



ORDINANCE 2022-04

AN ORDINANCE TO AMEND SECTION 16.18 OF THE MIDWAY CITY LAND USE CODE REGARDING RURAL PRESERVATION SUBDIVISIONS TO DISALLOW CERTAIN SENSITIVE LANDS FROM COUNTING TOWARDS THE ALLOWED DENSITY, PROHIBIT THE CREATION OF NON-CONFORMING REMNANT PARCELS, ADD CERTAIN TYPES OF LIVING SPACE IN ACCESSORY STRUCTURES, AND INCLUDE CERTAIN SETBACK REQUIREMENTS.

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Section 16.18 of the Midway City Land Use Code allows certain parcels in residential zoning districts to be developed as Rural Preservation Subdivisions; and

WHEREAS, the current Land Use Code does not reduce the developable acreage in rural preservation developments based on sensitive lands or any other factors; and

WHEREAS, Midway City desires to amend Section 16.18.5 to require all slopes of 25% or greater to be deducted from the developable acreage when determining the overall density of a development; and

WHEREAS, Midway City also desires to amend Section 16.18.7 to prohibit the creation of non-conforming remnant parcels as a by-product of developing a Rural Preservation Subdivision; and

WHEREAS, Midway City also desires to amend Section 16.18.17 to add certain types of living space within accessory structures; and

WHEREAS, Midway City also desires to amend Sections 16.18.16 and 16.18.18 to include certain setback requirements that were likely inadvertently omitted when the Land Use Code was originally adopted; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 16.18.5 shall be amended to read as follows:

16.18.5 Density and Lot Size

A maximum density of one (1) dwelling unit per five (5) acres of the original development parcel is allowed. When calculating the allowable density, the developable acreage shall only consist of the areas within the development parcel that are not classified as wetlands and that have a slope less than 25%. Each lot is permitted one (1) dwelling unit. Clustering of lots is permitted if each lot complies with the minimum lot acreage for the zone in which it is located.

Section 16.18.7 shall be amended to read as follows:

16.18.7 Remnant Parcels

No remnant parcels shall be created because of an application for a Rural Preservation Subdivision. All portions of an existing parent parcel must be included in the Rural Preservation Subdivision plat, unless it qualifies for one of the following exceptions:

1. If the excess property meets the zoning requirements and can be developed through a separate subdivision process, then it does not need to be included in the Rural Preservation Subdivision plat. The request for both subdivision proposals must proceed through the approval process together and the plats must be recorded in succession so that a new remnant parcel is not created.
2. The excess property shall be legally attached to an adjacent parcel. Proof of the new property description may be requested to demonstrate the transfer of the property.

Sections 16.18.16 and 16.18.18.D shall be amended to read as follows:

16.18.16 Setbacks

Setbacks for all structures must comply with the requirements for the RA-1-43 zone and the setbacks noted in 16.18.18.D.

16.18.18 Standard and Requirements

D. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:

1. The following streets shall require a minimum 100-foot setback for all structures, and should be noted on the plat:
 - i. Burgi Lane;
 - ii. River Road;
 - iii. Pine Canyon Road;
 - iv. Homestead Drive;
 - v. Michie Lane, east of Center Street;
 - vi. Center Street, south of Main Street (SR 113);

- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West;
- x. Cari Lane;
- xi. 500 South;
- xii. 600 North

Section 16.18.17 shall be amended to read as follows:

16.18.17 Permitted Uses

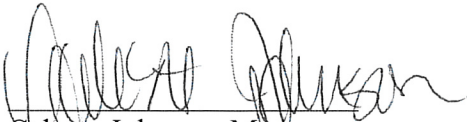
The principal use permitted in the Rural Preservation subdivision is one residential living unit. Living areas in accessory structures are allowed as outlined in this title. Other uses are permitted as allowed by the zoning regulations governing the zone in which the lot is located.

This Ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah this 18th day of January 2022.

Council Member Steve Dougherty	<u> Aye </u>
Council Member Jeff Drury	<u> Aye </u>
Council Member Lisa Orme	<u> Aye </u>
Council Member Kevin Payne	<u> Aye </u>
Council Member JC Simonsen	<u> Aye </u>

APPROVED:


 Celeste Johnson, Mayor

ATTEST:


 Brad Wilson, City Recorder

APPROVED AS TO FORM:


 Corbin Gordon, City Attorney





Certificate of Passage, Posting and Publication

I certify that on 1 February 2022 the Midway City Council adopted Ordinance 2022-24 (Rural Preservation Subdivisions).

I certify that a copy of the ordinance was deposited in the office of the municipal recorder.

I certify that a full, true, and correct copy of the ordinance was posted on 10 March 2022 at the following locations:

Midway City Office Building
Midway Community Center
United States Post Office (Midway)
Ridley's Express
7-Eleven (Midway)

I certify that a summary of the ordinance was published on the Utah Public Notice Website on 10 March 2022.

I further certify that a summary of the ordinance was published in The Wasatch Wave on 16 March 2022.

Brad Wilson, Midway City Recorder

Dated 22 March 2022

