



**Midway**

**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** July 14, 2026

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment to Title 16.05: Commercial C-2 & C-3 Zones

**ITEM: 3**

Midway City is proposing a code text amendment to Section 16.05: Commercial C-2 and C-3 Zones. The proposed changes would amend various requirements of code including, but not limited to, setbacks, landscaping, building size, building design, lot impervious surface limitations, and other requirements.

**BACKGROUND:**

The look and feel of Main Street (including all the C-2 & C-3 zones) is determined by the uses, spacing of structures (setbacks), open space, landscaping, and the preservation of historic structures. These are all major components of the commercial zones, and they will be reviewed and revised during 2026. How we handle these items will help us implement the vision of the Main Street as described in the General Plan.

The General Plan envisions the Main Street and the commercial area as the following: *“Midway’s Main Street is the heart of the City and is a reflection of its residents. As the City grows, this main corridor has great potential to provide a public gathering place for residents and tourists to interact and coexist with one another. Future development in this area should integrate harmoniously along with the existing historic buildings, to create a lively and comfortable district. The area will cater to the pedestrian experience and incorporate access to open space such as plazas, street furniture, pocket parks, and*

*trails. Architecture, characterized by a traditional Swiss/European influence, should be used to create a unique identity that suits both the people and the surroundings of Midway.*” Modifications to the code will help us to better develop Main Street as envisioned in the General Plan.

The purpose of this item is to review and revise the regulations of the C-2 and C-3 zones to assure that the vision described in the General Plan is required by code. Attached is the proposed code that will require new construction to match the vision. Some of the elements that are proposed for revision are spacing of structures (setbacks), open space, landscaping, size of structures, impervious surface restrictions, roofing pitch and color, location of parking, structure design, and the preservation of historic structures.

The General Plan promotes Main Street as two distinctly designed areas and the proposed amendments to the code will help accomplish this. The idea with the C-3 zone is to create a walkable area around the Town Square full of restaurants and retail, which creates a community gathering area in the town core. The proposed code will require greater setbacks than what is currently required but the front setback in the C-3 zone will be less than the proposed front setback in the C-2 zone. Side setbacks will also be increased which will require more spacing between structures creating a more open feel. This will be taken further in the C-2 zone by limiting building size and impervious surface per lot which will create a more open feel and will require more landscaped areas. The C-3 zone will also expand to the south side of Main Street from 200 West to 100 East and to 50 South, which will be part of a separate legislative action on a future agenda.

The proposed code will also make other important changes that will affect the look and feel of the commercial zones. To create a Main Street with character, buildings will be required to have “steps” which are staggered setbacks that will be required break up long walls. Building design will also be affected by proposed changes. This includes requiring a minimum roof pitch and fenestration on street facing facades. Fenestration including windows, doors, wall panels, and other similar features will be required on 30% of street facing walls.

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

#### **ANALYSIS:**

The General Plan promotes preserving the charm and feel of Midway and it also promotes creating a commercial core with distinctive retail and eateries creating an attractive meeting place. The Midway General Plan states the following regarding these issues:

Main Street Goals and Guidelines (page 69)

Goal 1, Guideline 1: This commercial core should be developed as a distinctive shopping and business area emphasizing it as an attractive meeting place.

Goal 1, Guideline 2: Future development in this area should integrate harmoniously along with the existing historic buildings, to create a lively and comfortable district.

Goal 1, Guideline 5: Promote more outside dining and gathering areas through design criteria and incentives.

Goal 1, Guideline 7: Consider Main Street as two distinctly designed areas.

Goal 1, Guideline 14: Encourage new businesses to strengthen the downtown.

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 proposed amendments to the C-2 and C-3 zones will better match the City's vision of Main Street as described in the General Plan.
- The addition of the proposed ordinance will better promote the City's Vision Statement.
- The proposed changes will help the scale of businesses to match the size of the community by requiring smaller retail and other commercial structures.
- Proposed changes will limit the location of some uses on the ground level so that uses that create vibrancy and activity are located near the sidewalk.

