ORDINANCE NO. 2020-O-05

AN ORDINANCE REZONING APPROXIMATELY 48.34 ACRES LOCATED APPROXIMATELY BETWEEN CENTER STREET TO 8TH AVENUE AND HOLDEN STREET TO I-15, MIDVALE, UTAH FROM THE HISTORIC COMMERCIAL (HC), REGIONAL COMMERCIAL (RC), CLEAN INDUSTRIAL (CI), MULTIFAMILY RESIDENTIAL—MEDIUM TO HIGH DENSITY (RM-25), AND SINGLE FAMILY RESIDENTIAL (SF-2) ZONES TO THE MAIN STREET FORM-BASED CODE (MS-FBC); 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, Midvale 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 has adopted the Main Street Form-Based Code by ordinance and desires to apply the new ordinance to the area described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on November 13, 2019, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on October 30, 2019, to review the proposed text amendment and, after considering all the information received, made a recommendation to approve the rezone request to the City Council at a meeting held on December 11, 2019; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on February 18, 2020, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on February 4, 2020; 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 described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at approximately between Center Street to 8th Avenue and Holden Street to I-15, Midvale, Utah, and are currently zoned Historic Commercial (HC), Regional Commercial (RC), Clean Industrial (CI), Multifamily Residential—Medium to High Density (RM-25), and Single Family Residential (SF-2) shall be zoned Main Street Form-Based Code (MS-FBC).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

- Historic Commercial (HC)
- Regional Commercial (RC)
- Clean Industrial (CI)
- Multifamily Residential—Medium to High Density (RM-25)
- Single Family Residential (SF-2)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

- Main Street Form-Based Code (MS-FBC)

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 ___ day of March, 2020

[Signature]
Robert Hale, Mayor

ATTEST:

[Signature]
Rori Andreason, MMC
City Recorder

Date of first publication: March 8, 2020

Voting by City Council
- Quinn Sperry: ☑
- Paul Glover: ☑
- Heidi Robinson: ☑
- Bryant Brown: ☑
- Dustin Gettel: ☑

"Aye" | "Nay"
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☑ | 
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"EXHIBIT A"
(Ordinance No. 2020-O-05)

REZONING APPROXIMATELY 48.34 ACRES LOCATED APPROXIMATELY BETWEEN CENTER STREET TO 8TH AVENUE AND HOLDEN STREET TO I-15, MIDVALE, UTAH FROM THE HISTORIC COMMERCIAL (HC), REGIONAL COMMERCIAL (RC), CLEAN INDUSTRIAL (CI), MULTIFAMILY RESIDENTIAL—MEDIUM TO HIGH DENSITY (RM-25), AND SINGLE FAMILY RESIDENTIAL (SF-2) ZONES TO THE MAIN STREET FORM-BASED CODE (MS-FBC):

Legal Description:

