

# MIDWAY CITY

## Planning Office

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Midway, Utah 84049

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### Preliminary Application for Planned Unit Development

**Application Fee (Non-Refundable): \$300/Unit + Professional Review Deposit (\$2,000 minimum or \$400/Unit whichever is greater) + \$.50 per letter to each property owner within 600 feet.**

#### Owner(s) of Record:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

#### Applicant or Authorized representative:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Project Name:** \_\_\_\_\_

Location: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Number of acres: \_\_\_\_\_ Estimated miles of new road: \_\_\_\_\_ Number of Units: \_\_\_\_\_

#### Civil Engineer or Architect:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

#### FOR OFFICE USE ONLY

**STAFF:**

Date Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Application Number: \_\_\_\_\_

Zone: \_\_\_\_\_

Tax ID Number: \_\_\_\_\_

**PLANNER:**

Complete / Incomplete

Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_

**Our Vision for the City of Midway is to be a place where citizens, businesses, and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable, and visitor friendly. A community that proudly enhances our small-town Swiss character and natural environment, as well as remaining fiscally responsible.**

**Please give us a detailed statement on how your development can help implement our vision (i.e. architecture, landscaping, trails, etc.). Visit our website to view our General Plan.**

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**Please read and sign before application submittal**

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time, I expect that my application will be processed within a reasonable time, considering the workload of the Planning Office.

**I fully understand that I am responsible for the payment of any back taxes and declare that I am responsible for all fees incurred.**

Signature of Owner or Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT: Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees are paid (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.**

## Requirements

### Section 16.16.5

### Preliminary Plan – Standard Subdivisions and PUDs

After review of the Concept Plan by the Planning Commission, the developer shall prepare a Preliminary Plan and shall submit 10 copies of the plan on 11” x 17” size paper to the Planning Department, to then be sent to the Planning Commission for its review and recommendation. The purpose of the Preliminary Plan is to demonstrate how the proposed development plan will be able to meet the standards required under the Land Use Title and other applicable laws or regulations after considering the issues and recommendations found during the Concept Review phase. While the Preliminary Plan is not expected to contain construction drawings, it is expected that the Preliminary Plan will demonstrate compliance with this Title.

The Preliminary Plan shall contain the following information. If any of the following information has been satisfied by the information submitted during the Concept Plan Review, that same information must be included again with the Preliminary Plan Application.

#### CHECKLIST

- A. Description of how the development will implement Midway City’s Vision.
- B. Type of development.
- C. Name of development.
- D. Applicant entity name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, fax numbers, and email addresses for each.
- E. Legal description with section tie.
- F. Zone boundaries and designations.
- G. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- H. A statement that lists the issues discussed during the Concept Review and reconciles those issues with the Preliminary Application being submitted at this time. If this Preliminary Application is to implement part of a previously approved Master Plan, this application must:
  1. Disclose the approved Master Plan that is being implemented;
  2. Disclose all conditions that were attached to that Master Plan for subsequent implementation;
  3. Contain a reconciliation between the Development Agreement approved for the Master Plan and this application that shows how this application conforms with the previous approval.If the applicant wishes to amend the Master Plan approval, then the applicant may not submit a Preliminary Application alone but must submit a Master Plan amendment request consistent with the requirements of this Chapter for a new Master Plan.
- I. A site plan showing location of all buildings, building pads, lots or structures, the elevation view of all structures including a description of building materials to be used in the construction of all units.
- J. Dimensions of side, rear and front yards, and the location of all building pads for residential and all other building sites.
- K. Location and description of all common areas, sensitive lands, recreational and open space areas and facilities. (Note: Any off-site open space trading provisions allowed by this Title shall have been taken to the City Council for approval before applying for Preliminary Plan recommendation to the City Council by the Planning Commission submitting an application for preliminary approval.)
- L. Topography shown by contours at no greater interval than 2 feet except that a greater interval may be permitted when the property is outside the survey boundary, if specifically authorized by the City Council.
- M. The outside boundary of the project.
- N. Tabulation of land use by acres or other applicable units:
  1. Total area, open space, building area, and dedicated streets.
  2. Drives and parking (all the above shown in acreage and percentage).
  3. Number of units, pads or lots and project density.
  4. Types of units by number of bedrooms, where applicable.
  5. Parking spaces (covered and uncovered).

