

Midway City Council
10 January 2018
Regular Meeting

Resolution 2018-02 /
Pending Ordinance



RESOLUTION 2018-02

A RESOLUTION ADOPTING A NOTICE OF PENDING ORDINANCE AMENDMENTS REGARDING PLANNED UNIT DEVELOPMENTS, LOT SIZE AND FRONTAGE REQUIREMENTS WHEN OPENS SPACE IS REQUIRED, OPEN SPACE REQUIREMENTS, AND REQUIRED SETBACKS ALONG COLLECTOR ROADS 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 previous Temporary Zoning Ordinance was enacted to allow the City to fully implement the General Plan by adopting ordinances or other code amendments that would effectuate 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, unless the Pending Ordinance Doctrine is invoked, and a notice of pending ordinance is published, 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 publishing a notice of pending ordinance, and requiring all new applications for development and/or annexation to be bound by the terms and conditions of the new ordinances, will prevent landowners or developers from being unfairly impacted by the new ordinances; and

WHEREAS, the City Council finds that the Midway City Staff and the previous Mayor and Council have been and continue to work 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; and

WHEREAS, the City Council has determined that it would be in the best interests of the health, safety and general welfare of the citizens of Midway City to invoke the pending ordinance doctrine to require that all future applications for development and/or annexation in the City of Midway be subject to the terms of any pending amendments to the Midway City Code.

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 RESOLVED, by the City Council of Midway City, Wasatch County, State of Utah:

- 1. The Midway City Notice of Pending Ordinances, which is attached hereto and incorporated herein by this reference, is hereby approved and adopted by the City Council.*
- 2. No application for development approval or annexation shall receive final approval prior to the adoption and effective date of the above listed proposed Ordinances to the Midway City Code.*
- 3. In order to protect public health, safety and welfare of the citizens of Midway, the City Council has determined that this Resolution shall take effect immediately upon publication as required by law and shall continue until the above listed ordinances are completed, adopted and become effective, or until the City Council votes negatively on those pending ordinances.*
- 4. This resolution does not affect any development or application or annexation petition currently filed or pending with the City on or before the date of this resolution. Further, this resolution does not affect applications for building permits within developments approved by the City prior to the date of this resolution or within developments covered by applications described in the previous sentence.*

This resolution shall be effective immediately upon passage. A copy of this resolution 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.

*Remainder of Page
Intentionally Left Blank*

	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)