



**Midway**

**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** November 9, 2021  
**NAME OF APPLICANT:** Midway City  
**AGENDA ITEM:** Code Text Amendment of Title 16

**ITEM: 4**

Midway City is proposing an amendment to Sections 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12 of the Midway City Municipal Code. The proposed amendment would change setbacks for the residential zones.

**BACKGROUND:**

The purpose of this item is to review and amend the City’s land use ordinance regarding setbacks in residential zones with the goal of preserving view corridors and the rural atmosphere in Midway. The purpose of reviewing the ordinance is to see whether adjusting setbacks would promote the feel of added open space in developments and help preserve the rural character of Midway, which were both identified as priorities in the revisions to the general plan that was adopted in 2017. These two goals developed from the City’s General Plan survey that was conducted in 2016. In that survey, information was gathered regarding the residents’ preferences of the vision they have for Midway. 66% of the 483 responses to that survey stated the rural atmosphere was very important to them. 70% felt that the quietness of Midway was very important. 69% felt that open space protection was very important.

The idea that developed in the Community Vision Committee that reviewed that chapter of the General Plan was to preserve the rural atmosphere, preserve open space, and protect view corridors by extending the required setbacks along City streets. By doing this the City can help retain its rural atmosphere. Below are some examples from the General plan that promote this extending the setbacks from City streets:

### *Elements of the Community Vision*

- *Midway will retain a rural atmosphere through open space preservation*
  - *Through effective zoning, Midway will plan for density closer to its core reinforcing more open space and less density as the City grows to its limits.*
  - *All developments will incorporate various kinds of open space into their projects.*
  - *Open spaces will be accessible, visible, appropriately landscaped (depending on the open space purpose and use) and will be aesthetically pleasing.*
  - *Development and City entryways will be landscaped, aesthetically pleasing and, where appropriate, will reinforce a Swiss/ European theme.*
  - *Effective planning through clustering, **setbacks**, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
  - *Animal rights will be protected and promoted to help preserve the rural atmosphere and preserve open space.*
  
- *High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the City;*
  
- *Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.*
  
- *Objective 1: Protect all of the environmental and natural resources of the City by requiring development to occur in a manner and location which respects sensitive environmental lands: wetlands, flood plains and natural drainage patterns, steep slopes, productive agricultural lands, geologically unstable areas, critical wildlife areas, vegetation and important scenic features such as ridge lines hillsides and **view corridors**.*

There is clearly support for protecting the rural atmosphere and protecting view sheds. One approach to accomplish this is by increasing structure setbacks on residential building lots.

Adjusting setbacks is not a new concept to the City. Title 16.16, the Planned Unit Developments and Standard Subdivision code and Title 16.17, the Small Subdivision code, were both amended in 2018 requiring greater setbacks from certain city streets, creating a greater sense of open space. If setbacks from property boundaries are increased, it will require property owners to consolidate structures towards the center of the lot and not near property boundaries. Doing so could create a greater sense of open

space along roads, it could also create better view corridors between structures on adjacent lots along with a greater sense of openness through the city.

If setbacks are increased on residential building lots, many structures throughout the city may become legally non-conforming, possibly limiting the future modification of the structure. Recently the non-conforming section of the land use code was amended to provide some additional flexibility for properties and structures who may become non-conforming due to a change in setbacks. Even with the increased flexibility, any allowed adjustments within the setback area are limited.

Increasing the setbacks in some of the smaller zones may limit the size of building footprints on lots that meet the minimum acreage and frontage requirements. It may also limit the ability to construct detached accessory structures on smaller lots, especially if the structure is intended to be a garage.

Planning staff has taken the approach of reviewing and proposing updates to the dwelling and accessory structure setbacks as listed in each specific residential zoning ordinance. For purposes of this conversation, we have listed the existing and proposed setbacks in the matrix below. We have one matrix for the main dwelling setbacks and a second matrix for the accessory structure setbacks.

**Residential Dwelling Setback Comparison Matrix:**

	Minimum <b>Front</b> Setback (Existing/Proposed)	Minimum <b>Side</b> Setback (Existing/Proposed)	Minimum <b>Rear</b> Setback (Existing/Proposed)
<b>R-1-7 Zone</b> (min. 70' frontage)	30' / 30'	10' / 10'	30' / 30'
<b>R-1-9 Zone</b> (min. 90' frontage)	30' / 30'	10' / 10'	30' / 30'
<b>R-1-11 Zone</b> (min. 100' frontage)	30' / 30'	10' / 15'	30' / 30'
<b>R-1-15 Zone</b> (min. 100' frontage)	30' / 30'	10' / 15'	30' / 30'
<b>R-1-22 Zone</b> (min. 115' frontage)	30' / 40'	12' / 20'	30' / 40'*
<b>RA-1-43 Zone</b> (min. 150' frontage)	30' / 50'	14' / 30'	30' / 50'

\*On parcels less than 0.60 acres in size and with more than 160' of frontage, a 30' rear setback may be allowed.

**Accessory Buildings Setback Comparison Matrix:**

	Minimum <b>Front</b> Setback	Minimum <b>Side</b> Setback	Minimum <b>Rear</b> Setback
<b>R-1-7 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	10'	10'
Proposed ≥20' height	40'	15'	15'
<b>R-1-9 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	10'	10'
Proposed ≥20' height	40'	20'	20'
<b>R-1-11 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	15'	15'
Proposed ≥20' height	40'	20'	20'
<b>R-1-15 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	15'	15'
Proposed ≥20' height	40'	20'	20'
<b>R-1-22 Zone (Exist)</b>	30'	12' or 3'	10' or 2'
Proposed <20' height	50'	20'	20'
Proposed ≥20' height	50'	30'	30'
<b>RA-1-43 Zone (Exist)</b>	30'	14' or 3'	10' or 2'
Proposed <20' height	60'	30'	30'
Proposed ≥20' height	60'	40'	40'

\*Accessory structures that are 200 square feet or less in size, are 12' or less in height and have temporary foundations, may be located up to 3' from a side or rear property line in any residential zone. There is no exception to the front setback. At the owner's risk, they may be located on a platted public utility easement, all other easements are considered unbuildable. All drainage must be maintained on site.

