



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 20, 2026

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment to Title 16:
16.15.040.G.11.c (3) Setbacks in the Resort Zone

ITEM: 9

Berg Engineering, agent for The Homestead Group LLC, is proposing a Code Text Amendment of the Midway Land Use Code 16.15.040.G.11.c (3). The proposal is to reduce the setback to 10' for structures in resort master plans next to dedicated golf course open space.

BACKGROUND:

Berg Engineering, agent for Midway Heritage Land Holding LLC, is requesting an amendment of the Midway City Code Chapter 16.15.040.G.11.c (3). The proposed amendment is to reduce the setback to 10' for structures in resort master plans next to dedicated golf course open space. The current language states the following:

Setbacks along the peripheral property lines of the resort shall be a minimum of 100'. For structures located within 120' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with a portion of the structures having a 100' setback, a portion having a 110' setback, and a portion having and 120' setback. No structure within 50' of another structure shall have the same setback. Structures that exceed 50' in length shall meet the required setbacks on 50' intervals.

The applicant is proposing the following language (proposed changes are in red text):

*Setbacks along the peripheral property lines of the resort shall be a minimum of 100' **except for structures in a resort master plan that are adjacent to dedicated golf course open space parcels. Structures next to dedicated golf course open space parcels may have a minimum setback of (10') to the peripheral property line. This setback will allow for public utility easements.** For structures located within 120' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with a portion of the structures having a 100' setback, a portion having a 110' setback, and a portion having and 120' setback. No structure within 50' of another structure shall have the same setback. Structures that exceed 50' in length shall meet the required setbacks on 50' intervals.*

The applicant has submitted the following language in the code text amendment application:

Advantages of the proposed code text amendment are listed below. There are no disadvantages to the proposed code text amendment.

- *This setback requirement only applies to resort master plans, not residential zones.*
- *The reduced setback only applies to resorts that are adjacent to dedicated golf course open space parcels.*
- *The 100' peripheral setback was intended to provide a buffer between neighbors and resorts. For dedicated golf course open space areas no buffer for residents is needed.*
- *The code amendment allows flexibility in design and will help provide better resort accommodations for visitors.*

The following items from the Economic Development, Resort and Tourism section of the Midway City General Plan support the proposed code text amendment.

Item B Provide flexibility for planning and development of recreational resorts, arts and tourism facilities in a creative, efficient and coordinated manner in order to provide quality resident and visitor experiences.

Goal 1 Promote and encourage commercial, resort and other economic endeavors to strengthen and improve the city's tax base and quality of life.

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 proposed code text amendment language has been written so that in only very specific circumstances could the proposed code be used to reduce the setback to 10'. This has been accomplished in a few ways. First, the building must be located in a resort master plan to have a 10' setback. Second, the building must be contiguous to dedicated golf course open space. Based on current resort master plans and areas that are dedicated as golf course open space, there is only one area in the City limits that would qualify for the 10' setback. This area is The Homestead core next to the practice range and hole #10. This specific area is grandfathered to a 30' setback instead of the normal 100' setback because of the approved master planned which is based on the 2006 resort code.

On The Homestead's Master Plan, seven buildings have been identified that could potentially use the proposed code. These include the four single-family dwellings on Fairway Drive, the two cottages north of Fairway Drive, and the future Spa to the west of Midway Village.

The proposed amendment will allow for greater flexibility for the placement of future structures in resorts. It will also allow for some future structures, that are limited in space, to be larger because of the reduced setback. Of the future structures that are planned in The Homestead's master plan, the four that appear to be limited in space are the four single-family dwellings on Fairway Drive. The other three future structures on the master plan do not appear to be limited in space so limited space would not be a driving factor regarding the size of a future structure.

PLANNING COMMISSION RECOMMENDATION:

Motion by Commissioner Osborne: "I would like to make a motion of approval for Berg engineering, who's the agent for Midway Heritage Land Holding, and this requested amendment to Midway City Code, Chapter 16.15.040.G.11.c (3). The proposed amendment is to reduce the setback to 10 feet for structures and resort master plans next to dedicated golf courses open space. I would also just put in as a condition for approval if it's possible, it doesn't sound like we can. But I'd just like to make a note in the motion that the size of the structures cannot be increased, and the other findings per stated as well."

