

Chapter 16.27 C-4 Zone

Section 16.27.1 Purpose and Intent

C-4 Zone: The purpose of this district is to create a community gathering area that is focused on tourism and retail. This district will be walkable and is envisioned to have a central plaza with surrounding commercial and arts related businesses and activities generally on the street level and residential on the upper floors and surrounding buildings. The C-4 provides for a mix of commercial, office, retail, arts related activities and multiple unit and attached residential uses of a higher density along Midway Main Street. Site and building design will be of a quality that enhances the character of Midway and offers a cultural and retail gathering area for the residents, visitors and tourists. A wide range of commercial and residential uses are allowed, including regional scale retail; provided, that it is compatible with the overall sustainable character of the area by fitting into an interconnected street network.

Section 16.27.2 Pre-Application Conference with Staff Member

Any person wishing to develop in the C-4 zone shall meet with a staff member, check and review the zone information, obtain an application and review procedures, obtain information from the City regarding the City's plan of land use, streets, water, sewer, traffic, trails and parks, and public facilities; and have discussion about development review process and other requirements affecting the land to be developed. The developer shall then prepare plans and seek approval based on the information received and the process outlined below.

Section 16.27.5 Permitted Zones

All property must be in the C-4 zone.

Section 16.27.6 Lot Size

No minimum lot size is required.

Section 16.27.7 Open Space

A 200' x 200' central plaza is required and will be reviewed as part of the master plan. If a master plan is proposed that does not include all the property within the C-4 zone then only half (100' x 200') if the central plaza will be required which

will allow a future developer to complete the central plaza as part of a future master plan. The central plaza will be located generally in the central area of the zone at a minimum of 300' from all the C-4 boundaries except the north boundary. No other open space is required. The developer may choose to create off-site open space and/or pay a fee-in-lieu and receive residential bonuses based on the planned performance standards listed in this code.

Section 16.27.8 Height

Building height within 100' of the C-4 boundary on the east and west areas of the zone is limited to 35' as described in other sections of this code. Between 100' and 200' of the C-4 boundary building height is limited 45'. Areas more than 200' from the C-4 boundary, buildings are limited to a maximum height of 55'. All height limits are measured from natural grade.

Building height within 200' of Main Street is limited to 35' as described in other sections of this code. Between 200' and 300' of Main Street building height is limited 45'. Areas more than 200' from Main Street, buildings are limited to a maximum height of 55'. All height limits are measured from natural grade.

Building height is limited to 55' from the north side of the C-4 zone as long as the height restriction from the east and west boundaries are met.

Architectural elements such as chimneys, bell towers, clock towers, finials, and like architectural features as well as flag poles may extend above the 55' height limit as specifically reviewed by the VAC and Planning Commission. The City Council will review any proposals and may approve an extended height limit of an architectural element. In no case will any living space be allowed above the 55' height limit and four stories is the maximum number of stories allowed for any structure.

Section 16.27.9 Animal Rights

Animal rights may be petitioned by the applicant based on the proposed development plan for a development in the C-4.

Section 16.27.10 Frontage

Zone frontage requirements are not required for development in the C-4.

Section 16.27.11 Trails

Any trails crossing a development in the C-4 will be built by the developer and an easement will be deeded to the public for public use.

Section 16.27.12 Water Requirements

All required water shares for culinary and secondary water will be tendered to the City before the recording of the subdivision plat or issuance of a building permit if a plat is not required.

Section 16.27.13 Sensitive Lands

A structure may not be built on a site of slope 25 percent or greater. All other sensitive lands standards must be met as found in the Sensitive Lands Overlay Zone ordinance. The only exception to this is for an amphitheater.

Section 16.27.14 Access and Streets

Development in the C-4 zone must have access to a public road or a private driveway built to City standards. Streets within the C-4 zone will be private streets maintained by the Property Owners' Association. The street width standards will be reduced from normal City standards to accommodate a pedestrian friendly experience. Street profile standards will be reviewed specifically by the VAC and Planning Commission. The City Council will make the final determination and grant approval of the allowed street profiles. It is anticipated that speed limits on streets in the C-4 zone be limited to 15 mph.

Section 16.27.15 Setbacks

Minimum building setback from property line for all commercial structures:

Main Street:

1. Front. 10' minimum and 20' maximum 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.
2. Side. None
3. Rear. None
4. Setback from boundary of C-4: 15 feet

Inner public streets or private streets or driveways:

1. Front. None
2. Side. None
3. Rear. None
4. Setback from boundary of C-4: 15 feet

Parking setback is 15' from C-4 boundary.