**POSSIBLE FINDINGS:**

- Preserving view corridors and open space is an important goal for the community
- Extending setbacks will preserve the rural atmosphere of Midway
- Increasing residential setbacks will likely make many structures leally non-conforming
- Increasing setbacks may limit the size of some dwellings on smaller lots
- Increasing setbacks may limit the ability to construct detached accessory structures on lots in some zones

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission that the proposed language is an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
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 feels 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

# **Exhibits**

**Exhibit 1 – R-1-9 Proposed Setbacks Example**

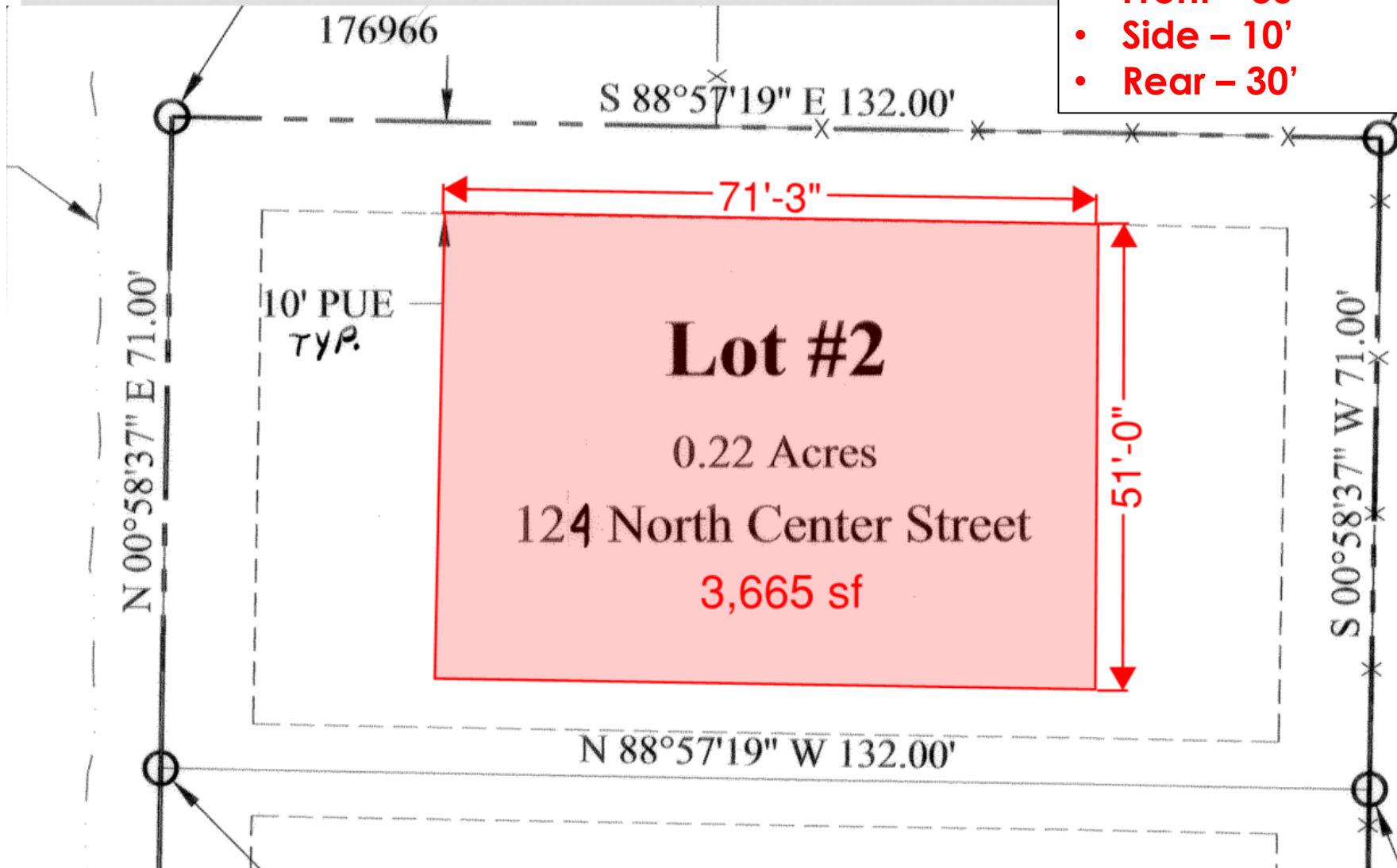
**Exhibit 2 – R-1-22 Proposed Setbacks Example**

**Exhibit 3 – R-1-22 Proposed Setbacks Example (Wider Frontage)**

# **Exhibit 1**

**Existing/Proposed R-1-9  
Zone Dwelling Setbacks**

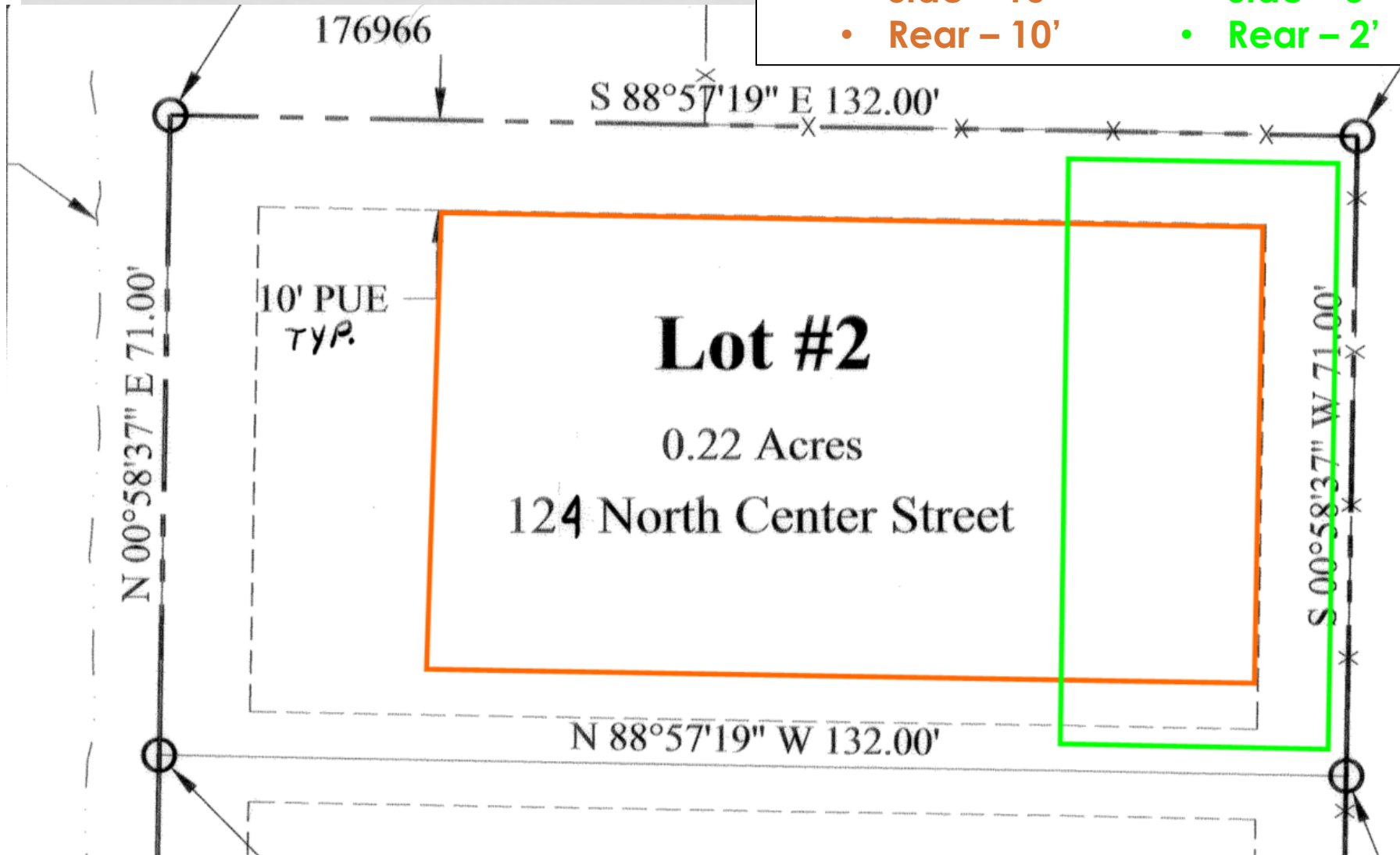
- **Front – 30'**
- **Side – 10'**
- **Rear – 30'**





