



ORDINANCE 2021-34

AN ORDINANCE TO AMEND CHAPTERS 16.2 AND 16.13 OF THE MIDWAY CITY LAND USE CODE TO ALLOW FOR THE ONSITE SALE OF CERTAIN AGRICULTURAL CROPS GROWN ON THE PROPERTY AND TO ADD “AGRICULTURE” AS A PERMITTED USE IN ALL RESIDENTIAL, COMMERCIAL AND RESORT ZONES.

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

WHEREAS, the Midway City General Plan contains goals for the City to be a beautiful, organized small-town community based on its distinct history of agriculture, to encourage retail opportunities to obtain basic necessities and other commercial and retail services within the community, and to preserve Midway’s heritage; and

WHEREAS, to further these goals, the City Council of Midway City desires to remove its prohibition on property owners selling agricultural crops grown on their private property, outline criteria for private property owners selling agricultural crops grown on their private property, and add “agriculture” as a permitted use in all residential, commercial and resort zones within the City; and

WHEREAS, the City Council of Midway City now desires to amend Chapters 16.2 and 16.13 of the Midway City Land Use Code to make these changes.

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

The following section of **Chapter 16.2** shall be amended to read as follows:

Chapter 16.2 DEFINITIONS

1. Agriculture. The growing of crops. It shall not include livestock-raising activities. The retailing of crops that are grown on-site will be allowed in all residential, commercial and resort zones, as outlined in 16.13.

The following section of **Chapter 16.13** shall be added to read as follows:

Chapter 16.13 SUPPLEMENTARY REQUIREMENTS IN ZONES

16.13.49 On-Site Agricultural Sales


- A. Owners of private property in residential zones may sell agricultural crops that are grown onsite with the approval of the zoning administrator or its designee and in compliance with the following guidelines:
 1. Property Owners must submit a no-cost special use application to the Midway City planning department that addresses the following:
 - a. Provide a list of what agricultural crops will be sold onsite. Only agricultural crops, eggs and honey may be sold. All agricultural crops, eggs, and honey being sold must be grown and/or produced on-site. The sale of agricultural crops grown off-site, animals, animal byproducts other than eggs or honey, or processed foods are strictly prohibited.
 - b. Provide a site plan showing the following:
 - i. Any proposed improvements.
 - ii. The location of any proposed farm retail stand. Retail stands may not exceed 150 square feet (gross square footage) and must be located outside of the right-of-way on the applicant's private property. Retail stands must be temporary structures and can only be erected between June 15th and October 15th. If the stand is not used for ten consecutive calendar days, it must be removed. Retail stands must be properly anchored and must be approved by the Midway City Fire Chief.
 - iii. Proposed parking must be shown to ensure it is safe and adequate. Parking in the public right-of-way may be allowed if there is adequate room and it is in a location that is deemed safe. If parking in the right-of-way is not possible, then all parking must be located on private property. All parking is subject to the approval of the zoning administrator or its designee.
 - c. Allowed hours of operation: 8:00 a.m. to dusk, Monday through Saturday.
 - d. Allowed signage: One sandwich board sign up to nine square feet per side that may be located on the edge of the right-of-way at ground level. The sign may not be taller than four feet in height. Signs may only be displayed while agricultural crops are actively being sold.
 2. Agricultural retail stands must comply with any local or state health and agricultural department requirements.

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 5th day of October 2021.

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

APPROVED:



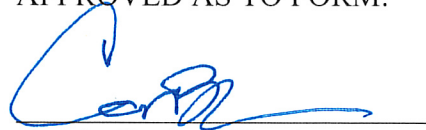
Celeste Johnson, Mayor

ATTEST:



Brad Wilson, City Recorder

APPROVED AS TO FORM:



Corbin Gordon, City Attorney





Certificate of Passage, Posting and Publication

I certify that on 5 October 2021 the Midway City Council adopted Ordinance 2021-34 (On-Site Sale of Agricultural Products).

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 6 January 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 5 January 2022.

I further certify that a summary of the ordinance was published in The Wasatch Wave on 12 January 2022.

Brad Wilson, Midway City Recorder

Dated 12 January 2022

