ORDINANCE NO. 2018-O-02

AN ORDINANCE REZONING APPROXIMATELY 1.00 ACRE OF PROPERTY Locator at 139 EAST 8000 SOUTH FROM TRANSIT ORIENTED DEVELOPMENT (TOD) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12) AND REZONING APPROXIMATELY 0.47 ACRES OF PROPERTY LOCATED AT 141 EAST 8000 SOUTH FROM SINGLE FAMILY RESIDENTIAL WITH AGRICULTURAL OVERLAY (SF-1/AO) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (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, 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 January 10, 2018, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on December 27, 2017, to review the request for rezone, 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 February 6, 2018, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on January 23, 2018; 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 properties (Parcel No’s. 22-31-105-011; and 22-31-105-009) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at 139 East and 141 East 8000 South, Midvale, Utah, and are currently zoned Transit Oriented Development
(TOD) and Single Family Residential with Agricultural Overlay (SF-1/AO), respectively, shall be zoned Residential Multifamily – Medium Density (RM-12).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Transit Oriented Development (TOD) and Single Family Residential with Agricultural Overlay (SF-1/AO)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Residential Multifamily – 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 14th day of February, 2018.

Robert Hale, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: February 11, 2018

Voting by City Council
Quinn Sperry   “Aye”   “Nay”
Paul Glover   “Aye”   “Nay”
Paul Hunt     “Aye”   “Nay”
Bryant Brown  “Aye”   “Nay”
Dustin Gettel  “Aye”   “Nay”
"EXHIBIT A"
(Ordinance No. 2018-O-02)

REZONE APPROXIMATELY 1.00 ACRES OF PROPERTY LOCATED AT 139 EAST 8000 SOUTH FROM TRANSIT ORIENTED DEVELOPMENT (TOD) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12) AND REZONE APPROXIMATELY 0.47 ACRES OF PROPERTY LOCATED AT 141 EAST 8000 SOUTH FROM SINGLE FAMILY RESIDENTIAL WITH AGRICULTURAL OVERLAY (SF-1/AO) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12):

Legal Descriptions
Parcel # 22-31-105-011
BEG S 89°52'50" E 157.37 FT & S 0°21'25" W 1354.28 FT & N 89°51'54" E 857.60 FT & N 25 FT & N 89°51'54" E 133.14 FT FRNW COR SEC 31, T 2S, R 1E, SLM; N 89°51'54" E 132 FT; N 2°56'06" W 334.19 FT; W 110.64 FT; S 31°32'40" W 37.71 FT; S2°56'06" E 302.32 FT TO BEG. 1.00 AC M OR L.

Parcel # 22-31-105-009
BEG 77.6 RDS N & 79.3 RDS W FR CEN SEC 31 T 2S R 1E SL MER W60.85 FT M OR L N 2°48' W 343.2 FT E 60.85 FT M OR L S 2°45'E 20.8 RDS TO BEG. 0.47 AC