



CITY COUNCIL STAFF REPORT

DATE OF MEETING: March 3, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Ordinance 2026-8. Churches in the RA-1-43 Zone.
Proposed Code Text Amendment to delete Midway City Code Chapter 16.12.020 G to make treatment of churches consistent across all zones.

ITEM: 6

Midway City Code Section 16.12.020 G lists churches as a permitted use in the RA-1-43 Agricultural Zone. This provision is contradictory to Section 16.12.030 A, which lists churches as a conditional use in the same RA-1-43 zone. Churches are a conditional use in all other residential zones. *See, e.g.* 16.07.030 (R-1-7), 16.08.030 (R-1-9), 16.09.030 (R-1-11), 16.10.030 (R-1-15), and 16.11.030 (R-1-22).

BACKGROUND:

This discrepancy and inconsistency in the RA-1-43 code came to staff's attention this past year when the Church of Jesus Christ of Latter Day Saints submitted two separate applications for churches in Midway. The first church, on Burgi Lane in the RA-1-43 zone, is a permitted use in such zone under 16.12.020 G but requires a conditional use permit under 16.12.030 A. The second church, on Mitchie Road in the R-1-15 residential zone, required a conditional use permit.

Churches are a conditional use in all residential zones, with the exception of the RA-1-43 zone which lists them as both a permitted use and conditional use, which is contradictory. Since we have no explanation as to why RA-1-43 is treated differently in code, or why it contains contradictory provisions, we are recommending amending the code by deleting 16.12.020 G to make churches a conditional use consistent with all other residential zones.

Current Midway Municipal Code provides as follows: (emphasis added)

[16.12.020 Permitted Uses \(RA-1-43 zone\)](#)

G. **Churches**, not to include temporary revival tents or buildings.

[16.12.030 Conditional Uses \(RA-1-43 zone\)](#)

A. Public buildings, primary and secondary schools, and **churches**.

DISCUSSION:

- Chapter 16.12 (RA-1-43 zone) is inconsistent as written in that it lists churches as both a permitted use (16.12.020 G) and a conditional use (16.12.030 A).
- Churches are a conditional use in all other residential zones (R-1-7, R-1-9, R-1-11, R-1-15, and R-1-22)
- For purposes of consistency and clarity, staff recommends churches remain a conditional use in all zones, including RA-1-43.
- This can most efficiently be accomplished by deleting 16.12.020 G. and renumbering the following subsections to reflect the change.

PLANNING COMMISSION RECOMMENDATION:

This matter was reviewed by the Midway Planning Commission at its regularly scheduled meeting held February 10, 2026. After a Public Hearing, at which no public comments were received, either in person or online, the following motion was made:

Motion by Commissioner Facer: “I’ll make a motion to amend Section 16.12.020 G that will remove the internally contradictory language in the section which presently lists churches as both a permitted use and a conditional use, with the possible findings listed by staff.”

Second: Commissioner Winegar

Ayes: Commissioners: Lineback, Nokes, Facer, Winegar, Farrell

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The Proposed amendment to Section 16.12.020 G will remove the internally contradictory language in the section (which presently lists churches as both a permitted use and conditional use in the RA-1-43 cone).
- The Proposed amendment, which makes churches a conditional use in the RA-1-43 zone, makes the use consistent with and across all other residential zones.
- Conditional use permit applications require review by both the Planning Commission and the Midway City Council, providing public process and oversight for uses in residential areas.



Midway

**ORDINANCE
2026-08 _____**

**AN ORDINANCE TO AMEND MIDWAY CITY CODE TO
DELETE SECTION 16.12.020 G AND RENUMBER
SUBSEQUENT SUBSECTIONS ACCORDINGLY**

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Midway City Code Section 16.12.020 G lists churches as a permitted use in the RA-1-43 Agricultural Zone, which contradicts Section 16.12.030 A, which lists churches as a conditional use in the same RA-1-43 zone. Churches are a conditional use in all other residential zones, and

WHEREAS, the City desires to remove this contradiction in code to promote consistency in review of uses across residential zones,

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

Chapter 16.12.020 of the Midway City Code shall be amended by deleting subsection G and renumbering subsequent subsections in accordance with the following:

16.12.20 Permitted Uses

- A. Agriculture.
- B. One-family dwellings and related accessory buildings and uses. Accessory uses and buildings include garages, personal greenhouses less than one thousand (1,000) square feet and carports.

