ORDINANCE NO. 2014-O-06

AN ORDINANCE REZONING APPROXIMATELY 1.066 ACRES OF PROPERTY LOCATED AT 385 EAST 8000 SOUTH FROM SINGLE FAMILY RESIDENTIAL (SF-1) WITH AN AGRICULTURAL OVERLAY TO A MULTI-FAMILY RESIDENTIAL – MEDIUM DENSITY ZONE (RM-12); 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 Annotated 1953 as amended 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 May 28, 2014, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on May 14, 2014, to review the request for rezone; and

WHEREAS, the Planning Commission held a public meeting on May 28, 2014, 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 June 17, 2014 which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on June 3, 2014; 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. 22-31-204-006; 22-31-204-037; and 22-31-203-011) described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at approximately 385 East 8000 South, Midvale, Utah, and is currently zoned Single Family Residential (SF-1) with an Agricultural Overlay shall be zoned Multi-family Residential-Medium Density (RM-12).
ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential 7,000 sq ft minimum lot size (SF-1), with an Agricultural Overlay

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Multifamily Residential-Medium Density (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 17th day of June, 2014.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andrew, MMC
City Recorder

Date of first publication: June 22, 2014

Voting by City Council

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<thead>
<tr>
<th>Name</th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td>✓</td>
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<tr>
<td>Paul Glover</td>
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<tr>
<td>Robert Hale</td>
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<td>Paul Hunt</td>
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<tr>
<td>Wayne Sharp</td>
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REZONE APPROXIMATELY 1.066 ACRES OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (SF-1) WITH AN AGRICULTURAL OVERLAY TO MULTIFAMILY RESIDENTIAL MEDIUM DENSITY ZONE (RM-12):

Beginning at a point being South 89°53'10" East along the section line and South 1,019.05 feet from the North Quarter Corner of Section 31, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running

  thence North 82°39'28" East 50.43 feet;
  thence North 00°06'50" East 20.50 feet;
  thence North 89°51'37" East 88.40 feet;
  thence North 00°06'50" East 13.97 feet;
  thence South 89°53'10" East 50.00 feet;
  thence South 00°06'50" West 177.85 feet;
  thence South 00°06'50" West 61.15 feet;
  thence North 89°53'10" West 138.40 feet;
  thence South 00°06'50" West 91.00 feet;
  thence North 89°53'10" West 50.00 feet;
  thence North 00°06'50" East 288.60 feet to the point of beginning.

Contains 46,419 Square Feet or 1.066 Acres