6. The identification of all sensitive lands and a preliminary proposal to protect such lands for damage due to development during and after construction.

O. Schedule and description for ownership of title for any open space property, open space easements, or conservation easements.

P. Adjacent property owners.

Q. Proposed circulation pattern including private and public streets and sidewalks.

R. A detailed statement and illustration of how the project will meet sensitive lands requirements.

S. Existing and proposed easements, waterways, utility lines, canals and ditches.

T. A plan for accommodating waterways, ditches and canals.

U. Proposed and existing sewage disposal facilities.

V. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.

W. Existing and proposed water systems indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project.

X. More detailed (than concept) landscape plan indicating areas of landscaping and irrigation and the various types of landscape materials, coordinated with a preliminary grading plan and all the sensitive lands.

Y. A preliminary noxious weed control plan showing which noxious weed species need to be controlled during construction, up to completion of the project and after construction with the County Weed Supervisor as evidenced by a dated acknowledgement on the plan.

Z. Letter of intent signed by the applicant stating the following information, when applicable:

1. Design theme of project.

2. Description of common areas and amenities.

3. Time schedule for completion of common areas and amenities.

AA. When the project contains 15 or more lots/units, traffic analysis survey results and proposed response must be discussed.

BB. Environmental Assessment Review, as outlined in this Title.

CC. Any other information Staff, the Planning Commission, or the City Council may determine necessary relating to the particular site of the proposed project as a result of the Concept Review.

DD. Evidence of sending an 11" x 17" copy of the Preliminary Plan to US West, Questar Gas, Heber Light & Power, Comcast (Cable Company), Midway Postmaster, Heber Valley Fire Protection Special Service District, Wasatch County Solid Waste Disposal District.

EE. A title report as of the date of the Preliminary Application.

FF. A list of the documentation that will be required at Final Approval to implement the plans for the development and keep it maintained after approval.

GG. A written Citizen Participation Plan as described in this Title which documents the information supplied to the public, the issues addressed with the attendees at the first Citizen Participation Meeting and other written or verbally communicated comments received from the public as a result of the Citizen Participation Plan.

HH. Preliminary approval from the Midway City Water Advisory Board.

II. Preliminary approval from the Midway Sanitation District.

JJ. A completed Fiscal Analysis Checklist.

KK. Disposition of requests for Swiss/Alpine architecture bonus as applicable.

LL. Preliminary recommendation from the Trails Advisory Committee, the Historic Preservation Committee, and Vision Architectural Committee (VAC), where applicable.

MM. A geotechnical report as requested by City staff.

### **Section 16.16.7 General Standards and Requirements**

A. The following standards and requirements shall apply to all PUDs and standard subdivisions:

1. The project must be prepared by a design team composed of at least a civil engineer, an architect and an attorney, all of whom must be licensed to practice in the State of Utah.

2. All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. All dwelling units shall have separate utility connections and metering.
3. The area proposed for a PUD or standard subdivision shall be in one ownership during development to provide for full supervision and control of said development and to insure conformance with these provisions and all other conditions recommended by the Planning Commission and set by the City Council upon the preliminary and final development plans.
4. In the event that the land contained within a development is traversed by a proposed street, the development shall be designed in accordance therewith and the right-of-way across the development for the class of the proposed street. If the proposed street is one of the collector or arterial streets the appropriate right-of-way width shall be dedicated to the public, with improvements.
5. All areas not covered by buildings, parking areas, streets or drives shall be developed according to a grading plan which integrates the developed areas with the natural landscape, streets, buildings, sensitive lands and landscape area.
6. All areas not covered by buildings, parking, streets or drives shall be planted with grass, trees, shrubs or other plant materials to preserve and protect the final grading plan and the drainage plan proposed are part of the project as part of the submittal of the final landscape plan. Areas may be allowed to be left in a natural state, or xeriscape, if the Planning Commission and City Council find this more desirable than traditional landscaping; also, a permanent sprinkler system shall be installed in all landscaped areas to provide irrigation of planted areas.
7. The landscaping plan must also provide for a noxious weed control plan applicable before, during, and after construction of the development. All landscaped areas shall be planted and landscaped within one year after posting the landscape bond.
8. The required yard space as a result of setbacks from public streets shall not be used for parking but shall be landscaped as required in item 5 above.
9. The maximum height of buildings within a PUD shall be 35 feet above natural grade as outlined in this Title unless otherwise provided in this Title.
10. All parking spaces, parking areas and driveways must be hard-surfaced and properly drained with no drainage running across public or private sidewalks.
11. The developer shall install all public improvements on-site and off-site as identified by the City Council.
12. All street construction improvements in PUDs and standard subdivisions shall be constructed according to public street construction widths and cross-section standards.
13. All parking areas shall be screened from public view when possible with berms and landscaped features.
14. Provisions of the Sensitive Lands section Chapter of this Title shall be adhered to within all PUDs and standard subdivisions.
15. The project shall connect any trails shown on the City Trails Master Plan for the area. A favorable recommendation from the Midway City Trails Advisory Committee shall be required before final approval shall be granted.
16. When it is necessary in order to implement the intent of this Chapter, the City may impose development standards in excess of the minimums identified herein.
17. Gated communities shall not be permitted.
18. The developer shall be responsible to pay all costs incurred by the City in processing and reviewing the development proposal, including but not limited to all engineering, attorney, and outside consultant fees.
19. The applicant must demonstrate that the development proposed will be able to meet the water provision requirements set forth in Title 10.

