ORDINANCE NO. 2016-O-03

AN ORDINANCE REZONING APPROXIMATELY 0.28 ACRES OF PROPERTY LOCATED AT 8111 SOUTH 100 EAST FROM SINGLE-FAMILY RESIDENTIAL WITH AN AGRICULTURAL OVERLAY (SF1-AO) TO SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY (SF1-DO); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code, the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, a request has been made for a change of zoning on the property described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on February 24, 2016, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on February 10, 2016, to review the request for rezone; and

WHEREAS, the Planning Commission held a public meeting on February 24, 2016 to review the requested information and written public comments, and, after considering all of the information received, made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on March 15, 2016, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on March 1, 2016; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission’s recommendation as part of its deliberations, the City Council determined the rezoning of said property is appropriate, is consistent with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and fulfills the needs of the City as a whole.

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

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property’s (Parcel No. 22-31-176-021) described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at approximately 8111 South 100 East, Midvale, Utah, and is currently zoned Single-Family Residential-Agricultural
Overlay (SF1-AO) shall be zoned Single-Family Residential-Duplex Overlay (SF1-DO).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single-Family Residential-Agricultural Overlay (SF1-AO)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Single-Family Residential Duplex Overlay (SF1-DO)

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 ___ day of _______________, 2016.

___________________________________________
JoAnn B. Seghini, Mayor

ATTEST:

_____________________
Rori Andreason, MMC
City Recorder

Date of first publication: ____________

Voting by City Council          "Aye"          "Nay"
Stephen Brown                   _____           _____
Paul Glover                     _____           _____
Quinn Sperry                    _____           _____
Paul Hunt                       _____           _____
Wayne Sharp                     _____           _____
"EXHIBIT A"
(Ordinance No. 2016-O-03)

REZONE APPROXIMATELY 0.28 ACRES OF PROPERTY FROM SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL OVERLAY (SF1-AO) TO SINGLE-FAMILY RESIDENTIAL-DUPLEX OVERLAY (SF1-DO):

Legal Description

EXHIBIT "A"

Beginning at a point which is North 89°57'28" West along the East/West Center Section line 1261.01 feet and North 546.15 feet from the Center of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence West 188.41 feet to a point on a 4330.25 foot radius curve to the right on the Easterly Line of the Oregon Short Line Railroad Right of Way, the center of said curve bears South 70°26'29" West from said point, thence Southeasterly along the arc of said curve and Easterly line through a central angle of 0°58'46" a distance of 74.07 feet; thence East 164.21 feet, thence North 70.00 feet to the point of beginning.

Situated in SALT LAKE County
Parcel Identification Number: 22-31-176-021-0000