Section 16.27.16 Perimeter Landscaping

A landscaped berm is required along the C-4 zone boundary along properties containing existing residences. The berm will be 4' in height to shield light from vehicles in the C-4 zone from shining onto neighboring residential properties. Berms are encouraged to be lushly landscaped. Trees shall have a minimum of a 2.5" caliper and at a minimum located every 25'. Two roughly parallel rows of bushes are required with each row containing a bush every 10' leaving a distance of about 5' between each bush giving a staggered effect. Landscaping must be approved by the VAC.

Section 16.27.17 Permitted and Conditional Uses

USES	C-4
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P
Bazaar (under 10,000 sq. ft.)	P
Bazaar (over 10,000 sq. ft.)	C
Professional offices and clinics	P
Alcohol dispensing establishments	C
Day Care (*as a component of another permitted or conditional use in the C-4)	P
Recreational activity businesses, photo, art, and craft galleries, retail show rooms	P
Short-term lodging facilities	P
Cafes and restaurants	P
Barber, beauty shops, massage therapy and day spas	P
Vehicle parking	P

Theaters (indoor and outdoor)	P
Mixed Use (80% minimum commercial square feet unless planned performance bonuses are earned, 30 residential units per acre, total of allowed units to be calculated on the gross amount of acreage in the master plan, units may be used anywhere within the master plan but are not limited to 30 residential units per acre)	C
Commercial PUDs, commercial and residential condominium projects (residential is allowed only as part of a mixed-use)	P
Private academies/studios (education, art, dance, sports, etc.)	P

Use Restriction:

Drive up window/drop off lane allowed only with special use review by the Planning Commission and the City Council.

Section 16.27.18 Planned Performance Incentives

The standard requirement for mixed-use developments is 80% commercial square footage and 20% percent residential square footage. It is possible to decrease the commercial requirement and increase residential if improvements are made to the property from the following list:

Incentives for increased residential	Residential Percent
Water feature (40' diameter minimum)	1-10
Fire feature	1-5
Stage for musical performances*	5
Ice skating rink* (80' diameter minimum, roofless)	30
Movie theater* (minimum three screens)	35
Land donated for an arts center/Amphitheatre* (minimum five acres)	20
Fee-in-Lieu for open space (every \$100,000 is worth 1.5 points) (\$100,000 increases 5% each year starting in 2018)	1-20
Open space outside of the C-4 (developable and has a public benefit) (every acre is worth 1.5 points)	1-20
Purchase of development rights (0.75 points)	1-20

The maximum amount of allowed residential is 80%.

*Limit one item in the C-4 zone

City Council reserves the right to offer other incentives than what is listed in the code.

Section 16.27.19 Standards and Requirements

Standards and Criteria: Development plan review shall be based on the following building and site design standards and criteria, which are formulated to achieve the intents and purposes of the mixed-use districts in the short and long term. These standards and criteria shall be met unless an acceptable alternative is proposed that, upon review by the Planning Commission, City Council and the VAC, better meets the intents and purposes of the area:

1. General Criteria:

A. Encourage appropriate characteristics of Midway's traditional neighborhoods, including mixed-use development, European architecture, tree lined streets, interconnected street networks, and convenient access to parks and plazas, open space, transit and trails;

B. Provide an adaptable and interconnected transportation system that allows multiple modes of transportation, disperses traffic and provides streets that accommodate multiple transportation modes, including motor vehicles, bicycles and pedestrians;

C. Use manmade and natural features, such as open spaces, drainage corridors, parkways, streets and alleys, as development edges, transitions and interconnections;

D. Through a comprehensive site design approach, arrange residential, employment, retail, services and open space uses to be convenient to and compatible with each other;

E. Define the public space using building location and landscaping to promote pedestrian activity and create a high quality public realm;

F. Design early phases of development to be adaptable to additional phases of development to promote sustainability through long term quality and character;

G. Encourage housing in a range of densities, sizes and types;

2. Building Envelope:

A. Side yards that exceed fifteen feet (15') in width located adjacent to another side yard that exceeds fifteen feet (15') in width should be avoided unless the areas are to be used as a unified public gathering area or courtyard;

B. Pedestrian breezeways between buildings shall be a minimum of six feet (6') in width;

C. The use of front yard areas for buildings that have nonresidential uses on the ground floor shall be oriented toward the pedestrian and shall include related amenities such as entrance walks, plazas, benches, bike racks, raised flower boxes or other such features.