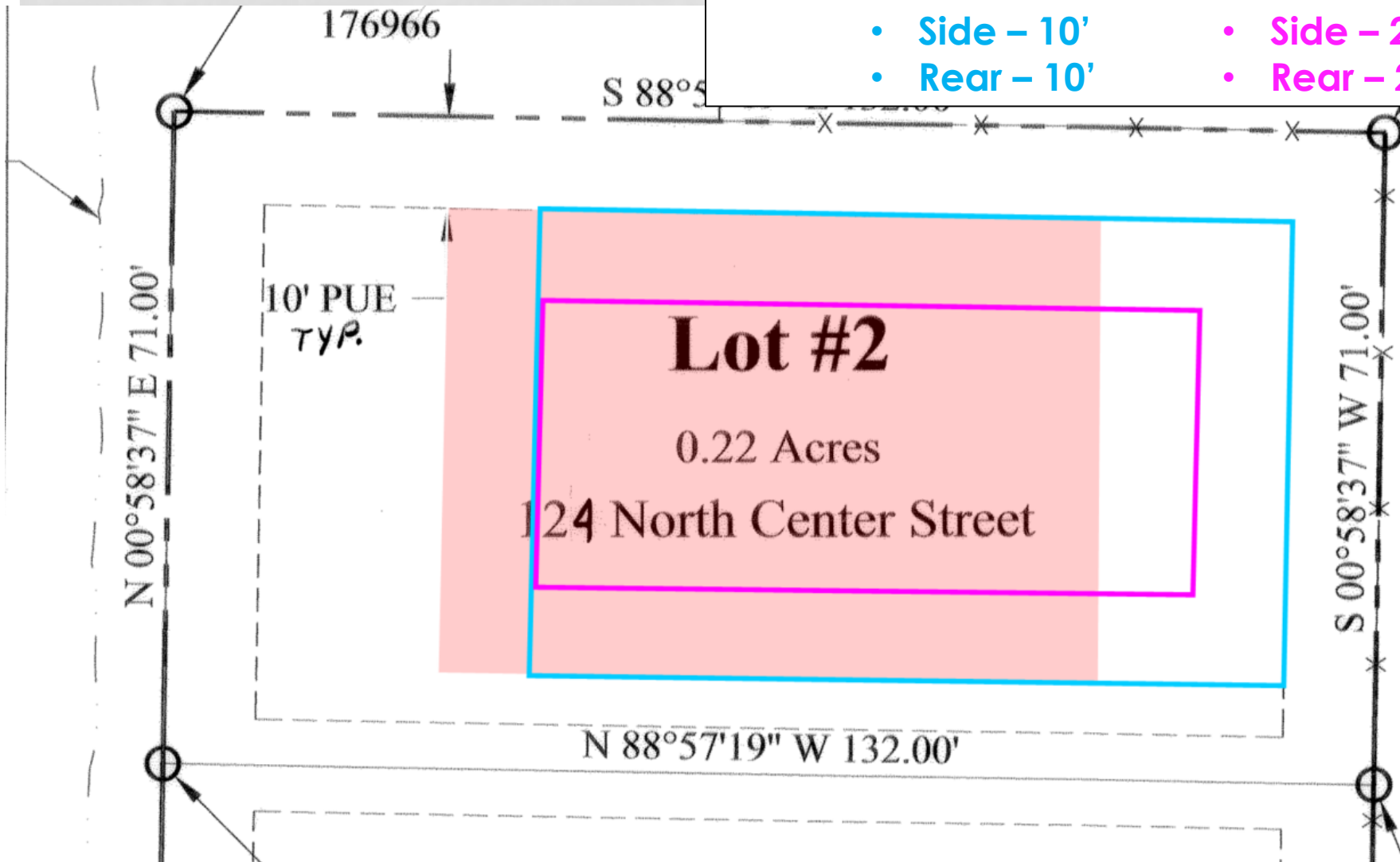
**Existing R-1-9 Zone Accessory Setbacks**

- Front – 30'
- Side – 10'
- Rear – 10'
- Front – 100'
- Side – 3'
- Rear – 2'



## Proposed R-1-9 Zone Accessory Setbacks

- <20 height
  - Front – 40'
  - Side – 10'
  - Rear – 10'
- ≥ 20 height
  - Front – 40'
  - Side – 20'
  - Rear – 20'

