

Midway City Council
21 March 2023
Regular Meeting

Resolution 2023-09 /
Notice of Pending Ordinance



Midway

RESOLUTION

2023-__

**A RESOLUTION ADOPTING A NOTICE OF PENDING ORDINANCE
AMENDING SECTION 16.13.100 OF THE MIDWAY CITY LAND USE CODE
WITH RESPECT TO ALLOWED BUILDING HEIGHTS.**

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 16.13.100 of the Midway City Code to address conflicting code provisions regarding the allowed heights of buildings within the City; and

WHEREAS, the City Council finds that, unless the Pending Ordinance Doctrine is invoked, and a notice of pending ordinance is published, structures may be built and configured 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 structures be bound by the terms and conditions of the new ordinance, will prevent unfair impacts imposed by the new ordinance; and

WHEREAS, the City Council finds that the Midway City Staff and the Mayor and Council have been and continue to work diligently on the building height ordinance. This Notice of Pending Ordinance hereby adopted relates to the following pending ordinances:

1. A Code Text Amendment of Section 16.13.100 of the Midway City Code that would update and clarify building height requirements within developments and subdivisions.

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 structures 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 structures 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 new structures to be constructed. 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 residential, commercial, resort and mixed-use development applications, annexation applications, and applications for conditional-use 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 City Council of Midway City, Wasatch County, Utah
this ____ day of _____ 2023.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Jeff Drury	_____	_____
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)



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 to amend Section 16.13.100 of the Midway City Land Use Code to clarify and resolve conflicting code sections relating to the allowed height of buildings within the City.

A copy of the proposed Ordinance is available in the Midway City Offices during normal business hours. ALL FUTURE NUISANCE-RELATED COMPLAINTS, APPLICATIONS FOR DEVELOPMENT APPROVAL, AND/OR CONSTRUCTION OF DEVELOPMENTS OR 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 nuisance-related complaints and applications for development approval 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 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