3. Buffering and Transitions:

A. Use design, positioning or other approaches to mitigate any potentially adverse impacts, such as noise, light and/or odor, to adjacent incompatible uses;

B. Locate, screen and buffer service, storage, delivery and refuse areas to minimize the view from streets and open spaces. Decorative walls, earthen berms, landscaping or architectural treatments may be used as screening methods;

C. Rear facing buildings, loading docks, service entries or overhead doors are not allowed on primary street facades, but if necessary may be located on secondary streets; provided, that such service functions meet the general design intent.

3. Parking And Circulation:

A. Provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks within parking lots and surrounding areas;

B. Minimize the visual impacts of parking areas, parking structures and residential garages on streets, open spaces and adjoining developments;

C. Improve the efficiency of parking areas by allowing multiple uses to share parking spaces, curb cuts and circulation drives;

D. Parking, including residential garages, shall be located to the rear of the building. Side yard parking is only allowed if specifically approved as part of the master plan. Residential garage entrances wider than one bay shall not be located on the primary façade.

4. General Site Design:

A. Incorporate required water quality and storm water management features into the overall site design;

B. All new utilities shall be placed underground in all streets;

C. Civic sites: Civic buildings, including, but not necessarily limited to, libraries, schools, recreation facilities, municipal buildings, or places of worship or assembly have a special public importance in the community. Retail, residential or privately owned office buildings are not included in the definition. Civic buildings may be allowed greater flexibility to make an architectural statement or provide additional gathering space. This flexibility may allow variation from the building frontage and required build to range requirements subject to review by the VAC and planning commission and approval from the City Council. This flexibility does not, however, allow parking lots to be located between the building and the primary street it faces.

5. Large Footprint Buildings:

A. Retail commercial buildings with a footprint greater than twenty thousand (20,000) must meet the regulations:

1. Each building shall orient to the primary street it faces;

2. In the C-4, 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;

4. Detailing at intervals of twenty-five (25') to thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the right of way a minimum of fifteen feet (15') and buffered with landscaping. Street trees are required at intervals ranging from 20' to 35' and at least one row of additional plants and/or shrubs based on the recommendation from the VAC.

6. Building Design Criteria:

A. Architectural Detail:

1. Create buildings that provide human scale and interest through use of varied forms, materials, details and colors;
2. Provide architecturally finished and detailed elevations for all exposures of the building;
3. Primary street facing walls of buildings may not have sections of blank walls that contain no openings in lengths that exceed twenty feet (20') in length;
4. Rooflines may be flat or pitched. 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;
5. Durable materials that complement Midway City's tradition of stone and masonry shall be used as either primary or secondary building materials.

B. Entrances/Pedestrian Access:

1. Each building on a lot with street frontage shall have a primary entrance either facing or clearly visible and accessible from the primary street it faces;
2. Entrances shall be accessible to the public as a regular building entry from the sidewalk;
3. Along principal streets, entrances allowing public access from the sidewalk, for any building which is greater than fifty feet (50') in width, shall be provided with functional entrances at intervals of fifty feet (50') or closer to maximize street activity and pedestrian access opportunities, and to minimize expanses of inactive

building wall;

4. The street level floor elevation should match the elevation of the sidewalk at the front of the building as closely as possible to facilitate accessibility and primary street orientation.

C. Street Frontage:

1. A portion of the building frontage may be set back beyond the required build to range up to an additional twenty feet (20') if the space is utilized as a site plan approved courtyard, outside eating area or entryway that is open and accessible to the public sidewalk. This portion may be up to forty percent (40%) of the actual building frontage and shall not be used for a parking area;

D. Fenestration:

1. A minimum of sixty percent (60%) fenestration is required on the street level of all street facing facades. Street level is between two (2') and twelve feet (12') on these street types. Upper stories shall have a minimum of thirty percent (30%) fenestration for each story;

2. A minimum of sixty percent (60%) fenestration is required on the street level of all street facing facades for all nonresidential uses on neighborhood streets and pedestrian walkways. Residential uses on the street level must have a minimum of forty percent (40%) fenestration on street facing facades. Street level is between two (2) and ten feet (10') on neighborhood streets and pedestrian walkways. Upper stories for all uses shall have a minimum of thirty percent (30%) fenestration for each story;

3. Windows of tinted or reflective glass may not be located between two feet (2') and nine feet (9') above the sidewalk grade on street facing facades;

E. Design Standards:

The following landscaping standards shall apply to all new development within the C-4 zone.

