

EMIGRATION CANYON CITY COUNCIL

Ordinance No. _____

Date: _____

AN ORDINANCE ENACTING TITLE 19.03 OF THE EMIGRATION CANYON CODE FOR DEVELOPMENT AGREEMENTS

RECITALS

WHEREAS, Emigration Canyon (the “City”) is a municipality and has authority to adopt land use ordinances pertaining to Development Agreements pursuant to Utah Code §§ 10-20-101(2) and 10-20-508 of the Municipal Land Use, Development, and Management Act, Title 10, Section 20, Utah Code (“MLUDMA”); and

WHEREAS, the Council deems it necessary to amend its land use ordinances to authorize the use of Development Agreements under circumstances the City determines appropriate, consistent with MLUDMA, and for the protection and preservation of public health, safety and general welfare; and

WHEREAS, the Emigration Canyon Planning Commission held a public hearing on [insert date of hearing] to consider [insert description of proposed code change or action] in accordance with Utah Code §§ 10-20-205 and 10-20-502 [or identify other statute or ordinance that provides authority]; and

WHEREAS, the Planning Commission has recommended that the Council enact Title 19.03 of the Emigration Canyon Code.

BE IT ORDAINED BY THE EMIGRATION CANYON COUNCIL as follows:

1. Title 19.03 is hereby adopted as set forth in Exhibit A.
1. Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.
2. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener’s, formatting, and numbering errors; and (c) to renumber the enacted ordinance in Municode as proper organization dictates.
3. Effective Date. This ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this ____ day of _____ **[Month]** 202__.

EMIGRATION CANYON CITY COUNCIL

By: Mayor Brems

ATTEST

Diana Baun, Recorder

Voting:

Council Member _____ voting ____
Council Member _____ voting ____
Council Member _____ voting ____
Council Member _____ voting ____
Council Member _____ voting ____

(Complete as Applicable)

Date ordinance summary was posted to the **[insert name]** website, the Utah Public Notice website, and in a public place within **[insert name]** per Utah Code §10-3-711: _____
Effective date of ordinance: _____

EXHIBIT A

TITLE 19.03 DEVELOPMENT AGREEMENTS

- (1) Development Agreements may be negotiated and executed between the City and a property owner to set forth specific requirements for a Development that accomplish the purposes of the Emigration Canyon Code.
- (2) Development Agreements are solely and exclusively the legislative action of the City Council and shall only be entered into upon the express legislative judgment that the execution of a Development Agreement by the City would promote the health, safety, and welfare of the residents of the City.
- (3) Development Agreements may authorize the amendment of the standards set forth by the Emigration Canyon Code in order to facilitate the goals set forth herein and the applicable laws of the State of Utah.
- (4) Property owners shall have no entitlement or right to a new Development Agreement, to the amendment of an existing Development Agreement, or to any particular term or restriction of a Development Agreement. Any execution, termination, amendment, extension, or substitution of a Development Agreement requires the voluntary consent of the property owner and the legislative approval of the City Council.
- (5) All Development Agreements shall be recorded with the Salt Lake County Recorder.
- (6) All Development Agreements shall run with the land and shall be binding upon any subsequent Owners, successors, heirs, assigns, or agents of the Person entering into the Development Agreement.
- (7) Approval of any Development Agreement that varies from existing Emigration Canyon Code standards shall follow the procedures in Title 19 for land use regulation amendments.

SUMMARY OF

[INSERT NAME OF MUNICIPALITY]
ORDINANCE NO. [insert number]

On [Date], the [insert name] Council enacted ordinance No. [insert number], [insert brief description of ordinance].

By: [insert name], Mayor

ATTEST

Diana Baun, Recorder

Commented [NB1]: Change to "clerk" for Brighton and Copperton.

Voting:

Council Member _____ voting ___
Council Member _____ voting ___
Council Member _____ voting ___
Council Member _____ voting ___
Council Member _____ voting ___

Commented [NB2]: With the exception of Magna, the Mayors are voting members and should be included here.

A complete copy of ordinance No. _____ is available in the office of the [City Name] Recorder, 860 Levoy Drive, Suite 300, Taylorsville, Utah 84123.

Commented [NB3]: Change to "clerk" for Brighton and Copperton.