



## Midway

### **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** February 3, 2026

**NAME OF APPLICANT:** Midway City

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

#### **ITEM: 8**

Midway City is proposing and code text amendment to Section 16.05: Commercial C-2 and C-3 Zones. The proposed changes are to the permitted and conditional uses in the commercial zones and the requirements for those uses.

#### **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 *“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 continue to develop Main Street as envisioned in the General Plan.

The purpose of this item is to review the permitted and conditional uses in the C-2 and C-3 zones. The uses allowed in the C-2 and C-3 zones should be in harmony with the City’s General Plan. Some of the existing uses might not create the atmosphere that is described in the General Plan. Aesthetics should be considered and the General Plan emphasizes the importance of the look and feel of Main Street, but community economic health and tax revenue generation should also be considered. For example, new and used car sales will be difficult to make look old European because it will mostly be a parking lot, but this type of business is a tax generator for a community and that should be considered. A mortuary is another business that should be considered on all merits. For example, a mortuary does not create much foot traffic, so it does not add to the vibrant and active Main Street as described in the General Plan, but it does provide an important service for the residents of Midway. These are just two examples of many that have been discussed with the Planning Commission and their recommendation to the City Council is the red-lined code that follows this report.

The two commercial zones are similar but there is one important difference between the two. The main difference is the C-3 zone, which is located around the Town Square, does not allow uses focused on automobiles. For example, car washes and gas stations are not allowed in the C-3 zone while those same uses are allowed in the C-2 zone. 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. One question that will be addressed in future meetings is if the C-3 zone should expand to areas south of Main Street since those areas also surround the Town Square.

The City Council has reviewed the current list of permitted and conditional uses, and the proposed changes were sent to the Planning Commission for their review. The Planning Commission reviewed all the allowed uses and have made their own proposed amendments which are attached to this report. Only the proposed changes from the Planning Commission are shown in red. The original proposed changes from the City Council are shown in black in the attached proposed version of the code.

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.

### **PLANNING COMMISSION RECOMMENDATION:**

**Motion by Commissioner Lineback:** “I make a motion that we recommend to the City Council on these proposed changes to the Midway Municipal Code section 16.15, Commercial C2 and C3 Zones, and that we accept the proposed findings and incorporate the changes that we discussed.”

**Second:** Commissioner Knight

**Ayes:** Commissioners: Osborne, Nokes, Facer, Winegar, Lineback, Knight

**Nays:** None

**Motion:** Passed

### **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. 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

### **16.05.010 Objectives And Characteristics**

These zones have been established as districts in which the primary use of the land is for planned and integrated commercial and service uses. It is intended that these zones shall be characterized by a harmonious grouping of a variety of stores, shops, office buildings, or other permitted uses in an organized development. These zones have also been established to create new development which is characterized by well landscaped frontages, safe access and egress, proper parking design, coordinated site planning, and buildings which follow the objectives of the City Master Plan and resort architectural requirements. Emphasis in the approval of plans in the C-2 zone shall be to protect the appearance of the entrances to the City. Development in the C-3 zone is intended to create a shopping and financial center for the City and surrounding territory. Another objective of the commercial zones is to mitigate potential negative impacts upon residential zones caused by commercial activity. The City commercial zones are surrounded by residential areas on all sides and buffering restrictions are necessary.

### **16.05.020 Permitted And Conditional Uses**

1. The peculiar character and nature of conditional uses (those designated by "C") require special consideration. Therefore, the Planning Commission review of these conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development in accordance with existing and future needs. The City Council shall deny or approve these conditional uses based upon the character of the zone, the surrounding land use, traffic, utilities and other public requirements.
2. In the following list of possible uses in the C-2 and C-3 zones, those designated "P" will be a permitted use. Uses designated as "C" will only be allowed when approved as a conditional use by the City Council. Uses designated as "N" will not be allowed in the zone.

<b>USES</b>	<b>C-2</b>	<b>C-3</b>
Grocery ( <del>maximum 22,000 sq. ft. building footprint</del> ) <del>Tobacco sales and e-cigarettes (no more than 5% of total retail)</del>	N	N
Professional offices and clinics ( <del>maximum 6,000 sq. ft. building footprint</del> )	P	P (not allowed on ground level, must be below or above)
Auto detailing, gas stations and car washes	N	N
Alcohol dispensing establishments (with local consent)	C	C