### **Section 16.16.8 Standards and Requirements Specific to Planned Unit Developments**

A. The following standards, requirements and conditions shall specifically apply to all PUDs:

1. The permitted base densities allowed in a PUD for each zoning district are listed below:  
R-1-7 5.0 units per acre  
R-1-9 4.0 units per acre  
R-1-11 3.0 units per acre

- R-1-15 2.5 units per acre
- R-1-22 2.0 units per acre
- RA-1-43 1.5 units per acre

An additional one-quarter unit per acre shall be permitted when Swiss-Alpine architecture is used in the design of the development. The determination regarding the usage of the Swiss-Alpine architecture shall be recommended by the Vision Architectural Committee and determined by the City Council as part of the conditional use process.

2. The minimum land area for a PUD shall be ten acres.
3. The minimum number of units in a PUD shall be 40.
4. All streets in a PUD will be privately owned and maintained except for any street that the City Council specifically agrees will be owned and maintained publicly. Public streets will generally be Collector Roads and will most likely be listed in the Capitol Facilities Plan.
5. With the following exceptions, dwelling and permitted structures may be located as approved by the City Council in the final development plans. Buildings should be arranged as to best comply with the intent of this Title. These exceptions shall be considered, as minimum requirements as they apply:
  - a. Setbacks along the peripheral property lines of the PUD shall be a minimum of 30 feet. For safety reasons, buildings may be required to be set back further from recreational areas.
  - b. Setbacks adjacent to existing public streets or streets to be dedicated to the City shall be a minimum of 100 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;
    - vi. Center Street (SR 113);
    - vii. Tate Lane;
    - viii. Stringtown Road; or
    - ix. 200 North, west of 200 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.

- c. Front setbacks for buildings from all private streets within the PUD shall be staggered at seven and one-half feet variances, with 25 feet the minimum **setback**. One-third of the buildings containing dwelling units shall be at each of at least three different setbacks as recommended by the Planning Commission and approved by the City Council. For example, one-third at 25 feet, one-third at 32 ½ feet and one-third at 40 feet. Setbacks for accessory buildings shall be as recommended by the Planning Commission and approved by the City Council. Setbacks from private streets shall be measured from top-back of curb or back of sidewalk or trail, whichever is further from the street centerline. The City Council may waive this requirement when a curvilinear street design is used and shown to create the same varying setback effect.
5. Two parking spaces per unit shall be provided for all units within the project. One space per unit shall be covered. One-half space for every unit shall be provided for guest parking.
6. Building sizes shall be limited to four units per structure unless a larger number of units per structure are specifically approved by the City Council following a recommendation by the Planning Commission. The Planning Commission and City Council shall make this determination based on specific site considerations regarding open space, building height and mass, and the geography of the site.
7. In all PUDs, all portions of all structures, whether on the ground, above the ground, or below the ground, must be contained within the confines of the building pad identified on the plat. This restriction shall apply to all protrusions, protuberances, and overhangs, including but not limited to all portions of all walls, roofs, doors, windows, bay windows, cantilevers, fireplaces, chimneys, support posts or structures, window wells, and/or decks.

