MIDVALE CITY, UTAH
RESOLUTION NO. 2016-R-06

A RESOLUTION ADOPTING A NOTICE OF PENDING AMENDMENTS
TO THE TOD, STATE STREET COMMERCIAL AND MULTI-FAMILY ZONES WITH
RESPECT TO BUILDING SETBACKS AND MAXIMUM HEIGHTS

WHEREAS, pursuant to Section 10-9a-102 (2) of the Utah State Code the City is
authorized as follows: “To accomplish the purposes of this chapter, municipalities may enact all
ordinances, resolutions, and rules and may enter into other forms of land use controls and
development agreements that they consider necessary or appropriate for the use and development
of land within the municipality, including ordinances, resolutions, rules, restrictive covenants,
easements, and development agreements governing uses, density, open spaces, structures,
buildings, energy efficiency, light and air, air quality, transportation and public or alternative
transportation, infrastructure, street and building orientation and width requirements, public
facilities, and height and location of vegetation, trees, and landscaping, unless expressly
prohibited by law”; and

WHEREAS, proposed amendments are currently pending and under consideration by the
Planning Commission and City Council regarding maximum heights and setbacks for structures
in the TOD, State Street Commercial and Multi-Family zones; and

WHEREAS, workshop meetings were held with the City Council on February 2, 2016
and February 16, 2016 and with the Planning Commission on February 24, 2016 to discuss the
concerns of both bodies and potential remedies to those concerns; and

WHEREAS, the Midvale City Planning Commission has a public hearing scheduled to
consider a draft of such proposed amendments to the Midvale City Development Code on March
9, 2016; 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 Midvale City to invoke the pending
ordinance doctrine to require that all future applications for such facilities be subject to the terms
of any pending amendments to the Midvale City Development Code;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
MIDVALE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Midvale City Notice of Pending Ordinance, which is attached hereto and
incorporated herein by this reference, is hereby approved and adopted by the City Council.

Section 2. No application for development approval shall be processed prior to the
adoption and effective date of the proposed amendments to the Midvale City Development Code.

Section 3. In the opinion of the City Council of Midvale City, Utah, it is necessary in
order to protect the public health, safety and general welfare of the residents of Midvale City that
this ordinance shall take effect immediately, and therefore this ordinance shall take effect
immediately after passage by the City Council and subsequent publication and posting as required by law.

Adopted by the City Council of Midvale, Utah, this 1st day of March, 2015.

JoAnn B. Seghini
Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the City Council:

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<th>“Aye”</th>
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<td>Steve Brown</td>
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<td>Wayne Sharp</td>
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<td>Quinn Sperry</td>
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Notice is hereby given by Midvale City, Utah, that a proposed amendment is currently pending and under consideration by the Midvale City Council for building setbacks and maximum heights in the TOD, State Street Commercial and Multi-Family zoning districts. A copy of the proposed amendments to the Midvale City Development Code is available in the Midvale City Community Development Department during normal business hours. All future applications for development approval will be subject to the terms of any amendments to the current provisions of the Midvale City Development Code. All applicants are hereby notified that the acceptance for filing and processing of any applications for development approval by Midvale City will not create any vested rights, equitable issues or legal claims against Midvale 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 Midvale City Development Code currently pending and under consideration by the Midvale City Council.