ORDINANCE NO. 2013-O-10

AN ORDINANCE REZONING APPROXIMATELY 2.8 ACRES OF PROPERTY LOCATED AT 8196 SOUTH MAIN STREET TO INCLUDE THE PUBLIC FACILITIES OVERLAY ZONE ALLOWING THE EXPANSION OF THE PUBLIC WORKS FACILITIES AT THIS LOCATION; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

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; and

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, the City Council determined that the existing public works complex located at 8196 South Main Street is not very efficient, is unable to provide some of the required and expected public works functions of the City, and will not be able to meet the expected demands for City services in the future; and

WHEREAS, a development plan has been designed to expand, and make more efficient, the public works facilities within the existing property boundary; and

WHEREAS, in order to expand the uses within the public works property, the property must include the Public Facilities Overlay Zone, which requires the Planning Commission and City Council to consider rezoning the property to include the overlay zone and approve a site plan for the property in compliance with the criteria for the overlay zone; and

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on July 31, 2013, the Planning Commission held a public hearing on August 14, 2013 to review the request to rezone the property and site plan to expand the public works facilities within the current property boundaries; and

WHEREAS, after considering the proposal and public input, the Planning Commission found that the rezone and site plan complied with the Public Facilities Overlay Zone criteria and forwarded a recommendation to the City Council to approve the rezone and site plan with specific site plan conditions; and

WHEREAS, the City Council held a public hearing on September 3, 2013, which hearing was preceded by appropriate notice to surrounding property owners and publication in the newspaper on August 20, 2013; and
WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the community and the Planning Commission's recommendation as part of its deliberations, the City Council adopted the following findings regarding rezoning the property at 8196 South Main Street to include the Public Facilities Overlay Zone and the site plan to expand the public works facilities within the current property boundaries:

1. In order to better serve the community and accommodate the current and future needs of the residents and businesses of Midvale City, a more functional and efficient Public Works facility is needed;
2. The existing site of the Public Works facility at 8196 South Main Street is an appropriate location for these expanded facilities;
3. Existing infrastructure and public services are available to support these expanded facilities; and
4. The proposed changes to the existing site layout and new building design, with the conditions noted in the recommendation, enhance the existing facilities and improve the streetscape along Main Street.

WHEREAS, in consideration of the above findings, the City Council determined the rezoning of said property and the site plan for said use and public facility is appropriate (with specific site plan conditions), is in accordance with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and, overall, 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 and which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property (Parcels 21-35-277-020 and 21-35-277-022) described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at approximately 8196 South Main Street, Midvale, Utah, and is currently zoned Clean Industrial (CI) with a Bluffs Overlay Zone, shall be zoned Clean Industrial (CI) with a Bluffs Overlay Zone and a Public Facilities Overlay Zone.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Clean Industrial (CI) Zone with Bluffs Overlay Zone

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Clean Industrial (CI) Zone with Bluffs Overlay Zone and Public Facilities 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 3rd day of September, 2013.

JoAnn B. Seghini, Mayor

Rori Andreason, MMC
City Recorder

Date of first publication: September 18, 2013

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>Colleen Costello</td>
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<td>Wayne Sharp</td>
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Legal Description of Rezone Property

Beginning at a point located N 0°29'19" W, 2654.01 feet from the Southeast corner of Section 35, T.2S., R.1W., S.L.B.&M.; said point also being the East Quarter Corner of said Section 35; thence N 0°13'51" W, 216.85 feet, thence N 88°54'41" W, 310.34; thence S 20°10'59" E, 16.61 feet; thence S 8°29'03", 97.03 feet; thence S 2°49'45" E, 70.43 feet; thence S 14°03'13" E, 230.09 feet; thence S 3°24'14" E, 5.00 feet; thence N 83°42'19" E, 262.32 feet; thence N 0°13'51" W, 158.60 feet to the point of beginning.

Contains 2.72 acres, more or less.