ORDINANCE NO. 2017-O-01

AN ORDINANCE REZONING THREE PARCELS LOCATED AT 7697 SOUTH HOLDEN STREET AND 788-798 WEST CENTER STREET (APPROX. 0.77 ACRES IN TOTAL) FROM THE HISTORIC COMMERCIAL ZONE TO THE REGIONAL COMMERCIAL ZONE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

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

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on November 30, 2016, the Planning Commission held a public hearing on December 14, 2016, to review the request to rezone the properties; and

WHEREAS, after considering the proposal and public input, the Planning Commission found that the rezone: (1) helps redevelop the existing commercial area to generate economic revitalization, and improved physical conditions for the property; (2) helps rekindle interest and investment in the Main Street area; (3) helps support a long-time, successful, local business; and (4) provides consistency between the current favorable land use and zoning, and, thus, forwarded a recommendation to the City Council to approve the rezone; and

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on January 3, 2017, the City Council held a public hearing on January 17, 2017, to review the Planning Commission’s recommendation to rezone the properties; 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 in that it complies with the goals of the Midvale City General Plan and is 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

Ordinance No. 2017-O-01
amended as follows:

The properties (Parcels 21-26-479-034, 21-26-479-023 and 21-26-479-009) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at 7697 South Holden Street and 788-798 West Center Street, Midvale, Utah and are currently zoned Historic Commercial (HC) shall be zoned Regional Commercial (RC).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Historic Commercial (HC)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial (RC)

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 17th day of January, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rolf Andreasen, MMC
City Recorder

Date of publication: January 22, 2017

Voting by City Council

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<tr>
<th>Name</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<tbody>
<tr>
<td>Stephen Brown</td>
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<td>Paul Glover</td>
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<td>Quinn Sperry</td>
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Ordinance No. 2017-O-01
"EXHIBIT A"
(Ordinance No. 2017-O-01)

Legal Description of Rezone Properties:

PARCEL 21-26-479-009
BEG 750 FT S & 687 FT W OF NE COR CUTLER’S SUB; E 172.5 FT M OR L; S 39.10 FT M OR L; W 69.5 FT; S 28.4 FT M OR L; W 102.5 FT M OR L; N 67.5 FT M OR L TO BEG

AND

PARCEL 21-26-479-023
BEG 850.5 FT S & 720 FT W FR NE COR OF SE ¼ OF SE ¼ SEC 26, T 2S, R 1W, SLM; E 103 FT; S 113.6 FT TO N LINE OF CENTER STREET; S 84°33’ W 104 FT, MOR L TO A PT DUE S OF BEG; N 125 FT, M OR L TO BEG

AND

PARCEL 21-26-479-034
BEG SW COR LOT 3, BLK 7, CUTLER’S SUB; N 142 FT; E 69.5 FT; S 28.5 FT; E 11.52 FT; S 0°53’25” E 106.04 FT; S 84°32’ W 83.05 FT TO BEG