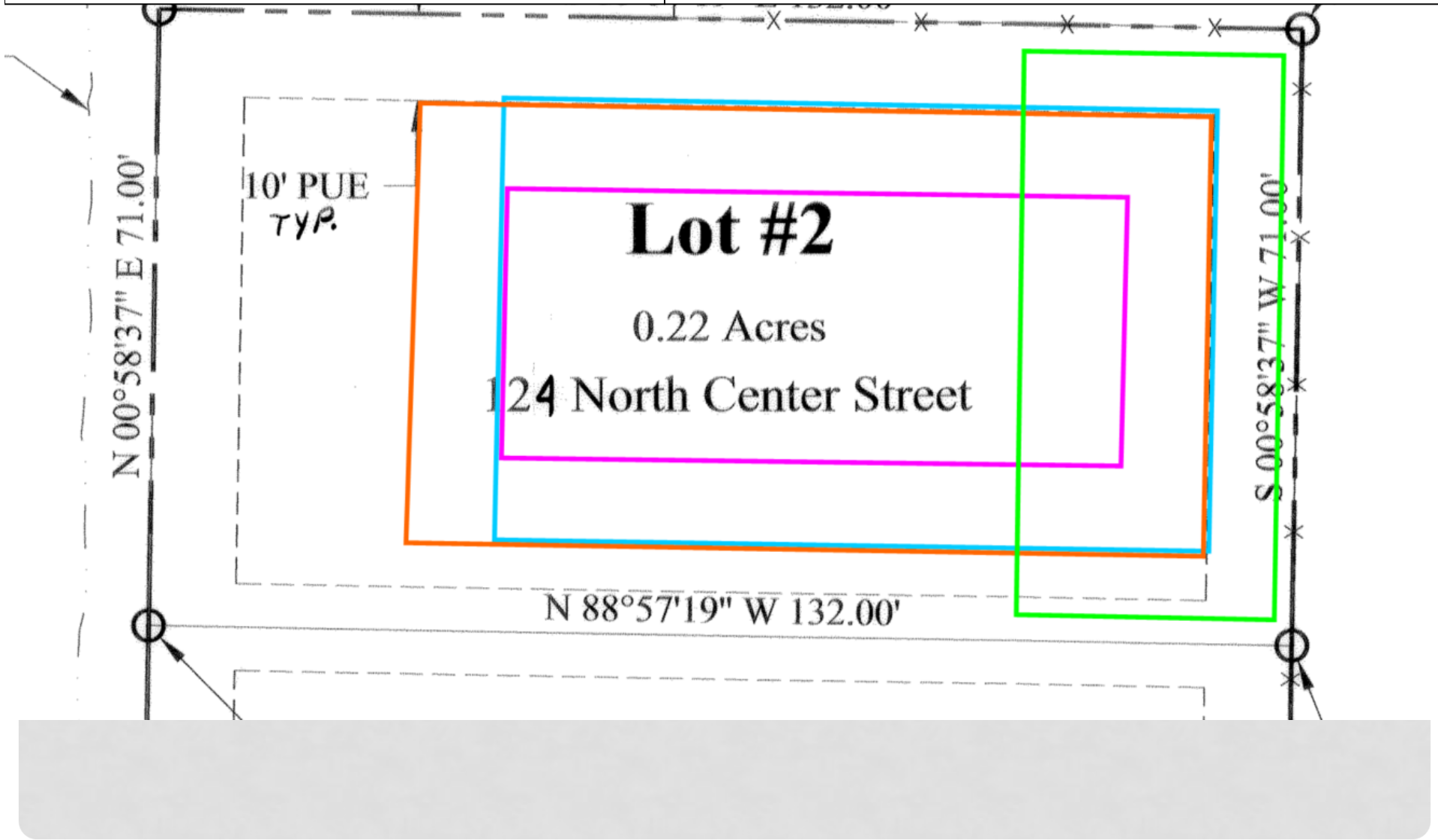


**Existing R-1-9 Zone Accessory Setbacks**

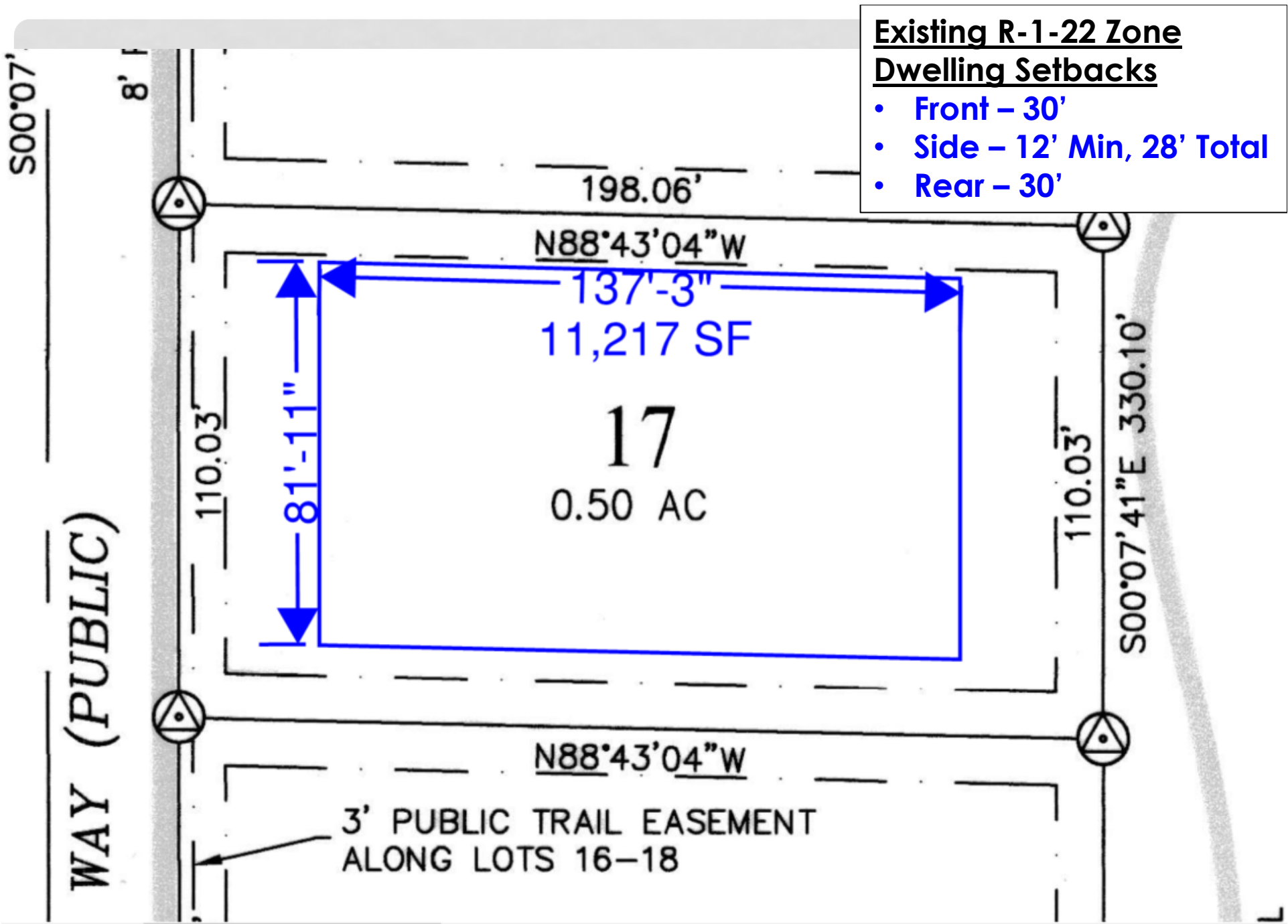
- Front – 30'
- Side – 10'
- Rear – 10'
- Front – 100'
- Side – 3'
- Rear – 2'