Rest Homes/Nursing/Convalescent Facilities/Assisted Living (limited to 8 residents and must be part of a mixed-use development or in an existing dwelling)	P	P
Day Care	C	N
Retail, photo, art, and craft galleries, retail show rooms, antique shops (up to <u>15,000</u> <del>6,000</del> sq. ft building footprint)	P	P
Recreation activity business <u>that includes rentals of motorized vehicles (such as OHVs, ATVs, and RVs)</u> <del>(excluding rentals of OHVs, ATVs, and RVs)</del>	N	N
Engraving, publishing, and printing (must include 1,500 sq. ft. of retail area) <u>(up to 6,000 sq. ft. building footprint)</u>	P	N
Mortuaries	<u>PN</u>	N
New and used vehicle sales and rentals	N	N
Hospitals	N	N
Short-term lodging facilities (must be in the TROD and limited to 8 units or less) (excludes hotels and motels) (short-term rental units are limited to 8 units <u>(limited to two bedrooms per unit)</u> <del>or less</del> and cannot contain kitchens unless one dwelling is approved as a mixed-use CUP. <u>No lockouts are permitted.</u> Wet bars are allowed and are defined as the following: sink, refrigerator, dishwasher, and microwave but do not include a stove or oven)	P	P (shall not be located on the ground floor within 50' of the front property line)
Hotel/Motel	N	N
Cafes and restaurants <u>(up to 6,000 sq. ft. building footprint)</u>	P	P
Public and quasi-public buildings	P	P
Police and fire stations	P	N
Barber, beauty shops, massage therapy, <u>and</u> day spas <u>and fitness center</u> <u>(up to 3,000 sq. ft. footprint)</u>	P	P
Vehicle parking (not associated with another use) (shall be located 50' from the front property line)	C	C

Repair shops (other than auto) (no outside storage)	N	N
Veterinarian and pet grooming services (no outside kennels or keeping of animals)	P	N
Mixed Use (See Section 16.05.3(l))	C	C
Commercial PUDs and commercial condominium projects (short-term rental units are limited to 8 units ( <u>limited to two bedrooms per unit</u> ) or less and cannot contain kitchens unless one dwelling is approved as a mixed-use CUP. <u>No lockouts are permitted</u> . Wet bars are allowed and are defined as the following: sink, refrigerator, dishwasher, and microwave but do not include a stove or oven)	C	C ( <u>shall not be located on the ground floor within 50' of the front property line</u> )
Private academies/studios (education, art, dance, sports, etc.)	P	P
Carpentry and woodworking shops (no outside storage)	EN	N
Electrician shops (no outside storage)	N	N
Plumbing shops (no outside storage)	N	N
Residential Condominium in Mixed Use Projects (shall not be located on the ground floor within 50' of the front property line fronting on a State road. Other permitted and conditional uses must occupy ground floor between the front property line and the residential condo when fronting on a State road)	C	C
Residential accessory structures (no living or sleeping space)	P	P
Commercial accessory structures	C ( <u>Conditional if associated with a conditional use</u> )	N
Internal Accessory Dwelling Unit	P ( <u>shall not be located on the ground floor within 50' of the front property line</u> )	P ( <u>shall not be located on the ground floor within 50' of the front property line</u> )
Event Centers	N	N



# ORDINANCE 2026-07

**AN ORDINANCE AMENDING CHAPTER 16.05 OF THE  
MIDWAY CITY MUNICIPAL CODE REGARDING  
PERMITTED AND CONDITIONAL USES IN THE C-2 AND  
C-3 ZONES.**

**WHEREAS**, the City Council of Midway City finds that certain amendments to Chapter 16.05 of the Midway City Municipal Code pertaining to permitted and conditional uses in the C-2 and C-3 zones are necessary and will serve the public interest; and

**WHEREAS**, on February 3, 2026, the City Council held a duly advertised public hearing to receive comments from citizens on the proposed amendments; and

**WHEREAS**, the City Council now desires to amend Chapter 16.05 of the Midway City Municipal Code as set forth herein.

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

Chapter 16.05 of the Midway City Municipal Code is amended as shown in Exhibit A.

This Ordinance shall take effect 20 days after publication or posting or 30 days after final passage by the governing body, whichever is closer to the date of final passage.

## Council Member Andy Garland

### Council Member Lisa Orme

## Council Member Kevin Payne

Council Member \_\_\_\_\_

Council Member JC Simonsen \_\_\_\_\_

APPROVED:

Craig Simons, Mayor \_\_\_\_\_

ATTEST:

Brad Wilson, City Recorder \_\_\_\_\_

APPROVED AS TO FORM:

Corbin Gordon, City Attorney \_\_\_\_\_

(SEAL)

DRAFT

**Exhibit A**

DRAFT

### **16.05.010 Objectives And Characteristics**

These zones have been established as districts in which the primary use of the land is for planned and integrated commercial and service uses. It is intended that these zones shall be characterized by a harmonious grouping of a variety of stores, shops, office buildings, or other permitted uses in an organized development. These zones have also been established to create new development which is characterized by well landscaped frontages, safe access and egress, proper parking design, coordinated site planning, and buildings which follow the objectives of the City Master Plan and resort architectural requirements. Emphasis in the approval of plans in the C-2 zone shall be to protect the appearance of the entrances to the City. Development in the C-3 zone is intended to create a shopping and financial center for the City and surrounding territory. Another objective of the commercial zones is to mitigate potential negative impacts upon residential zones caused by commercial activity. The City commercial zones are surrounded by residential areas on all sides and buffering restrictions are necessary.