Second: Commissioner Wardle

Ayes: Commissioners Nokes, Lineback, and Probst

Nays: Commissioner Knight

Motion: Passed

POSSIBLE FINDINGS (In Support):

- The proposal would allow a 10’ setback in specific circumstances.
- Structures would need to be in a resort master plan.
- Structures would need to be next to dedicated golf course open space.
- Structures next to golf course property that is not dedicated open space would not be allowed a 10’ setback.
- The decreased setback will allow for greater flexibility when designing resort structures.

POSSIBLE FINDINGS (Against):

- The proposal would decrease setbacks around dedicated golf course parcels for structures in resort master plans.
- The proposal would allow for larger structures in some cases.

ALTERNATIVE ACTIONS:

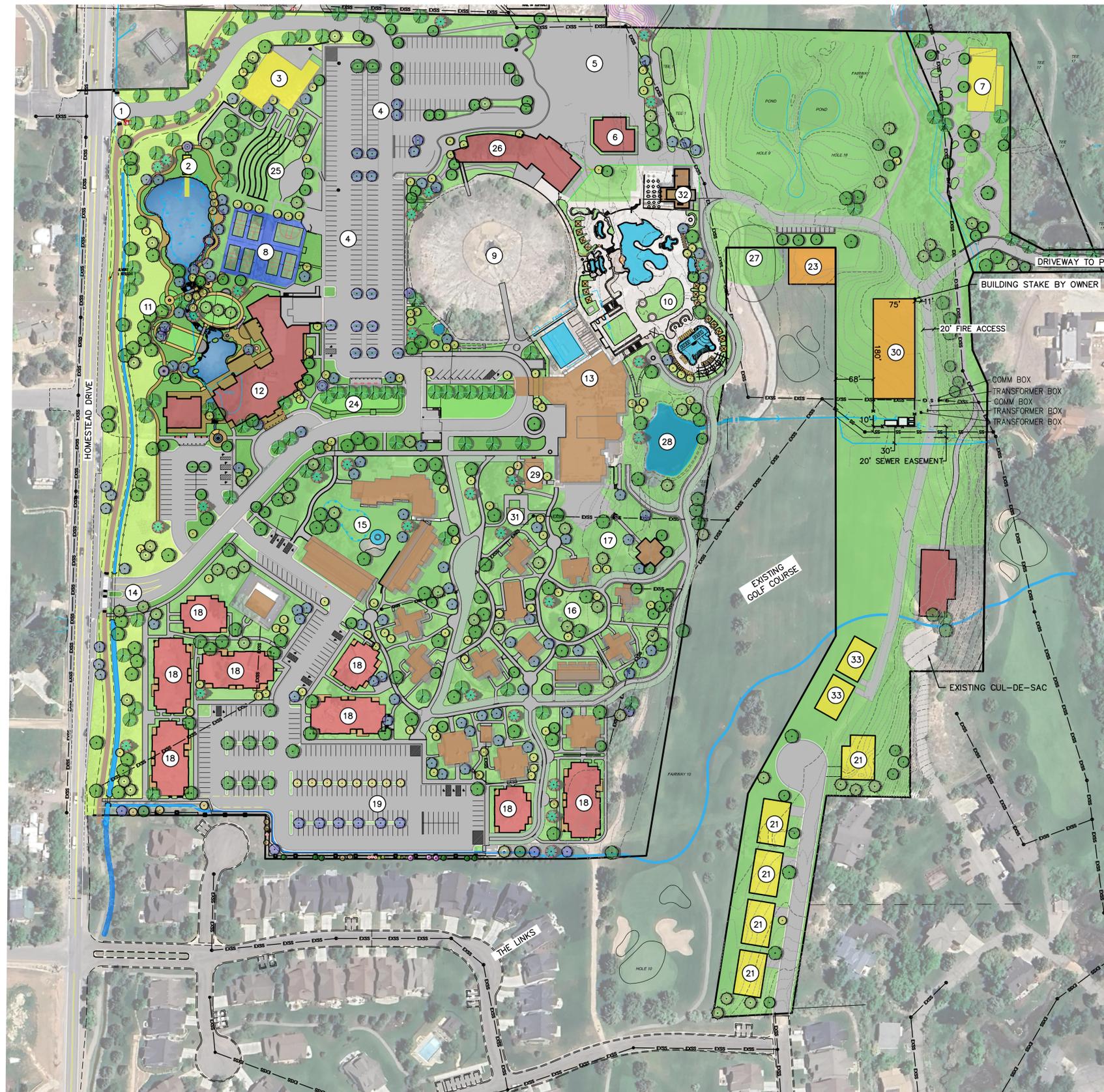
1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council 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. Denial. This action can be taken if the City Council 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