**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

### 16.05.030 Site Development Standards for the C-3 zone

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1. Minimum lot area: None
2. Minimum building setback from property line for all ~~commercial~~ structures.
  1. Front: ~~10'20' minimum and 30' maximum setback~~ from the property line; ~~however, an accessory or secondary building may be allowed by the City Council to be set back further provided all provision of this Title are met. Covered, open aired, single-story porches may have a 15' setback so long as the structure complies with the 20' setback.~~
  2. Side: ~~10'None~~
  3. Rear: ~~10'None~~
  - ~~4. Fuel pumps: 20 feet from any street~~
  - ~~5. Setback from residential zones: 15 30' feet~~
  - ~~6. Commercial structure setback from existing residential uses: 8 feet~~
  - ~~7. Residential structure setback as part of a mixed-use development (single-family and apartments):~~
    - ~~— Mixed-Use Structures. The commercial area of the structure must comply with the commercial structure setback requirements. The residential area of the structure located behind the commercial must comply with the residential structure setback requirements. Residential areas located above commercial may use the commercial structure setback requirements.~~
  - ~~8.5. Residential use (dwelling and short-term rentals) as part of a mixed-use development shall not be located on the ground floor within 50' of the front property line. Other permitted and conditional uses must occupy the ground floor between the front property line and a residential unit).~~
  - ~~9.6. The City Council, upon an applicant's request, may approve a setback different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.~~
3. Building Heights.
  1. Minimum: 8 feet (see Section 16.13.110)
  2. Maximum: 35 feet (see Section 16.13.100)
4. All building sizes and setbacks are also subject to the requirements of the building code adopted by the City Council. Building heights shall be subject to this Title.
5. All parking shall be located at the side or rear of the main building on each commercial zoning lot. ~~The City Council, upon an applicant's request, may approve a parking plan different than listed in this section based on specific circumstances of the site and building~~

~~orientation or specific use of a proposal. In no case shall parking be located between the main building and a State road.~~

~~6. Each newly constructed commercial building must have a door facing Main Street the street if the lot fronts Main Street a State road.~~

~~7. Street facing walls shall have "steps" with portions of the building having a staggered setback. The maximum length of a street facing wall is 40' before a required 10', or greater, staggered setback.~~

~~8. Street wall facing fenestration (design, construction, or presence of openings in a building.) Fenestration including windows, doors, wall panels and other similar features are required on 30% of street facing facades. This will be evaluated during the VAC review process for compatibility with the overall intents and purposes of the district.~~

~~6-9. Roofing shall not be of vivid primary colors (i.e., red, blue or yellow). Rooftop equipment shall be screened by roof components, parapets, cornices or other architectural features. Galvanized hoods and vents shall be painted to match the roof color. The roofs of all structures shall have a minimum pitch of six to twelve inches (6":12").~~

~~7-10. Notwithstanding any other provision contained herein, structures and setbacks must comply with Section 16.13.150: Clear View Triangle of Intersecting Streets.~~

~~8-11. A landscaping plan is required for all permitted and conditional uses in the commercial zones. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.220.~~

~~9-12. Mixed-Use Standards.~~

1. Lots less than one acre.
  1. Frontage: 70 feet
  2. One single-family dwelling (above, behind or detached)
  3. A minimum of 20 percent of the gross square feet of all structures on the lot must be ~~deed-restricted as~~ commercial.
2. Lots greater than one acre.
  1. Frontage: 200 feet
  2. Up to one residential unit per acre
  3. A minimum of 20 percent of the gross square feet of all structures on the lot must be ~~deed-restricted as~~ commercial.
3. Lot greater than 25 acres.
  1. Frontage: 200 feet
  2. Up to one residential unit per acre

3. A minimum of 20 percent of the gross square feet of all structures (excluding residential garages) in the development must be ~~deed restricted as~~ commercial.

