ORDINANCE NO. 2017-O-11

AN ORDINANCE REZONING ONE PARCEL LOCATED AT 7120 SOUTH UNION PARK AVENUE (LOT 2 OF THE UNION WOODS SUBDIVISION) TO INCLUDE THE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY; 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 was made by the property owner to include the Regional Commercial Residential Overlay (RCRO) on the property described in Exhibit A. Said request was accompanied with a proposed development plan for the property as required for such request; and

WHEREAS, following appropriate notice to surrounding property owners, affected public entities and publication in the newspaper on September 28, 2016, the Planning Commission held a public hearing on October 12, 2016, to review the request to rezone the property to include the RCRO; and

WHEREAS, after considering the proposal and public input, the Planning Commission found the request: (1) is consistent with the Midvale City General Plan; (2) fulfills the goals A-G of the RCRO; and (3) supports and enhances the existing Fort Union commercial area, and, therefore, recommended approval of the request; and

WHEREAS, following appropriate notice to surrounding property owners, affected public entities and publication in the newspaper on February 21, 2017, the City Council held a public hearing on March 7, 2017, to review the Planning Commission’s recommendation to rezone the property; and

WHEREAS, after considering the proposal, public input and Planning Commission’s recommendation, the City Council found that the rezoning of said property with the accompanying development plan is appropriate and is in the best interests of the City.

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:

Ordinance No. 2017-O-11
The property described in Exhibit A attached hereto and by this reference made a part hereof, which is located at 7120 South Union Park Avenue, Midvale, Utah and is currently zoned Regional Commercial (RC) shall be zoned Regional Commercial (RC) with the Regional Commercial Residential Overlay (RCRO).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial (RC)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial (RC) with Regional Commercial Residential Overlay (RCRO)

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 15th day of July, 2017.

Jo Ann B. Seghini, Mayor

ATTEST:

Ron Andreason, MMC
City Recorder

Date of publication: July 13, 2017

Voting by City Council

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<tr>
<th>Name</th>
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<td>Stephen Brown</td>
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<td>Quinn Sperry</td>
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Ordinance No. 2017-O-11
"EXHIBIT A"
(Ordinance No. 2017-O-11)

Legal Description of Rezoned Property:

That certain real property located in Salt Lake County, Utah, as more particularly described as follows:

Lot 2, "Union Woods Subdivision" recorded with the County Recorder for Salt Lake County, Utah on June 8, 2017 as Entry No. 12551789 in Book 2017P at Page 135.