



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: September 20, 2017

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16:16:12 C

ITEM: 9

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the frontage and acreage requirements as related to open space for large-scale subdivisions located in Sections 16.16.12 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 the reduction of lot size and frontage requirements based on the amount of open space provided by the development. 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 reduce density. By doing this the City will help retain its rural atmosphere. Below are some examples from the General plan that promote these goals:

- *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.*

- *Guideline 1: Consider reviewing the Municipal Code to possibly reduce density where appropriate.*

The code currently requires 15% open space for large-scale standard subdivisions. In return for requiring the open space, the City adopted Section 16:16:12 C so the land owner/developer could still have the same density on the property as without the ordinance:

C. Due to the open space requirements imposed herein, lot size in standard subdivisions subject to the open space requirements of this section may be reduced to 50 percent of the minimum lot size required in the zone in which the subdivision is located. This provision therefore explicitly allows for the creation of building lots smaller than the minimum lot size required in the zone in which the subdivision subject to open space requirements is located. The permitted reduction in lot size shall be directly proportional to the total amount of non-developable open space reserved in the subdivision. For example, a subdivision that reserves the minimum 15 percent open space required by this section shall be allowed to reduce any of its lots to 85 percent of the size required in the zone. A subdivision that reserves 30 percent of its total acreage for open space shall be allowed to reduce any of its lots to 70 percent of the

required size in the zone. Frontage requirements will also be reduced by the same percent as explained above.

Staff is proposing to eliminate this provision of the code. If the provision is eliminated, all lots will need to comply with the minimum frontage and lot size requirements of the zone in which they are located. They will also still need to comply with the minimum 15% open space requirement. Essentially, potential density will be reduced in each subdivision on a ratio based on several factors but mostly based on the number of potential lots in the subdivision. Staff feels this complies with the aforementioned "Guideline 1" which states: *Consider reviewing the Municipal Code to possibly reduce density where appropriate.*

Reducing density, where appropriate, will reduce the maximum potential of several items such as traffic, demand on City services, demand on school services, maintain a more open atmosphere, and preserve a more rural feel to the community. Eliminating this section of the code will help fulfill the vision of the General Plan of what Midway is envisioned to be.

POSSIBLE FINDINGS:

- Eliminating the proportional lot size and frontage reduction will reduce the potential density of large-scale standard subdivisions
- The General Plan and survey both promote reducing density and requiring large lots
- 15% open space will still be required

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission feels 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 Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission 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