**Proposed R-1-9 Zone Accessory Setbacks**

- <20 height
  - Front – 40'
  - Side – 10'
  - Rear – 10'
- ≥ 20 height
  - Front – 40'
  - Side – 20'
  - Rear – 20'



# **Exhibit 2**



- Existing R-1-22 Zone  
Dwelling Setbacks**
- Front – 30'
  - Side – 12' Min, 28' Total
  - Rear – 30'

S00°07'

8'

198.06'

N88°43'04"W

137'-3"

11,217 SF

17

0.50 AC

110.03'

81'-11"

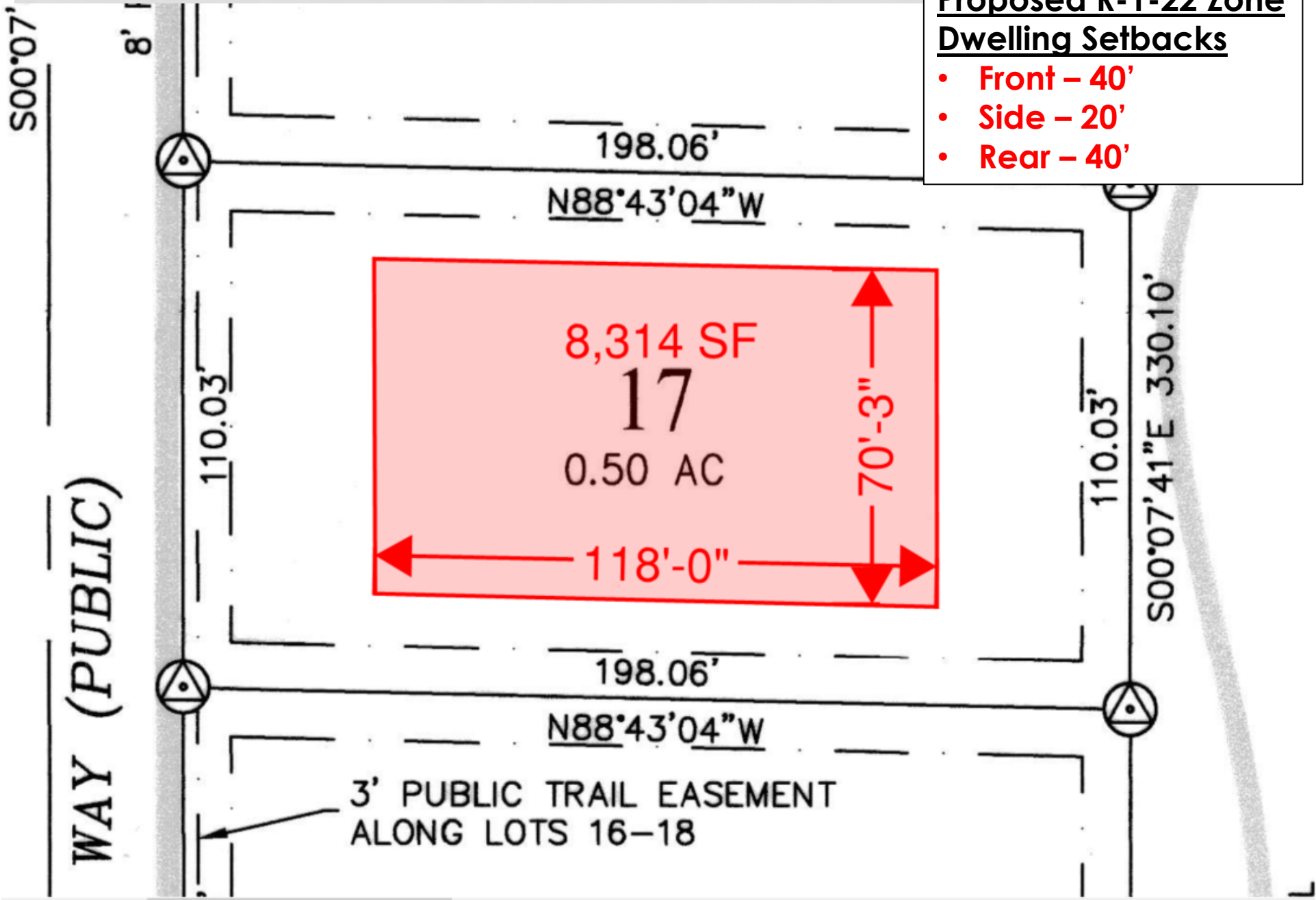
110.03'

S00°07'41"E 330.10'

N88°43'04"W

3' PUBLIC TRAIL EASEMENT  
ALONG LOTS 16-18

WAY (PUBLIC)



- Proposed R-1-22 Zone Dwelling Setbacks**
- Front – 40'
  - Side – 20'
  - Rear – 40'

WAY (PUBLIC)

3' PUBLIC TRAIL EASEMENT  
ALONG LOTS 16-18

S00°07'

8'

**Proposed R-1-22 Zone Dwelling Setbacks**

- Front – 40'
- Side – 20'
- Rear – 40'

**Existing R-1-22 Zone Dwelling Setbacks**

- Front – 30'
- Side – 12' Min, 28' Total
- Rear – 30'

N88°43'04"W

137'-3"

11,217 SF

8,314 SF

17

0.50 AC

81'-11"

70'-3"

118'-0"

110.03'

