ORDINANCE NO. 2013-O-07

AN ORDINANCE REZONING APPROXIMATELY 9.6 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7612 SOUTH HOLDEN STREET FROM THE BINGHAM JUNCTION ZONE WITH THE JUNCTION AT MIDVALE OVERLAY TO THE BINGHAM JUNCTION ZONE WITH THE SILVER REFINERY OVERLAY; 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 June 26, 2013 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 July 16, 2013, which meeting was preceded by notice by publication in the Salt Lake Tribune, on July 2, 2013 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 rezoning of said property will be appropriate, in that it is in accordance with the Midvale City General Plan and new zoning overlay adopted by the City, it will promote the health and general welfare of the City, it will be compatible with the best interests of the particular neighborhood involved and it will be 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 property (Parcel 21-26-476-001) described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at the northwest corner of 7800 South and Holden Street at approximately 7612 South Holden Street, Midvale, Utah, and is currently zoned Bingham Junction with the Junction at Midvale Overlay shall be zoned Bingham Junction with the Silver Refinery Overlay.
ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Bingham Junction with the Junction at Midvale Overlay.

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Bingham Junction with the Silver Refinery Overlay

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 16th day of July, 2013.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: Sept. 25, 2013

Voting by City Council
Colleen Costello "Aye" "Nay"
Paul Glover
Robert Hale
Paul Hunt
Wayne Sharp

"Absent"
REZONE APPROXIMATELY 9.6 ACRES OF PROPERTY FROM THE BINGHAM JUNCTION ZONE WITH THE JUNCTION AT MIDVALE OVERLAY TO THE BINGHAM JUNCTION ZONE WITH THE SILVER REFINERY OVERLAY:

A parcel of land situated in the E1/2 SE1/4 of Section 26, Township 2 South, Range 1 West, Salt Lake Base & Meridian, County of Salt Lake, State of Utah, described as follows:

Beginning at a point on the north line of Center Street, said point being north 389.00 feet and west 865.00 feet from the southeast corner of said Section 26, and running thence southwesterly along the arc of an 11,519.20 foot radius curve to the left 231.80 feet (chord bears south 86°03'23" west 231.80 feet); thence south 83°31'20" west 70.62 feet; thence north 89°41'20" west 61.91 feet, more or less to a point on the easterly line of junction at Midvale Southeast Plat Subdivision; thence north along said easterly line 985.94 feet to the external line of said subdivision; thence due east 526.00 feet along said subdivision line; thence south 1°15'00" west 30.40 feet; thence west 30.00 feet; thence south 0°22'00" west 300.00 feet; thence west 110.00 feet; thence south 0°22'00" west 71.60 feet; thence south 33°23'00" west 23.10 feet; thence south 0°22'00" west 24.70 feet; thence east 72.146 feet to a point on a curve of the west line of Holden Street; thence southwesterly along the arc of a 573.87 foot radius curve to the left 210.599 feet, (chord bears south 10°52'48" west 209.419 feet) to a point of tangency; thence south 0°22'00" west along said west line 120.85 feet to a point of curve; thence southwesterly along the arc of said curve 52.534 feet (chord bears south 43°22'00" west 47.74 feet) to the point of beginning. Contains 9.57 acres.