

Midway City Council
10 January 2018
Regular Meeting

Ordinance 2018-02 /
Development Moratorium



ORDINANCE 2018-02

AN ORDINANCE PURSUANT TO SECTION 10-9a-504 OF THE UTAH CODE ADOPTING A TEMPORARY LAND USE ORDINANCE IN CERTAIN SPECIFIED ZONES WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDWAY, WASATCH COUNTY, UTAH.

WHEREAS, Section 10-9a-504 of the Utah Code Annotated, 1953, as amended, allows a municipality to enact an ordinance, establishing a temporary land use regulation for any part or all of the area within a municipality if the municipal legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, the Midway City Council adopted a new General Plan that went into effect January 1, 2017; and

WHEREAS, the Midway City Council adopted a temporary land use ordinance, Ordinance 2017-09, on the 14th day of June, 2017, which temporary land use ordinance expired on or about the 14th day of December, 2017; and

WHEREAS, a new mayor and two new City Council Members were elected in November of 2017, and have now been sworn into office; and

WHEREAS, the City Council restates the previous finding that the General Plan has yet to be fully implemented due to an extraordinarily large number of subdivision, planned unit development, and other large-scale residential development applications submitted to the City, which has placed significant pressures on the ability of the City to adequately protect the health, safety and welfare of its citizens and to implement the General Plan; and

WHEREAS, the City Council finds that annexations of land to the City, whether approved, proposed or contemplated, are placing significant burdens on the capacity of the City to responsibly plan for and manage its growth and to implement the General Plan; and

WHEREAS, the City Council finds that many of the City's ordinances, policies and procedures, which include, but are not necessarily limited to, the City's General Plan, zoning ordinance, subdivision ordinance, construction standards, street and traffic plan, water

ordinances and policies, trails plan, storm water plan, and other similar documents and policies, are in the process of revision and need to be completed in order to fully implement the adopted General Plan; and

WHEREAS, the City Council finds that accepting development applications for subdivisions, planned unit developments, and other large-scale residential developments in certain locations within the City while the City is completing the revision and adoption of ordinances, policies and procedures will frustrate the comprehensive, long-range planning objectives that should characterize this process, and also may result in unfairly benefiting certain landowners while burdening others; and

WHEREAS, the City Council finds that there is a compelling, countervailing public interest in temporarily prohibiting subdivision, planned unit development, and other large -scale residential development applications in certain areas and zones of high growth and demand on public services within the City while the comprehensive revisions needed to implement the General Plan are made; and

WHEREAS, the City Council finds that a new temporary zoning ordinance is needed at this time in specified areas of the City in order to address the new and unprecedented growth pressures and public service demands the City is now experiencing; and

WHEREAS, the City Council finds that landowners and developers have had full opportunity to submit subdivision, planned unit development, and/or other large-scale residential development applications under applicable City ordinances since the expiration of the temporary zoning ordinance adopted eleven years ago in 2006, that many such applications have in fact been received and accepted by the City since that time, and that a temporary zoning ordinance enacted at this time in specified areas of the City is necessary to serve the public interest and accomplish the objectives identified herein and will not be unduly burdensome to landowners and developers; and

WHEREAS, the City Council finds that the Midway City Staff and the previous Mayor and Council were working diligently on multiple ordinances and revisions to the Midway City Code to more fully effectuate the terms, conditions and intent of the General Plan, but that several of those ordinances were not completed by the expiration of the prior Temporary Land Use Ordinance. Those ordinances that are nearly complete include, but are not limited to the following:

A proposed Ordinance amending densities for Planned Unit Developments in the RA-1-43 Zone;

A proposed Ordinance altering or amending proportion size lot and frontage requirements when open space is required;

A proposed Ordinance increasing setback requirements along collector roads;

A proposed Ordinance altering or amending open space requirements; and

WHEREAS, it is in the best interests of the City to complete the ordinances listed above, and other ordinances policies and standards currently in the process of being adopted, and to apply the terms and conditions of those ordinances to any new development or annexation that may occur within the City.

NOW THEREFORE, the City Council has determined that there is an important, compelling and countervailing public interest in completing the new ordinances before allowing significant new development to occur. Therefore, pursuant to Section 10-9a-504, *et seq.* of the Utah Code Annotated 1953, as amended, and for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

BE IT ORDAINED, by the City Council of Midway City, Wasatch County, State of Utah:

From the date of the adoption of this ordinance until the City Council has adopted an ordinance repealing it or in ____ months from the date of adoption, whichever comes first, no new applications for residential subdivisions, residential planned unit developments, mixed use projects over one acre in size, or other large- scale residential developments (as defined in the current zoning ordinance) will be accepted or processed by Midway City in the following zones: C-2, C-3, R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, RA-1-43. Midway City also gives notice that it does not intend to accept for further consideration any petition for annexation filed during the period this temporary zoning ordinance is in effect.

This ordinance does not affect any development application currently filed or pending with the City on or before the date of this ordinance. Further, this ordinance does not affect applications for building permits within developments approved by the City prior to the date of this ordinance or within developments covered by applications described in the previous sentence.

This ordinance shall be effective immediately upon passage. A copy of this ordinance shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah this ____ day of _____ 2018.

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	A YE	N AY
Council Member Lisa Christen	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Bob Probst	_____	_____
Council Member JC Simonsen	_____	_____
Council Member Ken Van Wagoner	_____	_____

APPROVED:

 Celeste Johnson, Mayor

ATTEST:

 Brad Wilson, City Recorder

APPROVED AS TO FORM:

 Corbin Gordon, City Attorney

(SEAL)