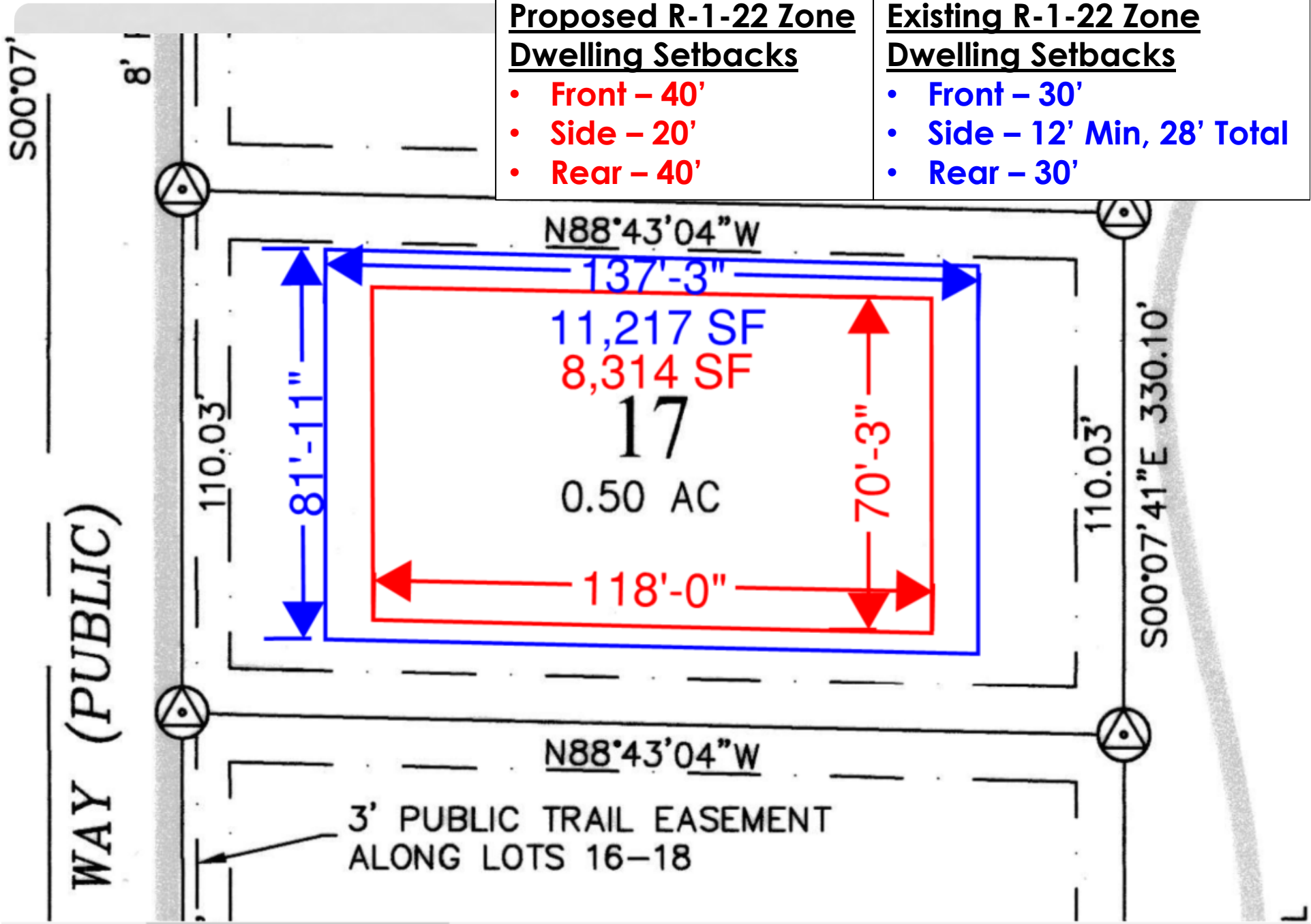
110.03'

S00°07'41"E 330.10'

N88°43'04"W

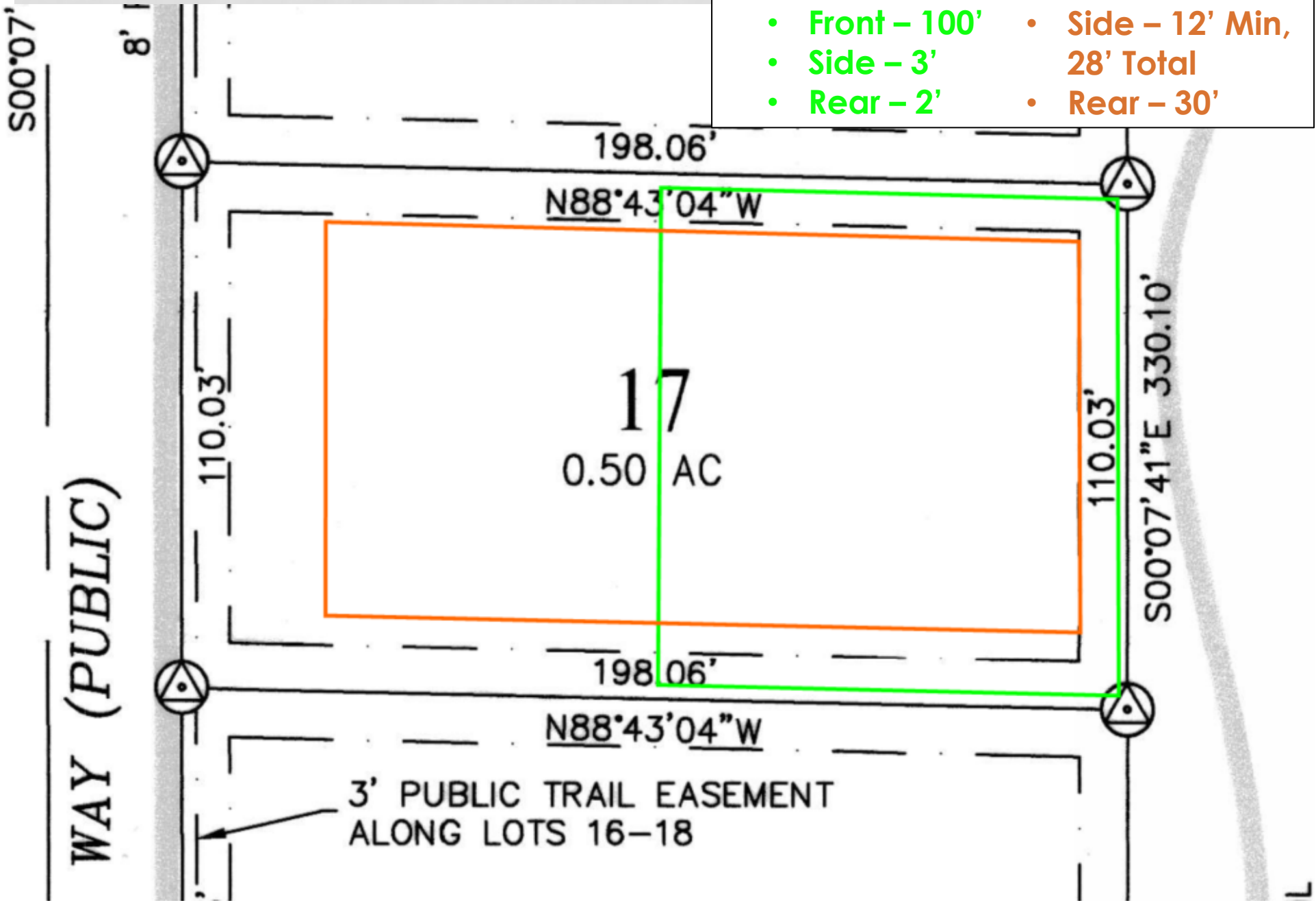
3' PUBLIC TRAIL EASEMENT  
ALONG LOTS 16-18

