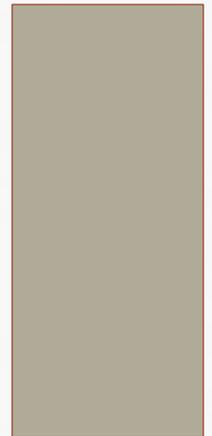


LOT LINE ADJUSTMENTS AFFECTING OPEN SPACE & COMMON AREA

CODE TEXT AMENDMENT - ORDINANCE 2023-14



CODE AMENDMENT

- Clarifies language that prohibits the sale of open space or common area that would alter the boundary line of the subdivision
- General Plan promotes preservation of open space
- Questionnaires of Midway residents have found that open space is a top priority
- Midway residents pay extra taxes for the open space bond to preserve open space
- Midway has adopted a pending ordinance to allow the code clarification to be addressed

CURRENT LANGUAGE

- Once a standard subdivision or a PUD is recorded no external boundary line adjustments that affect designated open space or common area or sale of designated open space or common area that alters an external boundary, including boundary line adjustments that would take portions of the designated open space or common area and move it outside of the recorded plat.

PROPOSED LANGUAGE

- Once a standard subdivision or PUD is recorded, external and internal boundary line adjustments that would reduce designated open space or common area within the subdivision or PUD shall not be permitted. Neither shall the sale of designated open space or common area that would alter an external boundary line of the subdivision or PUD be permitted. This includes, but is not limited to, boundary line adjustments and/or plat amendments that would take portions of the designated open space or common area and move them outside the recorded plat.

DISCUSSION

- Language has been added to complete the sentence fragment.
- The provision continues to prohibit the sale of designated open space or common area that would alter the boundary line of the subdivision or PUD, but the language now reads as a stand-alone sentence rather than sentence fragment.
- The provision continues to prohibit boundary line adjustments that would affect designated open space or common area within the subdivision or PUD, but the language now reads as a stand-alone sentence rather than sentence fragment.

DISCUSSION

- Language has been added to provide an example of prohibited actions to further clarify the intent of the provision.
- The language continues to reflect the intent and importance to the City of Midway of protecting its green spaces and contractually protected open space and common areas, both for the benefit of its citizens generally, as well as homeowners that purchased land in subdivisions and PUDs relying upon plats and development agreements as recorded.
- Allowing otherwise risks opening a floodgate for applicants of new and/or established subdivisions and PUDs to seek to alter boundaries and/or sell open space or common area for financial return, reduction in maintenance costs, and/or other reasons.

POSSIBLE FINDINGS

- The proposed amendment clarifies the language of Section 16.16.070.A.16 by eliminating a fragmented sentence without changing the intent and meaning of the provision.
- The provision continues to prohibit the sale of designated open space or common area that would alter the boundary line of the subdivision or PUD, but the language now reads as a stand-alone sentence rather than sentence fragment.
- The provision continues to prohibit boundary line adjustments that would affect designated open space or common area within the subdivision or PUD, but the language now reads as a stand-alone sentence rather than sentence fragment.
- Language has been added to provide an example of prohibited actions to further clarify the intent of the provision.
- The language continues to reflect the intent and importance to the City of Midway of protecting its green spaces and contractually protected open space and common areas both for the benefit of its citizens generally and homeowners who purchased land in subdivisions and PUDs relying upon plats and development agreements as recorded.