



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: May 12, 2025

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment to Title 16: Maximum Height Provisions for All Buildings and Off-Street Parking and Loading

ITEM: 2

Amendment of Midway City Code Chapter 16.16: Planned Unit Developments & Standard Subdivisions and Chapter 16.17: Small Subdivisions, to reduce allowed density for subdivisions that do not require open space. The proposed amendment will require lots to be 15% larger than the minimum allowed when there is not an open space requirement.

BACKGROUND:

Midway is proposing a code text amendment to Chapter 16.16: Planned Unit Developments & Standard Subdivisions and Chapter 16.17: Small Subdivisions, to reduce allowed density for subdivisions that do not require open space. The proposed amendment will require lots to be 15% larger than the minimum allowed when there is not an open space requirement. Midway subdivisions codes require open space or reduced density (which creates more openness) except for relatively small subdivisions that are less than six acres in size located in the R-1-11, R-1-15, R-1-22 zones and standard subdivisions less than ten acres in size located in the RA-1-43 zone. The proposed amendment will “even the playing field”, in most cases, regarding density and

open space. In some cases, density will not change if the proposed amendment is adopted but in others it may reduce density by one or two lots.

Currently, large-scale standard subdivisions have a 15% open space requirement of the total acreage of the subdivision. The permitted density of a large-scale subdivision is dependent on if the subdivision is required to have a 100' setback or not. When a 100' setback from specific listed Midway roads is required, the lot acreage, frontage, and width may be reduced proportionally based on the open space provided. For example, a subdivision that provides 15% open space, the lot acreage, frontage, and width may reduce by 15%. In the same scenario, if a subdivision provides 30% open space then the lots may reduce in acreage, frontage, and width by 30%. The maximum proportional reduction allowed is 50%. If a subdivision is not required to have a 100' setback, it is still required to provide 15% open space but is not allowed to proportionally reduce acreage, frontage, and width unless more than 15% open space is provided, and even then, only the extra percentage of open space provided above 15% is allowed to be used to proportionally reduce lot acreage, frontage and width. For example, a subdivision that is not required to have a 100' setback but provides 30% open space is allowed a 15% proportional reduction of acreage, frontage, and width. The reason for the difference when the 100' setback is required and when it is not, is based on the idea that a required 100' setback along Midway's most used roads provides a visual benefit to the community by creating openness and preserving views of the mountains while a subdivision that is not next to a main road does not provide a communal benefit and therefore does not receive the proportional reduction unless extra open space is provided. Basically, large-scale subdivisions that are required to provide a 100' setback have more density than the same subdivision would have if it wasn't required to have a 100' setback.

Subdivisions that do not require open space may be small- or large-scale subdivisions. The proposed code would add language to both ordinances that would require lots to be 15% larger than the minimum required by the code so that smaller subdivisions have roughly the same density that a large-scale subdivision, without a required 100' setback, would have. The proposed code would read as follows:

16.16.090 Standards And Requirements Specific To Standard Subdivisions

- A. The following standards, requirements and conditions shall apply specifically to all standard subdivisions:
 - 1. The minimum permitted lot size allowed in a standard subdivision for each zone shall be as specified in the zoning requirements set forth in this Title, except as modified by the open space ~~and/or affordable housing~~ provisions of this Chapter.

16.16.120 Open Space Requirements Specific To Standard Subdivisions

All standard subdivisions six or more acres in size located in the R-1-11, R-1-15, R-1-22 zones, and all standard subdivisions ten or more acres in size located in the RA-1-43 zone shall reserve a minimum of 15 per cent of the total acreage of the subdivision in open space. **If a subdivision is not required to provide open space, then each lot shall be 15% larger than the minimum acreage specified in the zoning requirements set forth in Title 16.** Any subdivision that provides more than 15 percent open space can reduce lot size, width, and frontage proportionally as provided in part D. of this section. The reduction is based on the percentage of open space provided above the 15 percent requirement. For example, a subdivision that provides 35 percent open space can reduce lot frontage, width, and acreage by 20 percent. The maximum amount of reduction is 50 percent. This proportional reduction cannot be combined with the proportional reduction allowed when a 100' setback is required. 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. To qualify for proportionally reduced lot acreage, frontage, and width because of provided open space as previously described, the applicant must complete the following items:

16.17.040 Lot Size

The minimum permitted lot size allowed in a small subdivision for each zone shall be as specified in the zoning requirements set forth in Title 16 **except for subdivisions that do not require open space. If a subdivision is not required to provide open space, then each lot shall be 15% larger than the minimum acreage specified in the zoning requirements set forth in Title 16.**

A code text amendment is a legislative action, which means that the City Council has broad discretion. The City Council may approve as petitioned, deny, or approve a modified code different from what is being proposed.

ANALYSIS:

The General Plan promotes reducing density when appropriate and preserving a feeling of neighborhood openness. The proposed amendments will help fulfill these goals. The Midway General Plan states the following regarding these issues (emphasis added):

Land Use Goals and Guidelines

Goal 2, Guideline 1: Consider reviewing the Municipal Code to possibly reduce density where appropriate.

Goal 6, Guideline 3: Consider reviewing the Municipal Code to possibly reduce density when appropriate or to concentrate density in small areas surrounded by open areas.

Open Space Element

3. CREATE LOCAL NEIGHBORHOOD “OPENNESS”

A sense of spaciousness in residential communities is provided by large setbacks, establishment of view corridors through restriction on view obstructing fences or structures, small community use areas (playgrounds, etc.), **larger lot size zoning, and density regulations**. For the most part, these features are required by city code, and not realized by open space acquisition. Recent revisions to city code have supported this objective, and further revisions can assist in its further realization.

Page 89: **Preserving open space can range from reasonable land use regulations**, such as setbacks in residential neighborhoods, to partnering with willing landowners and other entities, organizations, and individuals to create a conservation easement on a large parcel of agricultural land.

Goal 4, Objective 1: Consider land use laws that will help to preserve open space.

Some concerns that staff have identified regarding the proposed amendments are about the complexity of the Land Use Code and the ability for anyone to understand it without devoting a considerable amount of time. Most people looking for land use information will review the zoning map and identify the zones which, in most cities, will indicate the minimum lot sizes allowed for each zone. In Midway, for example, someone will identify the RA-1-43 zone as an acre zone, but in reality it is a 1.15-acre zone (in most cases). The only way that someone would identify this is if they read the specific subdivision codes. Generally, this information would be difficult to find unless they talk to a member of staff, which the code recommends for anyone considering subdividing a property. A complex code requires more staff time, and potentially more staff members, to explain the code to anyone interested because the information will not be easily found or understandable.

Again, this proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve as presented, or approve any modifications the City Council finds necessary to promote the health, safety, and welfare of the community.

POSSIBLE FINDINGS:

- The proposal will make densities equal for all standard subdivisions, small- and large-scale, except those that require a 100' setback
- Small acreage subdivisions will be required to have open space included within each individual lot
- The proposal will reduce density in some, but not all, smaller acreage subdivisions
- Required acreage will increase but frontage and width requirements will remain unchanged
- The General Plan promotes reducing density when appropriate
- The General Plan promotes neighborhood openness and requiring larger lots will help implement this vision
- The proposal will make it more difficult for someone to understand the potential density of a subdivision

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

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 finds 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