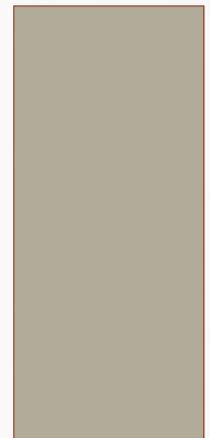


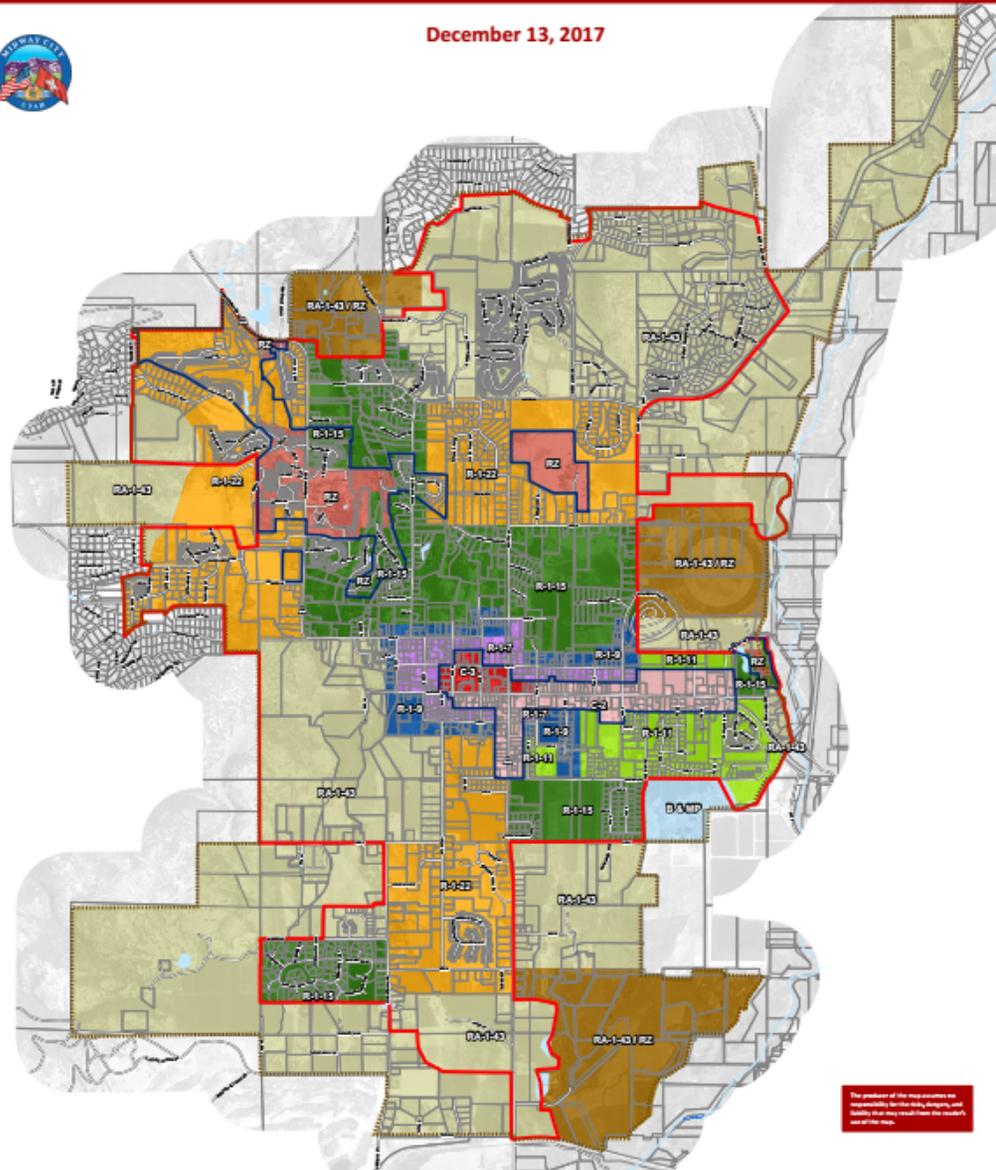
SECTION 16.15:
RECREATIONAL RESORT ZONES

