



## ORDINANCE 2023-10

### **AN ORDINANCE TO AMEND SECTIONS OF THE MIDWAY CITY LAND USE CODE TO REVISE THE MAXIMUM HEIGHTS ALLOWED FOR BUILDINGS IN THE RESORT ZONE**

**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 Council desires to remove two sections from Chapter 16 of the Midway City Land Use Code in order to limit maximum building heights allowed in the Resort Zone to 35 feet (excluding architectural elements); and

**WHEREAS**, the removal of these sections supports the City's General Plan by promoting the preservation of view corridors that could be blocked if buildings in the resort zone are allowed to be constructed higher than 35 feet.

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

The following Sections of Chapter 16 shall be removed:

#### **Section 16.13.100(D)**

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.

#### **Section 16.15.040(G)(11)(b)**

b. Building height and envelope restrictions. The standard maximum building height for buildings in Midway is 35 feet. Architectural elements as defined in "maximum height provisions for all buildings" found in this title shall have a height limit of 15' above the 35' height limit or above any City Council approved height. The City Council may, at its discretion, allow greater height in resort developments of a maximum of 55 feet subject to the following considerations;

setbacks, elevation, view corridor, topography, etc. The City Council shall have no affirmative obligation to approve a height greater than 35 feet. If any buildings in a resort are proposed to have heights greater than 35 feet the applicant shall appear before the City Council to obtain approval, and shall provide the following documentation to justify the increased height:

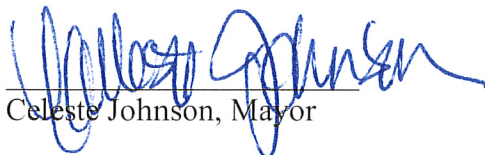
- (1) A statement of all reasons the structure cannot be built without heights exceeding 35 feet.
- (2) A clear illustration of the impact of building heights over 35 feet on views from public roads and adjacent developed property. This documentation may take the form of a physical model or electronic graphic representations of the site, the buildings and the visual background of mountain and valley views. The model or electronic representation shall specifically compare the proposed site and building configuration with an alternative building configuration that provides the same usable space and meets the thirty-five-foot height and other configuration requirements of this Chapter.
- (3) Topographical information regarding the property.

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 18<sup>th</sup> day of July 2023.

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>  Excused  </u>

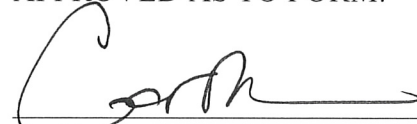
APPROVED:

  
\_\_\_\_\_  
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 18 July 2023 the Midway City Council adopted Ordinance 2023-10 (Resort 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 7 September 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 7 September 2023.

I further certify that a summary of the ordinance was published in The Wasatch Wave on 13 September 2023.

The ordinance became effective on 13 September 2023 upon publication.

Brad Wilson, Midway City Recorder

Dated 13 September 2023

