ORDINANCE NO. 2018-0-15

AN ORDINANCE REZONING APPROXIMATELY 0.64 ACRES OF PROPERTY LOCATED AT 145 EAST FORT UNION BOULEVARD (7200 SOUTH) FROM SINGLE FAMILY RESIDENTIAL WITH THE DUPLEX AND 7200 SOUTH OVERLAYS (SF-1/DO & 7200 S) TO REGIONAL COMMERCIAL WITH THE 7200 SOUTH OVERLAY (RC/7200 S); 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 September 26, 2018, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on September 12, 2018, 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 October 16, 2018, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on October 2, 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. 22-30-107-017; 22-30-107-019; and 22-30-109-030) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at 7160 and 7170 South 150 East and 145 East Fort Union Boulevard (7200 South), Midvale, Utah, and are currently zoned Single Family Residential with the Duplex and 7200 South Overlays (SF-1/DO & 7200 S), shall be zoned Regional Commercial with 7200 South Overlay (RC/7200 S).
ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential with Duplex and 7200 South Overlays (SF-1/DO & 7200 S)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial with 7200 South Overlay (RC/7200 S)

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 10th day of October, 2018.

Robert Hale, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: Oct. 28, 2018

Voting by City Council

<table>
<thead>
<tr>
<th></th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quinn Sperry</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bryant Brown</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Dustin Gettel</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
“EXHIBIT A”
(Ordinance No. 2018-O-02)

REZONE APPROXIMATELY 0.64 ACRES OF PROPERTY LOCATED AT 145 EAST FORT UNION BOULEVARD (7200 SOUTH) FROM SINGLE FAMILY RESIDENTIAL WITH THE DUPLEX AND 7200 SOUTH OVERLAYS (SF-1/DO & 7200 S) TO REGIONAL COMMERCIAL WITH THE 7200 SOUTH OVERLAY (RC/7200 S):

Legal Descriptions
Parcel # 22-30-107-017
Address: 7160 South 150 East
BEG 1223 FT S & 200.7 FT E & S 89°37’ E 1100.4 FT & N 213.55FT FR NW COR SEC 30, T 2S, R 1E, S L M; N 70 FT; N 89°37’ W 209.75 FT; S 70 FT; S 89°37’ E 209.75 FT TO BEG 0.34 AC

Parcel # 22-30-107-019
Address: 7170 South 150 East
COM 1223 FT S & 200.7 FT E & S 89°37’ E 1100.4 FT & 134 FT NFR NW COR SEC 30 T 2S R 1E SL MER N 79.5 FT W 66 FT S 79.5 FT E 66 FT TO BEG 0.17 AC

Parcel # 22-30-107-030
Address: 145 East Fort Union Boulevard
BEG N 77 FT & E 1239.4 FT FR SW COR OF NW 1/4 OF NW 1/4 SEC 30, T 2S, R 1E, SLM; N 88 FT; E 66 FT; S 59.5 FT; SW'LY ALG A 28.5 FT RADIUS CURVE TO L 44.77 FT; N 89°42'16" W 37.5 FT TO BEG. 0.13 AC M OR L