CODE TEXT AMENDMENT



MIDWAY CITY - Land Use

December 13, 2017



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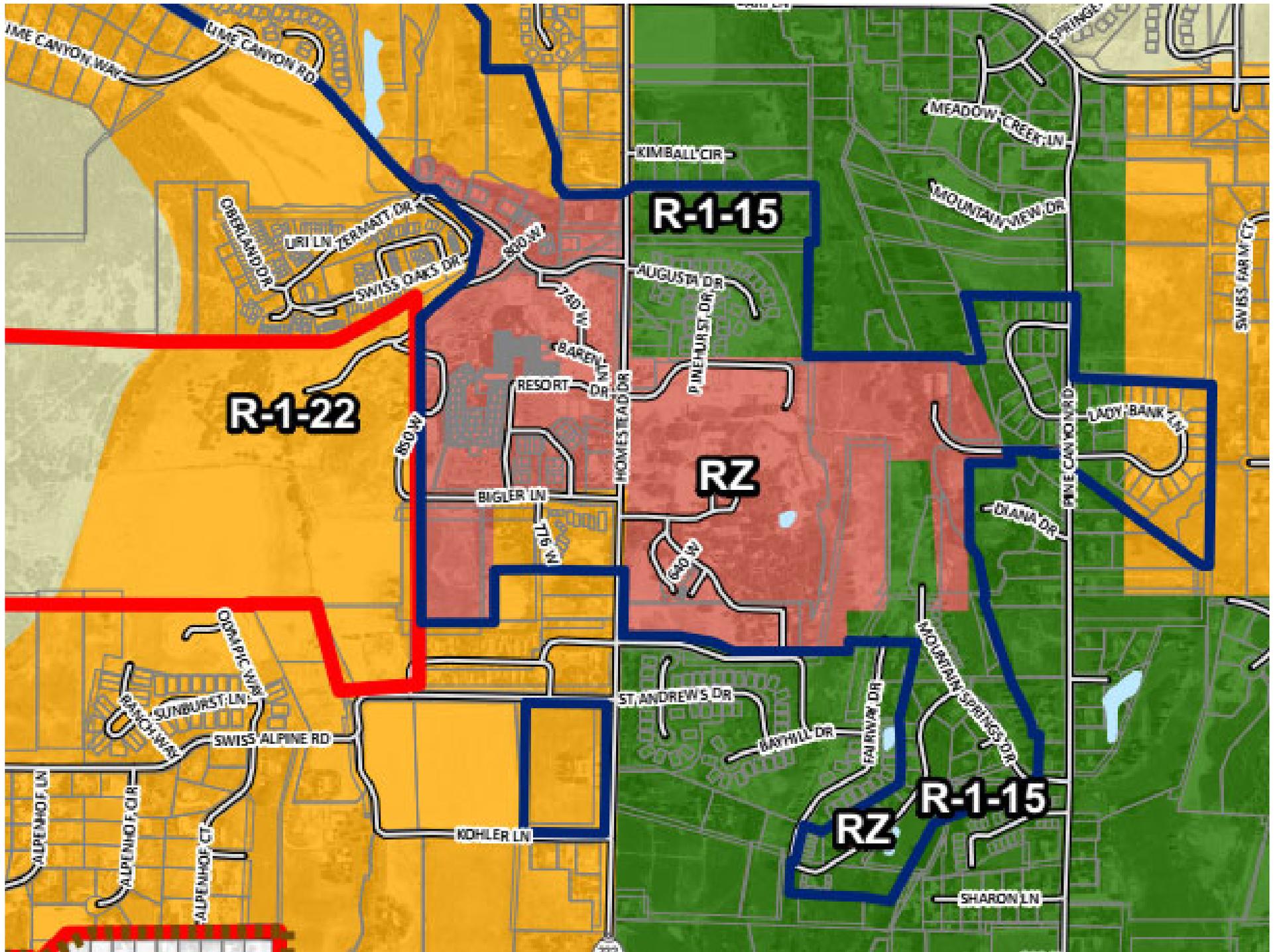
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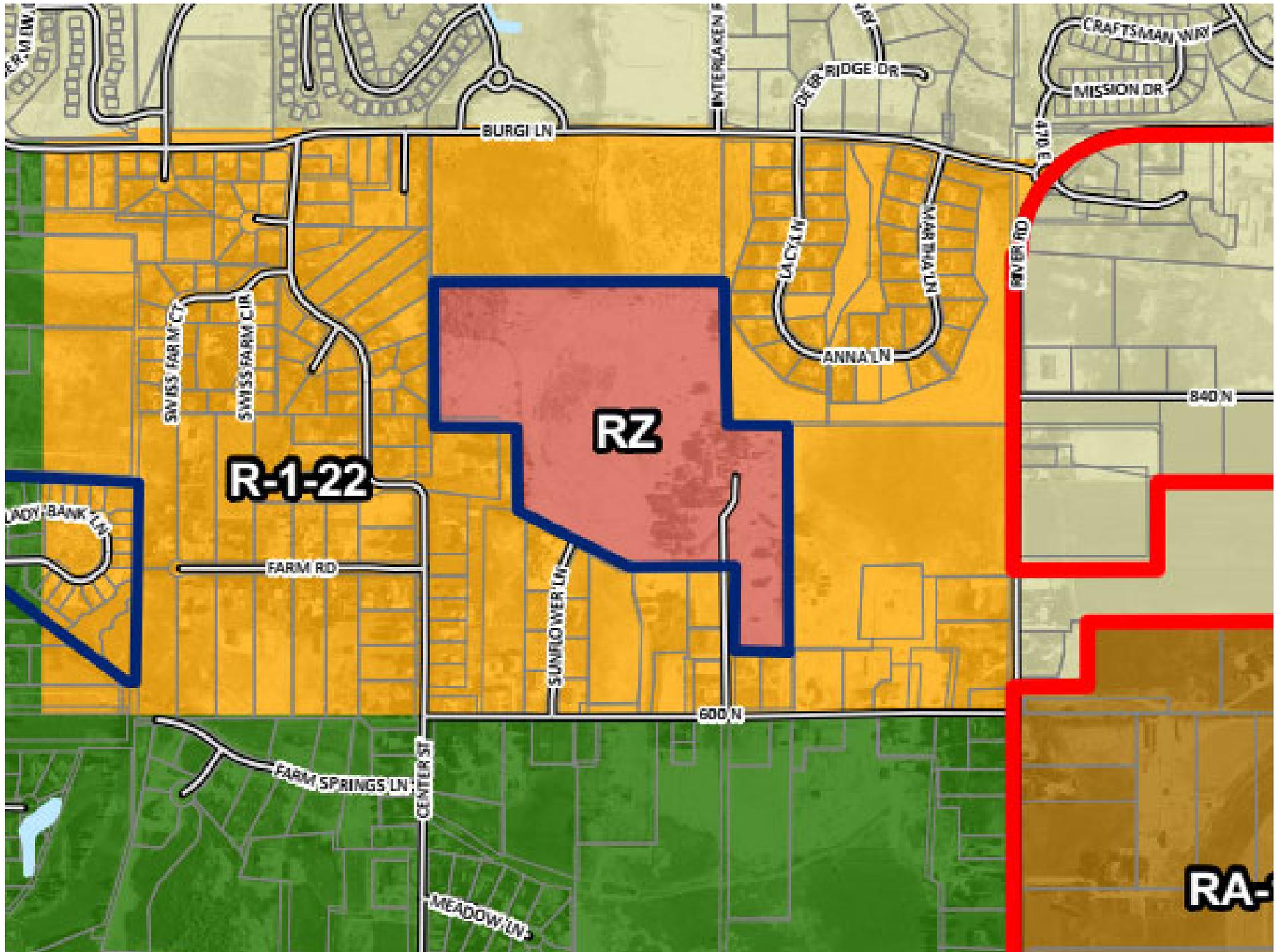
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|------------------------|--------|--------------|
| TR00 | Zoning | R-1-2 |
| Midway City Boundary | B & MP | R-1-7 |
| Midway Growth Boundary | C-2 | R-1-6 |
| Rivers | C-3 | RA-1-43 |
| Roads | R-1-11 | R2 |
| Water Body | R-1-15 | RA-1-43 / RZ |

