ORDINANCE NO. 2016-O-12

AN ORDINANCE REZONING THREE PARCELS LOCATED AT 7852 SOUTH PIONEER STREET (APPROX. 25 ACRES IN TOTAL) TO INCLUDE THE PUBLIC FACILITIES OVERLAY ZONE AND ALLOW THE CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the Canyons School District owns approximately 25 acres at 7852 South Pioneer Street and this property encompasses two public schools and a lease for AT&T to have a telecommunications facility which has been operating since 2001; and

WHEREAS, school district property has a zoning designation of Single Family Residential (SF-1) which allows a telecommunications facility with a maximum pole height of 35 feet or limited wall or roof mounted antennas; and

WHEREAS, new school building construction on the property has impacted the ability for AT&T to provide adequate coverage to the surrounding community and along the I-15 corridor under the SF-1 zone district development regulations for telecommunications facilities; and

WHEREAS, the City has a Public Facilities Overlay Zone, which was created to provide for locations and appropriate standards for certain public uses and facilities to be constructed and operated to provide basic services and essential support services for the community, including educational institutions, and

WHEREAS, the Public Facilities Overlay Zone can allow a telecommunications facility with a pole over 35 feet in height provided the telecommunications facility complies with the specific criteria found in the Overlay Zone; and

WHEREAS, the Canyons School District has made application to rezone its properties at 7852 South Pioneer Street as described in Exhibit A to include the Public Facilities Overlay Zone, and has requested approval for AT&T to construct a telecommunications facility with a 70 foot high "slim line" monopole; and

WHEREAS, pursuant to Sections 10-9a-503 and 10-9a-505 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 and restrict the erection, construction, reconstruction, alteration, repair, and use of buildings and structures and the use of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on August 9, 2016, the Planning Commission held a public hearing on August 24, 2016, to review the request to rezone the property and the site plan for the

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proposed telecommunications facility/monopole; and

WHEREAS, after considering the proposal and public input, the Planning Commission found that the rezone and proposed site plan complies with the Public Facilities Overlay Zone criteria and criteria for a telecommunications facility and forwarded a recommendation to the City Council to approve the rezone and proposed site plan; and

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on September 6, 2016, the City Council held a public hearing on September 20, 2016, to review the Planning Commission’s recommendation to rezone the property and the proposed site plan for the telecommunications facility/monopole; and

WHEREAS, after considering the proposal, public input and Planning Commission’s recommendation, the City Council found that the rezoning of said property is appropriate and the proposed telecommunications facility/monopole is needed by the community and complies with the criteria for a telecommunications facility in the Public Facilities Overlay Zone.

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 21-36-127-016, 21-36-129-029 and 21-36-129-027) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at approximately 7852 South Pioneer Street, Midvale, Utah and are currently zoned Single Family Residential (SF-1) shall be zoned Single Family Residential (SF-1) with a Public Facilities Overlay Zone.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential (SF-1)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential (SF-1) with a Public Facilities Overlay Zone

Section 2. The proposed telecommunications facility with a 70 foot high “slim line” monopole is allowed to be constructed on the properties as described in Exhibit A and as shown on the site plan included in Exhibit B. Said construction is subject to the contractor receiving a Building Permit from Midvale City.

Section 3. 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 Ordinance No. 2016-O-12
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 4. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 25th day of September, 2016.

[Signature]
JoAnn B. Seghini, Mayor

ATTEST:

[Signature]
Rori L. Andreason, MMC
City Recorder

Date of first publication: Sept. 25, 2016

Voting by City Council

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<tr>
<th>Name</th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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<td>Stephen Brown</td>
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Ordinance No. 2016-O-12
“EXHIBIT A”
(Ordinance No. 2016-O-12)

Legal Description of Rezone Properties:

COM S 89°54' E 153 FT FR NW COR LOT 57 SEC 36 T 2S R 1W SLMER S 1°07' W 250.17 FT N 89°43' E 528.87 FT N 2°15' E 248.33 FT N 79° W 66 FT N 89°13' W 353.21 FT N 89°54' W 101.95 FT TO BEG

AND

BEG S 01°07' W 301.67 FT & E 153 FT M OR L FR NW COR LOT 57, SEC 36, T2S, R1W, SLM; E 514.65 FT M OR L; N 02°15' E 52.70 FT M OR L; S 89°43' W 515.76 FT M OR L; S 01°07' W 50.12 FT M OR L TO BEG. (0.61 AC M OR L)

AND

BEG N 1°07' E 188 FT FR SE COR LOT 55 SEC 36 T2S, R1W SLM; N 89°41' W 704.3 FT; S 2°23' W 7.98 FT; N 89°41' W 74.51 FT; W 97.29 FT M OR L; N 1°07' E 525.50 FT M OR L; S 89°13' W 3 FT; N 1°07' E 65 FT; N 89°13' E 3 FT; N 1°07' E 131.25 FT; E 521.16 FT; N 2°15' E 302.3 FT M OR L; N 88°27' E 337.48 FT; E 67 FT; S 79°04' E 115.91 FT; S 0°21' E 1009.87 FT; N 89°41' W 180.75 FT TO BEG (21.11 AC M OR L)
“EXHIBIT B”
(Ordinance No. 2016-O-12)