A. Street Frontages: Street trees shall be provided on all street frontages at a maximum spacing of forty feet (40') on center unless the species to be used recommends spacing greater than forty feet (40'). Spacing should be as uniform as

possible, with exceptions allowed to preserve clear visibility zones near intersections and driveway and alley access points.

B. Landscaped Park Strips: Street trees shall be planted within a landscaped park strip of at least six feet (6') in width, between the roadway and sidewalk, or tree grates of at least five feet (5').

C. C-4 Streets: On promenade streets where on street parking is permitted and where no landscape strip is present, street trees may be planted in sidewalk bulb out areas.

D. Distance to Light Standards: Street trees shall be planted no closer than twenty feet (20') to light standards.

E. Species: Street tree species selections shall help define the public space of the street, especially in residential neighborhoods. Different streets should be planted with different species to provide interest, variety, and to promote disease and pest resistance throughout a development area. More than one species may be used to create a pattern and/or provide accent along a street.

F. Location of Lighting Fixtures: Lighting fixtures providing pedestrian scaled illumination shall be placed on all principal and promenade streets spaced no greater than forty feet (40') on center to stagger with street trees. Spacing on other streets shall meet minimum required lighting levels.

G. Pole Height of Pedestrian Lighting Fixtures: The pedestrian lighting fixture pole height shall be fifteen feet (15'), with a base diameter of at least twenty inches (20"). Materials shall be cast iron and steel with a black finish. Single or double lamp fixtures may be used on principal, promenade or arterial streets. Single lamp fixtures shall be used on neighborhood roads.

H. Pole Height of Street Lighting, Parking Lot Lighting Fixtures: Street lighting fixtures and parking lot lighting fixtures shall have a pole height of twenty-four feet (24').

I. Tree Grates: Tree grates shall be five feet (5') square and of cast iron.

J. Tree Guards: Tree guards, if used, shall be a minimum of sixteen inches (16") in diameter and five feet (5') in height. Material is fabricated steel construction with a black high polish powder coat.

K. Trash, Recycling Receptacles: Trash and recycling receptacles shall be of fabricated steel construction with a black high polish powder coat finish. Receptacles shall be three feet (3') in diameter and four feet (4') in height. Trash and recycling receptacles shall be placed side by side, with a lid to distinguish the recycling receptacle. A minimum of two (2) pairs of receptacles shall be placed per block face, unless otherwise approved by the city, on all principal and promenade streets. Other locations shall be approved during the development plan review process.

L. Bollards: Bollards shall be placed at all intersections along principal and promenade streets. They shall be constructed of cast steel with a black high gloss powder coat finish. Each bollard shall be four inches (4") in diameter and three feet (3') high. Bollards may be cast in, bolt down (surface mount), or removable. Bollards will be spaced a minimum of four feet (4') and a maximum of six feet (6') apart.

M. Benches: Benches shall be placed along all principal and promenade streets at a minimum of three (3) per block face. Benches shall be of a cast iron with steel straps and finished in a black high gloss powder coat. Benches shall be six feet (6') in length.

N. Bicycle Parking: Bicycle parking shall be placed in racks with a minimum capacity of three (3) bikes and a maximum capacity of seven (7) bikes. A minimum of one rack shall be placed on every block face for principal and promenade streets.

O. Paving Accents: Paving accents may be used to articulate building entries, pedestrian crosswalks, plazas, sidewalk bulb outs, or other areas as approved during the development plan review process. Paving materials may be brick, stained concrete or other durable materials that have a nonslip finish. Stamped concrete is not to be used for paving accents that are part of the streetscape area.

The following standards, requirements and conditions shall apply to all C-4 developments:

A. The project must be prepared by a design team composed of at least a civil engineer, land surveyor or landscape architect, all who must be licensed to practice in the State of Utah.

B. All dwelling units shall be served by a city-approved water supply. All utilities within in C-4 developments shall be placed underground, including telephone, power and television.

C. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:

D. All parking spaces, parking areas and driveways shall be hard-surfaced asphalt or concrete, and properly drained with no drainage running across public or private sidewalks.

E. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.

F. All street construction improvements in subdivisions and along public roads shall be constructed per public street construction widths and cross-section standards.