(2010-32, Section Amended, eff. 12/08/2010; 2015-04, Section Replaced eff. 7/8/2015; 2016-15, Section Amended eff. 11/2/2016; 2021-31, Section Amended, eff. 10/6/2021)

#### HISTORY

Amended by Ord. [2021-41](#) on 3/16/2022

#### **16.05.030 Site Development Standards for the C-2 zone**

13. Minimum lot area: None

14. Minimum building setback from property line for all structures.

1. Front: 30 feet

2. Side: 20 feet

3. Rear: 30 feet

4. Residential use (dwelling and short-term rentals) as part of a mixed-use development shall not be located on the ground floor within 50' of the front property line. Other permitted and conditional uses must occupy the ground floor between the front property line and a residential unit).

15. The City Council, upon an applicant's request, may approve a setback different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal. The roofs of all structures shall have a minimum pitch of six to twelve inches (6":12").

16. Building Heights.

1. Minimum: 8 feet (see Section 16.13.110)

2. Maximum: 35 feet (see Section 16.13.100)

17. All building sizes and setbacks are also subject to the requirements of the building code adopted by the City Council. Building heights shall be subject to this Title.

18. All parking shall be located at the side or rear of the main building on each commercial zoning lot. In no case shall parking be located between the main building and a State road.

19. Each new construction commercial building must have a door facing the street if the lot fronts a State road.

20. Impervious surface (buildings, pavement, concrete, and pavers) is limited to 70% of the parcel or lot area. The remaining 30% shall be landscaped.

21. Building area is limited to a maximum floor area ratio (FAR) (total floor area/lot area) of 0.3. For example, a building on a 15,000 square foot lot is limited to 4,500 square feet.

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22. Street facing walls shall have “steps” with portions of the building having a staggered setback. The maximum length of a street facing wall is 40’ before a required 10’, or greater, staggered setback.

23. Street wall facing fenestration (design, construction, or presence of openings in a building.) Fenestration including windows, doors, wall panels and other similar features are required on 30% of street facing facades. This will be evaluated during the VAC review process for compatibility with the overall intents and purposes of the district.

24. Roofing shall not be of vivid primary colors (i.e., red, blue or yellow). Rooftop equipment shall be screened by roof components, parapets, cornices or other architectural features. Galvanized hoods and vents shall be painted to match the roof color.

25. Notwithstanding any other provision contained herein, structures and setbacks must comply with Section 16.13.150: Clear View Triangle of Intersecting Streets.

26. A landscaping plan is required for all permitted and conditional uses in the commercial zones. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.220.

27. Mixed-Use Standards.

1. Lots less than one acre.

1. Frontage: 70 feet

2. One single-family dwelling (above, behind or detached)

3. A minimum of 20 percent of the gross square feet of all structures on the lot must be commercial.

2. Lots greater than one acre.

1. Frontage: 200 feet

2. Up to one residential unit per acre

3. A minimum of 20 percent of the gross square feet of all structures on the lot must be commercial.

3. Lot greater than 25 acres.

1. Frontage: 200 feet

2. Up to one residential unit per acre

3. A minimum of 20 percent of the gross square feet of all structures (excluding residential garages) in the development must be commercial.

(2010-32, Section Amended, eff. 12/08/2010; 2015-04, Section Replaced eff. 7/8/2015; 2016-15, Section Amended eff. 11/2/2016; 2021-31, Section Amended, eff. 10/6/2021)

**HISTORY**

*Amended by Ord. 2021-41 on 3/16/2022*

**16.05.04050 Residential Accessory Structures (No Living Or Sleeping Space)**

1. Residential accessory structures must be visually compatible with the dwelling on the same property. Staff will review and approve the proposed structure if it is found that the structure is visually compatible. If staff finds the proposed structure is not visually compatible with the dwelling, then the VAC will review the structure to assure compatibility.
2. Location Requirements.
  1. Front Setback. All residential accessory structures shall be setback at least forty-five (45) feet from the front lot line or fifteen (15) feet farther back than the front facade of the dwelling, whichever is greater.
  2. Side Setback. All residential accessory structures shall be setback from the side property lines a distance of at least three (3) feet. On corner lots, the side setback from any street shall not be less than thirty (30) feet.
  3. Rear Setback. All residential accessory structures shall be setback from the rear property line a distance of at least three (3) feet.

(2020-05, Section Added, eff. 5/7/20)