## **Section 16.16.10      Open Space General Requirements**

A. Open space is defined as a portion of a development site that is permanently set aside for public or private use and that will not be developed or sold to individual owners. Open space shall not contain residences. Improvements such as club houses, shelters, covered swimming pools, and gazebos may be included within the open space requirement along with uncovered recreational facilities such as football fields, baseball diamonds, basketball courts and playgrounds.

B. Land proposed to be devoted to vehicular streets or roads, parking, and drives shall not be included in the computation of open space and shall not be considered to be density-qualifying acreage, except as provided elsewhere in the open space provisions.

C. Entry features such as roundabouts, median planter strips, fountains, etc. may count as open space if the design of such features is recommended by the Planning Commission and approved by the City Council.

D. Sensitive lands, as defined elsewhere in this Title, may be counted as open space, provided the lands also satisfy the other characteristics of open space set forth herein and shall be protected by the proposed development plan. Development alterations of any sensitive lands shall be prohibited except as allowed and defined elsewhere in this Title.

E. The open space areas required by this Section shall not be satisfied by any areas contained within a designated building lot. This provision is subject to the following exception: on a building lot of two or more acres, areas contained within the lot boundaries may be counted as open space provided that those areas are designated on the plat as unbuildable areas permanently preserved as open space pursuant to the standards specified in this Title.

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

H. The permitted maximum density allowed in a development that is subject to the open space requirements of this section shall be calculated by dividing the total density-qualifying acreage of the project by the minimum lot size requirement of the zone in which the development is located, and then adding any density additions or bonuses allowed by this Title.

I. The open space area requirements may be met by purchasing or providing property, development rights, or conservation easements on other properties deemed of value to the community and approved by the City Council on a value for value ratio. Such areas may be hillsides, stream corridors, agricultural lands, fields along Main Street and other open space areas, within the City limits or annexation area, as may be approved by the City Council. Approval of open space exchanges must be made by the City Council before the applicant applies for preliminary approval. Upon approval by the City Council, such offsite open space areas shall be included in calculating the development's density-qualifying acreage and, in addition, a density bonus of one unit per acre of offsite open space will be allowed to encourage creation of such offsite open space areas.

J. Developments subject to the open space requirements of this Chapter shall be required to either:

1. Deed to each owner in the development an undivided ownership interest in the open space contained within the development and form a homeowners' association which shall be responsible for maintaining such open space according to Covenants, Conditions and Restrictions recorded with the Condominium Record of Survey map or subdivision plat; or,

2. Place the open space in a perpetual conservation easement granted to an established conservation organization, as approved by the City Council. If the open space is placed in a conservation easement, a maintenance agreement shall be entered into with the conservation organization to guarantee proper maintenance of the open space. Open space included within the boundaries of 2 acre or larger building lots shall not be subject to the restrictions of this paragraph.

K. Open space shall be either appropriately and attractively landscaped or actively used for agricultural purposes.

L. An acceptable landscaping plan as defined elsewhere in this Title, including a noxious weed plan, must be submitted before preliminary approval of the development and complied with thereafter. The landscaping plan shall protect the grading plan elevations from unreasonable degradation, help implement the storm drainage plan where appropriate, protect sensitive lands from degradation, protect the project and surrounding properties from

unreasonable infestations of noxious weeds and promote a clean, neat and restful natural setting for the project and surrounding properties.

M. If the homeowner's association or conservation organization fails to adequately maintain the open space, the City, after 15 days prior written notice, may perform the necessary maintenance and bill the homeowners or conservation organization for the expense. This provision shall be included in the recorded declaration of covenants, conditions and restrictions for the development.

#### **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.

C. At least one-half of the required open space shall be retained in a single open space area.

D. Area qualifying for open space shall not contain parking stalls; however, structures which enhance the protection and approved uses of the open space by the HOA may be included in open space areas so long as they do not occupy more than 10 percent of the open space area. A single open space area shall be defined as an open area not broken into small portions with the large majority of its land mass in as much of a square as possible. Because of the increased density afforded to PUDs, open space areas shall be placed to benefit the health, safety and general welfare of the whole community and not merely the development. Due to the various configurations of property in the City, the Planning Commission and City Council shall determine the extent of compliance with this standard.

#### **Section 16.16.17 Time Limit for Preliminary Plan Approval**

Any failure to submit a proposed final plan and final approval submittal package within one year of the approval of the Preliminary Plan by the City Council shall terminate all proceedings and render the Preliminary Plan null and void.