G. Provisions of the Sensitive Lands Section of this ordinance shall be adhered to within C-4 developments.

H. C-4 developments shall connect any trails shown on the City Master Trails Plan for the area.

I. Final engineering drawings (plans and profiles) for all public and private improvements, final grading plan, and final drainage and run-off plan with run-off calculations.

K. All documents and legal material shall be ready for recording.

L. Deeds of dedication for all public lands as required by the City, when not shown on a final plat.

M. Provisions for bonding of all improvements in a form acceptable to the City. The bond amount is to be 110 percent of the engineer's estimated cost for improvements.

N. All required final plat fees.

O. Phasing plan for final plats.

P. In the event the project will not be divided into separate ownership; the developer shall submit the same information as requested above except for the Record of Survey Map. A final site plan shall be submitted totally dimensioned conforming to the approved preliminary plan.

Section 16.27.20 Master Plan

Development of a Master Plan. The purpose of a Master Plan is to establish the development standards that will serve as a guide to all future development within a C-4 zone development. The Master Plan is intended to be of sufficient detail to describe the amount, type, size and location of all proposed buildings in the development and the impact of the proposed development on surrounding neighborhoods and Midway City as a whole. Although technical specifications of the proposed development, such as fully engineered plans or fully detailed architectural drawings, are not required as part of the Master Plan, it must be prepared by a development team composed of at least a civil engineer, an architect, a landscape architect, and an attorney, all of whom must be licensed to practice in the State of Utah.

1. Participation in the Master Plan. While one or more landowners within a City defined potential C-4 area may propose a Master Plan and maintain the role of the applicant as identified herein, all landowners within the C-4 area are encouraged to participate in the design of the Master Plan. Participation of all landowners within the C-4 zone, however, is not required for the City to approve a Master Plan for a development in the C-4 zone.

2. Review and Approval of the Master Plan. Public review and approval for C-4 Master Plans parallels the procedures set forth for a Concept Plan in other large scale development regulations of this Title. The standards for review of the Master Plan, however, are the standards set forth in this Chapter, in order to allow for flexibility and creativity in the development and review of the Master Plan.

3. Recordation of the Master Plan. Upon approval, the Master Plan and a Certificate of Standards and Conditions, and any amendments thereto, shall be recorded in the Wasatch County, Utah Recorder's Office. The Planning Director and City Attorney shall prepare the affidavit certifying the details and conditions of the Master Plan approved and the development standards to be applied within the development area, along with any other standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the C-4 area. A detailed description of the submittals required for a Master Plan is presented in the Recreational Resort Master Plan Section of this Chapter.

A. An application for development with the following elements:

1. The names, addresses and contact information of the applicant and owners of the property.

2. A Statement of Purpose. The statement of purpose shall provide the project name, the applicant's rationale for establishing the development, the development's objective and design theme, and how it will promote Midway City's Vision and comply with its General Plan.

3. A demonstration that the developer understands the City's Land Use Title and commits to meet its requirements. A Master Plan shall comply with the standards of Midway City Land Use Title. Notwithstanding, the applicant for a C-4 Master Plan may propose, and the City Council may approve, alternative standards for a development that is consistent with the unique circumstances of, and community objectives for, the development.

4. A site plan prepared to scale on a topographic base by a professional planning team which shows the concept of the major features of the project, including roads in relation to existing conditions and developments within one-fourth of a mile of the outside boundaries of the development. Ten copies of the Concept Plan on 11"x 17" size paper shall be submitted to the Planning Department for review by the Planning Commission.

5. Applicant entity name, primary contact name, civil engineer, architect and attorney, with respective contact information for each.

6. Development plan showing lot, pad or unit location and size(s).

7. Number of lots, pads, or units and how they conform to the underlying zone.

8. The types of buildings in the project by use and by architectural style, accompanied by conceptual architectural renderings.

9. All proposed common areas and/or amenities.

10. Any proposed public dedications proposals.

11. Conceptual Landscape Plan.

12. Open space provisions including the following information:

a. Location.

b. Size.

c. Description of how the open space plan conforms to the standards for open space.

d. Proposal for the final disposition and management of open space property.

e. Any off-site open space trading provisions as allowed by this Code shall be approved by the City Council before applying for preliminary plan approval; however, any proposals for this purpose should be disclosed as much as possible now.

10. Any trails proposed within the project including an analysis that shows how this trail plan works in conjunction with the City Trails Master Plan.