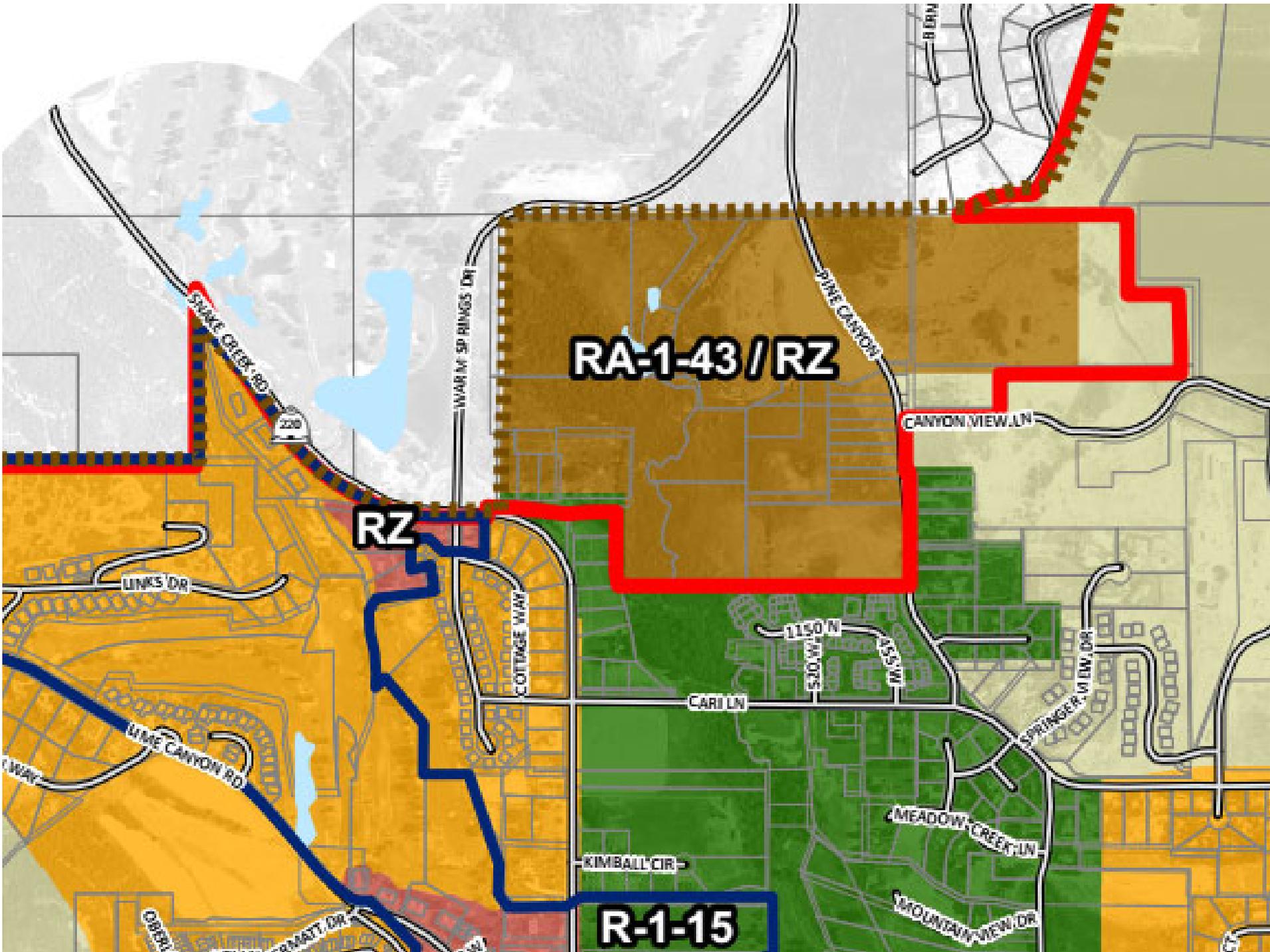


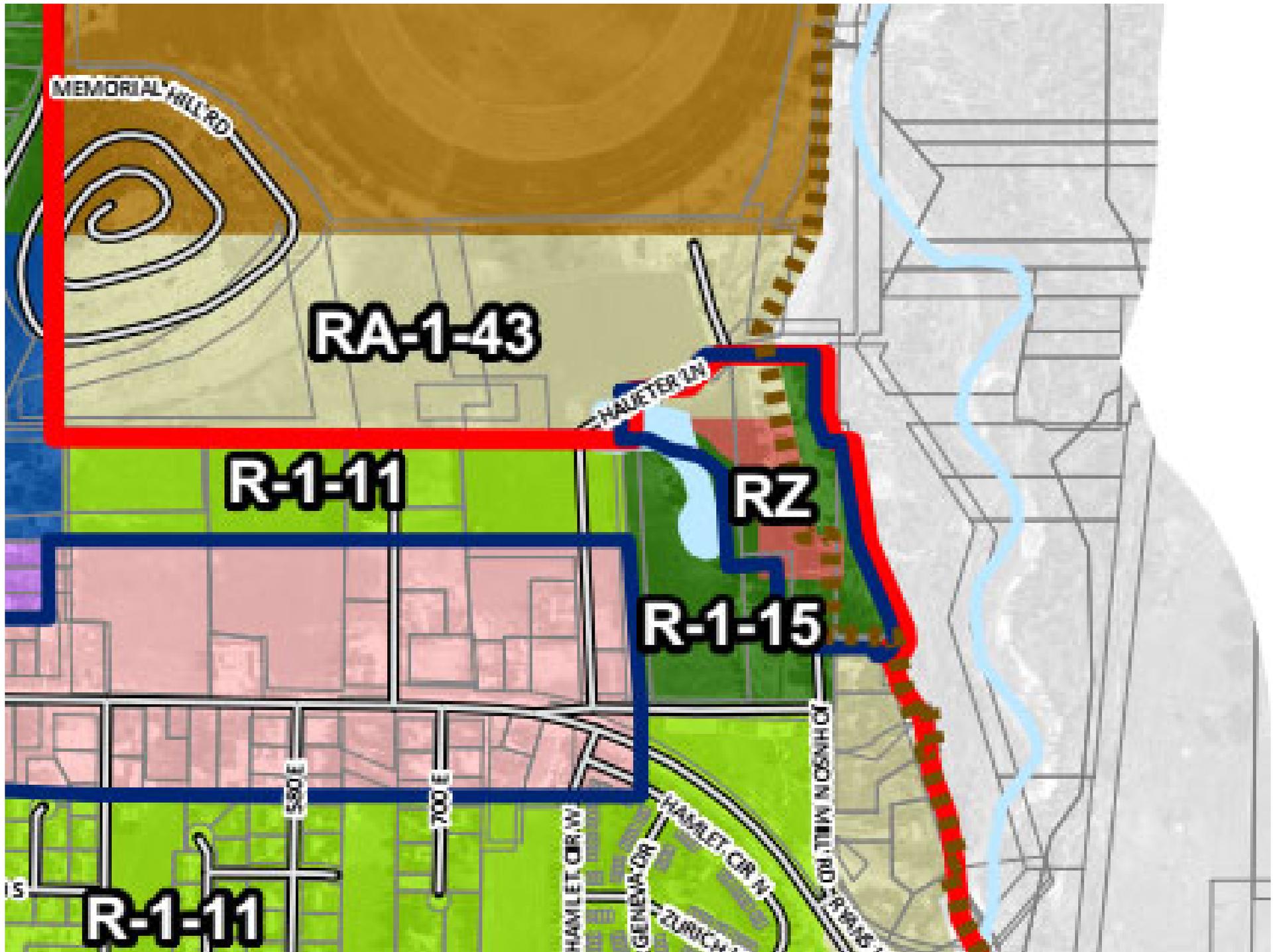
MOUNTAINLAND
ASSOCIATION OF GOVERNMENTS

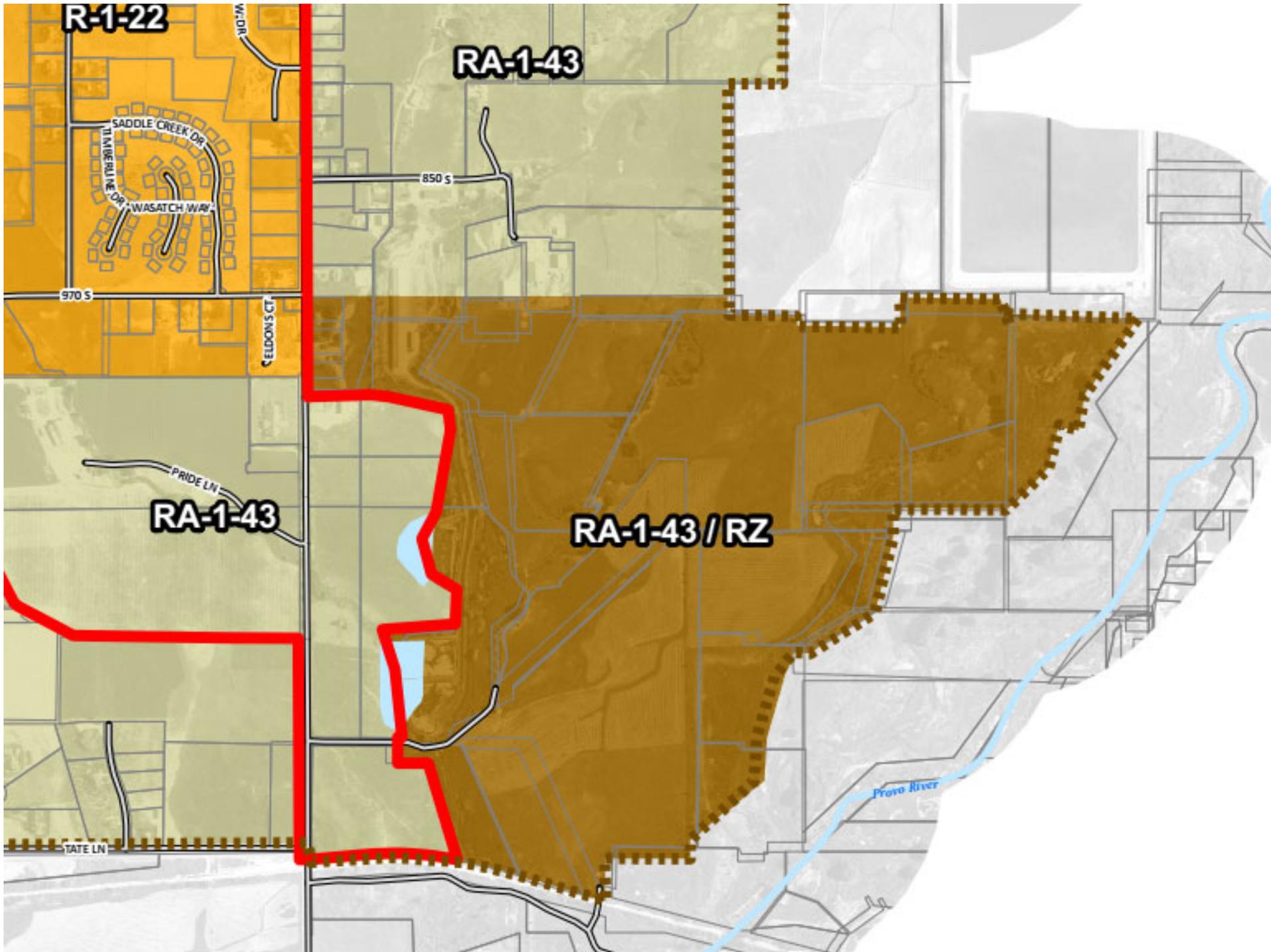












CURRENT RZ CODE

- A. Encourage recreational activities that rely on natural attributes of the area, respect the sensitive land and water constraints present in the Midway City area, contribute to the community's character and economy, and have had a long-standing, beneficial role in the community;
- B. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient, and coordinated manner to provide quality visitor experiences;