WAY (PUBLIC)



**Existing R-1-22 Zone Accessory  
Setbacks**

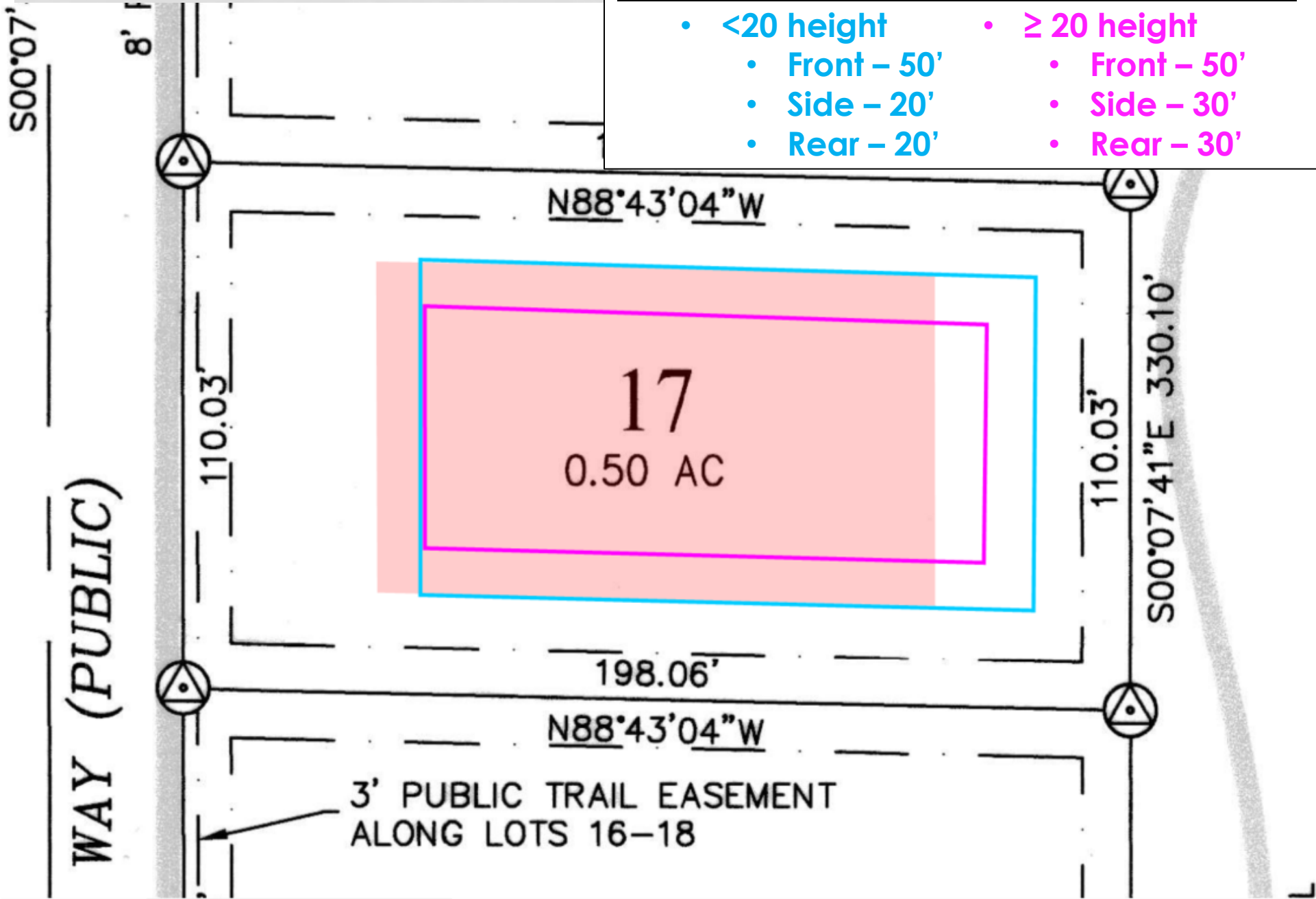
- Front – 100'
- Side – 3'
- Rear – 2'
- Front – 30'
- Side – 12' Min, 28' Total
- Rear – 30'





### Proposed R-1-22 Zone Accessory Setbacks

- <20 height
  - Front – 50'
  - Side – 20'
  - Rear – 20'
- ≥ 20 height
  - Front – 50'
  - Side – 30'
  - Rear – 30'