11. A topographic map that is suitable for GIS and CAD analysis or another acceptable digital format.
12. Sensitive Lands.
 - a. Topographic information.
 - b. Identify potential sensitive land issues and a plan for how to address these issues.
 - c. Potential wildlife issues with the project and on the site.
13. A description of how public participation will be conducted consistent with the Citizen Participation requirements of the City, as outlined in Title 16.
14. A summary of the water needed for the proposed project showing how much is owned now compared to how much is estimated to be needed to complete the project.
15. Letter of submittal for the concept plans to the Heber Valley Fire Special Service District that transmits the plans to them.
16. Architectural renderings that conform to the architectural requirements found in this Title.
17. The Concept Plan may be used as a guide to request a Master Plan Development Agreement that will be used to guide the development that include multiple phases. Master Plan Development Agreements may be requested prior to Preliminary/Final Approval because they provide the basis for the portion of the Development Agreement that describes the zoning entitlements of the property. A Master Plan request shall have the following characteristics:
 - a. Phases that implement Master Plans shall prepare applications for Preliminary/Final Approvals for each phase prior to implementation. The Master Plan request must show each of the proposed different phases and their construction sequence relative to each other. Each mixed-use phase must contain at a minimum 20% commercial square feet of the total square feet in the phase.
 - b. In addition to the utility requirements for Concept Plans, the Master Plan application must be prepared in sufficient additional detail to receive preliminary approval from the Midway City Water Board and the Midway Sanitation District, provide for the scheduling of all necessary water rights, water mains, sewer service interceptor capacity and laterals for the entire Master Plan along with a schedule that matches the phasing plan.
 - c. A Master Plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the Master Plan application must demonstrate that sufficient property, water rights, and roads are proposed with the first phase to allow the project to function without subsequent phases.

d. Special information must also be prepared for Master Plan applications to demonstrate that all facilities necessary to implement all life safety codes in effect at the time of application will be constructed and be maintained at the time the first phase is requested of the City.

e. Master Plan applications must be reviewed by the Planning Commission and approved by the City Council.

f. No City Council approval may be considered until after a public hearing has been held to consider the recommendation of the Planning Commission with regard to the Master Plan.

g. The Planning Commission and City Council may schedule such public hearings and extra meetings as they deem necessary to find the information necessary to make a recommendation to the City Council for a Master Plan.

h. After approval by the City Council a Development Agreement must be prepared and executed by the applicant and the City, sufficient to describe the entitlement granted to implement the Master Plan. The Development Agreement must be signed by the applicant within 45 days of approval. If the Development Agreement is not signed within 45 days of Final Approval then all approvals are null and void.

18. Definition of the C-4 Theme.

a. The theme of a C-4 development shall be consistent with vibrancy of a mixed-use development with associated activities that create a sense of place. A sense of place is created when site planning and architecture:

i. Concentrate activities and human interaction into identifiable spaces, such as a plaza;

ii. Assemble a built environment that connects buildings, spaces and structures through common scale, design, and materials;

iii. Incorporate into the built environment the natural features and cultural heritage of the area;

and

iv. Produce an identifiable image that is associated with Midway and its theme.

b. The design theme and associated design concepts proposed by the applicant shall be submitted to the Midway City Vision Architectural Committee (VAC) for review. The VAC shall forward their comments and recommendations to the Planning Commission and City Council for their consideration.

19. Building design guidelines shall reflect:

a. The community's architectural character choices emphasizing Swiss/European Alpine themes (or other themes as approved by the City Council after a recommendation from the VAC and Planning Commission).

b. A built environment that emphasizes a human scale, pedestrian-orientated environment;

- c. A built environment that is harmonious with the cultural and aesthetic values of Midway;
- d. The natural physical attributes of the immediate vicinity;
- e. The use of building materials and colors that are compatible with the surrounding natural and built environment, and
- f. The bulk and scale of individual buildings within the C-4 area shall be compatible with, other structures within the development when the district is completed and with the natural environment.

20. Transportation Plan. C-4 Master Plan transportation element shall include a traffic impact analysis and a transportation demand management plan. The plan will determine the impact of increased vehicular traffic due to C-4 development and mitigates the impact of increased vehicular traffic due to the development. Further, the plan will assess the compatibility of the development plan with the Midway City Master Transportation Plan and demonstrate that traffic within the C-4 district confines moves efficiently and safely.