### **16.05.020 Permitted And Conditional Uses**

1. The peculiar character and nature of conditional uses (those designated by "C") require special consideration. Therefore, the Planning Commission review of these conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development in accordance with existing and future needs. The City Council shall deny or approve these conditional uses based upon the character of the zone, the surrounding land use, traffic, utilities and other public requirements.
2. In the following list of possible uses in the C-2 and C-3 zones, those designated "P" will be a permitted use. Uses designated as "C" will only be allowed when approved as a conditional use by the City Council. Uses designated as "N" will not be allowed in the zone.

<b>USES</b>	<b>C-2</b>	<b>C-3</b>
Grocery	N	N
Professional offices and clinics (maximum 6,000 sq. ft. building footprint)	P	P (not allowed on ground level, must be below or above)
Auto detailing, gas stations and car washes	N	N
Alcohol dispensing establishments (with local consent)	C	C
Rest Homes/Nursing/Convalescent Facilities/Assisted Living (limited to 8 residents and must be part of a mixed-use development or in an existing dwelling)	P	P

Day Care	C	N
Retail, photo, art, and craft galleries, retail show rooms, antique shops (up to 6,000 sq. ft building footprint)	P	P
Recreation activity business that includes rentals of motorized vehicles (such as OHVs, ATVs, and RVs)	N	N
Engraving, publishing, and printing (must include 1,500 sq. ft. of retail area) (up to 6,000 sq. ft. building footprint)	P	N
Mortuaries	N	N
New and used vehicle sales and rentals	N	N
Hospitals	N	N
Short-term lodging facilities (must be in the TROD and limited to 8 units or less) (excludes hotels and motels) (short-term rental units are limited to 8 units (limited to two bedrooms per unit) and cannot contain kitchens unless one dwelling is approved as a mixed-use CUP. No lockouts are permitted. Wet bars are allowed and are defined as the following: sink, refrigerator, dishwasher, and microwave but do not include a stove or oven)	P	P (shall not be located on the ground floor within 50' of the front property line)
Hotel/Motel	N	N
Cafes and restaurants (up to 6,000 sq. ft. building footprint)	P	P
Public and quasi-public buildings	P	P
Police and fire stations	P	N
Barber, beauty shops, massage therapy, day spas and fitness center (up to 3,000 sq. ft. footprint)	P	P
Vehicle parking (not associated with another use) (shall be located 50' from the front property line)	C	C
Repair shops	N	N
Veterinarian and pet grooming services (no outside kennels or keeping of animals)	P	N

Mixed Use (See Section 16.05.3(l))	C	C
Commercial PUDs and commercial condominium projects (short-term rental units are limited to 8 units (limited to two bedrooms per unit) and cannot contain kitchens unless one dwelling is approved as a mixed-use CUP. No lockouts are permitted. Wet bars are allowed and are defined as the following: sink, refrigerator, dishwasher, and microwave but do not include a stove or oven)	C	C (shall not be located on the ground floor within 50' of the front property line)
Private academies/studios (education, art, dance, sports, etc.)	P	P
Carpentry and woodworking shops	N	N
Electrician shops	N	N
Plumbing shops	N	N
Residential Condominium in Mixed Use Projects (shall not be located on the ground floor within 50' of the front property line fronting on a State road. Other permitted and conditional uses must occupy ground floor between the front property line and the residential condo when fronting on a State road)	C	C
Residential accessory structures (no living or sleeping space)	P	P
Internal Accessory Dwelling Unit	P (shall not be located on the ground floor within 50' of the front property line)	P (shall not be located on the ground floor within 50' of the front property line)
Event Centers	N	N

(2012-11, Section Added, eff. 04/11/2012; 2013-15, Section Amended, eff. 03/18/15; 2015-04, Section Amended eff. 7/8/15; 2016-13, Section Amended eff. 7/13/16; 2016-15, Section Amended eff. 11/2/16); 2018-03, Section Amended eff. 1/24/18; 2020-05, Section Amended, eff. 05/07/2020)

#### HISTORY

Amended by Ord. [2022-06](#) on 4/27/2022

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

1. Minimum lot area: None
2. Minimum building setback from property line for all structures.
  1. Front: 20' setback from the property line. Covered, open aired, single-story porches may have a 10' setback so long as the structure complies with the 20' setback.
  2. Side: 10'
  3. Rear: 10'
  4. Setback from residential zones: 15 feet
  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).
  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. 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 the street if the lot fronts 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 level fenestration (design, construction, or presence of openings in a building. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, and slope glazed systems) requirements may be applied to only seventy-five percent (75%) of the primary facade and will be evaluated during the VAC review process for compatibility with the overall intents and purposes of the zone.
  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").

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

#### **16.05.030 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 volume 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.
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 level fenestration (design, construction, or presence of openings in a building. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, curtain walls, and slope glazed systems) requirements may be applied to only seventy-five percent (75%) of the primary facade and 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*

**16.05.050 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 dwellings 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)