ORDINANCE NO. 2017-O-13

AN ORDINANCE REZONING APPROXIMATELY 0.35 ACRES OF PROPERTY AT 475 EAST FORT UNION BOULEVARD FROM SINGLE FAMILY RESIDENTIAL (SF-1) ZONE WITH DUPLEX AND 7200 SOUTH OVERLAYS TO MIXED USE ZONE WITH 7200 SOUTH 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 has been made by the property owner for a change of zoning on the property described in Exhibit A to convert a residential structure into an office structure; and

WHEREAS, the 7200 South Overlay was created by Midvale City after the widening of Fort Union Boulevard between State Street and 700 East from a neighborhood road to a major collector road. The intent of the overlay is to facilitate the transition of this section of Fort Union Boulevard from residential uses to a mix of residential and commercial uses; and

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on July 12, 2017, the Planning Commission held a public hearing on July 26, 2017, to review the request to rezone the property; and

WHEREAS, after considering the proposal and public input, the Planning Commission found the rezone: (1) complies with the intent of the 7200 South Overlay; and (2) is consistent with the Midvale City General Plan 2016, specifically the land use goal to support new offices uses west of 700 East, 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 August 15, 2017, the City Council held a public hearing on August 29, 2017; and

WHEREAS, after considering the proposal, public input and the Planning Commission’s recommendation, the City Council found the rezoning of said property is appropriate and in the best interest 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-13
The property described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at 475 East Fort Union Boulevard, Midvale, Utah, and is currently zoned Single Family Residential (SF-1) with Duplex and 7200 South Overlays, shall be zoned Mixed Use (MU) with a 7200 South Overlay.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential (SF-1) with Duplex and 7200 South Overlays

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Mixed Use with 7200 South 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 5th day of September, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of publication: Sept. 10, 2017

Voting by City Council

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Ordinance No. 2017-O-13
Legal Description of Rezone Property:

PARCEL 22-30-205-017
BEG S 76 RODS & W 1540.665 FT & N 226 FT FROM NE CORNER SEC 30, T 2S, R 1E, SALT LAKE BASE MERIDIAN; S 193 FT; E TO JORDAN & SALT LAKE CANAL; N 6°32’ E 90 FT MORE OR LESS FROM PT OF BEG; W 90 FT MORE OR LESS TO BEG. 0.35 ACRES MORE OR LESS.