



## ORDINANCE 2021-30

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

**WHEREAS**, Utah Code Ann. § 10-9a-504 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 is in the process of reviewing and revising its General Plan to better meet the needs of a growing and evolving Midway City; and

**WHEREAS**, the City Council has not been able to complete this General Plan revision process (that it tries to update every five years) due to an extraordinarily large number of subdivision, planned unit development, and other large-scale residential development applications being submitted to the City, which has placed significant pressure on the City's ability 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 City's capacity 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, need to be revised and updated to fully implement the adopted General Plan in order to address the burgeoning growth that is now occurring and is expected to continue to occur; and

**WHEREAS**, the City Council finds that accepting development applications as set forth below within the City during the time that the City is in the process of implementing the General Plan and revising such 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 the 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 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 development applications under applicable City ordinances since the expiration of the temporary zoning ordinance adopted four years ago in 2017, that many such applications have 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.

**NOW, THEREFORE**, pursuant to Utah Code Ann. § 10-9a-504, *et seq.*, and for the reasons stated above, the City Council of Midway City, 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 six months from the date of adoption, whichever comes first, no new applications for the following land development applications will be accepted by the City in any of the zones within the confines of Midway City: residential subdivisions (excepting small scale, rural preservation and density reduction subdivisions that are designed to go through a minimal approval process, thus taking up less of staff's available time); residential planned unit developments; all mixed use projects, projects requiring a master plan, or other large-scale residential developments (as defined in the current zoning ordinance); all applications for new commercial construction; resort development; any applications proposing to amend annexation agreements, master plan and development agreements; citizen initiated code text amendments.*

*Further, Midway City also gives notice that it will not accept for further consideration any petition for annexation filed during the period this temporary zoning ordinance is in effect, or request for will serve letters from properties outside of the City limits seeking to receive culinary service.*

*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.*

*The following applications are not deemed to be affected by this moratorium: plat amendment, application for conditional use, lot line adjustments, or building permits.*

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 \_\_\_\_\_, 20\_\_\_\_.

Council Member Steve Dougherty \_\_\_\_\_  
Council Member Jeff Drury \_\_\_\_\_  
Council Member Lisa Orme \_\_\_\_\_  
Council Member Kevin Payne \_\_\_\_\_  
Council Member JC Simonsen \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

(SEAL)

DRAFT