CURRENT RZ CODE

- C. Create a process in which applicants and Midway City collaborate with landowners and citizens in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the resort area;
- D. Ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community to alleviate traffic-related impacts;
- E. Ensure that resort plans are consistent with the Midway City General Plan, and therefore, are beneficial to the community;

CURRENT RZ CODE

- F. Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area;
- G. Produce resort plans that make significant contributions toward protecting attributes of the community that are considered critical to the community's long-term health, welfare, and wellbeing; and

CURRENT RZ CODE

- H. Ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural community character.
- I. Midway City encourages builders, particularly those undertaking large projects such as resorts, to participate in the Leadership in Energy and Environmental Design (LEED) program. Midway City would be pleased to see builders utilize proven “green building practices.”

RECREATIONAL RESORT ZONE

- Notice of pending ordinance
 - June 13th
 - Any applications submitted during the 6-month period will be subject to the new code

RZ CODE CONCERNS

- Define permitted and conditional uses
- Require development uses that create a tax base
- Require proof of water rights at the master plan phase of approval process
- Code that allows development of small RZ parcels
- Height limits
- Density
- Approval process development agreements
- Workforce housing
- Simplify language and approval process

PERMITTED USES

(CURRENT CODE)

- F. A Land Use Plan. The Recreational Resort Master Plan shall define the land use elements that are proposed for the development. The land uses shall be consistent with both the applicant's design theme, the character objectives of the resort and Midway City's land use ordinances. Permitted uses shall include:
 - 1. Residential uses.
 - 2. Uses necessary for operation of the resort's primary recreational activities (hot springs, swimming, golf, fishing, hiking, equestrian, etcetera.)
 - 3. Nonresidential uses that provide for the basic needs of resort lodging guests and day visitors.
 - 4. Special events.
 - 5. Other specific uses related to the resort's objectives and character as approved by the City Council.

STATE CODE

- Effective 5/9/2017
- 10-9a-306. Land use authority requirements -- Nature of land use decision.
- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

RESORT DEVELOPMENT TAX BASE

- Current code does not require commercial development
- Proposed code would require a minimum of 20% commercial development

PROPOSED REQUIRED USES

Land uses:

- Commercial 20% minimum
- Nightly rentals 60% minimum
- Permanent residential (stays longer than 30 days)
10% maximum

USES	RZ
Retail*	P
Professional Offices and clinics*	P
Alcohol dispensing establishments* <u>(with local consent)</u>	C
Recreational activity businesses, tour companies, outfitters, guide services, photo, art, and craft galleries, retail show rooms, artisan/hand manufacturing*	P
Recreational vehicle rentals*	C
Short-term lodging facilities* (hotels, condominium hotels, bed & breakfast)	P
Cafes and restaurants*	P
Private clubs/taverns*	C
Barber, beauty shops, massage therapy, yoga studio, rehabilitation centers, and day spas*	P
Vehicle parking (not associated with another use)	C
Commercial PUDs and commercial condominium projects*	C
Private academies/studios* (education, art, dance, sports, etc.)	P
Conference facilities*	P

USES	RZ
Residential condos	C
Theaters (Indoor)*	P
Theaters (Outdoor)*	C
Vacation rental units	P
Single-family dwellings	P
Multifamily dwellings	P
Employee/workforce housing	P
Apartments	N
Accessory buildings	P
Uses necessary for operation of the resort's primary recreational activities (hot springs, swimming, golf, fishing, hiking, equestrian, water parks (45' height limit), gyms and health clubs etc.)	P
Nonresidential uses that provide for the basic needs of resort lodging guests and day visitors.	P
Special events such as music and dance festivals, art and craft shows, concerts, live theater, and similar events which are compatible with the resort character and its facilities.	P