- C. Customary household pets, including but not limited to cats, dogs, and canaries. This does not include the breeding of dogs and cats or other pets for sale or other use. Notwithstanding the foregoing no more than three cats or three dogs are permitted at one time at any single-family residence, unless a Conditional Use Permit shall have first been obtained in conformance with the applicable animal control standards under this Code. A conditional use which allows more than three cats or dogs shall not be approved on any lot that is less than one acre in size.
- D. The keeping of animals and fowl in numbers according to the following point system:
1. Animals may total 50 points per 1/2 acre.
 2. Animals shall be worth the following points each:
 1. Rabbits, chicken hens, and pigeons: 2 points.
 2. Geese, ducks, peafowl, turkeys, pheasants, peacocks, and other similarly sized birds: 10 points.
 3. Sheep, llamas, calves, foals, and other similarly sized animals: 25 points.
 4. Horses, cattle, and other similarly sized animals: 40 points.
 5. For the purpose of this point system, an animal and one offspring shall be considered one animal until six (6) months after the birth of the offspring.
 3. The keeping of swine in any numbers shall not be allowed. Permission may be granted by the Zoning Administrator to raise swine for FFA, 4-H, and similar projects. Permission must be granted annually. The number of animals requested, and location of pens shall be made known to the Zoning Administrator in order to determine approval.
 4. The above requirements do not apply to commercial farming and dairy operations in existence at the time of the adoption of this Title.
- E. Farm machinery and farm products maintenance and storage sheds.
- F. Barns, corrals, pens, coops, and feed storage buildings for the keeping of animals and fowl and the storage of farm products, provided uses for the care and keeping of livestock and fowl are located at least 100 feet distance from any existing dwelling on a neighboring lot or parcel or 50 feet from side and rear property lines, whichever is greater, and 100 feet from the front property lines; also, small animal hospitals without outside runs.
- G. Churches, not to include temporary revival tents or buildings.

~~H. Churches, not to include temporary revival tents or buildings.~~

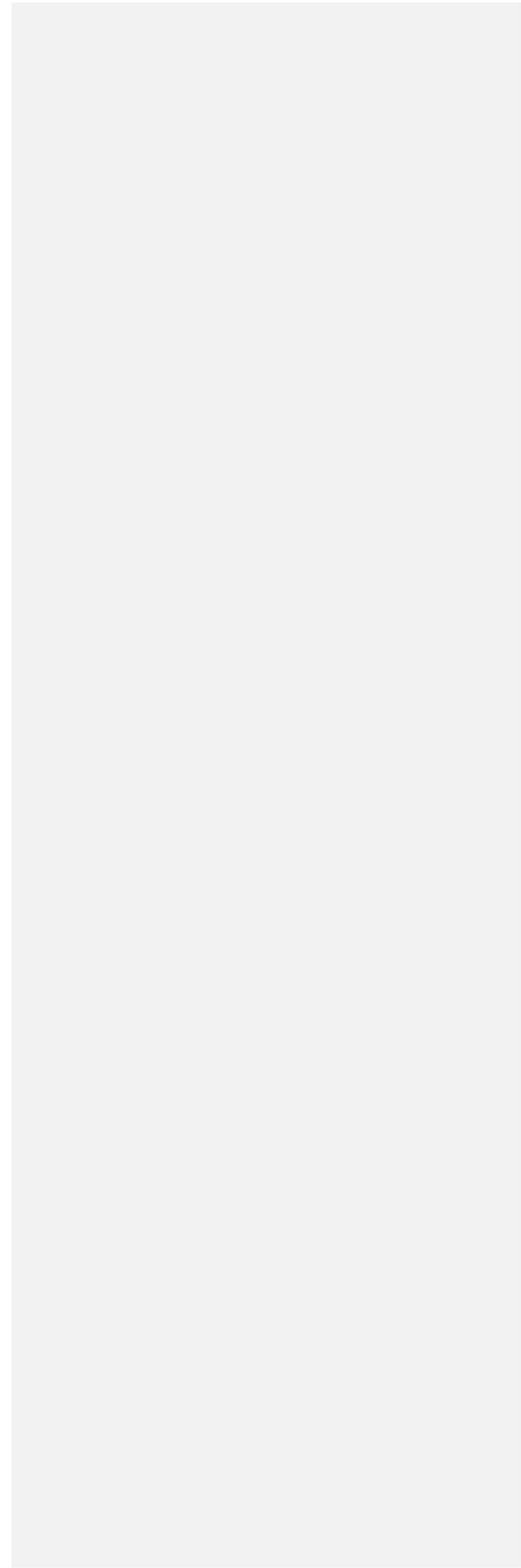
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I.H. Home Occupations.

J.I. Internal Accessory Dwelling Unit

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah,
this 3rd day of March, 2026.

	AYE	NAY
Council Member Andrew Garland	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____
Council Member Andrew Osborne	_____	_____

APPROVED:

Craig Simons, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

