



ORDINANCE 2023-08

AN ORDINANCE TO AMEND SECTION 16.13.100 OF THE MIDWAY CITY LAND USE CODE TO ADDRESS CONFLICTING PROVISIONS REGARDING THE ALLOWED HEIGHTS OF BUILDINGS IN THE CITY

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 Code currently contains conflicting code provisions regarding the allowed heights of buildings within the City; and

WHEREAS, the Midway City Council desires to address these conflicting code provisions by removing Midway City Code Section 16.13.100(E), which will create consistency and conformity within the code on this subject matter.

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

Section 16.13.100 shall be amended to read as follows:

16.13.100 Maximum Height Provisions For All Buildings

The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof. To allow for unusual conditions or appurtenances, the following exceptions apply:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
- B. Water towers and mechanical equipment may extend up to 5 feet above the specified maximum height limit.

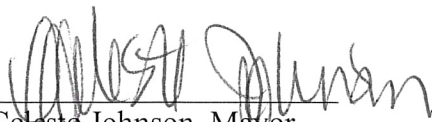
- C. Church spires, bell towers, finials, and like architectural features, as well as flag poles, may extend above the specified maximum height limit by up to 50 percent of the height limit (52 feet 6 inches for a 35-foot building), but shall not contain any habitable spaces above the maximum height.
- D. The height of buildings in Resort Zones may exceed 35 feet if all the requirements of the Recreational Resort Chapter of this Title are satisfied.
- ~~E. Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least 1 foot for each additional foot of building height above the maximum height permitted.~~
- F. Special height requirements for some buildings on benches and slopes greater than 10 percent are imposed by the Sensitive Lands Chapter of this Title. These restrictions on building height shall be applied where applicable.

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 16th day of May 2023.

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

APPROVED:



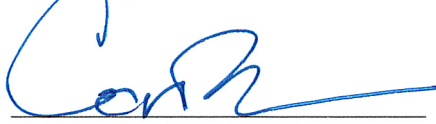
 Celeste Johnson, Mayor

ATTEST:



 Brad Wilson, City Recorder

APPROVED AS TO FORM:



 Corbin Gordon, City Attorney





Certificate of Passage, Posting and Publication

I certify that on 16 May 2023 the Midway City Council adopted Ordinance 2023-08 (Building Heights).

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 22 June 2023 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 22 June 2023.

I further certify that a summary of the ordinance was published in The Wasatch Wave on 28 June 2023.

The ordinance became effective on 28 June 2023 upon publication.


Brad Wilson, Midway City Recorder

Dated 28 June 2023

