ORDINANCE NO. 2016-O-09

AN ORDINANCE REZONING TWO PARCELS LOCATED AT 179 AND 189 WEST 8600 SOUTH (LOTS 2 AND 3 OF THE JAYNE’S PLACE PHASE 2 SUBDIVISION) FROM THE REGIONAL COMMERCIAL ZONE TO THE SINGLE FAMILY RESIDENTIAL (SF-1) 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 properties described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on July 27, 2016, which meeting was preceded by notice by publication in the Salt Lake Tribune on July 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 August 23, 2016, which meeting was preceded by notice by publication in the Salt Lake Tribune, on August 9, 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 recommendation 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 and existing development on the property, and it is compatible with and in the best interests of the particular neighborhood involved.

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 27-01-201-057 and Parcel 27-01-201-057) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at 179 and 189 West 8600 South, Midvale, Utah and are currently zoned Regional Commercial, shall be zoned Single Family Residential (SF-1).
ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential (SF-1)

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 23 day of August, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: 9-25-16

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<th>Voting by City Council</th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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<tbody>
<tr>
<td>Stephen Brown</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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“EXHIBIT A”  
(Ordinance No. 2016-O-09)

REZONE TWO PARCELS FROM THE REGIONAL COMMERCIAL ZONE TO THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE:

ALL OF LOT 2, JAYNE’S PLACE PHASE 2 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN BOOK 2013P AT PAGE 123 IN THE SALT LAKE COUNTY RECORDER’S OFFICE.

And

ALL OF LOT 3, JAYNE’S PLACE PHASE 2 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN BOOK 2013P AT PAGE 123 IN THE SALT LAKE COUNTY RECORDER’S OFFICE.