BEGINNING AT A POINT SOUTH 00°09’40” WEST 220.82 FEET ALONG THE SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE CENTERLINE OF MAIN STREET; AND RUNNING THENCE SOUTH 89°53’15” EAST 188.00 FEET; THENCE SOUTH 01°48’20” WEST 104.55 FEET; THENCE NORTH 89°53’10” WEST 36.50 FEET; THENCE SOUTH 00°09’40” WEST 132.12 FEET; THENCE SOUTH 89°50’20” EAST 24.75 FEET; THENCE SOUTH 00°09’40” WEST 49.50 FEET; THENCE NORTH 89°50’20” WEST 26.07 FEET; THENCE SOUTH 00°09’40” WEST 164.10 FEET TO A POINT ON THE CENTERLINE OF SIXTH AVENUE; THENCE NORTH 89°50’20” WEST 5.58 FEET ALONG SAID CENTERLINE OF SIXTH AVENUE; THENCE SOUTH 00°16’55” WEST 117.50 FEET; THENCE NORTH 89°50’20” WEST 8.36 FEET; THENCE SOUTH 00°09’40” WEST 465.00 FEET; THENCE SOUTH 89°50’20” EAST 25.00 FEET; THENCE SOUTH 00°09’40” WEST 116.50 FEET TO A POINT ON THE CENTERLINE OF THIRD AVENUE; THENCE SOUTH 89°50’20” EAST 75.00 FEET ALONG SAID CENTERLINE OF THIRD AVENUE; THENCE SOUTH 00°09’40” WEST 233.00 FEET TO A POINT ON THE CENTERLINE OF SECOND AVENUE; THENCE NORTH 89°50’20” WEST 50.00 FEET ALONG SAID SECOND AVENUE; THENCE SOUTH 00°09’40” WEST 116.50 FEET; THENCE NORTH 89°44’19” WEST 15.00 FEET; THENCE SOUTH 00°09’40” WEST 116.50 FEET TO A POINT ON THE CENTERLINE OF FIRST AVENUE; THENCE SOUTH 89°50’20” EAST 103.00 FEET ALONG SAID FIRST AVENUE; THENCE SOUTH 00°09’40” WEST 116.50 FEET; THENCE SOUTH 89°50’20” EAST 206.00 FEET; THENCE NORTH 00°09’40” EAST 116.50 FEET TO A POINT ON SAID FIRST AVENUE; THENCE SOUTH 89°50’20” EAST 139.17 FEET ALONG SAID CENTERLINE OF FIRST AVENUE TO A POINT ON THE CENTERLINE OF ALLEN STREET; THENCE SOUTH 00°09’20” EAST 134.66 FEET ALONG SAID CENTERLINE OF ALLEN STREET; THENCE NORTH 89°50’40” EAST 118.49 FEET; THENCE NORTH 03°19’20” WEST 44.33 FEET; THENCE SOUTH 89°19’20” EAST 268.65 FEET; THENCE SOUTH 08°27’26” EAST 293.83 FEET TO A POINT ON THE CENTERLINE OF CENTER STREET; THENCE RUNNING ALONG SAID CENTERLINE OF CENTER STREET THE FOLLOWING TWO (2) COURSES: 1) SOUTH 89°53’03” WEST 47.38 FEET; 2) SOUTH 84°42’58” WEST 239.86 FEET MORE OR LESS TO THE INTERSECTION OF ALLEN STREET AND CENTER STREET; THENCE RUNNING SOUTHERLY ALONG SAID ALLEN STREET SOUTH
00°22'56" EAST 372.20 FEET MORE OR LESS, THENCE NORTH 88°56'00" WEST 189.48 FEET; THENCE SOUTH 00°34'00" WEST 53.53 FEET; THENCE SOUTH 89°58'00" WEST 163.55 FEET; THENCE NORTH 117.00 FEET; THENCE WEST 409.04 FEET TO A POINT ON THE QUARTER SECTION LINE; THENCE SOUTH 00°09'40" WEST 177.50 FEET ALONG SAID QUARTER SECTION LINE AND QUARTER SECTION LINE EXTENDED; THENCE NORTH 89°50'20" WEST 221.88 FEET; THENCE NORTH 00°19'51" WEST 151.79 FEET; THENCE SOUTH 88°53'22" WEST 31.96 FEET; THENCE NORTH 01°27'40" WEST 24.10 FEET' THENCE NORTH 89°58'59" WEST 27.33 FEET; THENCE NORTH 00°50'55" EAST 19.57 FEET; THENCE SOUTH 89°29'30" WEST 125.63 FEET; THENCE SOUTH 00°03'39" WEST 37.88 FEET; THENCE NORTH 89°53'03" WEST 122.87 FEET; THENCE NORTH 03°08'03" WEST 4.74 FEET; THENCE SOUTH 89°54'12" WEST 107.12 FEET; THENCE NORTH 00°08'03" WEST 9.38 FEET; THENCE SOUTH 84°26'57" WEST 127.37 FEET TO A POINT ON THE CENTERLINE OF HOLDEN STREET; THENCE CONTINUING ALONG SAID CENTERLINE OF HOLDEN STREET THE FOLLOWING EIGHT (8) COURSES: 1) NORTH 00°01'36" EAST 395.01 FEET; 2) NORTHEASTERLY 316.21 FEET ALONG THE ARC OF A 520.87 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARS NORTH 17°25'06" EAST 311.38 FEET; 3) NORTH 34°50'18" EAST 82.37 FEET; 4) NORTHEASTERLY 272.73 FEET ALONG THE ARC OF A 520.87 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS NORTH 19°50'18" EAST 269.62 FEET; 5) NORTH 04°50'18" EAST 493.94 FEET; 6) NORTHEASTERLY 286.36 FEET ALONG THE ARC OF A 520.87 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARS NORTH 20°35'18" EAST 282.77 FEET; 7) NORTH 36°20'18" EAST 298.47 FEET; 8) NORTHEASTERLY 379.24 FEET ALONG THE ARC OF A 1145.92 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS NORTH 26°51'26" EAST 377.52 FEET; THENCE SOUTH 89°53'10" EAST 51.66 FEET TO THE POINT OF BEGINNING.

CONTAINS 48.344 ACRES, MORE OR LESS

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Exhibit A  
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