.

- x. Cari Lane
- xi. 500 South
- xii 600 North
- xiii. 250 West

No accesses to individual dwelling units within a PUD shall be allowed directly from the above streets. Access must be made from streets within the development.

Section 16.16.10 Open Space General Requirements

~~F. At least one-half of the required open space shall be retained in a single open space area in as much of a square shape as possible with the preference that the open space be placed along collector streets. A minimum of 50' open space area is required along the following listed roads. Any other required open space may be placed in other areas of the development.~~

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West.
- x. Cari Lane
- xi. 500 South
- xii 600 North
- xiii. 250 West

~~G. To the greatest extent possible, open space areas shall be placed so as to be visible from both inside and outside the development.~~

G. Open space areas shall not be fenced with sight obtrusive fencing.

Section 16.16.11 Open Space Requirements Specific to PUDs

A. Not less than 50 percent of the area of the PUD shall be retained in permanent open space, parks and playgrounds.

B. Common areas and other open space areas with a width smaller than 100 feet in any direction shall not be counted as open space- except for the peripheral property line setback area which will be counted as open space.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Ream: Proposing that we recommend to City Council that there be a code text amendment of Midway City’s land use code that would amend the requirements for setbacks and planned unit developments, large-scale and small-scale subdivision located in Sections 16.16.8, 16.16.9 and 16.17.7 of the Land Use Code. The code text amendment is what you have in F with the changes that Planner Henke will make and in G and we accept the findings of staff.

Seconded: Commissioner O’Toole

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners Nicholas, Ream, O’Toole, Payne, Bouwhuis and Jenkins

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- Preserving view corridors and open space is an important goal for the community
- Extending setbacks will preserve the rural atmosphere of Midway
- Protecting entry corridors and collector roads from crowding will benefit the entire community

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council that the proposed language is an acceptable addition to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
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 feels 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



ORDINANCE 2018-06

AN ORDINANCE AMENDING PORTIONS OF SECTIONS 16.16.8, 16.16.9 and 16.16.10 OF THE MIDWAY CITY LAND USE CODE REGARDING SETBACKS FOR PLANNED UNIT DEVELOPMENTS, LARGE SCALE DEVELOPMENTS, AND SMALL SCALE DEVELOPMENTS, AND RELATED MATTERS.

WHEREAS, the Midway City has adopted a General Plan which includes provisions regarding the preservation of view corridors and preservation of the rural feel and atmosphere of Midway City; and

WHEREAS, the Code change contained herein will further the direction and intent of the Midway City General Plan; and

WHEREAS, the proposed Code amendment contained herein was presented to the Midway City Planning Commission who voted to recommend the Code amendment to the City Council; and

WHEREAS, notice regarding this proposed ordinance has given as provided by law; and

WHEREAS, the City Council accepts the recommendation of the Midway City Planning Commission, and agrees that it is in the best interest of the citizens of Midway that the Midway City Code be amended as contained herein:

NOW THEREFORE, for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED, by the City Council of Midway City, Wasatch County, State of Utah:

Section 16.16.8(A)(5) of the Midway City Code is hereby amended, and shall hereafter read as follows:

Section 16.16.8(A)(5)

- a. Setbacks along the peripheral property lines of the PUD shall be a minimum of 40 feet. For pads located within 60' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with one-third of the structures having a 40' setback, one-third having a 50' setback, and one-third having a 60'

setback. No structure within 50' of another structure shall have the same setback.

b. Setbacks from the following streets shall be a minimum of 120 feet for all structures and parking. This setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads.

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West.
- x. Cari Lane
- xi. 500 South
- xii 600 North
- xiii. 250 West

No accesses to individual dwelling units within a PUD shall be allowed directly from the above streets. Access must be made from streets within the development.

Section 16.16.9 of the Midway City Code is hereby amended, and shall hereafter read as follows:

Section 16.16.9(A)(2)

2. Dwellings and permitted structures shall be located so as to best comply with the intent of this Title and shall meet the following standards:

a. Setbacks along the peripheral property lines of the subdivision shall be a minimum of 30 feet except for side setbacks for lots that front a street that will be extended to a neighboring property. The side setback for those lots will need to comply with the minimum for the zone in which the property is located. For safety reasons, the City may require buildings in any subdivision to be set back further from certain areas, such as sensitive lands or combustible native vegetation.

b. Setbacks from the following streets shall be a minimum of 100'

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West.

- x. Cari Lane
- xi. Center Street, north of Main Street
- xii 600 North
- xiii. 250 West

Standard subdivisions that require a 100' setback can reduce lot size and frontage proportionally as provided in the Open Space Requirements Specific to Standard Subdivisions. Standard subdivisions that do not require a 100' setback can only reduce lot size and frontage proportionally for open space provided above the 15% requirement as provided in the Open Space Requirements Specific to Standard Subdivisions.

c. This setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads.

d. Notwithstanding the setback requirement noted earlier in this Section, no accesses directly to individual dwelling units within a standard subdivision shall be allowed directly from the following streets; rather, access must be made from streets within the development, unless this is a practical impossibility.

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West.
- x. Cari Lane
- xi. 500 South
- xii 600 North
- xiii. 250 West

This ordinance shall be effective immediately upon passage. A copy of this ordinance shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
 this day of , 20 .

	AYE	NAY
Council Member Lisa Christen	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Bob Probst	_____	_____
Council Member JC Simonsen	_____	_____

Council Member Ken Van Wagoner _____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)