

ORDINANCE NO. 2017-O-09

AN ORDINANCE EXTENDING THE ALLOWED DURATION OF DEVELOPMENT AGREEMENTS IN THE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY (SECTION 17-7-12.1.8 OF THE MIDVALE MUNICIPAL CODE); ALSO, PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, the City has the authority to make and amend any regulation of or within the zoning district or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, Midvale City has found a number of areas that require amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, and/or include new provisions to further the vision of the City; and

WHEREAS, the City determined a need to extend the allowable duration of development agreements in the Regional Commercial Residential Overlay; and

WHEREAS, the Planning Commission held a public hearing on July 12, 2017 to review the proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on June 28, 2017, and the Planning Commission forwarded a recommendation with specific language and formatting to the City Council on July 12, 2017; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on July 18, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on July 4, 2017; and

WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds it is appropriate and within the best interests of the City to make this change in the Midvale Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. Section 17-7-12.1.8 of the Midvale Municipal Code is hereby amended to change “ten years” to “fifteen years” in the section language as specifically shown below.

17-7-12.1.8 Development agreement.

A development agreement, in a form satisfactory to the city attorney and city council, shall be required for new development to ensure the property owner complies with the provisions of the overlay, conditional use permit and site plan approvals, and allowing the property owner the right to develop in accordance with the approved plan for a period up to, but not exceeding, ~~ten~~ **fifteen** years.

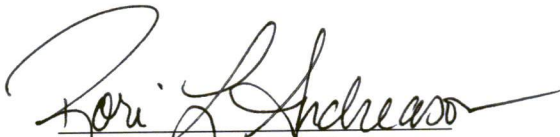
Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 18th day of July, 2017.


JoAnn B. Seghini, Mayor

ATTEST:


Rori Andreason, MMC
City Recorder



Date of first publication: July 23, 2017

Voting by City Council	"Aye"	"Nay"
Stephen Brown	<u>✓</u>	_____
Paul Glover	<u>ABSENT</u>	_____
Paul Hunt	<u>✓</u>	_____
Wayne Sharp	<u>✓</u>	_____
Quinn Sperry	<u>✓</u>	_____