

MILLCREEK, UTAH
ORDINANCE NO. 22-45

**AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING ORDINANCE THAT
WOULD AMEND THE FLAG LOT POLICY**

WHEREAS, the Millcreek Council (the “Council”) met in regular session on September 26, 2022, to consider, among other things, approving an ordinance notifying the public of a pending ordinance that would amend the Flag Lot Policy; and

WHEREAS, pursuant to Millcreek Code of Ordinances 19.02.055, the City adopted a Flag Lot Policy (“Policy”) that governs development known as flag lots; and

WHEREAS, City staff has recommended revisions to the Policy; and

WHEREAS, the Council is authorized by Utah Code Ann.§10-9a-509(1)(a)(ii)(B) to initiate proceedings to amend its ordinances in a manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted; and

WHEREAS, Utah Code Ann.§10-9a-509(1)(e) provides that the City shall process an application without regard to proceedings initiated to amend the municipality's ordinances as provided in Utah Code Ann.§10-9a-509(1)(a)(ii)(B) if 180 days have passed since the proceedings were initiated and the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; and

WHEREAS, the Council has determined that based on staff recommendation that an ordinance amending the Policy is needed; and

WHEREAS, the period needed to review and implement an ordinance amending the Policy is within a period of one hundred eighty (180) days; and

WHEREAS, after careful consideration, the Council has determined to initiate proceedings to amend the Zoning Ordinance to amend the Policy; and

WHEREAS, the Council finds that this Ordinance constitutes formally initiated proceedings that satisfies the requirements Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and further finds that this Ordinance is in the best interest of the health, safety, and welfare of the City’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Council that to protect the public health, safety, and welfare and to implement the planning and zoning objectives of the City, the Council hereby invokes the pending ordinance doctrine and/or Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and expressly formalizes its intentions to consider enactment of such ordinances and amendments to the Zoning Ordinances with respect to the Policy.

BE IT FURTHER ORDAINED that beginning September 27, 2022, that applications for development of flag lots are not entitled to approval.

This ordinance shall become effective upon passage.

PASSED AND APPROVED this 26 day of September 2022.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 22-45: AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING
ORDINANCE THAT WOULD AMEND THE FLAG LOT POLICY was passed and adopted the
26th day of September 2022 and certifies that copies of the foregoing Ordinance 22-45 were
posted in the following locations within the municipality this ____ day of September, 2022.

1. Millcreek City Hall, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Holladay Lions Recreation Center, 1661 E. Murray Holladay Rd., Millcreek, UT 84117

Elyse Sullivan, City Recorder