PROPOSED REQUIRED USES

(STAFF REVISION VERSION)

Land uses:

- Commercial 20% minimum
 - ½ of required 20% must be specific tax generating uses
- Nightly rentals 30% minimum
- Permanent residential (stays longer than 30 days)
10% maximum

USES	RZ
Retail**	P
Professional Offices and clinics*	P
Alcohol dispensing establishments** <u>(with local consent)</u>	C
Recreational activity businesses, tour companies, outfitters, guide services, photo, art, and craft galleries, retail show rooms, artisan/hand manufacturing**	P
Recreational vehicle rentals*	C
Short-term lodging facilities (hotels, condominium hotels, bed & breakfast)	P
Cafes and restaurants**	P
Private clubs/taverns**	C
Barber, beauty shops, massage therapy, yoga studio, rehabilitation centers, and day spas**	P
Vehicle parking (not associated with another use)	C
Commercial PUDs and commercial condominium projects*	C
Private academies/studios* (education, art, dance, sports, etc.)	P
Conference facilities*	P

USES	RZ
Residential condos	C
Theaters (Indoor)**	P
Theaters (Outdoor)	C
Vacation rental units	P
Single-family dwellings	P
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Employee/workforce housing	P
Apartments	N
Accessory buildings	P
Uses necessary for operation of the resort's primary recreational activities (hot springs, swimming, golf, fishing, hiking, equestrian, water parks (45' height limit), gyms and health clubs etc.)	P
Nonresidential uses that provide for the basic needs of resort lodging guests and day visitors.	P
Special events such as music and dance festivals, art and craft shows, concerts, live theater, and similar events which are compatible with the resort character and its facilities.	P

OTHER POTENTIAL USES

- Glamping
- RV pads
- Medical clinics, injury rehab facilities, cancer treatment centers (patient retreat associated with hot water springs therapy)
- Other resort activities such as ice castles

WATER RIGHTS

- Current code requires that a water calculation at the beginning of the process
- Water is tendered to the city with the recording of the plat of each phase

- Proposed code requires that the developer give the city the water right to hold in escrow when the master plan agreement is recorded
- Water is tendered to the city with the recording of the plat of each phase

LARGE & SMALL PROPERTIES

- Code is written for large acreage developments
 - 100' setbacks are required for all buildings and parking areas from:
 - External public roads
 - Other resort development perimeter boundaries
 - 30' setbacks are required from internal streets
- Proposed code will allow lesser setbacks for parcels less than 2 acres
 - 50' front setback
 - 12' side setbacks
 - 30' rear setbacks

HEIGHT LIMITS

- The standard maximum building height for buildings in Midway is 35 feet. The City Council may, at their discretion, allow greater height in resort developments. If any buildings in a resort are proposed to have heights greater than 35 feet the applicant shall provide the City Council the following documentation to justify the increased height:
 - i. A statement of all reasons the structure cannot be built without heights exceeding 35 feet.
 - ii. A clear illustration of the impact of building heights over 35 feet on views from public roads and adjacent developed property. This documentation may take the form of a physical model or electronic graphic representations of the site, the buildings and the visual background of mountain and valley views. The model or electronic representation shall specifically compare the proposed site and building configuration with an alternative building configuration that provides the same usable space and meets the thirty-five-foot height and other configuration requirements of this Chapter.

DENSITY

- There is no density limit in the RZ
 - Density is limited by water, open space, parking, & setbacks
- If height is limited, then density is also limited

APPROVAL PROCESS

- Current code requires a master plan agreement and development agreement at the master plan phase
- Proposed code will require a master plan agreement at master plan and a development agreement per each phase of development
 - This proposal matches the approval process for all other master plans

POSSIBLE FINDINGS

- The proposed amendment will establish permitted and conditional uses allowed in the resort zone
- The proposed amendment will allow smaller acreage properties standards for development
- The proposed amendment will establish setback and height requirements
- The proposed amendment will assure that water rights are secured in escrow during entitlement
- The proposed amendment will assure at least 20% of the gross square footage will be commercial
- The proposed amendment will require at least 60% of the gross square footage is transient rental