

**ORDINANCE NO. 2014-O-01**

**AN ORDINANCE REZONING APPROXIMATELY 0.17 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7540 SOUTH MAIN STREET TO INCLUDE THE PUBLIC FACILITIES OVERLAY ZONE ALLOWING THE CONSTRUCTION OF A NEW MIDVLAE SENIOR CENTER; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City has a Public Facilities Overlay Zone, which was created to provide for locations and appropriate standards for certain public uses and facilities to be constructed and operated to provide basic services and essential support services for the community; and

**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**, the City Council determined that constructing a new senior center was needed to better serve the Midvale community, and incorporated it into the new municipal center site at 7510 South Main Street on City-owned property that included a Public Facilities Overlay, providing for a civic campus area to serve the residents of Midvale; and

**WHEREAS**, the City purchased property directly south of the municipal center site allowing potential expansion of the civic campus area; and

**WHEREAS**, it was determined a more functional plan and facility for the senior center could be accommodated by utilizing a portion of the newly acquired property to the south; and

**WHEREAS**, in order to use a portion of the newly acquired property for the senior center, the Public Facilities Overlay area needed to be extended onto this property, which requires the Planning Commission and City Council to consider rezoning the property to include the overlay zone and approve a site plan for the property in compliance with the criteria for the overlay zone; and

**WHEREAS**, following appropriate notice to surrounding property owners and publication in the newspaper on November 27, 2013, the Planning Commission held a public hearing on December 11, 2013, to review the request to rezone the property and site plan for a new senior center; and

**WHEREAS**, after considering the proposal and public input, the Planning Commission found that the rezone and site plan complied with the Public Facilities Overlay Zone criteria and forwarded a recommendation to the City Council to approve the rezone and site plan with

specific site plan conditions; and

**WHEREAS**, the City Council held a public hearing on January 21, 2014, which hearing was preceded by appropriate notice to surrounding property owners and publication in the newspaper on January 7, 2014; and

**WHEREAS**, after taking into consideration citizen testimony, planning and demographic data, the desires of the community and the Planning Commission's recommendation as part of its deliberations, the City Council determined adding the 0.17 acres located at approximately 7540 South Main Street and described in Exhibit A to the project area for the new senior center facility is appropriate, and this property should be incorporated into the Public Facilities Overlay that is located directly north, allowing a more functional senior center project layout that better 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 and which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property, a 0.17 acre portion of Parcel 21-26-427-005 as described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at approximately 7540 South Main Street, Midvale, Utah, and is currently zoned Historic Commercial (HC), shall be zoned Historic Commercial (HC) with a Public Facilities Overlay Zone.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Historic Commercial (HC)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

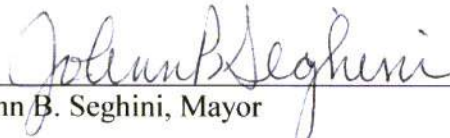
Historic Commercial (HC) with a Public Facilities Overlay Zone (based on the site plan for the new senior center)

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 21<sup>st</sup> day of January, 2014.

  
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JoAnn B. Seghini, Mayor

ATTEST:

  
Rori Andreason, MMC  
City Recorder



Date of first publication: January 26, 2014

Voting by City Council	"Aye"	"Nay"
Stephen Brown	<u>✓</u>	_____
Paul Glover	<u>✓</u>	_____
Robert Hale	<u>✓</u>	_____
Paul Hunt	<u>✓</u>	_____
Wayne Sharp	<u>✓</u>	_____