

Midway City Council
18 July 2023
Regular Meeting

Resolution 2023-19 /
Pending Ordinance Regarding
Subdivisions and PUDs



RESOLUTION 2023-19

A RESOLUTION ADOPTING A NOTICE OF PENDING ORDINANCE AMENDING SECTION 16.16.070 OF THE MIDWAY CITY LAND USE CODE TO CLARIFY LANGUAGE REGARDING BOUNDARY LINE ADJUSTMENTS AFFECTING OPEN SPACE AND COMMON AREAS IN RECORDED STANDARD SUBDIVISIONS AND PUDS

WHEREAS, Utah Code Section 10-9a-504 allows a municipality to enact an ordinance or resolution establishing a temporary land use regulation for any part or all of the area within a municipality; and

WHEREAS, the Midway City Council intends to adopt an ordinance amending Section 16.16.070 of the Midway City Code; and

WHEREAS, the City Council finds that, unless the Pending Ordinance Doctrine is invoked, and a notice of pending ordinance is published, planned unit developments and standard subdivisions may be planned and developed in the City in violation of the terms of the pending ordinance; and

WHEREAS, the City Council finds that publishing a notice of pending ordinance, and requiring all new applications for planned unit developments and standard subdivisions be bound by the terms and conditions of the new ordinance, will prevent unfair impacts imposed by the new ordinance; and

WHEREAS, This Notice of Pending Ordinance hereby adopted relates to the following pending ordinances:

1. A Code Text Amendment of Section 16.16.070 of the Midway City Land Use Code that would update and clarify provisions regarding boundary line adjustments affecting open space and common areas in recorded standard subdivisions and PUDs.

WHEREAS, it is in the best interests of the City to complete the ordinance listed above, and to apply the terms and conditions of that ordinance to any new planned unit developments and standard subdivisions 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 planned unit developments and standard subdivisions be subject to the terms of the pending ordinance described herein.

NOW THEREFORE, the City Council has determined that there is an important, compelling and countervailing public interest in completing the new ordinance before allowing planned unit developments and standard subdivisions to be developed or amended. Therefore, pursuant to Utah Code Section 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 RESOLVED, by the City Council of Midway City, Wasatch County, State of Utah:

- 1. The Midway City Notice of Pending Ordinance, to be prepared by Midway City Staff, which is attached hereto and incorporated herein by this reference, is hereby approved and adopted by the City Council.*
- 2. All planned unit development, standard subdivision, and annexation applications or amendments submitted during this Notice of Pending ordinance shall be subject to the ordinance adopted and shall not be approved until the requirements of the adopted ordinance are met.*
- 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 ordinance is completed, adopted and becomes effective, or until the City Council votes negatively on the pending ordinance.*

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 Midway City Council on the _____ day of _____ 2023.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)

Exhibit A



Midway

NOTICE OF PENDING ORDINANCE

Notice is hereby given by Midway City, Utah, that a proposed ordinance is currently pending and under consideration by the Midway City Council and/or the Midway City Planning Commission for the following:

Midway City is proposing an Ordinance that would update and clarify provisions in Section 16.16.070 of the Midway City Land Use Code that would update and clarify provisions regarding boundary line adjustments affecting open space and common areas in recorded standard subdivisions and PUDs.

A copy of the proposed Ordinance is available in the Midway City Offices during normal business hours. ALL FUTURE APPLICATIONS FOR DEVELOPMENT APPROVAL AND/OR CONSTRUCTION OF PLANNED UNIT DEVELOPMENTS OR STANDARD SUBDIVISIONS WITHIN THE BOUNDARIES OF MIDWAY CITY WILL BE SUBJECT TO THE TERMS OF ANY AMENDMENTS TO THE CURRENT PROVISIONS OF THE MIDWAY CITY CODE.

All applicants are hereby notified that the acceptance for filing and processing of any applications for development or amendment approvals by Midway City will not create any vested rights, equitable issues or legal claims against Midway City. The applicant further acknowledges receipt and review of a copy of this Notice of Pending Ordinance and further understands and agrees that the acceptance for filing and processing of any application for development approval or amendment will be subject to any amendments to the Midway City Code currently pending and under consideration by the Midway City Council and/or the Midway City Planning Commission.

ACKNOWLEDGED BY:

Applicant

Project Name

Date