- a. Traffic Impact Analysis. At a minimum, this analysis shall contain:
 - i. Projections of external vehicle trips generated by the C-4 development.
 - ii. Analysis of levels of service impacts on roadway system segments and intersections serving the C-4 zone and surrounding neighborhoods, and
 - iii. Specification of improvements needed to any public roadway system segments and intersections that are needed as a result of increased traffic to and from the C-4 zone.
- b. Transportation Demand Management Plan: At a minimum, the Transportation Demand Management Plan shall:
 - i. Manage the generation of development related traffic to avoid undermining community character or endangering the public health, safety, and welfare. It shall encourage an optimum mix of automobile and pathway facilities within the C-4 zone;
 - ii. Promote multiple forms of transportation that are consistent with the transportation goals of the Midway City General Plan by providing safe, convenient, and direct access to transportation services and facilities (i.e., public transportation, paths and trails);
 - iii. Layout of streets, alleyways, and parking lots in a pattern that is sensitive to the natural terrain and surrounding uses.
 - iv. Manage the transportation demands of the C-4 zone so that it is consistent with the allocation of vehicle trips to the various roadway segments that serve the C-4 zone; and
 - v. Identify an equitable area cost sharing plan for transportation facilities and services.

c. Service Vehicle Transportation Management Plan. This plan shall provide vehicular access appropriate for:

- i. Emergency services, paying particular attention to fire and EMS access;
- ii. Recycling and refuse removal;
- iii. Goods and services delivery; and
- iv. Construction equipment during all phases of construction.

21. Parking and Loading Plan. The Master Plan shall conform to the general requirements of the parking sections of the Midway City Land Use Title.

22. Trails and Pedestrian Facilities Plan. Trails and pedestrian facilities, including access for the disabled, shall be integral components of the site design. The plan shall provide:

- a. Trails and pedestrian systems that shall provide safe, convenient, and direct access throughout the C-4 and transit facilities and to existing or future adjoining community pathway system, when they are adjacent to the C-4 zone.
- b. Trails shall be provided for non-motorized transportation, except that motorized wheelchairs for the disabled shall be permitted. Bicycle racks and trail side seating, etc., shall be provided throughout the resort.

23. Water Use Plan. As water is so often a limiting factor for large scale developments in Midway City and surrounding areas a water use plan is a necessary element of a Master Plan. The Water Use Plan shall demonstrate compliance with Midway City's Water Use Title.

24. Other Utility Service Plans:

- a. The plan shall provide identification and acknowledgment of service providers. The applicant shall identify the provider of all infrastructure services and any associated facilities required to support the plan.
- b. Where services are to be provided by an entity other than the applicant an impact analysis shall be performed if requested by the Planning Director. At a minimum, a document shall be obtained from each service provider demonstrating their commitment and ability to provide the required service to the Recreational Resort defined by the Master Plan. 'Will serve' letters shall be required from:
 - i. Midway Sanitation District;
 - ii. Solid waste disposal;
 - iii. Electrical service;
 - iv. Natural gas service;
 - v. Telephone, internet and other electronic services; and
 - vi. Any other utility service entity involved in the project.

Section 16.27.4 Preliminary/Final Plan

The developer shall prepare a preliminary/final plan and shall submit five copies of the plan on 11" x 17" size paper to the Planning Commission for its review. The purpose of this plan is to demonstrate how the proposed development plan will be able to meet the standards required under the zoning ordinance and other applicable laws or regulations. The Preliminary/Final Plan is expected to contain construction drawings, and it is also expected that it will demonstrate compliance with this code. The Preliminary/Final Plan shall contain the following information:

- A. Type of development.
- B. Name of development.
- C. Applicant entity name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, and email addresses for each.
- D. Legal description with section tie.
- E. Zone boundaries and designations.
- F. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- G. A site plan showing location and dimensions of all lot lines, along with building feasibility for each lot.
- H. Dimensioned side, rear and front yards.
- I. Topography shown by contours at no greater interval than two feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission.
- J. The outside boundary of the project.
- K. Tabulation of land use:
 - 1. Total area and building area.
 - 2. Number of units and project density.
- L. Adjacent property owners.
- M. Typical street, roadway and driveway cross sections.
- N. A detailed statement and illustration of how the project will meet sensitive lands requirements.
- O. Existing and proposed easements, waterways, utility lines, canals and ditches.
- P. A plan for accommodating waterways, ditches and canals.
- Q. Proposed and existing sewage disposal facilities.
- R. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.
- S. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required.

T. Environmental Assessment Review Statement.

U. Any other information Staff or the Planning Commission may determine necessary relating to the site of the proposed project.