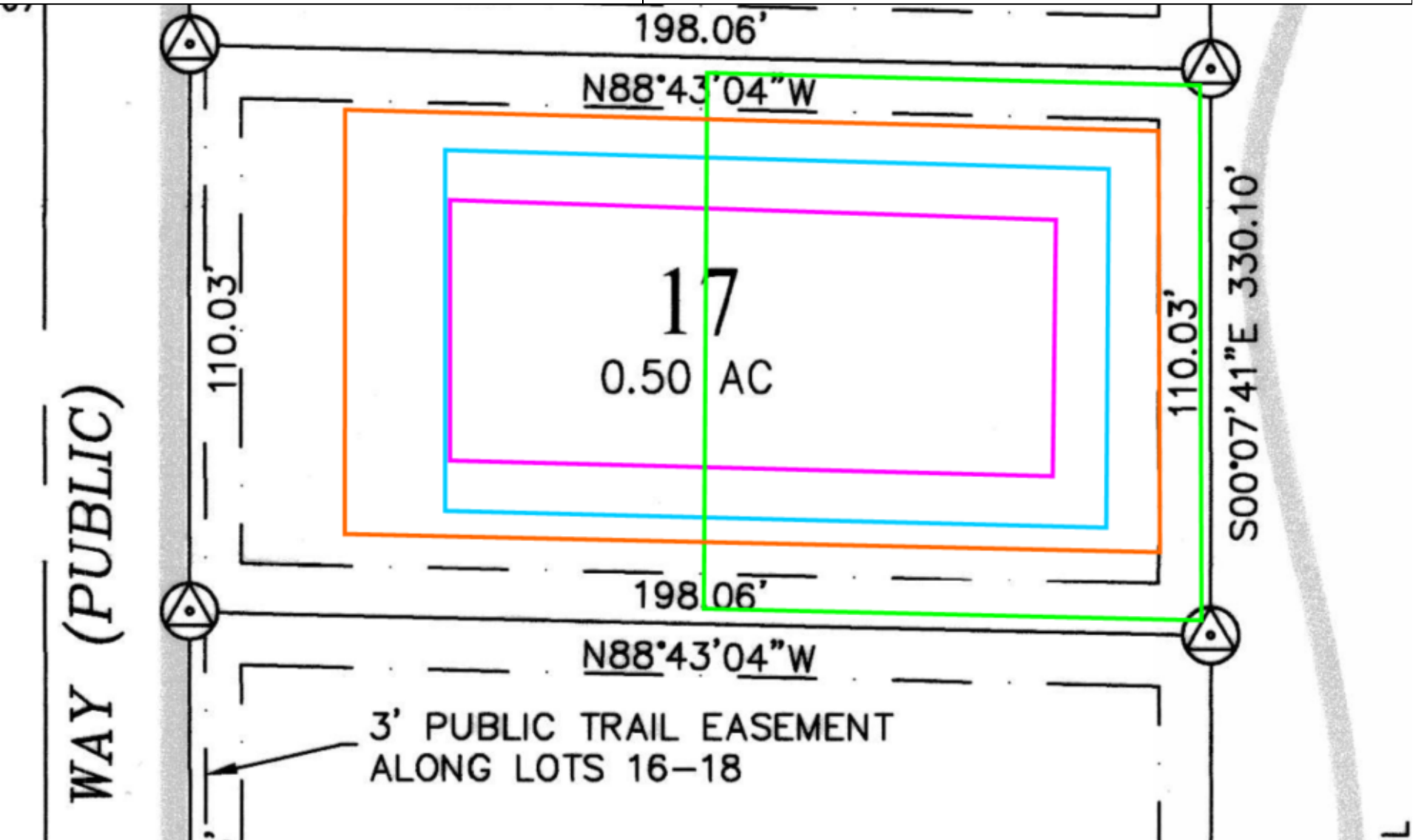


**Existing R-1-22 Zone Accessory Setbacks**

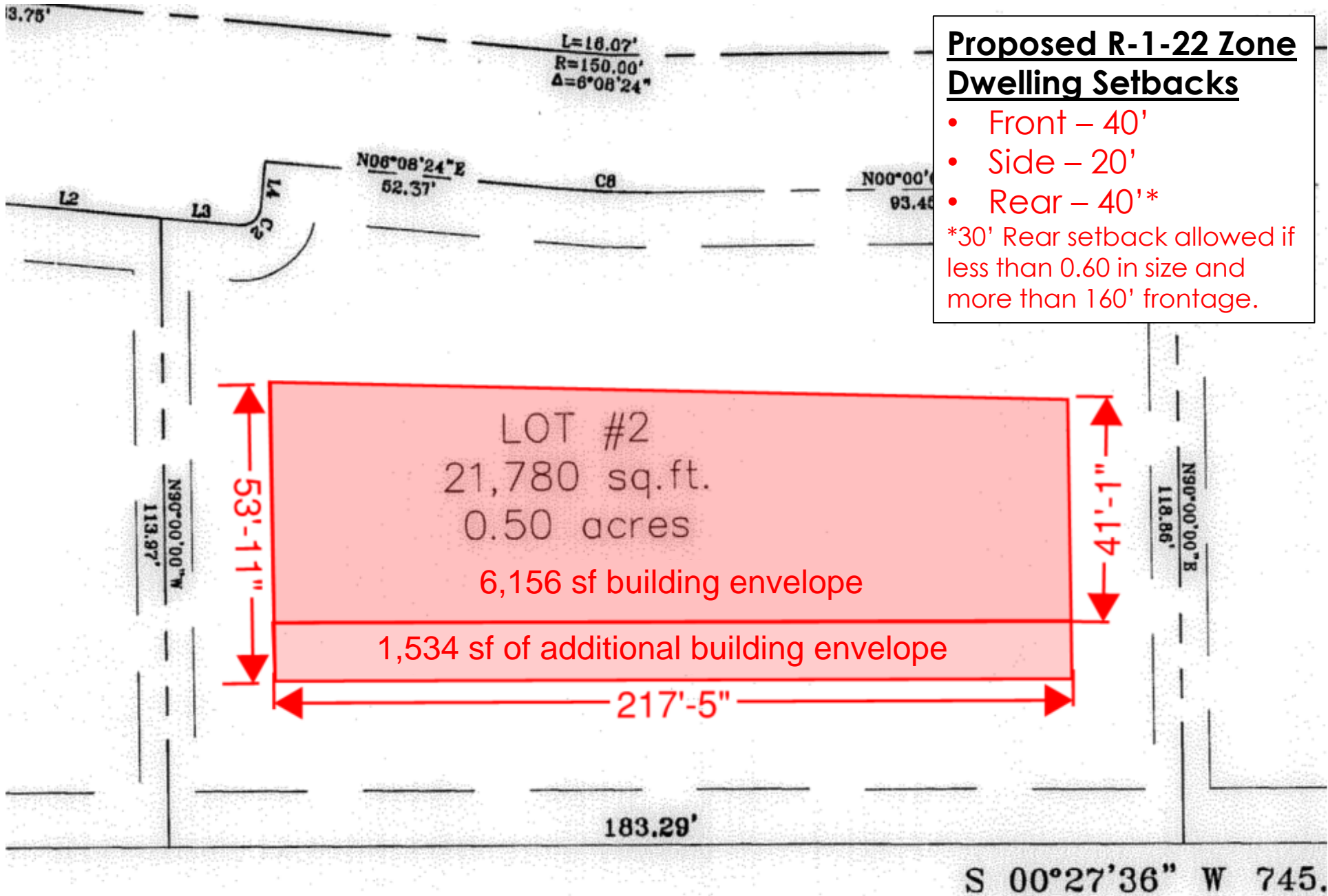
- Front – 100'
- Side – 3'
- Rear – 2'
- Front – 30'
- Side – 12' Min, 28' Total
- Rear – 30'

**Proposed R-1-22 Zone Accessory Setbacks**

- <20 height
  - Front – 50'
  - Side – 20'
  - Rear – 20'
- ≥ 20 height
  - Front – 50'
  - Side – 30'
  - Rear – 30'



# **Exhibit 3**



### Proposed R-1-22 Zone Dwelling Setbacks

- Front – 40'
  - Side – 20'
  - Rear – 40'\*
- \*30' Rear setback allowed if less than 0.60 in size and more than 160' frontage.



## Proposed R-1-22 Zone Accessory Setbacks

- <20 height
  - Front – 50'
  - Side – 20'
  - Rear – 20'
- ≥ 20 height
  - Front – 50'
  - Side – 30'
  - Rear – 30'

