ORDINANCE NO. 2016-O-05

AN ORDINANCE REZONING APPROXIMATELY 0.66 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 189-193 EAST 8000 SOUTH FROM THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE WITH AN AGRICULTURAL OVERLAY TO THE MULTI-FAMILY RESIDENTIAL (RM-12) ZONE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-504 Utah State Code, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, re-construction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; 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 April 27, 2016, which meeting was preceded by notice by publication in the Salt Lake Tribune on April 13, 2016, to review the request for rezoning the property and has made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on May 17, 2016, which meeting was preceded by notice by publication in the Salt Lake Tribune, on May 3, 2016, and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission’s recommendations as part of its deliberations; and

WHEREAS, the City Council found that rezoning of said property is appropriate, in that it complies with the Midvale City General Plan as recently amended, it promotes the health and general welfare of the City, it is compatible with and in the best interests of the particular neighborhood involved, and it is sensitive to 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 properties (Parcel 22-31-132-025 and Parcel 22-31-132-026) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at

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approximately 189-193 West 8000 South, Midvale, Utah and are currently zoned Single Family Residential (SF-1) with an Agricultural Overlay, shall be zoned Multi-family Residential (RM-12).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential (SF-1) with an Agricultural Overlay

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Multi-family Residential (RM-12)

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 1st day of May, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: May 22, 2016

Voting by City Council

<table>
<thead>
<tr>
<th>Name</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<tbody>
<tr>
<td>Stephen Brown</td>
<td>✔</td>
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<td>Paul Glover</td>
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<td>Paul Hunt</td>
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<td>Wayne Sharp</td>
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<td>Quinn Sperry</td>
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Ordinance No. 2016-O-05
“EXHIBIT A”
(Ordinance No. 2016-O-05)

REZONE TWO PARCELS TOTALING APPROXIMATELY 0.66 ACRES FROM THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE WITH AN AGRICULTURAL OVERLAY TO THE MULTI-FAMILY RESIDENTIAL (RM-12) ZONE:

PARCEL 22-31-132-025

COMMENCING ON THE NORTH BOUNDARY LINE OF A 3 ROD LANE 78.6 RODS NORTH AND 942.83 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 106.7 FEET; THENCE WEST 27.5 FEET; THENCE NORTH 220 FEET; MORE OR LESS, TO THE CENTER OF AN IRRIGATION DITCH; THENCE WEST 31.39 FEET, THENCE SOUTH 19.8 RODS; THENCE EAST 58.89 FEET TO THE POINT OF COMMENCEMENT.

AND

PARCEL 22-31-132-026

COMMENCING ON THE NORTH BOUNDARY LINE OF A 3 ROD LANE 78.6 RODS NORTH AND 912.83 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 19.8 RODS; THENCE WEST 57.5 FEET; THENCE SOUTH 220 FEET; THENCE EAST 27.5 FEET; THENCE SOUTH 106.7 FEET; THENCE EAST 30 FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING ANY PORTION LYING WITHIN 8000 SOUTH (ALSOKnown AS WASATCH AVENUE).