SITE PLAN LEGEND:

- 1 SECONDARY ACCESS TO PARKING, GOLF, SPA, AND DIVE/ACTIVITY CENTER
- 2 BOAT HOUSE WITH OVER-WATER DECK
- 3 FUTURE BUILDING (USE TO BE DETERMINED)
- 4 MAIN PARKING AREA
- 5 TBD
- 6 GOLF CLUBHOUSE AND SPA ARRIVAL
- 7 AQUA THERAPY SPA
- 8 OUTDOOR PICKELBALL COURTS
- 9 CRATER WITH IMPROVED VIEW/AMENITY AREA AT THE TOP
- 10 POOL AMENITY AREA WITH UPPER ADULT POOL AREA WITH INDOOR/OUTDOOR POOL, SPAS, INFINITY EDGE POOL, CABANAS, AND A LOWER FAMILY POOL AREA WITH ZERO-ENTRY POOL, WATERFALLS, TODDLER AREA WITH VIEWS OF MAIN POOL AREA, SLIDE, FIRE PITS, CABANAS, GUEST SERVICES ACCESS BELOW FITNESS
- 11 PASTURE AND ORCHARD AREA ALONG HOMESTEAD DRIVE
- 12 WEDDING BARN WITH ACCESS TO NEW POND AREA. NEW 2024 BUILDING LAYOUT
- 13 NEW CENTER HOUSE WITH PORTE COCHERE ARRIVAL
- 14 MAIN ARRIVAL DRIVE RELOCATED TO THE SOUTH TO CREATE MORE MEANDERING APPROACH AND IMPROVE INTERSECTION SPACING
- 15 FAMILY REUNION UNITS WITH OPEN LAWN, NATURAL THEMED SPLASH PAD, PLAYGROUND AREA AND FIRE PITS
- 16 GARDEN VIEW UNITS WITH MULTIPLE GARDENS WITH PATHWAYS, WATER FEATURES AND SEATING
- 17 BALLROOM FUNCTION LAWN AND WEDDING PAVILION
- 18 THE RETREAT-68 CONDO UNITS (NEW IN 2024 PLAN)
- 19 GUEST PARKING AREA
- 20 GOLF LEARNING CENTER (BUILDING REMOVED FROM MASTER PLAN. USE INCLUDED IN GOLF CLUBHOUSE)
- 21 THE VILLAS (5)
- 22 HORSE STABLE AND BARN (REMOVED FROM MASTER PLAN)
- 23 GOLF WARM-UP CAGE
- 24 FUNCTION LAWN WITH ROSE ARBOR STRUCTURE TO PROVIDE SHELTER AND SEPARATION BETWEEN LAWN AND ADJACENT PARKING / FUTURE PARKING EXPANSION IF NEEDED
- 25 AMPHITHEATER AND STAGE AREA
- 26 NEW ACTIVITY CENTER
- 27 RELOCATED PUTTING GREEN
- 28 ENHANCED POND WITH TERRACES, WATER FALLS AND BON FIRE LOCATION.
- 29 VIRGINIA HOUSE UPGRADES FOR GUEST CHECK-IN
- 30 GOLF MAINTENANCE BUILDING AND CART BARN (NEW LOCATION)
- 31 MILK HOUSE
- 32 POOL AND GOLF GRILL
- 33 GOLF COTTAGES ACCESSED BY CART PATH PER HOMESTEAD MASTER PLAN AGREEMENT. (2)



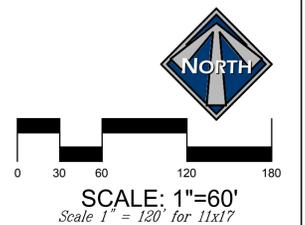
LEGEND

- +25% UNBUILDABLE SLOPES
- EXISTING BUILDINGS (±90,000)
- APPROVED 2021 MASTER PLAN BUILDING THAT HAVE NOT BEEN CONSTRUCTED (±43,000 SF)
- APPROVED 2021 MASTER PLAN BUILDINGS BUT WITH A REVISED BUILDING LAYOUT OR NEW LOCATION (±60,000 SF)
- PROPOSED NEW CONDO BUILDINGS IN 2024 AMENDED PLAN (±63,000 SF)
- GRASS PAVER FIRE LANE
- ASPHALT TRAIL, PARKING OR ROADS
- FLAGSTONE PAVER
- CRUSHED STONE
- SCREENING FENCE IMPROVEMENTS

PATHWAY NOTE:

- SEE SHEET 7 FOR ASPHALT TRAIL AND CONCRETE SIDEWALK CONSTRUCTION DETAILS.
- SEE LANDSCAPE ARCHITECT PLANS FOR PAVER AND CRUSHED STONE WALKWAYS.