Section 16.18.18 Preliminary/Final Planning Commission Action

Upon presentation of the preliminary final plan and documents, the Planning Commission shall approve them as submitted, approve them with conditions or may refer them back to the developer for one or more of the following reasons:

A. Due to the type of buildings, layout of structures, design of plan, or other aspects of the preliminary/final submittal, the Planning Commission determines the project to be inconsistent with the intent of this Ordinance or the Community General Plan.

B. The Planning Commission requires that certain specific changes be made within the plans.

C. The plans or documents have not been completed.

D. The fees have not been paid by the developer.

E. That this project is in substantial compliance with the intent of this Section as stated previously. The Planning Commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this Chapter. The Planning Commission may disapprove the C-4 development, which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the City Council within ten days after the decision of the Planning Commission.

Section 16.18.19 Recommendation of Preliminary/Final Plan to City Council

Upon the Planning Commission's approval of the preliminary/final plan of a C-4 development, the Planning Commission shall recommend this plan to the City Council for direction, with or without conditions.

Section 16.18.20 Public Hearing

After receiving notice of Planning Commission approval of the preliminary/final plan, or upon the City Council's reversing on appeal the Planning Commission's

disapproval of a preliminary/final plan, the City Council shall set and hold a public hearing to consider preliminary/final approval of the project.

Section 16.18.21 Preliminary/Final Approval of City Council

After holding the public hearing, the City Council shall approve, approve with conditions, or deny the preliminary/final plan based on the same standards as required above for preliminary/final approval by the Planning Commission.

Section 16.18.22 Time Limit for Preliminary/Final Approval

A. Any failure to submit a proposed preliminary/final plan application within one year of the approval of the concept plan by the Planning Commission shall terminate all proceedings and render the preliminary/final plan null and void.

B. The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:

1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition always;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Section 16.18.23 Final Plat

In addition to all other requirements, the proposed final plat shall show an address block containing addresses for each dwelling unit and for each main building within the plat, subject to approval by the Wasatch County Recorder's office.

Section 16.18.24 No Building Permits Issued Prior to Plat Recording

No building permit applications shall be submitted prior to the recording of the plat by the Wasatch County Recorder.

Section 16.18.25 Completion of Construction and Issuance of Permits

A. No building permits applications shall be submitted until the construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may submit a building permit application once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter.

B. No certificate of occupancy will be issued until construction on the development reaches final completion as determined by the City Engineer.

Section 16.18.26 Construction Bond

Prior to beginning construction of a development, the developer shall submit a bond to the City in the amount of 110 percent of the cost of all improvements and inspections as determined by the City Engineer.

Section 16.18.27 Default

In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within one year from the date the plat is recorded, the City Council may declare the bond forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurances to defray the expense thereof.

Section 16.18.28 Final Disposition and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Engineer shall make a preliminary inspection of the improvements and shall submit a letter to the City

Council setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of materials or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer in default.

Section 16.18.29 Record Drawing Submittal and Contents

A. Prior to final bond release, an electronic copy of the final drawings in the latest version of AutoCAD or DXF format shall be submitted to the City Engineer. This drawing file needs to include adequate information regarding position and basis of bearing tied to established control as approved by the City Engineer.

B. As-built information shall be overlaid on this final drawing. The as-built drawing must be based upon actual field survey of the items on the following list:

1. Established survey monuments, benchmark, and permanent horizontal and vertical control.
2. Water: valves, fire hydrants, blow-offs, flush valves, and water meters.
3. Sewer: laterals and manholes with rim and inverts elevations.
4. Storm drain: Catch basins, curb inlets, and manholes with rim and inverts elevations, size and type of pipe, storm outlets and detention / retention systems.
5. Miscellaneous light pole locations, street sign locations, and utility box/transformer locations.
6. Pressurized irrigation: valves, blow-offs, flush valves, drains and water lateral locations.

Section 16.18.30 Total Compliance with all Regulations

In case of failure or neglect to comply with all conditions as established during the approval process or regulations as identified in this Section, the City may refuse additional building permits and stop construction of all work at the site until such violations or noncompliance conditions have been eliminated.

Section 16.18.31 Warranty Bond

The City Council shall authorize the release of 100 percent of the bond amount upon verification by the City Engineer that all work is complete and acceptable. The remaining 10 percent of the bond amount shall be retained by the City for a period of one year to insure quality of improvements. If improvements are found to be unacceptable to the City at any time during the one-year period, the City may

use the bonding funds to replace or repair any improvements not installed acceptably.