File: S:\Projects\2024\2024_SitePlan_Maintenance_Building_Plan_13_2024.dwg
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 Plot date: January 13, 2025 11:20:00 AM
 Plot by: DEJ



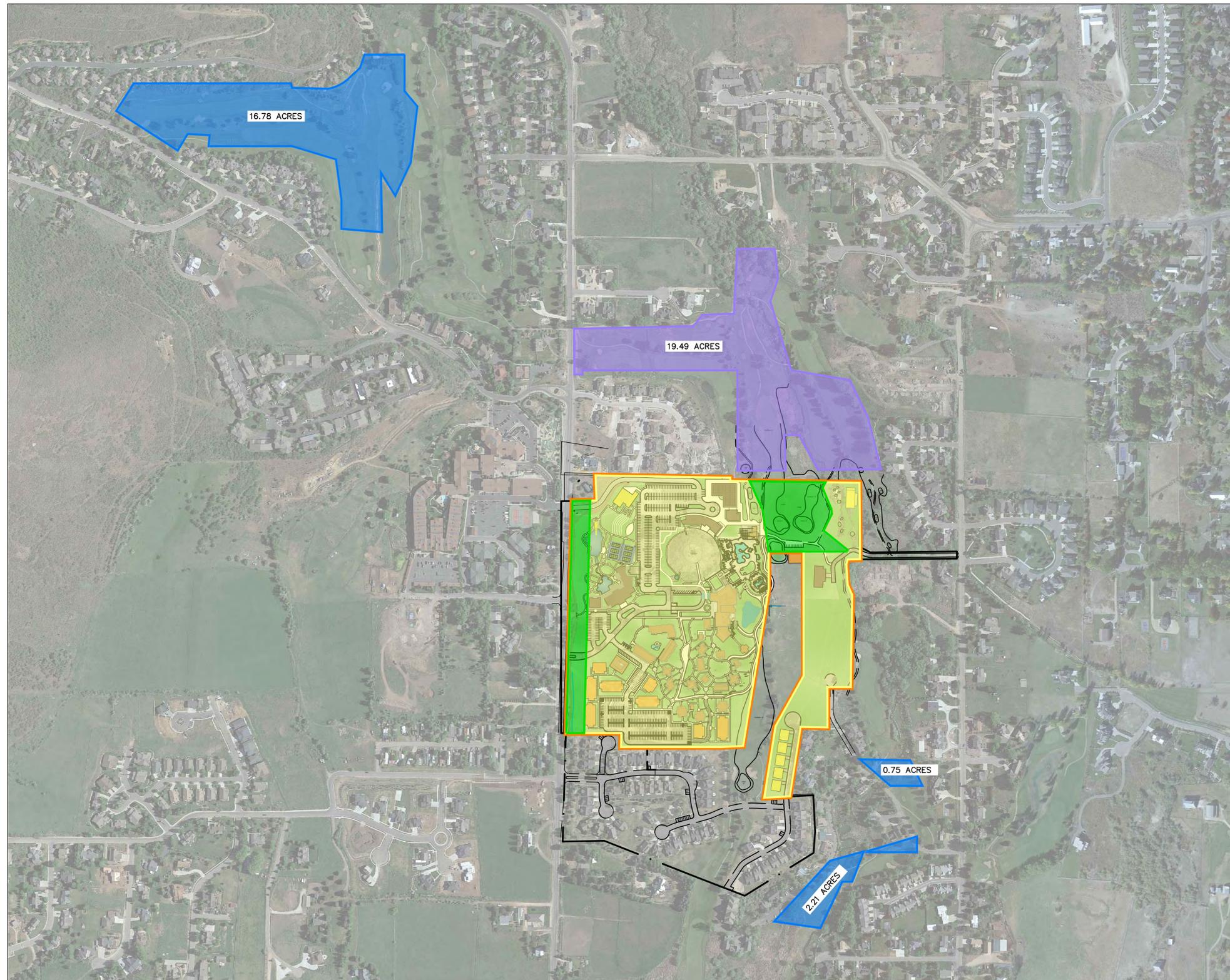
THE HOMESTEAD GROUP LLC
 HOMESTEAD
 2025 SITE PLAN ALTERNATE
 (REVISED MAINTENANCE BUILDING)



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 PAUL D. BERG P.E.
 SERIAL NO. 295595
 DATE: 13 JAN 2025

DESIGN BY: PDB DATE: 13 JAN 2025 SHEET
 DRAWN BY: DEJ REV: 1a

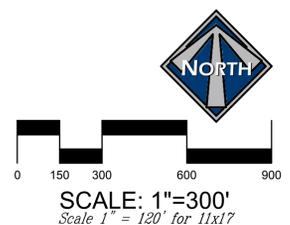
EXHIBIT H AMENDED



- LEGEND**
- RESORT CORE: 50.57 ACRES
 - DEVELOPABLE AREA IN RESORT CORE: 39.94 ACRES
 - PERMANENT OPEN SPACE IN RESORT CORE: 6.49 ACRES
 - GOLF COURSE AREA OWNED BY THE HOMESTEAD THAT IS NOT IN THE MASTER PLAN: 19.49 ACRES
 - GOLF COURSE OPEN SPACE IN MASTER PLAN: 19.74 ACRES

\Users\p\Documents\Projects\2024\2024_Sharespeare_Masters_Plan_Amendment\Bldg\2024_Sharespeare_Resort_Open_Space.dwg | Plot Date: February 26, 2024 | Printed by Paul

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 PAUL D. BERG P.E.
 SERIAL NO. 295595
 DATE: 28 FEB 2024



SHAKESPEARE-THE HOMESTEAD
2024 MASTER PLAN AMENDMENT

HOMESTEAD RESORT
OPEN SPACE



DESIGN BY: PDB	DATE: 28 FEB 2024	SHEET
DRAWN BY: DEJ	REV:	7



Midway

**ORDINANCE
2026-02**

**AN ORDINANCE TO AMEND SECTION 6.15.040.G.11.c(3)
OF THE MIDWAY CITY LAND USE CODE TO ALLOW
REDUCED SETBACKS ADJACENT TO DEDICATED GOLF
COURSE OPEN SPACE.**

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Section 16.15.040.G.11.c(3) of the Midway City Code currently establishes minimum setbacks along peripheral property lines of resort zones and staggered setbacks for structures within 120 feet of such lines; and

WHEREAS, Berg Engineering, acting as agent for Midway Heritage Land Holding LLC, has submitted a proposed amendment to Section 16.15.040.G.11.c(3) to allow a reduced minimum setback of ten feet (10') for structures in resort master plans adjacent to dedicated golf course open space parcels; and

WHEREAS, the current provisions require a minimum peripheral property line setback of one hundred feet (100'), with additional staggered requirements that are impractical for certain resort master plan configurations adjacent to dedicated golf course open space; and

WHEREAS, the reduced setback applies only in limited and defined circumstances (i.e., resort master plans adjacent to dedicated golf course open space parcels) and does not alter setbacks for other resort areas or residential zones; and

WHEREAS, the Planning Commission reviewed the proposed amendment at its regular meeting on December 9, 2025, and recommended approval of the proposed text amendment; and

WHEREAS, the City Council finds that the proposed amendment will provide appropriate flexibility for development in resort master plans where adjacent to dedicated golf course open space, is consistent with the goals and policies of the Midway City General Plan, and promotes orderly and reasonable land use regulation.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following Section of Chapter 16 shall be amended as follows:

Section 16.15.040. Resort Master Plan

G. Design Guidelines.

11. Dimensional Limitation Plan

c. Building Setbacks for properties two (2) acres or greater.

(3) Setbacks along the peripheral property lines of the resort shall be a minimum of 100' except for structures in a resort master plan that are adjacent to dedicated golf course open space parcels. Structures next to dedicated golf course open space parcels may have a minimum setback of (10') to the peripheral property line. This setback will allow for public utility easements. For structures located within 120' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with a portion of the structures having a 100' setback, a portion having a 110' setback, and a portion having and 120' setback. No structure within 50' of another structure shall have the same setback. Structures that exceed 50' in length shall meet the required setbacks on 50' intervals

This ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah this ____ day of _____, 2026.

	AYE	NAY
Council Member Kevin Payne	_____	_____
Council Member Lisa Orme	_____	_____
Council Member JC Simonsen	_____	_____
Council Member Andy Garland	_____	_____

APPROVED:

Craig Simons, Mayor

ATTEST:

APPROVED AS TO FORM:

Brad Wilson, City Recorder

Corbin Gordon, City Attorney

(SEAL)

DRAFT